



# Journal of the Senate

Number 19

Wednesday, May 30, 1990

## CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—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	Scott	

Excused: Periodically, conferees on Finance and Taxation

## PRAYER

The following prayer was offered by the Reverend Ken Whitten, Pastor, Idlewild Baptist Church, Tampa:

Our God and our Father, what a blessing and indeed a privilege it is for me to be standing here today. Invoke your grace, your protection, your provision and your blessing upon these Senators as they are in this session this morning.

Father, I would pray that you would infuse them with your wisdom; that you would grant them, God, your grace and your power. And Father, you would in these last few hours of their session, give them strength and stamina. Lord, help them today to do all things in cooperation and unity. Lord, I pray that you would grant them your heart today, you'd watch over their families and protect their businesses at home.

You said in your own Word, "This is the day the Lord hast made, let us rejoice and be glad in it." Father, we pray that when this day is finished and we pillow our head that we can say within our own hearts all is well with you, dear Savior, and that you would grant these Senators today, Lord, peace and much joy and cooperation. And we thank you for all of this in Jesus' precious name. Amen and Amen.

## Consideration of Resolution

On motion by Senator Johnson, by two-thirds vote SR 3134 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Johnson—

**SR 3134**—A resolution recognizing the educational, cultural and economic benefits of live theatre; encouraging Americans and Floridians to experience live theatre, and recognizing National Theatre Week.

WHEREAS, it is to the educational benefit of children and adults, to the cultural benefit of all Americans, and in the economic interest of every municipality that has a legitimate theatre to participate in National Theatre Week, and

WHEREAS, the purpose of National Theatre Week is to celebrate all forms of live theatre in the United States, and

WHEREAS, the goals of such a celebration are to introduce theatre to children while nurturing other new audiences, to increase cultural literacy of American citizens, to increase the awareness and attendance of theatre, and to spur state economies, and

WHEREAS, for every dollar spent for a theatre ticket, three dollars are pumped into local economies via hotels, transportation, restaurants, retail stores, and other ancillary services, and

WHEREAS, the theatre and state government are significantly intertwined, and

WHEREAS, theatre needs state government recognition that it is an important element in the educational and social development of our children and future generations, and

WHEREAS, the theatre has the power to educate, to entertain, to inspire, and to change, NOW, THEREFORE,

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

That every American and every Floridian be encouraged to experience live theatre.

BE IT FURTHER RESOLVED that the Senate recognizes the week of May 29 through June 3, 1990, as National Theatre Week and supports the celebration of live theatre in America.

—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 Wednesday, May 30, 1990: CS for SB 2952, CS for SB's 1120 and 2610, CS for SB 2598, CS for SB 2744, CS for SB 344, CS for CS for CS for SB 1548, SB 632, CS for CS for SB 1758, CS for SB 2310, CS for CS for SB 3034, CS for SB 750, CS for SB 792, CS for SB 2042, CS for SB 2314, CS for HB's 1197 and 861, SB 2890, CS for SB 1450, CS for SB 1558, CS for SB 1702, SB 876, CS for SB 824, SB 456, CS for CS for SB 616, SB 860, CS for SB 1818, CS for SB 2096, CS for SB 2142, CS for SB 2160, CS for SB 622, CS for CS for SB 280, SB 1168, CS for SB 1634, SB 1180, SB 1220, CS for SB 1084, CS for SB's 1232 and 1518, SB 1472, CS for SB 1238, CS for SB 1726, SB 1712, SB 1730, SB 1872, SB 1838, CS for SB 1958, SB 1848, CS for SB 2794, CS for SB 3194, CS for SB 2524, CS for SB 306, CS for SB 2316, CS for SB 574, CS for SB 122, CS for SB 108

Respectfully submitted,  
*James A. Scott, Chairman*

The Special Master on Claims recommends the following pass: CS for HB 19, HB 121 with 1 amendment, CS for HB 145, HB 177, HB 191, HB 363, CS for HB 427 with 1 amendment, HB 2621 with 1 amendment, SB 70 with 2 amendments, SB 394 with 3 amendments, SB 484 with 3 amendments, SB 3072

**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: HB 2621 with 1 amendment

**The bill was placed on the calendar.**

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scott, by two-thirds vote CS for SB 548 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Margolis, by two-thirds vote CS for SB 36 was withdrawn from the Subcommittee C of the Committee on Appropriations and the Committee on Appropriations.

On motions by Senator Margolis, by two-thirds vote Senate Bills 360, 696, 2898, 2910, CS for SB's 854, 2078 and 2792, CS for SB 866, CS for SB 914, CS for SB 1010, CS for SB's 1418 and 2022, CS for SB 1460, CS for SB 1470, CS for SB 2072, CS for SB 3020 and CS for SB 3060 were withdrawn from the Committee on Appropriations.

On motions by Senator Scott, by two-thirds vote SB 1974 was withdrawn from the Committee on Judiciary-Civil; CS for SB 2706 was withdrawn from the Committee on Community Affairs; SB 2810 was withdrawn from the Committee on Health and Rehabilitative Services; and SB 2972 and CS for SB 1298 were withdrawn from the Committee on Rules and Calendar.

On motions by Senator Scott, by two-thirds vote CS for SB 2104 was withdrawn from the Committee on Governmental Operations; and the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider CS for SB 2104 this day.

On motions by Senator Deratany, by two-thirds vote CS for SB 1822, CS for SB 760, CS for SB 1172, CS for SB 1552 and CS for SB 2922 were withdrawn from the Committee on Finance, Taxation and Claims.

#### Committee Meeting

On motion by Senator Scott, the rules were waived and the Committee on Rules and Calendar was granted permission to meet this day upon adjournment to consider SCR 478, CS for HB 647, SJR 1792, SJR 246, SB 224 and SJR 1040.

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

The Governor advised that he had filed with the Secretary of State CS for SB 426, which he approved on May 30, 1990.

#### 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 HB 3221, HB 3239, HB 3273, HB 3277, HB 3279, HB 3339, HB 3401, HB 3407, HB 3411, HB 3491, HB 3497, HB 3507, has passed as amended HB 1649, CS for HB's 2683 and 1305, CS for HB's 2727 and 2757, CS for HB 2843, HB 3287, HB 3309, HB 3321, HB 3331, HB 3351, HB 3355, HB 3421, HB 3443, HB 3485, HB 3555, HB 3559, HB 3561, HB 3591, HB 3657, HB 3707, HB 3761, HB 3813 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Healey—

**HB 3221**—A bill to be entitled An act relating to Palm Beach County; repealing chapter 83-495, Laws of Florida, which provides for the dissolution of all fire control taxing districts created under chapter 63-1747, Laws of Florida, upon the adoption of an ordinance by Palm Beach County providing for municipal service taxing units to provide fire protection and advanced life support/fire rescue services and for certain other matters related thereto; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hawkins—

**HB 3239**—A bill to be entitled An act relating to the Golden Gate Fire Control and Rescue District, Collier County; amending chapter 87-498, Laws of Florida, to increase the millage cap for the levy of taxes by the district; providing for a referendum.

—was referred to the Committee on Rules and Calendar.

By Representative Crady and others—

**HB 3273**—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 67-1320, Laws of Florida, as amended; exempting certain positions from the civil service system of the city; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Crady and others—

**HB 3277**—A bill to be entitled An act relating to the City of Jacksonville; amending section 17.06 of chapter 67-1320, Laws of Florida, as amended, concerning employees of the City of Jacksonville exempt from civil service; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hawkins—

**HB 3279**—A bill to be entitled An act relating to the Big Corkscrew Island Fire Control and Rescue District, Collier County; amending chapter 77-535, Laws of Florida, authorizing a millage not to exceed 2 mills; deleting a millage of 1 mill authorized for a period of 3 years beginning July 1987 to be used for the construction of a fire station in the district; providing for a referendum; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

**HB 3339**—A bill to be entitled An act relating to Manatee County; amending chapter 85-454, Laws of Florida, as amended, relating to the Braden River Fire Control and Rescue District; amending the description of lands to be incorporated within the district; authorizing the board to establish a schedule of charges for no-fire hazardous incidents which impact the health and safety of the public; amending the schedule of special assessments and charges; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Hawkins—

**HB 3401**—A bill to be entitled An act relating to Collier County; amending chapter 69-1326, Laws of Florida, as amended, relating to the City of Naples Airport Authority; permitting the authority to contract for the operation of any airport facilities located in the county; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

**HB 3407**—A bill to be entitled An act relating to St. Lucie County; amending chapter 69-1550, Laws of Florida; requiring payment of all payable taxes on the land and redemption of all tax sales against the land before any plat shall be recorded; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Nergard and others—

**HB 3407**—A bill to be entitled An act relating to St. Lucie County; amending chapter 69-1550, Laws of Florida; requiring payment of all payable taxes on the land and redemption of all tax sales against the land before any plat shall be recorded; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Tobiassen and others—

**HB 3411**—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending chapter 69-1469, Laws of Florida, as amended; allowing the city and the trustees of the pension systems of the city to contract with one or more investment banks to act as corporate trustees for investment purposes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Messersmith—

**HB 3491**—A bill to be entitled An act relating to the Lake Worth Drainage District, Palm Beach County; amending chapter 61-1747, Laws of Florida, as amended; providing for an alternate method of electing the board of supervisors of the district; providing definitions; providing for the creation of five single-member subdistricts by petition and referendum of qualified electors; providing for the boundaries of the subdistricts; providing for the compensation of the board of supervisors; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representatives Tobiassen and Ritchie—

**HB 3497**—A bill to be entitled An act relating to the Santa Rosa Island Authority of Escambia County; amending ss. 2(7), 3, ch. 24500, Laws of Florida, 1947; transferring all property, leases, contracts, rights, causes of action, liens, and obligations of the authority to the county; providing for assumption of all obligations of the authority by the county; authorizing the board of county commissioners to delegate advisory duties and related powers and duties to the authority; authorizing the authority to appoint advisory subcommittees; authorizing the board of county commissioners to employ a general manager for Santa Rosa Island under the supervision of the county administrator; repealing existing powers and duties of the authority; revising the composition of the authority and the qualifications for membership and the appointment procedure therefor; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative B. L. Johnson—

**HB 3507**—A bill to be entitled An act relating to Santa Rosa County; adding certain lands to the Skyline Fire Protection and Rescue Service District; amending chapter 80-606, Laws of Florida, as amended; providing for a change in the rate of special assessment the board is authorized to levy; providing for a referendum; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Stone—

**HB 1649**—A bill to be entitled An act relating to hazardous materials and the environment; creating a study commission to make recommendations to the Legislature with respect to the intrastate transportation of hazardous materials by motor carrier, by rail, by air, and by water; providing for the membership and powers and duties of the commission; providing an appropriation; providing for a report; providing for the dissolution of the commission; amending s. 252.85, F.S.; delaying the effective date of a change in the method of calculating hazardous materials fees; creating s. 376.3074, F.S.; providing for assessment of fees for failure to comply with registration, monitoring, reporting, and recordkeeping requirements relating to pollution of surface and ground waters; amending s. 403.121, F.S.; providing for assessment of fees for failure to comply with reporting requirements relating to wastewater treatment facilities; amending s. 403.727, F.S.; providing for assessment of fees for certain violators who fail to comply with described requirements relating to the discharge of hazardous waste; providing procedures; providing for rules; limiting the amount of fees; providing for civil actions to collect fees assessed; providing for deposit in specified funds or trust funds; authorizing certain use of fees collected; creating s. 403.7227, F.S.; providing for a Hazardous Waste Information Grant Program; providing an appropriation; amending s. 403.7083, F.S.; providing requirement for certain offsite biological waste incineration facilities; amending subsection (3) of s. 403.716, F.S.; clarifying landfill operator training procedures; amending ss. 403.721 and 403.7222, F.S.; conforming state hazardous waste disposal program to federal requirements; amending s. 403.724, F.S.; providing for financial responsibility for hazardous waste facilities; amending s. 403.703, F.S.; clarifying a definition for land disposal; providing for limited liability for certain not-for-profit corporations with regard to hazardous waste on certain real property; providing a retroactive effective date.

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

By the Committee on Education and Representative Diaz-Balart and others—

**CS for HB's 2683 and 1305**—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; revising credit requirements for high school graduation; amending s. 236.081, F.S.; conforming a cross reference; amending s. 233.058, F.S.; providing for English language instruction for limited English proficient students; providing definitions; providing school district procedures; providing for funding; providing for evaluation and rules; repealing s. 228.121(5), F.S., relating to entrance criteria and tuition fees for certain foreign students; amending s. 200.001, F.S., relating to school millages; correcting cross references; amending s. 228.195, F.S.; clarifying language relating to school breakfast programs; amending s. 230.2316, F.S.; revising provisions relating to student participation in educational alternatives programs; amending s. 231.15, F.S.; requiring certification of school counselors; amending s. 233.0681, F.S.;

revising provisions relating to proposed programs to identify and train occupational specialists; amending s. 234.02, F.S.; revising provisions relating to school board use of motor vehicles other than school buses for transporting students; amending s. 234.091, F.S.; revising licensing requirements for school bus drivers; amending s. 235.04, F.S.; providing for rules relating to disposal of property; amending s. 235.056, F.S.; revising provisions relating to lease of educational facilities and sites; amending s. 235.212, F.S.; revising provisions relating to low-energy usage features in the design and construction of educational facilities; amending s. 235.26, F.S.; requiring the development of educational facilities standards relating to accessibility; amending s. 236.081, F.S.; amending s. 236.083, F.S.; revising provisions relating to the determination of students who may be transported; amending s. 236.25, F.S.; revising provisions relating to use of millage for payment of loans; amending s. 233.061, F.S.; requiring certain instruction pertaining to the Declaration of Independence, the Federalist Papers, and the United States Constitution; amending s. 236.081, F.S.; revising provisions relating to students eligible for a special program for the hospitalized or homebound; creating subsection (5) of section 411.222, Florida Statutes, relating to prevention and early assistance regarding handicaps in preschool children; creating a Human Assistance Network to provide a single, well-publicized point of access to the continuum of comprehensive services specified by section 411.203, Florida Statutes; authorizing the Department of Education and the Department of Health and Rehabilitative Services to award contracts and grants for network; placing network under purview of State Coordinating Council for Early Childhood Services; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Judiciary and Representative Kelly and others—

**CS for HB's 2727 and 2757**—A bill to be entitled An act relating to mobile home park lot tenancies; amending s. 723.002, F.S.; revising language with respect to the application of the Florida Mobile Home Act; amending s. 723.003, F.S.; providing definitions; amending s. 723.005, F.S.; revising language with respect to regulation by the Division of Florida Land Sales, Condominiums, and Mobile Homes to include reference to certain provisions of law; creating s. 723.010, F.S.; providing for disclosure of lot rental amount increases; amending s. 723.011, F.S.; deleting reference to unconscionable lot rental agreements; amending s. 723.013, F.S.; providing for additional disclosures in the absence of an offering prospectus; amending s. 723.014, F.S.; providing remedies for failure to make certain disclosures; amending s. 723.031, F.S.; requiring lot rental agreements to be reasonable and deleting reference to unconscionable lot rental agreements; correcting a cross reference; amending s. 723.033, F.S.; prohibiting unreasonable lot rental agreements; establishing criteria to determine unreasonableness; providing additional remedies; amending s. 723.037, F.S.; providing for notice; providing for mediation; providing procedures; allowing mediation of all rent increases in a calendar year for one mobile home park in a single proceeding; amending s. 723.038, F.S.; providing for nonbinding mediation prior to filing court action; providing procedures; providing for appointment of mediators; providing qualifications for mediators; providing for rules of procedure to be established by the mediator in accordance with rules of procedure adopted by the Supreme Court; providing a filing fee; providing for paying the cost of mediation; providing for enforcement of resolution of a dispute; providing for confidentiality; providing immunity for mediators; creating s. 723.0381, F.S.; providing for court-annexed arbitration; requiring the court to refer actions filed pursuant to ch. 723, F.S., to nonbinding arbitration; providing for the parties to share equally the costs of arbitration in certain circumstances; providing for assessment of costs and attorney's fees in certain circumstances; providing for disclosure of an arbitration award in a subsequent court proceeding under certain circumstances; providing an effective date.

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

By the Committee on Highway Safety and Construction; and Representative Canady—

**CS for HB 2843**—A bill to be entitled An act relating to motor vehicles; amending s. 320.02, F.S.; providing for a hold on the registration or renewal of motor vehicle registration if the owner of the vehicle has a driver's license under suspension for failure to comply with the penalty requirements of certain civil traffic infractions or criminal traffic offenses; directing the Department of Highway Safety and Motor Vehicles to take certain action; amending s. 322.61, F.S.; providing for disqualification from operating a commercial motor vehicle upon conviction of

certain traffic offenses; amending s. 322.64, F.S.; providing for disqualification from operating a commercial motor vehicle for a person who operates a commercial motor vehicle with an unlawful blood alcohol level or refuses to submit to a test for alcohol or drugs; requiring notice; providing for formal and informal review of the disqualification; providing an exemption from the Administrative Procedure Act; providing for inadmissibility of certain evidence; amending s. 322.2615, F.S.; creating s. 320.91, F.S.; prohibiting certain agreements between recreational vehicle park owners or developers and motor vehicle dealers or licensees; providing a penalty; providing for administrative suspension after receiving results of a blood test; providing effective dates.

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

By Representative Lewis—

**HB 3287**—A bill to be entitled An act relating to Indian Trail Water Control District, Palm Beach County; reenacting chapter 88-501, Laws of Florida, to comply with s. 189.4051(1)(b), F.S., relating to the organization of the board of supervisors and the voting procedures; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Finance and Taxation; and Representative MacKenzie—

**HB 3309**—A bill to be entitled An act relating to taxation; amending s. 196.198, F.S.; providing for an exemption from ad valorem taxation to certain property used for educational purposes; amending s. 197.162, F.S.; changing the days for early payment discounts; amending s. 197.322, F.S.; changing the date for the mailing of the tax notice; amending s. 197.333, F.S.; changing the date when taxes are due; amending s. 206.9825, F.S.; revising the date of repeal of special aviation fuel tax provisions; amending s. 212.0598, F.S.; deleting the restriction on the change in the ratio of Florida mileage to total mileage for air carriers; amending s. 212.235, F.S.; revising the use of moneys in the State Infrastructure Fund; amending s. 216.301, F.S.; revising provisions relating to undisbursed balances of appropriations; amending s. 287.064, F.S.; authorizing the Comptroller to borrow from trust funds to pay issuance expenses relating to consolidated financing of deferred-payment purchases; repealing ss. 175.141, 185.12, 624.5105, 624.5106, 631.705 and 631.719 and portions of ss. 440.51 and 624.509, F.S.; eliminating the insurance premium tax credits; amending ss. 212.05 and 212.054, F.S.; revising provisions relating to application of sales tax to wired television service and defining "television system program service"; revising provisions relating to transfer and distribution of discretionary sales surtax proceeds; amending s. 212.055, F.S.; deleting an obsolete provision and correcting language relating to the local government infrastructure surtax; amending s. 212.0596, F.S., relating to taxation of mail order sales; revising the definition of "mail order sale"; revising the conditions under which a dealer making such sales is subject to said tax and providing additional conditions; specifying conditions under which local option surtaxes are applicable to such sales; amending s. 212.20, F.S.; specifying the trust fund to which convention development taxes are allocated; amending s. 213.053, F.S., which provides for confidentiality of information received by the Department of Revenue; specifying additional taxes, fees, and department responsibilities to which said section applies; authorizing the department to disclose certain information relating to certain certificates of registration; amending s. 681.117, F.S.; specifying the powers of the department to administer, collect, and enforce the fee imposed on the sale or lease of motor vehicles under the Motor Vehicle Warranty Enforcement Act; requiring the Department of Revenue to conduct a study to determine surcharge rates on short-term rental transactions; requiring a report on the study; amending s. 196.198, F.S.; providing that property owned by educational institutions shall under certain circumstances be exempt from taxation; providing an effective date.

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

By Representative Simone—

**HB 3321**—A bill to be entitled An act relating to Manatee County; amending chapter 84-477, Laws of Florida, as amended, relating to the Oneco-Tallevast Fire Control District; authorizing the board to establish a schedule of charges for no-fire hazardous incidents which impact the health and safety of the public; amending provisions relating to the

authority of the board to acquire land and to otherwise grant powers provided by statute to municipal corporations; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

**HB 3331**—A bill to be entitled An act relating to Manatee County; amending chapter 84-478, Laws of Florida, as amended, relating to the Cedar Hammock Fire Control District; amending the schedule of special assessments; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Simone—

**HB 3351**—A bill to be entitled An act relating to Anna Maria Fire Control District, Manatee County; codifying and amending chapter 27696, Laws of Florida, 1951, as amended; providing for the continued existence of said district as a public municipal corporation; specifying the lands embraced in said district; providing the powers of said district and its officers and for the exercise and administration of the district's powers by a board of commissioners; providing that members of the board of commissioners shall be appointed; providing their financial reporting obligations; providing for the levy, collection and enforcement of special assessments against lands in said district to raise funds for the district's purposes; providing for the levy of impact fees on new construction within the district to defray the cost of improvements required to provide fire and emergency service to such new construction; authorizing the district to borrow money and pledge future assessments as security; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Frankel—

**HB 3355**—A bill to be entitled An act relating to the West Palm Beach Downtown Development Authority, Palm Beach County; amending chapter 67-2170, Laws of Florida, as amended, to increase the annual millage rate of the West Palm Beach Downtown Development Authority; providing for a referendum.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representatives Tobiassen and Ritchie—

**HB 3421**—A bill to be entitled An act relating to Escambia County; amending chapter 83-405, Laws of Florida, relating to the Civil Service System of Escambia County; amending the composition of the Civil Service Board; providing for the reconstituting of a step pay plan; establishing an employee executive committee; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sanderson—

**HB 3443**—A bill to be entitled An act relating to the Tindall Hammock Irrigation and Soil Conservation District, Broward County; amending chapter 27428, Laws of Florida, 1951, as amended; adding a millage tax; repealing all laws or parts of laws in conflict with the provisions of this act; providing for a referendum; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Lewis—

**HB 3485**—A bill to be entitled An act relating to the South Florida Conservancy District in Palm Beach and Hendry Counties; amending chapter 71-380, Laws of Florida, as amended, relating to the District Restoration Tax; authorizing the Board of Supervisors to utilize restoration taxes for the payment of restoration and rehabilitation of works of the district, including facilities and systems within the District and connected to district works; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Sanderson—

**HB 3555**—A bill to be entitled An act relating to Broward County; providing for the annexation of certain lands located in unincorporated Broward County commonly referred to as the Ravenswood Road Annexation Area into the Cities of Dania and Hollywood; prohibiting the annexation of certain lands for a specified period; providing for the deannexation of certain lands; providing for zoning considerations; providing for the delivery of specified governmental services; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sanderson—

**HB 3559**—A bill to be entitled An act relating to the North Broward Hospital District, Broward County; amending chapter 27438, Laws of Florida, 1951, as amended, relating to the powers of the hospital board to invest its funds; authorizing investment in specified instruments; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sanderson—

**HB 3561**—A bill to be entitled An act relating to the City of Deerfield Beach, Broward County; enlarging and extending the corporate limits of the City of Deerfield Beach to include specified unincorporated lands within the City of Deerfield Beach corporate limits; providing for zoning of the land annexed into the City of Deerfield Beach; providing for certain development standards, regulations, buffers and criteria as to such land; providing for business operations and uses; providing for municipal powers; providing for enforcement; granting certain municipal powers over annexed territory to the City of Deerfield Beach; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sanderson—

**HB 3591**—A bill to be entitled An act relating to Broward County and the South Broward Hospital District; adding s. 40 to chapter 24415, Laws of Florida, 1947, as amended, relating to the powers of the Board of Commissioners of the South Broward Hospital District to invest its funds; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Regulatory Reform and Representative Morse—

**HB 3657**—A bill to be entitled An act relating to private investigative, private security, and repossession services; amending s. 790.06, F.S.; prohibiting the carrying of a concealed weapon or firearm into a public school district meeting, a school administration building, or a vocational-technical center; creating part I of chapter 493, F.S.; providing legislative intent; providing definitions; providing for the inapplicability of the act; providing for rulemaking authority; providing for an advisory council; providing for initial applications for licensure; providing for license requirements; providing for fees; providing for investigation of applicants by the Department of State; providing for reciprocity; providing for licensee's insurance; providing for license contents and posting; providing for identification cards; providing for notification to the Department of State of changes of partner or officers or employees; providing for renewal application for licensure; providing for cancellation or inactivation of license; providing requirements with respect to weapons and firearms; providing for the sponsorship of interns; creating the Division of Licensing Trust Fund; providing grounds for disciplinary action; prohibiting the divulging of certain investigative information; prohibiting false reports; providing penalties for violations; providing for enforcement and investigation; providing for a criminal history record search; providing for confidentiality with respect to licensees; authorizing the department to provide a publication to the industry; prohibiting the use of the state seal; providing for pamphlets; providing a savings clause; creating part II of chapter 493, F.S.; providing for classes of licenses with respect to private investigative services; providing fees; providing license requirements; cre-

ating part III of chapter 493, F.S.; providing for classes of licenses with respect to private security agencies; providing for fees; providing for license requirements; providing for security officer schools or training facilities; providing for the required wearing of uniforms; providing for exceptions; providing for uniform proprietary security officers; creating part IV of chapter 493, F.S.; providing for classes of licenses with respect to repossession services; providing for fees; providing for license requirements; providing for property inventory and vehicle license identification numbers; prohibiting the sale of motor vehicles, mobile homes, or motorboats by a reposessor under certain circumstances; providing a penalty; requiring training; amending ss. 215.22, 790.25, and 790.06, F.S.; correcting cross references to conform to the act; amending s. 943.14, F.S.; deleting obsolete language; repealing current part I of chapter 493, F.S., relating to investigative and patrol services; repealing current part II of chapter 493, F.S., relating to detection of deception; providing for the future review and repeal of chapter 493, F.S.; providing an appropriation; providing effective dates.

—was referred to the Committees on Economic, Professional and Utility Regulation; Finance, Taxation and Claims; and Appropriations.

By Representative Tobiassen—

**HB 3707**—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola, Escambia County; amending chapter 61-2655, Laws of Florida, as amended; providing for increases in certain retirement benefits; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Regulatory Reform and Representative Rudd—

**HB 3761**—A bill to be entitled An act relating to historic preservation; creating s. 266.001, F.S.; providing that the boards of trustees are placed within the Department of State; providing for compensation of managers subject to guidelines by the Department of Administration; directing the Department of State to adopt certain rules; revising provisions relating to the Historic Pensacola, Tallahassee, Florida Keys, Palm Beach County, Tampa-Hillsborough County, and Broward County Preservation Boards of Trustees; amending ss. 266.101, 266.110, 266.201, 266.301, 266.401, and 266.501, F.S.; providing certain administrative supervision by the Division of Historical Resources of the Department of State; modifying purposes; amending ss. 266.102, 266.111, 266.202, 266.302, 266.402, and 266.502, F.S.; providing definitions; amending ss. 266.103, 266.112, 266.203, 266.303, 266.403, and 266.503, F.S.; revising provisions relating to appointment of members of the boards and terms of office; providing for removal of members; amending s. 266.504, F.S.; conforming language; amending ss. 266.105, 266.114, 266.205, 266.305, 266.405, and 266.505, F.S.; providing for deposit of certain moneys into operating trust funds; creating ss. 266.1056, 266.1145, 266.2056, 266.3056, 266.4056, and 266.5056, F.S.; providing for audit by the Auditor General; amending ss. 266.106, 266.115, 266.206, 266.306, 266.406, and 266.506, F.S.; requiring the department to monitor program effectiveness and exercise certain oversight; authorizing employment of managers and other necessary employees; modifying powers of the boards; amending ss. 266.107, 266.117, 266.308, and 266.407, F.S.; correcting cross references; amending ss. 266.109, 266.118, 266.2095, 266.309, 266.411, and 266.508, F.S.; revising provisions relating to direct-support organizations; providing public records exemptions; providing for review and repeal; providing for liberal construction; deleting provisions relating to the Historic Volusia County and Flagler County Preservation Boards of Trustees; repealing s. 266.207, F.S., relating to powers of the governing body of the City of Key West and establishment of an architectural review board; repealing ss. 266.410 and 266.507, F.S., relating to direct control of certain boards by the Secretary of State; saving ss. 266.101, 266.102, 266.103, 266.104, 266.105, 266.106, 266.110, 266.111, 266.112, 266.113, 266.114, 266.115, 266.118, 266.201, 266.202, 266.203, 266.204, 266.205, 266.206, 266.2095, 266.301, 266.302, 266.303, 266.304, 266.305, 266.306, 266.309, 266.401, 266.402, 266.403, 266.404, 266.405, 266.406, 266.409, 266.411, 266.501, 266.502, 266.503, 266.504, 266.505, 266.506, and 266.508, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

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

By the Committee on Corrections and Representative Jamerson and others—

**HB 3813**—A bill to be entitled An act relating to corrections; amending s. 947.01, F.S., to increase the membership of the Parole Commission; amending s. 947.03, F.S., term of office of Parole Commission; amending s. 947.1405, F.S., relating to the conditional release program and the authority of a panel of no fewer than two parole commissioners, with respect thereto; requiring random substance abuse testing; amending s. 947.146, F.S., relating to the Control Release Authority and the eligibility of inmates for a control release date; mandating that the Department of Corrections contract for inmate support services; requiring random substance abuse testing; amending s. 947.22, F.S.; authorizing an individual parole commissioner to release a parolee under certain circumstances; amending s. 944.277, F.S., relating to eligibility for provisional credits; mandating the Department of Corrections contract for inmate support services; requiring random substance abuse testing; amending s. 947.18, F.S., relating to conditions of parole, s. 948.01, F.S., relating to placement in a community control program, s. 948.03, F.S., relating to terms and conditions of probation or community control, and s. 948.10, F.S., relating to individualized programs, to require random substance abuse testing; amending s. 119.07, F.S.; providing an exemption from the public records law for certain information given by a victim to the Control Release Authority; amending ss. 16 and 17 of chapter 89-531, Laws of Florida; extending the sunset date of the Parole Commission; amending ss. 947.04 and 947.06, F.S.; providing that parole commission shall meet in various counties; providing an effective date.

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

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed CS for SB 198, CS for SB 302, SB 928, SB 964, CS for SB 998, CS for CS for SB's 1068 and 22, SB 1104, SB 1412, SB 1516, SB 1522, SB 1568, CS for SB 1578, SB 1584, SB 1996, CS for CS for SB 2074, SB 2378, SB 2420, SB 2558, CS for SB 2626, SB 2698, CS for CS for SB 2702, SB 3108, SB 3142, SB 3180, SB 3198 and SB 3200.

*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 and passed as amended, CS for HB 571 and CS for HB 2527.

*John B. Phelps, Clerk*

## Motions

On motions by Senator Scott, by two-thirds vote SB 2936 and CS for SB 612 were placed at the end of the special order calendar.

## SPECIAL ORDER

### Senator Peterson presiding

On motions by Senator Casas, by two-thirds vote CS for HB 607 was withdrawn from the Committees on Transportation and Judiciary-Civil.

On motion by Senator Casas—

**CS for HB 607**—A bill to be entitled An act relating to the towing of motor vehicles; amending s. 120.57, F.S.; including certain hearings held by the Division of Florida Highway Patrol as an exclusion to the requirement of a hearing officer appointed by the Division of Administrative Hearings under the Administrative Procedure Act; amending s. 125.0103, F.S.; providing that price control restraints do not apply to the removal and storage of certain wrecked or disabled vehicles; amending s. 166.043, F.S.; conforming to the act with respect to certain price control limitations; amending s. 319.30, F.S.; revising language with respect to the dismantling, destruction, or change of identity of a motor vehicle or mobile home and certain salvage; providing definitions; providing documentation and records requirements; providing penalties; amending s. 319.33, F.S.; revising language with respect to offenses involving vehicle identification numbers, applications, certificates, and papers; amending s. 321.051, F.S.; authorizing the Division of Florida Highway Patrol to limit the number of wrecker operators under certain circumstances; amending

s. 713.78, F.S.; revising language with respect to liens for recovering, towing, or storing vehicles; providing fees; providing notice requirements regarding the posting of bonds; providing penalties; amending s. 715.05, F.S.; revising language with respect to the reporting of unclaimed motor vehicles; amending s. 715.07, F.S.; revising language with respect to vehicles parked on private property and the towing therefrom; providing penalties; amending s. 812.055, F.S.; including towing and storage facilities in law requiring the physical inspection of such facilities by law enforcement officers; providing an effective date.

—a companion measure, was substituted for CS for SB 2952 and read the second time by title. On motion by Senator Casas, by two-thirds vote CS for HB 607 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Deratany	Langley	Souto
Beard	Dudley	Malchon	Thomas
Brown	Forman	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	Kiser	Scott	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The Senate resumed consideration of **CS for SB's 1120 and 2610** which had been considered and amended May 29.

Pending further consideration of CS for SB's 1120 and 2610 as amended, on motion by Senator Thurman, by two-thirds vote HB 2509 was withdrawn from the Committees on Judiciary-Criminal and Appropriations.

On motion by Senator Thurman, by two-thirds vote—

**HB 2509**—A bill to be entitled An act relating to victims of crimes and youthful offenders; amending s. 39.12, F.S.; authorizing provision of the juvenile offense report by a law enforcement agency to the victim of the offense, without the name or address of the child unless such information is otherwise public; amending s. 39.408, F.S.; requiring that the parent or guardian and certain others receive notice of hearings in dependency cases; amending s. 415.508, F.S.; specifying when a guardian ad litem must be appointed in child abuse or neglect cases; specifying powers and duties of the guardian ad litem; amending s. 119.07, F.S.; providing confidentiality of specified information received by an agency receiving information from victims of crime; providing for future review and repeal; amending s. 918.16, F.S.; providing that victim or witness advocates may be present when a person under age 16 testifies concerning a sex offense; amending s. 921.001, F.S.; expanding the Sentencing Commission; providing for appointment of a victim advocate member; amending s. 947.146, F.S.; providing for examination of victim impact statements by the Control Release Authority; amending s. 960.001, F.S.; prohibiting exclusion of a victim or victim's witness, guardian, advocate, family member, or other representative from any portion of a hearing or trial pertaining to the offense based on the fact that such person is subpoenaed to testify, except in certain circumstances; authorizing presence of a victim advocate during depositions of a victim; amending s. 960.03, F.S.; redefining "crime" for purposes of victims' rights and crimes compensation; amending s. 960.04, F.S.; revising eligibility for crimes compensation awards; amending s. 958.04, F.S.; providing for certain notification and consultation regarding basic training program placement and extending the time period for the sentencing court to notify the department; amending s. 960.13(5), F.S.; providing that restitution award shall not reduce crimes compensation award unless the victim will be unjustly enriched; providing an appropriation; reenacting s. 960.07(1), F.S., to incorporate the amendment to s. 960.04, F.S., in a reference thereto; amending ss. 947.04 and 947.06, F.S.; providing that parole commission shall meet in various counties; amending s. 901.35, F.S.; providing that an offender injured during commission of a crime or while fleeing apprehension shall pay for care, custody and victim restitution from any settlement received as a result of said injury; amending s. 944.512, F.S.; providing that court may place a lien on said settlement; providing effective dates.

—a companion measure, was substituted for CS for SB's 1120 and 2610 and read the second time by title.

Senator Langley moved the following amendment which was adopted:

**Amendment 1**—On page 7, lines 22-27, strike all underlined language

Further consideration of **HB 2509** as amended was deferred.

On motion by Senator Langley, by two-thirds vote CS for HB 1283 was withdrawn from the Committees on Judiciary-Criminal and Appropriations.

On motion by Senator Langley—

**CS for HB 1283**—A bill to be entitled An act relating to bribery; creating s. 838.15, F.S.; establishing the offense of commercial bribe receiving, and providing felony penalties; creating s. 838.16, F.S.; establishing the offense of commercial bribery, and providing felony penalties; reenacting ss. 772.102(1)(a)24. and 895.02(1)(a)26., F.S., relating to retirement benefits, civil remedies for criminal practices, and the Florida R.I.C.O. Act, to incorporate the amendment to ch. 838, F.S., in references thereto; amending ss. 112.3173 and 121.091, F.S., to conform; providing an effective date.

—a companion measure, was substituted for CS for SB 2598 and read the second time by title. On motion by Senator Langley, by two-thirds vote CS for HB 1283 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Deratany, Kirkpatrick

Consideration of **CS for SB 2744** and **CS for SB 344** was deferred.

**CS for CS for CS for SB 1548**—A bill to be entitled An act relating to outdoor recreation and conservation; creating s. 259.101, F.S., the Florida Preservation 2000 Act; providing legislative findings; providing for proceeds of bonds issued pursuant to the act to be deposited in the Florida Preservation 2000 Trust Fund; providing for allocation of such proceeds in the General Appropriations Act and distribution by the Department of Natural Resources for specified purposes; providing for title to certain lands to vest in the Board of Trustees of the Internal Improvement Trust Fund; providing for future repeal of distribution provisions; providing for legislative review prior to such repeal; providing criteria for certain projects financed by such proceeds; amending s. 201.15, F.S.; providing for transfer of an additional portion of the proceeds of excise taxes on documents to the Land Acquisition Trust Fund; creating s. 375.045, F.S.; creating the Florida Preservation 2000 Trust Fund; providing for deposit of funds therein and for the distribution thereof; providing for public use of lands purchased with Preservation 2000 funds; providing for control of nonnative invasive plant species on certain lands purchased with Preservation 2000 funds; providing duties of the Department of Natural Resources; amending s. 259.035, F.S.; directing the Land Acquisition Advisory Council to submit a report recommending a process for a state land acquisition needs assessment; creating s. 253.0325, F.S.; directing the Department of Natural Resources to initiate a computerized program to modernize its state lands records and documents; amending s. 201.022, F.S., which requires the filing of a return stating the consideration paid as a condition precedent to the recording of a deed transferring interest in real property; providing that the Department of Natural Resources or its contract appraiser shall have access to such returns under certain conditions; amending s. 253.023, F.S., relating to the Conservation and Recreation Lands Trust Fund; revising the value of inholdings or additions to projects selected for purchase which are exempt from selection procedures; revising provisions relating to transfer of interests to appropriate conservation organizations; revising the percentage of

fund moneys which must be available for land acquisition; amending s. 253.025, F.S., relating to acquisition of state lands; deleting certain requirements imposed on appraisers; deleting the circumstances under which the state may pay in excess of the appraised value for land acquisitions; revising the vote by which the Board of Trustees of the Internal Improvement Trust Fund may direct the acquisition of property by eminent domain and requirements with respect thereto; providing that the Board of Trustees of the Internal Improvement Trust Fund may authorize the purchase of certain lands on an immediate basis under certain circumstances; creating s. 372.074, F.S.; creating the Fish and Wildlife Habitat Trust Fund within the Game and Fresh Water Fish Commission to acquire and manage lands important to conservation of fish and wildlife; providing requirements with respect thereto; amending s. 373.59, F.S., relating to the Water Management Lands Trust Fund; requiring water management districts to identify certain lands and plan for their acquisition; providing for the release of funds for preacquisition costs; amending s. 375.031, F.S., relating to the acquisition of land under the Outdoor Recreation and Conservation Act of 1963; revising the value of projects which are exempt from selection procedures; amending s. 375.075, F.S.; revising provisions relating to the funding of the Florida Recreation Development Assistance Program, to correct a reference; qualifying the requirement that the Department of Natural Resources develop and plan a program for outdoor recreation; amending s. 380.504, F.S.; revising the date of the appointment of the public members of the governing body of the Florida Communities Trust; providing for Senate confirmation; amending s. 380.505, F.S.; revising provisions relating to meetings of the governing body; amending s. 380.508, F.S.; providing for establishment of an advisory committee for the trust; amending s. 380.510, F.S.; correcting a reference; providing requirements for the use of Preservation 2000 funds by the Florida Communities Trust; providing appropriations; amending s. 320.08065, F.S.; providing for a Florida Panther license plate; repealing s. 253.01(3), F.S., relating to revenues from certain leases; providing an effective date.

—was read the second time by title.

Senator McPherson moved the following amendments which were adopted:

**Amendment 1**—On page 5, line 16, after "Act" insert: , which approves the first year's debt service on the bonds,

**Amendment 2**—On page 6, line 7, strike "including"

**Amendment 3**—On page 7, line 1, strike "(c)" and insert: (b)

**Amendment 4**—On page 7, strike line 2 and insert: and (e) shall be vested in the Board of Trustees of

**Amendment 5**—On page 7, strike line 5 and insert: (d), and (e) are repealed effective October 1, 1992.

**Amendment 6**—On page 7, line 23, strike "and" and insert: or

**Amendment 7**—On page 9, strike all of lines 7-9 and insert: *other amounts with respect to bonds issued by specific act of the Legislature pursuant to s. 375.051 and payable from moneys which shall be transferred to the Land Acquisition Trust Fund to*

**Amendment 8**—On page 11, line 8, strike "(1)(a)"

**Amendment 9**—On page 12, line 4, strike "(1)(a)"

**Amendment 10**—On page 22, line 22, after "Resources." insert: *The trustees may also use the procedures established pursuant to this subsection to acquire the lands specified if:*

(a) *The lands will be developed or lost to potential public ownership within a shorter time period than the normal purchase time under the program within which the land is listed for acquisition, or*

(b) *Federal matching funds will be lost if the land is not purchased within a shorter period of time under the program within which the land is listed for acquisition.*

On motion by Senator McPherson, by two-thirds vote CS for CS for CS for SB 1548 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	Plummer
Bankhead	Deratany	Kirkpatrick	Scott
Beard	Dudley	Kiser	Souto
Brown	Forman	Malchon	Stuart
Bruner	Gardner	Margolis	Thomas
Casas	Girardeau	McPherson	Thurman
Childers, D.	Gordon	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Diaz-Balart, Grant, Langley

**SB 632**—A bill to be entitled An act relating to sale of public lands; amending s. 95.36, F.S.; providing that for the purpose of use of funds from the sale of certain dedicated lands, the term "park purposes" includes purposes related to park, recreation, or leisure activities, including offsite parking; providing an effective date.

—was read the second time by title. On motion by Senator Brown, by two-thirds vote SB 632 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Bankhead	Dudley	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Woodson-Howard
Childers, W. D.	Jennings	Peterson	
Crenshaw	Johnson	Plummer	
Diaz-Balart	Kirkpatrick	Souto	

Nays—None

Vote after roll call:

Yea—Deratany

Consideration of CS for CS for SB 1758 was deferred.

**CS for SB 2310**—A bill to be entitled An act relating to saltwater conservation; amending s. 370.06, F.S.; deleting a provision that any person holding a saltwater products license shall receive credit for the license fee against the Apalachicola Bay oyster harvesting license fee and providing for credit against saltwater products license fees; providing that any person holding an Apalachicola Bay oyster harvesting license shall receive credit for the license fee against the saltwater products license fee; amending s. 370.153, F.S.; providing that fees paid for certain shrimp production licenses and permits shall be credited against the saltwater products license fee; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 2310 to conform the bill to CS for HB 2033.

Pending further consideration of CS for SB 2310 as amended, on motion by Senator Bruner, by two-thirds vote CS for HB 2033 was withdrawn from the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Bruner, by two-thirds vote—

**CS for HB 2033**—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.06, F.S.; revising language with respect to restricted species endorsements; providing for verification of certain information by affidavit; amending s. 370.06, F.S.; providing for a marine life fishery endorsement on saltwater products licenses; providing a fee; providing for the disposition of the fee; naming the sport season for spiny lobster as the Bob Hector Sport Fishermen's Crawfish Season; amending s. 370.01, F.S.; revising the definition of the term "restricted species" for purposes of provisions relating to saltwater fisheries; amending s. 370.06, F.S.; revising criteria for the issuance of restricted species endorsement on a saltwater products license; specifying exceptions from such criteria for issuance of the endorsement; deleting a provision that any person

holding a saltwater products license shall receive credit for the license fee against the Apalachicola Bay oyster harvesting license fee; providing that any person holding an Apalachicola Bay oyster harvesting license shall receive credit for the license fee against the saltwater products license fee; amending s. 370.153, F.S.; providing that fees paid for certain shrimp production licenses and permits shall be credited against the saltwater products license fee; providing a legislative declaration regarding the oyster surcharge enacted in chapter 89-175, Laws of Florida; re-enacting and amending section 370.07(3), Florida Statutes; deleting a cross-reference; amending s. 370.25, F.S.; requiring the Department of Natural Resources to establish criteria for the construction and management of certain artificial fishing reefs; prohibiting the use of certain materials; amending s. 370.021, F.S.; providing that moneys received for a publication of the department must be deposited into the fund from which the costs of publication were paid; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for SB 2310 and read the second time by title. On motion by Senator Bruner, by two-thirds vote CS for HB 2033 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Diaz-Balart	Kirkpatrick	Souto
Beard	Dudley	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Deratany	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Davis

On motions by Senator Plummer, by two-thirds vote CS for HB 2503 was withdrawn from the Committees on Natural Resources and Conservation and Appropriations.

On motion by Senator Plummer—

**CS for HB 2503**—A bill to be entitled An act relating to saltwater fisheries; creating s. 370.142, F.S.; directing the Department of Natural Resources to establish a program to verify the number of spiny lobster traps in state and adjacent federal waters; prohibiting use of traps without tags; providing for a trap tag fee; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 1758 and read the second time by title. On motion by Senator Plummer, by two-thirds vote CS for HB 2503 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motions by Senator Thurman, by two-thirds vote CS for HB 2669 was withdrawn from the Committees on Agriculture; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Thurman—

**CS for HB 2669**—A bill to be entitled An act relating to citrus; amending s. 602.055, F.S.; prohibiting the Office of Citrus Canker Claims from paying certain claims before a specified date; amending s. 601.282, F.S.; revising the percentage of proceeds from excise taxes transferred to

the Citrus Canker Eradication Trust Fund and the Citrus Canker Compensation Trust Fund; providing appropriations; providing for retroactive application; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 3034 and read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for HB 2669 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

**Abstention from Voting**

I abstain from voting on CS for HB 2669 because I represent one or two clients that will benefit from this bill. I would also benefit indirectly.

*Richard H. Langley, 11th District*

**CS for SB 750**—A bill to be entitled An act relating to the Department of Transportation; amending s. 186.021, F.S.; requiring the state agency functional plan of the department to be submitted as a section of the Florida Transportation Plan; amending s. 216.345, F.S.; deleting statutory recipients of membership dues reports of the department; amending s. 334.046, F.S.; modifying reporting requirements with respect to departmental compliance with program objectives; amending s. 335.04, F.S.; eliminating the requirement for a report on road reclassification; amending s. 335.074, F.S.; changing requirements for reporting deficient bridges; amending s. 337.11, F.S.; providing for future termination of reporting requirements of the Design/Build demonstration project; amending s. 339.135, F.S.; deleting reporting requirements for manpower utilization; amending s. 339.155, F.S.; establishing the state agency functional plan as a section of the Florida Transportation Plan; amending s. 427.013, F.S.; requiring an accounting of expenditures from the Transportation Disadvantaged Trust Fund; repealing s. 218.32(4), F.S., relating to reports of uniform program data furnished by local governments; amending s. 479.26, F.S.; providing that the department may adopt a procedure whereby a private business may pay the initial cost for the erection of information panels; providing for reimbursement of such costs; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendments which were adopted:

**Amendment 1**—On page 12, between lines 22 and 23, insert:

Section 12. The Florida Transportation Commission in conjunction with the Metropolitan Planning Organization Advisory Committee created by section 339.155, Florida Statutes, is authorized and directed to conduct a review of the responsibilities imposed on metropolitan planning organizations by state or federal law, rule, or regulations and to assess the adequacy of funding in light of such mandated responsibilities. The Transportation Commission shall submit a report of its findings to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives prior to March 1, 1991.

(Renumber subsequent section.)

**Amendment 2**—In title, on page 2, line 2, after the semicolon (;) insert: requiring the Transportation Commission of the Department of Transportation and the Metropolitan Planning Organization Advisory Committee to review the operation of metropolitan planning organizations and to file a report with the Transportation Committees of the Legislature;

On motion by Senator Beard, by two-thirds vote CS for SB 750 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Bankhead	Diaz-Balart	Jennings	Myers
Beard	Dudley	Johnson	Plummer
Brown	Forman	Kirkpatrick	Thomas
Bruner	Gardner	Langley	Thurman
Casas	Girardeau	Malchon	Walker
Childers, D.	Gordon	Margolis	Weinstein
Childers, W. D.	Grant	McPherson	Woodson-Howard
Davis	Grizzle	Meek	

Nays—None

Vote after roll call:

Yea—Deratany, Stuart

**CS for SB 792**—A bill to be entitled An act relating to motor vehicle insurance; creating s. 627.744, F.S.; prohibiting private passenger motor vehicle insurance policies; providing physical damage coverage from being issued or renewed unless the insurer has inspected the vehicle; providing exceptions; specifying requirements for such inspections; providing for suspension of coverage in the event that an inspection is not effected timely; providing the Department of Insurance with rulemaking authority; providing for review and repeal; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendments which were adopted:

**Amendment 1**—On page 4, between lines 9 and 10, insert:

Section 2. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, sections 627.648, 627.6482, 627.6484, 627.6486, 627.6488, 627.649, 627.6492, 627.6494, 627.6496, and 627.6498, Florida Statutes, shall not stand repealed on October 1, 1990, and shall continue in full force and effect until October 1, 1991, on which date such sections are repealed and shall be reviewed by the legislature pursuant to s. 11.61, Florida Statutes; however, if a law enacted prior to October 1, 1990, provides a later repeal date for said sections, such later repeal date shall prevail over the repeal date specified in this section.

(Renumber subsequent section.)

**Amendment 2**—In title, on page 1, line 12, after the semicolon (;) insert: providing for review and repeal of the State Comprehensive Health Association;

Senator Jennings moved the following amendment which was adopted:

**Amendment 3**—In title, on page 1, strike all of lines 3 and 4 and insert: creating s. 627.744, F.S.;

On motion by Senator Jennings, by two-thirds vote CS for SB 792 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Consideration of **CS for SB 2042** was deferred.

**CS for SB 2314**—A bill to be entitled An act relating to park trailers and recreational vehicles; amending s. 723.002, F.S.; expanding the applicability of the Florida Mobile Home Act to include certain recreational-vehicle-type units; amending s. 723.003, F.S.; redefining the term "mobile home"; creating s. 320.91, F.S.; prohibiting certain activities by motor vehicle dealers; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendment:

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

Section 1. Section 320.91, Florida Statutes, is created to read:

320.91 Prohibited acts.—

(1) It is unlawful for any motor vehicle dealer, as that term is defined in s. 320.60, to enter into any agreement with a recreational vehicle park owner or developer which would grant an exclusive right to sell any recreational vehicle-type unit to be placed in such park or development to the exclusion of other recreational vehicle dealers selling the same identical manufacturer's model. It is unlawful for any licensee, as that term is defined in s. 320.60, to enter into any agreement with a recreational vehicle park owner or developer which would grant an exclusive right to sell any recreational vehicle-type unit to be placed in such park or development to the exclusion of other licensees who sell the same identical manufacturer's model.

(2) Any motor vehicle dealer or licensee who violates the provisions of this section is liable for a civil penalty of not more than \$5,000 for each such violation. The civil penalty may be recovered by the enforcing authority under ss. 501.201-501.213, in accordance with the provisions of those sections.

Section 2. Subsection (3) is added to section 723.002, Florida Statutes, to read:

723.002 Application of chapter.—

(3) *Notwithstanding anything herein to the contrary, the provisions of this chapter are applicable to a park trailer which is located on a lot in a mobile home park permitted by the Department of Health and Rehabilitative Services as a mobile home park and which is registered with the Department of Business Regulation as a mobile home park.*

Section 3. This act shall take effect October 1, 1990.

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

**Amendment 1A**—On page 1, between lines 11 and 12, insert:

Section 3. Subsection (1) of section 723.002, Florida Statutes, is amended to read:

723.002 Application of chapter.—

(1) The provisions of this chapter apply to any residential tenancy in which a mobile home is placed upon a rented or leased lot in a mobile home park in which 10 or more lots are offered for rent or lease. This chapter shall not be construed to apply to any other tenancy, including a tenancy in which both a mobile home and a mobile home lot are rented or leased by the mobile home resident or a tenancy in which a rental space is offered for occupancy by recreational-vehicle-type units which are primarily designed as temporary living quarters for recreational camping or travel use and which either have their own motor power or are mounted on or drawn by another vehicle. When both the mobile home and lot are rented or when fewer than 10 lots are available for rent or lease, the tenancy shall be governed by the provisions of part II of chapter 83, the "Florida Residential Landlord and Tenant Act." *However, this chapter shall continue to apply to any tenancy in a park even though the number of lots offered in that park has been reduced to below 10 if that tenancy was subject to the provisions of this chapter prior to the reduction in lots. This subsection is intended to clarify existing law.*

Section 4. Subsections (9), (10), (11), and (12) of section 723.003, Florida Statutes, are renumbered as subsections (10), (11), (12), and (13), respectively, and a new subsection (9) is added to said section, to read:

723.003 Definitions.—As used in this chapter, the following words and terms have the following meanings unless clearly indicated otherwise:

(9) *The term "operator of a mobile home park" means either a person who establishes a mobile home park on land which is leased from another person or a person who has been delegated the authority to act as the park owner in all matters relating to the administration and management of the mobile home park, including, but not limited to, authority to make decisions relating to the mobile home park.*

Section 5. Section 723.005, Florida Statutes, is amended to read:

723.005 Regulation by division.—The division has the power and duty to enforce and ensure compliance with the provisions of this chapter and rules promulgated pursuant hereto relating to the rental, development, and sale of mobile home parks. However, the division does not have the power or duty to enforce mobile home park rules and regulations or to enforce the provisions of ss. 723.022, and 723.023, and 723.033.

Section 6. Section 723.01, Florida Statutes, is created to read:

723.01 Disclosure of lot rental amount increases.—

(1) In addition to the written disclosure required by ss. 723.012 or 723.013, a park owner shall, prior to execution of the lot rental agreement or prior to the time of occupancy, whichever occurs first, or prior to the purchase of a new mobile home if s. 723.041(1)(d), is applicable, deliver to a prospective mobile home owner of a new mobile home in an unfilled mobile home park a written disclosure as follows:

(a) The disclosure shall be a separate document provided to the mobile home owner and shall contain the following statements in conspicuous type. Immediately following this statement, the disclosure shall state the location in the other disclosure materials required by ss. 723.012 or 723.013 where the methods or reasons for rental increases are described in detail.

**YOUR LOT RENTAL AMOUNT IS SUBJECT TO INCREASE. THE LOT RENTAL MAY BE INCREASED BY THE PARK OWNER. YOU MAY BE SUBJECT TO PASS-ON AND PASS-THROUGH COSTS AND OTHER FEES.**

(b) If the lot rental agreement provides for a lot rental amount which is less than the market rate, or if the lot rental amount is based upon an introductory offer, the disclosure shall also contain the following disclosure in conspicuous type. Immediately following this statement, the disclosure shall state the location in the other disclosure materials required by s. 723.012 or s. 723.013 where the methods or reasons for rental increases are described in detail.

**YOUR LOT RENTAL AMOUNT IS LESS THAN THE MARKET RATE. THE PARK OWNER HAS DETERMINED THAT THE LOT RENTAL AMOUNT MARKET RATE IS \$ . THE RENTAL AMOUNT MAY BE RAISED TO THE MARKET RATE BY THE PARK OWNER AS EARLY AS ONE YEAR FROM NOW. THIS COULD MEAN A SIGNIFICANT INCREASE IN YOUR LOT RENTAL AMOUNT.**

(2) The disclosure statement required in this section shall be filed annually with the division. In addition, the park owner shall provide to the division a statement explaining and substantiating the basis upon which the park owner determined that the lot rental rate was or was not less than the market rate.

(3) For purposes of this section, the term "market rate" means a lot rental amount that is comparable with lot rental amounts in similar circumstances for similar facilities in comparable mobile home parks.

Section 7. Paragraph (a) of subsection (1) of section 723.011, Florida Statutes, is amended to read:

723.011 Disclosure prior to rental of a mobile home lot; prospectus, filing, approval.—

(1)(a) In a mobile home park containing 26 or more lots, the park owner shall file a prospectus with the division. Prior to entering into an enforceable rental agreement for a mobile home lot, the park owner shall deliver to the homeowner a prospectus approved by the division. This subsection shall not be construed to invalidate those lot rental agreements for which an approved prospectus was required to be delivered and which was delivered on or before July 1, 1986, if the mobile home park owner had:

1. Filed a prospectus with the division prior to entering into the lot rental agreement;
2. Made a good faith effort to correct deficiencies cited by the division by responding within the time limit set by the division, if one was set; and
3. Delivered the approved prospectus to the mobile home owner within 45 days of approval by the division.

This paragraph shall not preclude the finding that a lot rental agreement is invalid on other grounds and shall not be construed to limit any rights of a mobile home owner or to preclude a mobile home owner from seeking any remedies allowed by this chapter, including a determination that the lot rental agreement or any part thereof is unreasonable or ~~unconscionable~~.

Section 8. Subsection (4) is added to section 723.013, Florida Statutes, to read:

723.013 Written notification in the absence of a prospectus.—A mobile home park owner who enters into a rental agreement in which a prospectus is not provided shall give written notification to the mobile home owner of the following information prior to occupancy:

(4) *Disclosure of lot rental amount increases as provided in s. 723.010.*

Section 9. Section 723.014, Florida Statutes, is amended to read:

723.014 Failure to provide prospectus or offering circular or disclosure prior to occupancy.—

(1) If a prospectus or offering circular or disclosure under s. 723.010 was not provided to the prospective lessee prior to execution of the lot rental agreement or prior to initial occupancy of a new mobile home, the rental agreement is voidable by the lessee until 15 days after the receipt by the lessee of the prospectus or offering circular and all exhibits thereto or the disclosure under s. 723.010.

(2) To cancel the rental agreement, the mobile home owner shall deliver written notice to the park owner within 15 days after receipt of the prospectus or offering circular or disclosure under s. 723.010 and shall thereupon be entitled to a refund of any deposit together with relocation costs for the mobile home, or the market value thereof including any appurtenances thereto paid for by the mobile home owner, from the park owner.

Section 10. Subsections (5) and (7) of section 723.031, Florida Statutes, are amended to read:

723.031 Mobile home lot rental agreements.—

(5) The rental agreement shall contain the lot rental amount and services included. An increase in lot rental amount upon expiration of the term of the lot rental agreement shall be in accordance with ss. 723.033 and ~~s.~~ 723.037 or s. 723.059(4), whichever is applicable, provided that, pursuant to s. 723.059(4), the amount of the lot rental increase is disclosed and agreed to by the purchaser, in writing. An increase in lot rental amount shall not be arbitrary or discriminatory between similarly situated tenants in the park. No lot rental amount may be increased during the term of the lot rental agreement, except:

(a) When the manner of the increase is disclosed in a lot rental agreement with a term exceeding 12 months and which provides for such increases not more frequently than annually.

(b) For pass-through charges as defined in s. 723.003(10)(9).

(c) That no charge may be collected that results in payment of money for sums previously collected as part of the lot rental amount. The provisions hereof notwithstanding, the mobile home park owner may pass on, at any time during the term of the lot rental agreement, ad valorem property taxes and utility charges, or increases of either, provided that the ad valorem property taxes and the utility charges are not otherwise being collected in the remainder of the lot rental amount and provided further that the passing on of such ad valorem taxes or utility charges, or increases of either, was disclosed prior to tenancy, was being passed on as a matter of custom between the mobile home park owner and the mobile home owner, or such passing on was authorized by law. Such ad valorem taxes and utility charges shall be a part of the lot rental amount as defined by this chapter.

(7) No park owner may increase the lot rental amount until an approved prospectus has been delivered if one is required. This subsection shall not be construed to prohibit those increases in lot rental amount for those lot rental agreements for which an approved prospectus was required to be delivered and which was delivered on or before July 1, 1986, if the mobile home park owner had:

(a) Filed a prospectus with the division prior to entering into the lot rental agreement;

(b) Made a good faith effort to correct deficiencies cited by the division by responding within the time limit set by the division, if one was set; and

(c) Delivered the approved prospectus to the mobile home owner within 45 days of approval by the division.

This subsection shall not preclude the finding that a lot rental increase is invalid on other grounds and shall not be construed to limit any rights of a mobile home owner or to preclude a mobile home owner from seeking any remedies allowed by this chapter, including a determination that the lot rental agreement or any part thereof is unreasonable or ~~unconscionable~~.

Section 11. Section 723.033, Florida Statutes, is amended to read:

723.033 *Unreasonable* ~~Unconscionable~~ lot rental agreements increases, changes.—

(1) If the court, as a matter of law, finds a mobile home lot rental amount agreement, rent increase, or change or any provision of the rental agreement, to be unreasonable ~~have been unconscionable at the time it was made~~, the court may:

(a) Refuse to enforce the lot rental agreement.

(b) Refuse to enforce the rent increase or change.

(c)(b) Enforce the remainder of the lot rental agreement without the unreasonable ~~unconscionable~~ provision.

(d)(e) Limit the application of the unreasonable ~~unconscionable~~ provision so as to avoid any unreasonable ~~unconscionable~~ result.

(e) Award a refund or a reduction in future rent payments.

(f) Award such other equitable relief as deemed necessary.

(2) When it is claimed or appears to the court that a lot the rental amount agreement, rent increase, or change, or any provision thereof, may be unreasonable ~~unconscionable~~, the parties shall be afforded a reasonable opportunity to present evidence as to its meaning and purpose, the relationship of the parties, and other relevant factors to aid the court in making the determination.

(3) For the purposes of this section, a lot rental amount that is in excess of market rent shall be considered unreasonable.

(4) Market rent means that rent which would result from market forces absent an unequal bargaining position between mobile home park owners and mobile home owners.

(5) In determining market rent, the court may consider rents charged by comparable mobile home parks in its competitive area. To be comparable, a mobile home park must offer similar facilities, services, amenities, and management.

(6) In determining whether a rent increase or resulting lot rental amount is unreasonable, the court may consider economic or other factors, including, but not limited to, increases or decreases in the consumer price index, all urban consumer south, published by the Bureau of Labor Statistics of the Department of Labor; increases or decreases in operating costs or taxes; and prior disclosures.

(7) An arbitrator or mediator under ss. 723.037, 723.038, and 723.0381 shall employ the same standards as set forth in this section.

Section 12. Section 723.037, Florida Statutes, is amended to read:

723.037 Lot rental increases; reduction in services or utilities; change in rules and regulations; mediation ~~or arbitration~~.—

(1) A park owner shall give written notice to each affected mobile home owner and the board of directors of the homeowners' association, if one has been formed, at least 90 days prior to any increase in lot rental amount or reduction in services or utilities provided by the park owner or change in rules and regulations. The notice shall identify all other affected homeowners, which may be by lot number, name, group, or phase. If the affected homeowners are not identified by name, the park owner shall make the names and addresses available upon request. Rules adopted as a result of restrictions imposed by governmental entities and required to protect the public health, safety, and welfare may be enforced prior to the expiration of the 90-day period but are not otherwise exempt from the requirements of this chapter. Pass-through charges must be sep-

arately listed as to the amount of the charge, the name of the governmental entity mandating the capital improvement, and the nature or type of the pass-through charge being levied. Notices of increase in the lot rental amount due to a pass-through charge shall state the additional payment and starting and ending dates of each pass-through charge. The homeowners' association shall have no standing to challenge the increase in lot rental amount, reduction in services or utilities, or change of rules and regulations unless a majority of the affected homeowners agree, in writing, to such representation.

(2) Notice as required by this section shall, in addition to the information required in subsection (1), only be required to include the dollar amount of the present lot rental amount and the dollar amount of the proposed lot rental amount if there is an increase in the lot rental amount ~~the change in the present lot rental amount~~, the reduction in services or utilities, or the change in rules and regulations and the effective date thereof.

(3) The park owner shall file annually with the division a copy of any notice of a lot rental amount increase. The notice shall be filed on or before January 1 of each year for any notice given during the preceding year. If the actual increase is an amount less than the proposed amount stated in the notice, the park owner shall notify the division of the actual amount of the increase within 30 days of the effective date of the increase or at the time of filing, whichever is later.

(4)(3) A committee, not to exceed five in number, designated by a majority of the affected mobile home owners or by the board of directors of the homeowners' association, if applicable, and the park owner shall meet, at a mutually convenient time and place within 30 days after receipt by the homeowners of the notice of change, to discuss the reasons for the increase in lot rental amount, reduction in services or utilities, or change in rules and regulations.

(5)(a)(4) Within 30 days after of the date of the scheduled meeting described in subsection (4)(3), the homeowners may petition the division to initiate ~~shall request that the dispute be submitted to~~ mediation of the dispute pursuant to s. 723.038 if a majority of the affected homeowners have designated, in writing, that:

- 1.(a) The rental increase is unreasonable;
- 2.(b) The rental increase has made the lot rental amount unreasonable;
- 3.(c) The decrease in services or utilities is not accompanied by a corresponding decrease in rent or is otherwise unreasonable; or
- 4.(d) The change in the rules and regulations is unreasonable.

(b) A park owner, within the same time period, may also petition the division to initiate mediation of the dispute.

(c) When a dispute involves a rental increase for different home owners and there are different rates or different rental terms for those home owners, all such rent increases in a calendar year for one mobile home park may be considered in one mediation proceeding.

~~(5) If both parties subsequently agree, they may request that the dispute be arbitrated rather than mediated.~~

~~(6) No action relating to a dispute described in this section may be filed in any court unless and until a request has been submitted to the division for mediation or arbitration and the request has been processed in accordance with s. 723.038.~~

(6)(7) If a party requests mediation and the opposing party refuses to agree to mediate or arbitrate, or fails to request mediation, upon proper request, ~~the that~~ party refusing to mediate shall not be entitled to attorney's fees in any action relating to a dispute described in this section.

Section 13. Section 723.038, Florida Statutes, is amended to read:

723.038 Dispute settlement; mediation.—

(1) Either party may petition the division to appoint a mediator and initiate mediation proceedings.

(2)(1) The division upon petition shall appoint a ~~employ~~ qualified mediator ~~mediators and arbitrators~~ to conduct mediation or arbitration proceedings unless the parties timely notify the division in writing that they have selected a mediator. A person appointed by the division shall

be a qualified mediator from a list of circuit court mediators in each judicial circuit who has met training and educational requirements established by the Supreme Court. If such mediators are not available, the division may select a mediator from the list maintained by the Florida Growth Management Conflict Resolution Consortium. The division shall promulgate rules of procedure to govern such proceedings in accordance with the rules of practice and procedure adopted by the Supreme Court. The division shall also establish, by rule, the fee to be charged by a mediator which shall not exceed the fee authorized by the circuit court.

(3) A mediator appointed by the division shall comply with the rules adopted by the division. The mediator shall also notify the division in writing within 10 days after the conclusion of the mediation, that the mediation has been concluded.

~~(3) The mediation or arbitration as provided herein is not binding unless the parties agree otherwise in writing. When the parties have not agreed to be bound by the result of the mediation or arbitration, a party is not foreclosed from seeking a trial de novo in a court of competent jurisdiction.~~

(4) Upon receiving a petition to mediate a dispute, the division shall, within 20 days, notify the parties that a filing fee in the amount of \$250 shall be paid by each party to the division and that the division will appoint a mediator within 20 days from the receipt of the filing fees from both parties.

(5) The parties shall pay their respective share of the filing fee to the division within 10 days from the date stated on the notice unless, within such time, they indicate in writing to the division that they have agreed to select their own mediator. The division shall refund to each party the filing fee, exclusive of any interest earned during the period it was held by the division, upon withdrawal of the petition by either party prior to mediation or upon receipt of notification by the mediator that the mediation has been concluded.

(6)(3) The division director is authorized to exercise his authority to subpoena the books and records of any party if the mediator or ~~arbitrator~~ determines that such information is relevant to the resolution of the dispute. Any information acquired by subpoena shall be for use by the division only and is exempt from chapter 119.

(7)(4) No resolution arising from a mediation ~~dispute settlement~~ proceeding as provided for in s. 723.037 or this section shall be deemed final agency action. Any party, however, may initiate an action in the circuit court to enforce a resolution or agreement arising from a mediation proceeding which has been reduced to writing. The court shall consider such resolution or agreement to be a contract for the purpose of providing a remedy to the complaining party.

(8) Mediation pursuant to this section is an informal and nonadversarial process. Either party may submit to the opposing party at least 10 days prior to mediation a written request for information.

(9) Each party involved in the mediation proceeding has a privilege to refuse to disclose, and to prevent any person present at the proceeding from disclosing, communications made during such proceeding, whether or not the dispute was successfully resolved. This subsection shall not be construed to prevent or inhibit the discovery or admissibility of any information which is otherwise subject to discovery or admission under applicable law or rules of court. There is no privilege as to communications made in furtherance of the commission of a crime or fraud or as part of a plan to commit a crime or a fraud. Nothing in this subsection shall be construed so as to permit an individual to obtain immunity from prosecution for criminal conduct.

(10) A mediator appointed pursuant to this section shall have judicial immunity in the same manner and to the same extent as a judge.

Section 14. Section 723.0381, Florida Statutes, is created to read:

723.0381 Civil actions; arbitration.—

(1) After mediation of a dispute pursuant to s. 723.038 has failed to provide a resolution of the dispute, either party may file an action in the circuit court.

(2) The court shall refer the action to a panel of three arbitrators for court-annexed nonbinding arbitration pursuant to s. 44.303 and the Florida Rules of Civil Procedure. The court shall assess the parties equally to

pay the compensation awarded to the arbitrators if neither party requests a trial de novo. If a party has filed for a trial de novo, the party shall be assessed the arbitration costs, court costs, and other reasonable costs of the opposing party including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If subsequent to arbitration a party files for a trial de novo, the arbitration decision may be made known to the judge only after he has entered his order on the merits.

Section 15. Subsection (2) of section 723.002, Florida Statutes, is amended to read:

723.002 Application of chapter.—

(2) The provisions of ss. 723.035, 723.037, 723.038, 723.054, 723.055, 723.056, 723.058, and 723.068 are applicable to mobile home subdivision developers and the owners of lots in mobile home subdivisions.

Section 16. Section 723.058, Florida Statutes, is amended to read:

723.058 Restrictions on sale disposal of mobile homes.—

(1) No mobile home park owner or subdivision developer shall make or enforce any rule, regulation, or rental agreement provision which denies or abridges the right of any mobile home owner or owner of a lot in a mobile home subdivision to sell his mobile home within the park or mobile home subdivision; which prohibits the mobile home owner or the owner of a lot in a mobile home subdivision from placing a "for sale" sign on or in his mobile home (except that the size, placement, and character of all signs are subject to properly promulgated and reasonable rules and regulations of the mobile home park or mobile home subdivision); or which requires the mobile home owner or the owner of a lot in a mobile home subdivision to remove the mobile home from the park or mobile home subdivision solely on the basis of the sale thereof.

(2) The park owner or subdivision developer shall not exact a commission or fee with respect to the price realized by the seller unless the park owner or subdivision developer has acted as agent for the mobile home owner or the owner of a lot in a mobile home subdivision in the sale pursuant to a written contract.

(Renumber subsequent section.)

Amendment 1 as amended was adopted.

Senator Langley moved the following amendment:

Amendment 2—In title, on page 1, strike all of lines 3-10 and insert: recreational vehicles; amending s. 320.91, F.S.; providing that it is unlawful for a motor vehicle dealer or licensee to enter into an agreement with a recreational vehicle park owner or developer granting an exclusive right to sell any recreational vehicle-type unit to be placed in the park or development; providing civil penalties; providing for recovery thereof; amending s. 723.002, F.S., relating to the application of the chapter on mobile home park tenancies, to provide that the chapter applies to a park trailer located on a lot in certain mobile home parks; providing an effective

Senator Langley moved the following amendments to Amendment 2 which were adopted:

Amendment 2A—In title, on page 1, line 12, after "vehicles" insert: and mobile homes

Amendment 2B—In title, on page 1, line 24, after "parks," insert: amending s. 723.002, F.S.; revising language with respect to the application of the Florida Mobile Home Act; amending s. 723.003, F.S.; providing definitions applicable to that act; amending s. 723.005, F.S.; revising language with respect to regulation by the Division of Florida Land Sales, Condominiums, and Mobile Homes to include reference to certain provisions of law; creating s. 723.01, F.S.; providing for disclosure of lot rental amount increases; amending s. 723.011, F.S.; deleting reference to unconscionable lot rental agreements; amending s. 723.013, F.S.; providing for additional disclosures in the absence of an offering prospectus; amending s. 723.014, F.S.; providing remedies for failure to make certain disclosures; amending s. 723.031, F.S.; requiring lot rental agreements to be reasonable and deleting reference to unconscionable lot rental agreements; correcting a cross-reference; amending s. 723.033, F.S.; prohibiting unreasonable lot rental agreements; establishing criteria to determine unreasonableness; providing additional remedies; amending s. 723.037, F.S.; providing for notice; providing for mediation; providing

procedures; allowing mediation of all rent increases in a calendar year for one mobile home park in a single proceeding; amending s. 723.038, F.S.; providing for nonbinding mediation prior to filing court action; providing procedures; providing for appointment of mediators; providing qualifications for mediators; providing for rules of procedure to be established by the mediator in accordance with rules of procedure adopted by the Supreme Court; providing a filing fee; providing for paying the cost of mediation; providing for enforcement of resolution of a dispute; providing for confidentiality; providing immunity for mediators; creating s. 723.0381, F.S.; providing for court-annexed arbitration; requiring the court to refer actions filed pursuant to ch. 723, F.S., to nonbinding arbitration; providing for the parties to share equally the costs of arbitration in certain circumstances; providing for assessment of costs and attorney's fees in certain circumstances; providing for disclosure of an arbitration award in a subsequent court proceeding under certain circumstances; amending ss. 723.002, 723.058, F.S.; providing that restrictions on the disposal of mobile homes are applicable to certain persons; prohibiting certain restrictions against the sale or disposal of mobile homes;

Amendment 2 as amended was adopted.

On motion by Senator Langley, by two-thirds vote CS for SB 2314 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	Diaz-Balart	Kirkpatrick	Stuart
Beard	Dudley	Kiser	Thomas
Brown	Forman	Langley	Thurman
Bruner	Gardner	Malchon	Walker
Casas	Girardeau	McPherson	Weinstein
Childers, D.	Gordon	Meek	Weinstock
Childers, W. D.	Grant	Myers	Woodson-Howard
Crenshaw	Grizzle	Peterson	
Davis	Jennings	Plummer	
Deratany	Johnson	Souto	

Nays—None

CS for HB's 1197 and 861—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.302, F.S.; exempting described persons who drive commercial motor vehicles from certain safety regulations; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote CS for HB's 1197 and 861 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Bankhead	Davis	Grizzle	Plummer
Beard	Deratany	Jennings	Stuart
Brown	Diaz-Balart	Johnson	Thomas
Bruner	Forman	Kirkpatrick	Thurman
Casas	Gardner	Langley	Walker
Childers, D.	Girardeau	Malchon	Weinstein
Childers, W. D.	Gordon	Myers	Woodson-Howard
Crenshaw	Grant	Peterson	

Nays—None

Vote after roll call:

Yea—Kiser

The Senate resumed consideration of—

HB 2509—A bill to be entitled An act relating to victims of crimes and youthful offenders; amending s. 39.12, F.S.; authorizing provision of the juvenile offense report by a law enforcement agency to the victim of the offense, without the name or address of the child unless such information is otherwise public; amending s. 39.408, F.S.; requiring that the parent or guardian and certain others receive notice of hearings in dependency cases; amending s. 415.508, F.S.; specifying when a guardian ad litem must be appointed in child abuse or neglect cases; specifying powers and duties of the guardian ad litem; amending s. 119.07, F.S.; providing confidentiality of specified information received by an agency receiving information from victims of crime; providing for future review and repeal; amending s. 918.16, F.S.; providing that victim or witness advocates may be present when a person under age 16 testifies concerning a sex offense; amending s. 921.001, F.S.; expanding the Sentencing Com-

mission; providing for appointment of a victim advocate member; amending s. 947.146, F.S.; providing for examination of victim impact statements by the Control Release Authority; amending s. 960.001, F.S.; prohibiting exclusion of a victim or victim's witness, guardian, advocate, family member, or other representative from any portion of a hearing or trial pertaining to the offense based on the fact that such person is subpoenaed to testify, except in certain circumstances; authorizing presence of a victim advocate during depositions of a victim; amending s. 960.03, F.S.; redefining "crime" for purposes of victims' rights and crimes compensation; amending s. 960.04, F.S.; revising eligibility for crimes compensation awards; amending s. 958.04, F.S.; providing for certain notification and consultation regarding basic training program placement and extending the time period for the sentencing court to notify the department; amending s. 960.13(5), F.S.; providing that restitution award shall not reduce crimes compensation award unless the victim will be unjustly enriched; providing an appropriation; reenacting s. 960.07(1), F.S., to incorporate the amendment to s. 960.04, F.S., in a reference thereto; amending ss. 947.04 and 947.06, F.S.; providing that parole commission shall meet in various counties; amending s. 901.35, F.S.; providing that an offender injured during commission of a crime or while fleeing apprehension shall pay for care, custody and victim restitution from any settlement received as a result of said injury; amending s. 944.512, F.S.; providing that court may place a lien on said settlement; providing effective dates.

—which had been considered and amended this day.

Senator Woodson-Howard moved the following amendment which was adopted:

**Amendment 2**—On page 8, line 10, after "office," insert: *or one representative from a not-for-profit victim services organization, including, but not limited to, rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups,*

On motion by Senator Thurman, by two-thirds vote HB 2509 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Deratany

**SB 2890**—A bill to be entitled An act relating to building permits; amending s. 553.79, F.S.; requiring owner's authorization to apply for a building permit if the applicant is not the owner; providing an effective date.

—was read the second time by title.

Senator Meek moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 17, after "owner." insert: *For purposes of this subsection, an owner of the property includes any person who holds a leasehold interest in a ground lease in the property with a term, including any renewals thereof, that exceeds 29 years.*

On motion by Senator Meek, by two-thirds vote SB 2890 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	Casas	Davis	Gardner
Beard	Childers, D.	Diaz-Balart	Girardeau
Brown	Childers, W. D.	Dudley	Gordon
Bruner	Crenshaw	Forman	Grant

Grizzle	McPherson	Souto	Weinstein
Jennings	Meek	Stuart	Weinstock
Johnson	Myers	Thomas	Woodson-Howard
Kirkpatrick	Peterson	Thurman	
Langley	Plummer	Walker	

Nays—None

Vote after roll call:

Yea—Deratany, Malchon

**CS for SB 1450**—A bill to be entitled An act relating to children's services; providing for an equitable reimbursement methodology for non-profit residential group care providers; providing for allowable costs, verification of costs, and cost containment; providing for rules; providing an effective date.

—was read the second time by title.

Senator Davis moved the following amendment which was adopted:

**Amendment 1**—On page 3, between lines 6 and 7, insert:

Section 3. Paragraph (a) of subsection (3) of section 39.401, Florida Statutes, is amended to read, paragraph (b) is redesignated as paragraph (c), and a new paragraph (b) is added to said subsection to read:

39.401 Taking a child alleged to be dependent into custody.—

(3) If the child is taken into custody by, or is delivered to, a protective investigator, the protective investigator shall review the facts and make such further inquiry as necessary to determine whether the child should remain in custody or be released. Unless shelter is required as provided in s. 39.402(1), the protective investigator shall:

(a) Release the child to his parent, guardian, legal custodian, or a responsible adult relative who shall be given priority consideration over a nonrelative placement, ~~or a responsible adult approved by the department;~~ or

(b) Release the child to a teacher or principal at the child's school if:

1. An abuse registry check reveals no abuse or neglect reports on the teacher or principal.
2. A local law enforcement check reveals no felony or child-related offenses by the teacher or principal.
3. The teacher or principal has a positive relationship with the child and the child wishes to go with the teacher or principal; and
4. The parents agree for the child to be released to the teacher or principal for no more than 72 hours.

(c) ~~(b)~~ Authorize placement of a housekeeper/homemaker in the home of a child alleged to be dependent until the parent or legal custodian assumes care of the child.

(Renumber subsequent sections.)

Senator Thomas moved the following amendments which were adopted:

**Amendment 2**—On page 3, between lines 6 and 7, insert:

Section 2. (1) The Department of Health and Rehabilitative Services' building on Key Street in Quincy is hereby designated as the R. D. Woodward, Jr. Building.

(2) The department is directed to erect appropriate markers for the building.

(Renumber subsequent sections.)

**Amendment 3**—In title, on page 1, line 7, after the semicolon (;) insert: designating the Department of Health and Rehabilitative Services' office building in Quincy;

On motion by Senator Davis, by two-thirds vote CS for SB 1450 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	Diaz-Balart	Kirkpatrick	Stuart
Beard	Dudley	Kiser	Thomas
Brown	Forman	Langley	Thurman
Bruner	Gardner	Malchon	Walker
Casas	Girardeau	McPherson	Weinstein
Childers, D.	Gordon	Meek	Weinstock
Childers, W. D.	Grant	Myers	Woodson-Howard
Crenshaw	Grizzle	Peterson	
Davis	Jennings	Plummer	
Deratany	Johnson	Souto	

Nays—None

**CS for SB 1558**—A bill to be entitled An act relating to services for delinquent juveniles; 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; authorizing the department to have access to certain records; exempting records released to the department and records developed by the department under the act from public disclosure requirements; providing for future legislative review of these exemptions pursuant to the Open Government Sunset Review Act; requiring the department to adopt rules; providing an effective date.

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

Yeas—34

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

Nays—1

Weinstock

Vote after roll call:

Yea—Malchon

Nay to Yea—Weinstock

**Consideration of Resolution**

On motion by Senator Stuart, by two-thirds vote SR 2800 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Stuart—

**SR 2800**—A resolution honoring the contributions of Mr. James Weldon Wilson of Orlando to this state during 40 years of public service.

WHEREAS, Mr. James Weldon Wilson founded the band program at Jones High School, Orlando, Florida, in 1950; became the third president of the Florida Association of Band Directors in 1960, until its merger with the Florida Bandmasters Association in 1966; was an officer of the Florida Association of Band Directors; was the President of the Florida Bandmasters Association from 1974 through 1975; brought national recognition to the Jones High School Band; and serves as a vice president to the Central Florida Educators Federal Credit Union, a \$130 million dollar corporation, and

WHEREAS, Mr. Wilson was commissioned and designated Ambassador-at-Large as a distinguished representative of Orlando, Florida; did have June 21, 1987 designated and proclaimed "James Weldon Wilson Day" by the City Commissioner, District Six, Orlando, Florida; did have the Jones High School Auditorium dedicated in his name; was proclaimed The Drum Major for Justice (Arts Category) recipient, by the Southern Christian Leadership Conference; and was admitted to the 1990 Native Son Hall of Fame by the Kappa Sigma Omega Chapter of Alpha Kappa Alpha Sorority, and

WHEREAS, the Mayor of Orlando presented to Mr. Wilson a resolution for his devotion, leadership, and exemplary efforts to further the education, skill and progress of his students, and

WHEREAS, he was inducted into the Florida A&M Music Hall of Distinction, NOW, THEREFORE,

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

That the Florida Senate congratulates Mr. James Weldon Wilson for his unwavering pursuit of excellence, through his students, as a music director and outstanding academic instructor; for his community involvement and moral fiber; for his example to his peers; and for his unselfish devotion to society and his limitless love for music, his students, his community, this state, and mankind.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to James Weldon Wilson, 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 motions by Senator Forman, by two-thirds vote CS for HB 3143 was withdrawn from the Committees on Health and Rehabilitative Services; and Appropriations.

On motion by Senator Forman, by two-thirds vote—

**CS for HB 3143**—A bill to be entitled An act relating to developmental disabilities; amending s. 393.063, F.S.; clarifying the professional requirements for psychologists employed in comprehensive transitional education programs; expanding the definition of the term "high-risk child" to include a child who has a physical or genetic anomaly associated with developmental disability as that term is used in ch. 393, F.S., relating to developmental disabilities; amending s. 393.11, F.S.; modifying requirements for the involuntary admission to residential services of certain mentally retarded persons; providing authority for the court to issue orders for the administration of psychotropic medication and behavioral programming; amending s. 393.13, F.S.; revising the rights of clients of the developmental services program; providing an effective date.

—a companion measure, was substituted for CS for SB 1702.

Further consideration of **CS for HB 3143** was deferred.

Consideration of **SB 876** was deferred.

On motions by Senator Grizzle, by two-thirds vote CS for HB 1287 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Grizzle—

**CS for HB 1287**—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; revising credit requirements for high school graduation; amending s. 236.081, F.S.; conforming a cross reference; providing an effective date.

—a companion measure, was substituted for CS for SB 824 and read the second time by title. On motion by Senator Grizzle, by two-thirds vote CS for HB 1287 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	Diaz-Balart	Kirkpatrick	Souto
Brown	Dudley	Kiser	Stuart
Bruner	Forman	Langley	Thomas
Casas	Gardner	Malchon	Thurman
Childers, D.	Girardeau	Meek	Walker
Childers, W. D.	Gordon	Myers	Weinstein
Crenshaw	Grizzle	Peterson	Weinstock
Davis	Jennings	Plummer	Woodson-Howard

Nays—None

On motion by Senator Davis, by two-thirds vote HB 155 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Davis—

**HB 155**—A bill to be entitled An act relating to legal relationship; amending ss. 742.091 and 742.11, F.S., to change the term "legitimate";

expanding provisions relating to artificial insemination to include in vitro insemination; amending s. 63.172, F.S., relating to adoption, and ss. 90.803 and 90.804, F.S., relating to hearsay exceptions in the evidence code, to conform; providing an effective date.

—a companion measure, was substituted for SB 456 and read the second time by title. On motion by Senator Davis, by two-thirds vote HB 155 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Bankhead	Deratany	Johnson	Souto
Beard	Dudley	Kirkpatrick	Stuart
Brown	Forman	Langley	Thomas
Bruner	Gardner	Malchon	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

On motions by Senator Gardner, by two-thirds vote CS for HB 3131 was withdrawn from the Committees on Governmental Operations; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Gardner—

**CS for HB 3131**—A bill to be entitled An act relating to the Spaceport Florida Authority Act; amending s. 331.303, F.S.; providing definitions; amending s. 331.304, F.S.; revising the boundaries of the authority with respect to real property located in Gulf County; amending s. 331.305, F.S.; authorizing the authority to establish procedures, rules, and rates governing the per diem and travel expenses of the members of its board of supervisors and other persons authorized by the board to incur such expenses; subjecting authority per diem and travel expense rules to state law or rules; revising bond authority; providing for the expenditure of funds for entertainment and travel expenses and business clients, guests, and other authorized persons; amending s. 331.310, F.S.; providing additional powers and duties of the board of supervisors; creating s. 331.3101, F.S.; requiring the authority to adopt rules with respect to travel and entertainment expenses; requiring an annual report; providing penalties; amending s. 331.331, F.S.; revising bond authority and reporting requirements; amending s. 331.334, F.S.; providing that bonds do not constitute an obligation, either general or special, of the state; amending s. 331.338, F.S.; revising language with respect to trust agreements; amending s. 331.347, F.S., to conform; amending s. 331.348, F.S.; revising language with respect to investment of funds to include investment through the State Treasurer; amending s. 331.352, F.S.; revising limitations on the power of the authority; providing an effective date.

—a companion measure, was substituted for CS for SB 616 and read the second time by title. On motion by Senator Gardner, by two-thirds vote CS for HB 3131 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Deratany

**SB 860**—A bill to be entitled An act relating to the Museum of Florida History; amending s. 267.072, F.S.; providing that proceeds derived from the sale of merchandise at the museum store in the Museum of Florida History may be deposited into a bank account of a citizen-support organization to support the programs of the museum; providing an effective date.

—was read the second time by title.

Senator Thomas moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 26, after “or” insert: , funds in excess of the amount required to pay employees involved in the direct management of the museum store, may be deposited

**Amendment 2**—In title, on page 1, strike all of lines 4 and 5 and insert: that certain excess funds of the museum store in the Museum

On motion by Senator Thomas, by two-thirds vote SB 860 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	Plummer
Beard	Diaz-Balart	Kirkpatrick	Souto
Brown	Dudley	Kiser	Stuart
Bruner	Forman	Langley	Thomas
Casas	Gardner	Malchon	Thurman
Childers, D.	Girardeau	McPherson	Walker
Childers, W. D.	Gordon	Meek	Weinstein
Crenshaw	Grizzle	Myers	Woodson-Howard
Davis	Jennings	Peterson	

Nays—None

#### Consideration of Resolutions

On motion by Senator Thomas, by unanimous consent—

By Senator Thomas—

**SR 3218**—A resolution commending the Pace High School Patriots baseball team for winning the Class AAA state championship.

WHEREAS, the Pace High School Patriots represent a small community and have battled the odds and schools twice the size of Pace High School in the state championship, and

WHEREAS, on May 12, 1990, the Pace High School Patriots defeated Satellite Beach High School in the Class AAA state championship baseball game, and

WHEREAS, the team, consisting of Tony Ballagas, Brad Ballard, Thad Busby, Danny Brown, Mike Campbell, Skip Carrier, Matt Faust, Ryan Georgi, Randy Grant, Dee Kirkland, Bob Land, Mike Land, Jerry Lee, Tim Lynch, Chad McCranie, Jeremy Melvin, Bryan Moore, Everett Plant, Billy Smith, Jeff Willis, Roman Wilson, and Brett Windham, was ably coached by Head Coach Buddy Smith who was assisted by Brad Marcilliat, George Overby, and Billy Smith, and

WHEREAS, the entire community of Pace is proud of the accomplishments of the team, NOW, THEREFORE,

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

That the Senate hereby commends the Pace High School Patriots for their accomplishments in winning the Class AAA State Baseball Championship and joins the citizens of Pace in saluting the team.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to each member of the team and the coaching staff of the Pace High School Patriots as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Thomas, SR 3218 was read the second time in full and adopted.

On motion by Senator Thomas, by unanimous consent—

By Senator Thomas—

**SR 3220**—A resolution commending Mr. Junius C. Williams.

WHEREAS, Junius C. Williams, principal of T. R. Jackson Elementary School in Santa Rosa County, was the driving force in the May 1989 adoption of the Santa Rosa School District by Florida Agricultural and Mechanical University, thereby creating benefits for both school district and university students, and

WHEREAS, in 1988, Mr. Williams helped establish, and now serves on, the Board of Directors for the Santa Rosa County McKnight Foundation Center for Excellence, which promotes academics and cultural awareness among minority students, and

WHEREAS, J. C. Williams initiated and directed efforts by his faculty to obtain a Department of Education prekindergarten early intervention program grant, which program, now districtwide, serves 112 4-year olds from educationally disadvantaged homes, and

WHEREAS, Mr. Williams was elected by his peers to serve as president of the Santa Rosa County Association of School Administrators for 1989-1990, and

WHEREAS, Mr. Williams is committed to the process of helping young people develop into worthy citizens by enabling them to develop healthy self-concepts and experience success, and

WHEREAS, the motto at T. R. Jackson Elementary School, "Quality Education: A Team Approach," reflects Mr. Williams' philosophy that society will be enhanced when teachers, parents, community and governmental agencies, and business and industry recognize, and communicate to children, the importance of education, and

WHEREAS, Mr. J. C. Williams received the Department of Education's Distinguished Black Educator Recognition Award for Santa Rosa County in 1990, NOW, THEREFORE,

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

That Mr. Junius C. Williams be commended for his outstanding contributions in the field of education.

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

—was introduced out of order and read by title. On motion by Senator Thomas, SR 3220 was read the second time in full and adopted.

**CS for SB 1818**—A bill to be entitled An act relating to the solicitation of funds; amending s. 496.006, F.S.; exempting funds solicited for a person within the geographical area in which that person resides from provisions that require the deposit of such funds into a trust account and restrict the distribution of moneys from the trust account; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 1818 to conform the bill to CS for HB 1135.

Pending further consideration of CS for SB 1818 as amended, on motion by Senator Bruner, by two-thirds vote CS for HB 1135 was withdrawn from the Committee on Economic, Professional and Utility Regulation.

On motion by Senator Bruner, by two-thirds vote—

**CS for HB 1135**—A bill to be entitled An act relating to charitable solicitation; directing the Division of Consumer Services, in conjunction with the Department of Legal Affairs and the Department of State, to report regarding the effects of deregulation of charitable solicitors; providing an effective date.

—a companion measure, was substituted for CS for SB 1818 and read the second time by title. On motion by Senator Bruner, by two-thirds vote CS for HB 1135 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

**CS for SB 2096**—A bill to be entitled An act relating to housing; amending s. 420.0003, F.S.; providing a goal and policies relating to the availability and affordability of housing; establishing duties of the Department of Community Affairs; requiring a review of planning and regulatory processes; amending s. 420.0004, F.S.; providing definitions; amending s. 420.606, F.S.; requiring the Department of Community Affairs to enter into a contract with the community college system to provide affordable housing development training through the community colleges to the staffs of local governments and community-based organizations; requiring the department to include a status report on the training program in its annual housing report; amending s. 420.6075, F.S.; requiring additional housing research and planning tasks; amending s. 420.609, F.S.; revising the membership of the Affordable Housing Study Commission; amending s. 420.627, F.S.; providing for rental security deposit loans and grants under the emergency financial assistance program; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 6, line 25, through page 8, line 18, strike all of said lines and renumber subsequent sections.

**Amendment 2**—On page 9, line 1, through page 12, line 8, strike all of said lines

**Amendment 3**—On page 14, strike all of lines 15-27

**Amendment 4**—On page 18, line 21, through page 19, line 16, strike all of said lines and insert:

(a) *The department shall develop criteria necessary to implement a recoupment program related to security deposit assistance provided under paragraph (4)(e). Assistance shall be in the form of direct payment of security deposits to landlords of families eligible for emergency assistance. When the family vacates the rental unit, the landlord shall refund to the department the amount of the deposit remaining after subtracting any amount retained for damages pursuant to the lease.*

(b) *This program shall be funded from the appropriation for the emergency financial assistance program unless this procedure conflicts with federal requirements or the cost of recapturing rental deposits exceeds the amount recaptured.*

(c) *There is created an Emergency Housing Trust Fund in the State Treasury to be used by the department for the purpose of making grants to eligible persons pursuant to this section. Repayments of funds disbursed under the emergency financial assistance program shall be deposited in this trust fund to the extent allowed by federal and state regulations and shall not revert to the General Revenue Fund.*

Senator Meek moved the following amendment which was adopted:

**Amendment 5**—On page 15, strike all of lines 5-8 and renumber subsequent subsection.

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

**Amendment 6**—In title, on page 1, strike all of lines 23 and 24 and insert: providing for recapture of rental security deposit grants under the emergency financial assistance

**Amendment 7**—In title, on page 1, lines 6 and 7, strike "requiring a review of planning and regulatory processes;"

**Amendment 8**—In title, on page 1, strike all of lines 9-17 and insert: definitions;

On motion by Senator Meek, by two-thirds vote CS for SB 2096 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Beard	Childers, D.	Deratany	Girardeau
Brown	Childers, W. D.	Diaz-Balart	Gordon
Bruner	Crenshaw	Dudley	Grizzle
Casas	Davis	Gardner	Jennings

Johnson	Meek	Souto	Walker
Kirkpatrick	Myers	Stuart	Weinstein
Malchon	Peterson	Thomas	Weinstock
McPherson	Plummer	Thurman	Woodson-Howard

Nays—None

**CS for SB 2142**—A bill to be entitled An act relating to crime prevention; creating ch. 874, F.S., the "Street Terrorism Enforcement and Prevention Act of 1990"; creating s. 874.01, F.S.; providing a short title; creating s. 874.02, F.S.; providing legislative findings and intent; creating s. 874.03, F.S.; providing definitions; creating s. 874.04, F.S.; providing reclassified penalties for youth and street gang activity; creating s. 874.05, F.S.; providing a penalty for participating in a youth and street gang; creating s. 874.06, F.S.; providing a civil cause of action, including treble damages and attorney's fees; creating s. 874.08, F.S.; providing for seizure and forfeiture of profits, proceeds, and instrumentalities of youth and street gangs; creating s. 874.09, F.S.; requiring crime data information reporting; amending s. 893.138, F.S.; providing nuisance remedies with respect to buildings or places used for youth and street gang activity; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for SB 2142 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Grant

**CS for SB 2160**—A bill to be entitled An act relating to state universities; amending s. 240.2601, F.S.; providing for the use of moneys from the Capital Facilities Matching Trust Fund and private donations to construct common areas connecting facilities the construction of which is paid from the fund and from private donations; requiring the return of interest income accruing to private donations to the university foundation; requiring universities to return private donations plus interest earned thereon to donors, if the construction project is canceled; amending s. 240.295, F.S.; providing for the payment of the entire construction costs of a facility at a state university by a private donor; amending s. 240.2605, F.S.; repealing a provision that limits contributions to the New College Foundation Trust Fund account for new donors; providing an effective date.

—was read the second time by title.

On motion by Senator Johnson, the rules were waived to allow the following amendment to be considered:

Senator Johnson moved the following amendment which was adopted:

**Amendment 1**—On page 6, line 14, insert:

Section 4. No university or university direct support organization shall accept or purchase facilities for which the state will be asked for operating funds unless there has been prior approval for acquisition granted by the Legislature.

(Renumber subsequent sections.)

On motion by Senator Johnson, by two-thirds vote CS for SB 2160 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	Deratany	Johnson	Plummer
Beard	Diaz-Balart	Kirkpatrick	Souto
Brown	Dudley	Kiser	Stuart
Bruner	Forman	Malchon	Thomas
Casas	Gardner	Margolis	Thurman
Childers, D.	Girardeau	McPherson	Walker
Childers, W. D.	Gordon	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Peterson	Woodson-Howard

Nays—None

**CS for SB 622**—A bill to be entitled An act relating to procurement by public entities; amending s. 120.53, F.S.; specifying when a protest of specifications in an invitation to bid or request for proposals must be filed; reenacting ss. 24.109(2), 120.54(10), 120.68(8), 287.042(2), 325.208(1), F.S., relating to the Department of the Lottery, model rules of procedure, judicial review, procurement of property and services, and motor vehicle inspections, to incorporate the amendment to s. 120.53, F.S., in references thereto; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote CS for SB 622 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Bankhead	Deratany	Jennings	Souto
Beard	Diaz-Balart	Johnson	Stuart
Brown	Dudley	Kirkpatrick	Thomas
Casas	Forman	Kiser	Thurman
Childers, D.	Gardner	Malchon	Walker
Childers, W. D.	Girardeau	Margolis	Weinstein
Crenshaw	Gordon	McPherson	Weinstock
Davis	Grizzle	Myers	Woodson-Howard

Nays—None

On motions by Senator Dudley, by two-thirds vote HB 211 was withdrawn from the Committees on Judiciary-Civil; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Dudley—

**HB 211**—A bill to be entitled An act relating to publication of legal notices and advertisements; amending s. 50.061, F.S.; revising requirements regarding the charges allowable for the publication of public notices and legal advertisements; authorizing governmental agencies to solicit bids for such publication under certain circumstances; amending ss. 73.031, 75.06, 124.02, 125.56, 155.25, 157.01, 157.06, 157.23, 157.28, 157.31, 165.041, 165.051, 165.052, 171.0413, 171.044, 171.051, 173.04, 230.39, 236.38, 236.39, 333.05, 336.44, and 706.11, F.S.; revising requirements for publication of notice relating to the following: eminent domain actions; bond validation hearings; change of boundaries of county commissioners' districts; adoption of building codes by counties; levies for county public hospitals; petitions for establishment of public ditches or canals, assessments therefor, objections to assessments, soliciting of bids for repair thereof, and reassessments; election regarding merger of two or more municipalities and unincorporated areas or revocation of the charter of a municipality; proclamation by the Secretary of State declaring a municipality inactive; referendum regarding municipal annexation; ordinances regarding voluntary municipal annexation; ordinances and referenda regarding municipal contraction; suits for foreclosure of municipal tax and special assessment liens; school district millage elections; resolution proposing the issuance of school bonds and election with respect thereto; adoption of airport zoning regulations; soliciting of bids for county road construction; finding of lost timber; amending s. 180.24, F.S.; revising the monetary limit on contracts relating to municipal public works which must be advertised by publication and revising requirements for publication of notice; amending ss. 372.312 and 849.38, F.S.; revising the monetary limit relating to advertisement of certain property seized in connection with violation of laws relating to wildlife and gambling that may be forfeited; revising advertisement requirements; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 280 and read the second time by title. On motion by Senator Dudley, by two-thirds vote HB 211 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

**SB 1168**—A bill to be entitled An act relating to public utilities; creating s. 367.0815, F.S.; providing for rate case expenses, including attorney's fees and costs, to be paid by the public utility when a rate case is won by a citizen rather than the utility; providing for proportional payment; providing an effective date.

—was read the second time by title.

The Committee on Economic, Professional and Utility Regulation recommended the following amendment which was moved by Senator Gardner and adopted:

**Amendment 1**—On page 1, line 26, after the period (.) insert: However, no such apportionment shall be allowed if it will cause the utility's return on equity to drop below its authorized range.

On motion by Senator Gardner, by two-thirds vote SB 1168 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	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kirkpatrick	Stuart
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Langley	Thurman
Casas	Girardeau	Malchon	Walker
Childers, D.	Gordon	Meek	Weinstein
Childers, W. D.	Grant	Myers	Weinstock
Crenshaw	Grizzle	Peterson	
Deratany	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Woodson-Howard

**CS for SB 1634**—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.081, F.S.; providing additional criteria for determining the reasonableness of rate case expense; providing an effective date.

—was read the second time by title.

Senator Johnson moved the following amendments which were adopted:

**Amendment 1**—On page 2, between lines 10 and 11, insert:

Section 2. Subsection (7) of section 367.171, Florida Statutes, is amended to read:

367.171 Effectiveness of this chapter.—

(7) Notwithstanding anything in this section to the contrary, the commission shall have exclusive jurisdiction to set rates and charges over all utility systems which are not exempt from commission jurisdiction pursuant to s. 367.022 and whose service transverses county boundaries, whether the counties involved are jurisdictional or nonjurisdictional, except for utility systems that are subject to, and remain subject to, interlocal utility agreements in effect as of January 1, 1991, which create a joint authority established for the purposes of determining the rates, fees, and charges for the systems whose service transverses county boundaries. Unless provided otherwise by agreement, each local government will continue to retain jurisdiction over the regulation of utility services within their boundaries with the exception of the determination of rates, fees, and charges October 1, 1989.

(Renumber subsequent section.)

**Amendment 2**—In title, on page 1, line 5, after the semicolon (;) insert: amending s. 367.171, F.S.; excepting, from regulation by the Public Service Commission, water and wastewater systems that transverse county boundaries pursuant to interlocal utility agreements entered into by January 1, 1991;

On motion by Senator Jennings, by two-thirds vote CS for SB 1634 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	Kirkpatrick	Souto
Beard	Diaz-Balart	Kiser	Thomas
Brown	Dudley	Langley	Thurman
Bruner	Gardner	Malchon	Walker
Casas	Girardeau	McPherson	Weinstein
Childers, D.	Gordon	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	

Nays—None

On motions by Senator Souto, by two-thirds vote CS for HB 935 was withdrawn from the Committees on Commerce, Governmental Operations and Appropriations.

On motion by Senator Souto, by two-thirds vote—

**CS for HB 935**—A bill to be entitled An act relating to cultural affairs; amending chapter 84-232, Laws of Florida, as amended by chapter 88-179, Laws of Florida; increasing duties of Florida's Columbus Hemispheric Commission; revising provisions relating to the membership of the commission; specifying duties of the direct-support organization; providing for an annual audit of the accounts and records of the direct-support organization; creating s. 320.08067, F.S.; providing for the design and issuance of a license plate stamped with the words "The Quincentennial State"; providing additional fees for such license plates; creating the Quincentennial Trust Fund within the Department of Commerce; requiring the Department of Highway Safety and Motor Vehicles to transfer proceeds derived from the sale of the license plate to the Quincentennial Trust Fund; providing for the authorization of the existing direct-support organization to organize and operate a state pavilion at the 1992 World's Fair to be held in Seville, Spain; providing for the deposit of proceeds derived from sales at the pavilion into the Quincentennial Trust Fund; providing appropriations; providing an effective date.

—a companion measure, was substituted for SB 1180 and read the second time by title.

Senator Kiser moved the following amendments which were adopted:

**Amendment 1**—On page 3, strike all of lines 16-21 and insert:

(e) The commission shall jointly coordinate Florida's participation in the 1992 World's Fair with all appropriate state agencies and all activities relating to this state's official representation at the 1992 World's Fair in Seville, Spain.

**Amendment 2**—On page 11, strike all of lines 9-17 and insert:

(3) Any proceeds derived from sales at the state pavilion which exceed the operating expenses thereof must be deposited in the Quincentennial Trust Fund of the department to provide for major international expositions within this state and educational and cultural programs.

**Amendment 3**—On page 11, line 20, after "commerce" insert: for exclusive use by the Columbus Hemispheric Commission direct-support organization,

On motion by Senator Souto, by two-thirds vote CS for HB 935 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Bankhead	Casas	Davis	Gardner
Beard	Childers, D.	Diaz-Balart	Girardeau
Brown	Childers, W. D.	Dudley	Grant
Bruner	Crenshaw	Forman	Grizzle

Jennings	Malchon	Plummer	Walker
Johnson	McPherson	Souto	Weinstein
Kirkpatrick	Meek	Stuart	Weinstock
Kiser	Myers	Thomas	Woodson-Howard
Langley	Peterson	Thurman	

Nays—None

Vote after roll call:

Yea—Deratany

**RECESS**

On motion by Senator Scott, the Senate recessed at 12:03 p.m. to reconvene at 2:00 p.m.

**AFTERNOON SESSION**

The Senate was called to order by the President at 2:30 p.m. A quorum present—38:

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

**Motions**

On motions by Senator Scott, by two-thirds vote CS for HB 2667, HB 2551, CS for SB 608, SB 236 and CS for SB 74 were added to the end of the special order calendar.

**SPECIAL ORDER, continued**

**SB 1220**—A bill to be entitled An act relating to controlled substance violations; creating s. 893.148, F.S.; prohibiting the use of a communication facility to commit or facilitate the commission of a violation of s. 893.13 or s. 893.135, F.S.; providing a definition; providing felony penalties; providing for separate offenses; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote SB 1220 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Davis	Grant	Scott
Bankhead	Deratany	Grizzle	Souto
Beard	Diaz-Balart	Jennings	Thomas
Brown	Dudley	Johnson	Walker
Bruner	Forman	Langley	Weinstein
Casas	Gardner	Malchon	Weinstock
Childers, D.	Girardeau	Meek	Woodson-Howard
Childers, W. D.	Gordon	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Thurman

Consideration of **CS for SB 1084** was deferred.

**SB 876**—A bill to be entitled An act relating to protection from abuse, neglect, and exploitation; amending s. 415.504, F.S.; providing procedures in cases of known or suspected child abuse or neglect when the alleged perpetrator is a public school employee; providing an exemption from public records requirements and providing for review and repeal; amending ss. 415.107, 415.51, and 959.06, F.S.; correcting cross references; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services recommended the following amendment which was moved by Senator Johnson and adopted:

**Amendment 1**—On page 8, line 30, after "representatives" insert: *at the expense of the employee*

On motion by Senator Johnson, by two-thirds vote SB 876 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	Davis	Jennings	Souto
Bankhead	Diaz-Balart	Johnson	Thomas
Beard	Dudley	Kiser	Walker
Brown	Forman	Langley	Weinstein
Bruner	Gardner	Malchon	Weinstock
Casas	Girardeau	Margolis	Woodson-Howard
Childers, D.	Gordon	McPherson	
Childers, W. D.	Grant	Meek	
Crenshaw	Grizzle	Myers	

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick, Thurman

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 has passed SJR's 1990 & 2, with amendments, by the required Constitutional three-fifths vote of the membership and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SJR's 1990 & 2**—A joint resolution proposing an amendment to Section 4, Article III of the State Constitution, relating to legislative procedure.

**House Amendment 1**—On page 1, line 9, through page 3, line 2, strike all of said lines and insert:

That the amendments to Sections 4, 15, and 16 of Article III, and the creation of Section 13 of Article IV and Section 7 of Article VI of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1990:

**ARTICLE III  
LEGISLATURE****SECTION 4. Quorum and procedure.—**

(a) A majority of the membership of each house shall constitute a quorum, but a smaller number may adjourn from day to day and compel the presence of absent members in such manner and under such penalties as it may prescribe. Each house shall determine its rules of procedure.

(b) Sessions of each house shall be public; except sessions of the senate when considering appointment to or removal from public office may be closed.

(c) Each house shall keep and publish a journal of its proceedings; and upon the request of five members present, the vote of each member voting on any question shall be entered on the journal. *In any legislative committee or subcommittee, the vote of each member voting on the final passage of any legislation pending before the committee, and upon the request of any two members of the committee or subcommittee, the vote of each member on any other question, shall be recorded.*

(d) Each house may punish a member for contempt or disorderly conduct and, by a two-thirds vote of its membership, may expel a member.

(e) *The rules of procedure of each house shall provide that, subject to order, decorum, and the conditions set forth below, meetings of more than two members of such house shall be reasonably open to the public. The rules of procedure of each house shall provide, or both houses may provide by joint rules, that conference committee meetings shall be reasonably open to the public, subject to order, decorum, and the conditions set forth below. The rules of each house, and where appropriate, joint rules, shall prescribe which meetings shall require notice and for the method of providing such notice. As used herein, a meeting is a pre-arranged gathering, the purpose of which is to agree upon final action*

that will be taken at a subsequent time, or at which final action is taken, upon pending legislation. Notwithstanding the provisions of this section, a meeting of a legislative committee may be closed where reasonably necessary for security purposes or for the protection of a witness appearing before the committee. Each house shall be the sole judge for the interpretation and enforcement of the provisions of this section.

#### ARTICLE IV EXECUTIVE

##### SECTION 13. Open government.—

(a) The legislature shall provide by law that meetings between or among the governor, the lieutenant governor, a member of the cabinet, or an officer required by statute to be appointed and who supervises the administration of an executive department, or any combination of these individuals, at which an item related to such individual's official duties or related to pending legislation is discussed shall be open to the public, provided that such law may provide for reasonable exceptions where necessary to protect the privacy of a person, the conduct of a criminal investigation, or the confidentiality of information, or such other exceptions as may be determined by the legislature to be appropriate.

(b) Any meeting involving the governor and one or more members of the legislature at which pending legislation is discussed shall be reasonably open to the public as provided by law.

(c) The legislature may, by law, require other meetings involving public officers or employees to be reasonably open to the public.

##### SECTION 15. Terms and qualifications of legislators.—

(a) SENATORS. Senators shall be elected for terms of six years. For the purpose of maintaining staggered terms, one-third of senators shall be elected for terms of two years and one-third of senators shall be elected for terms of four years in the election immediately following a reapportionment as follows: in the election of 1992, senators from districts numbered by a number evenly divisible by three shall be elected for terms of two years and senators from districts numbered by a number which is one number above a number which is evenly divisible by three shall be elected for terms of four years, and every tenth year thereafter, senators from districts which were subject to terms of two years ten years previously shall be elected for terms of six years and senators from districts which were subject to terms of four years ten years previously shall be elected for terms of two years and senators from districts which subject to terms of six years ten years previously shall be elected for terms of four years. ~~four years, those from odd-numbered districts in the years the numbers of which are multiples of four and those from even-numbered districts in even-numbered years the numbers of which are not multiples of four; except, at the election next following a reapportionment, some senators shall be elected for terms of two years when necessary to maintain staggered terms.~~

(b) REPRESENTATIVES. Members of the house of representatives shall be elected for terms of four years, those from odd-numbered districts in years the numbers of which are multiples of four and those from even-numbered districts in even-numbered years the numbers of which are not multiples of four. For the purpose of maintaining staggered terms, one-half of representatives shall be elected for terms of two years and one-half of representatives shall be elected for terms of four years in the election immediately following a reapportionment, as follows: in the election of 1992 and each twentieth year thereafter, representatives from odd-numbered districts shall be elected for terms of two years, and in the election of 2002 and each twentieth year thereafter, representatives from even-numbered districts shall be elected for terms of two years. ~~two years in each even-numbered year.~~

(c) QUALIFICATIONS. Each legislator shall be at least twenty-one years of age, an elector and resident of the district from which elected and shall have resided in the state for a period of two years prior to election.

(d) ASSUMING OFFICE; VACANCIES. Members of the legislature shall take office upon election. Vacancies in legislative office shall be filled only by election as provided by law.

##### SECTION 16. Legislative apportionment.—

(a) SENATORIAL AND REPRESENTATIVE DISTRICTS. The legislature at its regular session in the second year following each decennial census, by joint resolution, shall apportion the state in accordance

with the constitution of the state and of the United States into *forty-two not less than thirty nor more than forty* consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred twenty consecutively numbered representative districts of either contiguous, overlapping or identical territory. Should that session adjourn without adopting such joint resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no other business shall be transacted, and it shall be the mandatory duty of the legislature to adopt a joint resolution of apportionment.

(b) FAILURE OF LEGISLATURE TO APPORTION; JUDICIAL REAPPORTIONMENT. In the event a special apportionment session of the legislature finally adjourns without adopting a joint resolution of apportionment, the attorney general shall, within five days, petition the supreme court of the state to make such apportionment. No later than the sixtieth day after the filing of such petition, the supreme court shall file with the secretary of state an order making such apportionment.

(c) JUDICIAL REVIEW OF APPORTIONMENT. Within fifteen days after the passage of the joint resolution of apportionment, the attorney general shall petition the supreme court of the state for a declaratory judgment determining the validity of the apportionment. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within thirty days from the filing of the petition, shall enter its judgment.

(d) EFFECT OF JUDGMENT IN APPORTIONMENT; EXTRAORDINARY APPORTIONMENT SESSION. A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the supreme court determine that the apportionment made by the legislature is invalid, the governor by proclamation shall reconvene the legislature within five days thereafter in extraordinary apportionment session which shall not exceed fifteen days, during which the legislature shall adopt a joint resolution of apportionment conforming to the judgment of the supreme court.

(e) EXTRAORDINARY APPORTIONMENT SESSION; REVIEW OF APPORTIONMENT. Within fifteen days after the adjournment of an extraordinary apportionment session, the attorney general shall file a petition in the supreme court of the state setting forth the apportionment resolution adopted by the legislature, or if none has been adopted reporting that fact to the court. Consideration of the validity of a joint resolution of apportionment shall be had as provided for in cases of such joint resolution adopted at a regular or special apportionment session.

(f) JUDICIAL REAPPORTIONMENT. Should an extraordinary apportionment session fail to adopt a resolution of apportionment or should the supreme court determine that the apportionment made is invalid, the court shall, not later than sixty days after receiving the petition of the attorney general, file with the secretary of state an order making such apportionment.

#### ARTICLE VI SUFFRAGE AND ELECTIONS

SECTION 7. Public campaign financing.—The state shall provide funds for the public financing of the campaigns of candidates for the offices of governor and lieutenant governor and member of the cabinet, and may provide funds for the public financing of the campaigns of candidates for other state offices, as provided by law. Public campaign financing shall be funded by a fee of no less than \$10 to be paid on each annual report filed by a corporation or a partnership. The amount of this fee may be increased by law, and other funding sources may be provided by law. The funds derived pursuant to this section and laws enacted pursuant hereto shall be deposited into the Election Campaign Financing Trust Fund, to be disbursed to candidates as provided by law.

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

#### OPEN MEETINGS; COMPOSITION OF SENATE; LEGISLATIVE TERMS; PUBLIC CAMPAIGN FINANCING

Requires legislature to provide by rule or law for open governmental meetings and for the recordation of certain legislative committee votes. Increases senate membership from 40 to 45 members and terms of legisla-

tors by two years. Requires public financing of statewide executive branch candidates and authorizes such financing for other state offices.

**House Amendment 2**—On page 1, in the title, lines 2-5, strike all of said lines and insert: A joint resolution proposing an amendment to Sections 4, 15, and 16 of Article III and the creation of Section 13 of Article IV, and Section 7 of Article VI of the State Constitution, relating to public officers, legislators, and members of the executive branch.

On motions by Senator Scott, the Senate refused to concur in the House amendments and the House was requested to recede and in the event the House refused to recede a conference committee was requested. The action of the Senate was certified to the House.

#### SPECIAL ORDER, continued

##### Reconsideration

On motion by Senator Kiser, the rules were waived and the Senate reconsidered the vote by which—

**CS for HB 935**—A bill to be entitled An act relating to cultural affairs; amending chapter 84-232, Laws of Florida, as amended by chapter 88-179, Laws of Florida; increasing duties of Florida's Columbus Hemispheric Commission; revising provisions relating to the membership of the commission; specifying duties of the direct-support organization; providing for an annual audit of the accounts and records of the direct-support organization; creating s. 320.08067, F.S.; providing for the design and issuance of a license plate stamped with the words "The Quincentennial State"; providing additional fees for such license plates; creating the Quincentennial Trust Fund within the Department of Commerce; requiring the Department of Highway Safety and Motor Vehicles to transfer proceeds derived from the sale of the license plate to the Quincentennial Trust Fund; providing for the authorization of the existing direct-support organization to organize and operate a state pavilion at the 1992 World's Fair to be held in Seville, Spain; providing for the deposit of proceeds derived from sales at the pavilion into the Quincentennial Trust Fund; providing appropriations; providing an effective date.

—as amended passed this day.

On motion by Senator Kiser, by two-thirds vote the Senate reconsidered the vote by which CS for HB 935 was read the third time.

On motion by Senator Kiser, the Senate reconsidered the vote by which **Amendment 3** was adopted. **Amendment 3** was withdrawn.

Senator Kiser moved the following amendments which were adopted:

**Amendment 4**—On page 11, lines 21 and 22, strike ". . . and appropriate other personal service positions and related expenses are authorized" and insert: . . . for the purpose of contracting with Florida's Columbus Hemispheric Commission, Inc., a direct-support organization authorized by Chapter 88-179, Laws of Florida

**Amendment 5**—On page 11, line 31, through page 12, line 5, strike all of said lines and insert: . . . is appropriated to the Department of Commerce for the purpose of contracting with Florida's Columbus Hemispheric Commission, Inc., a direct-support organization authorized by Chapter 88-179, Laws of Florida, for activities sanctioned by the Commission

On motion by Senator Kiser, by two-thirds vote CS for HB 935 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	Grizzle	Meek
Bankhead	Deratany	Jennings	Myers
Beard	Diaz-Balart	Johnson	Souto
Brown	Dudley	Kirkpatrick	Thomas
Bruner	Forman	Kiser	Thurman
Casas	Gardner	Langley	Walker
Childers, D.	Girardeau	Malchon	Weinstock
Childers, W. D.	Gordon	Margolis	Woodson-Howard
Crenshaw	Grant	McPherson	

Nays—None

##### Senator W. D. Childers presiding

On motions by Senator Langley, by two-thirds vote CS for HB 821 was withdrawn from the Committees on Commerce; and Economic, Professional and Utility Regulation.

On motion by Senator Langley—

**CS for HB 821**—A bill to be entitled An act relating to the Motor Fuel Marketing Practices Act; amending s. 526.303, F.S.; defining the terms "direct labor cost," "reasonable rental value," and "rent"; redefining the term "motor fuel"; providing an effective date.

—a companion measure, was substituted for CS for SB's 1232 and 1518 and read the second time by title. On motion by Senator Langley, by two-thirds vote CS for HB 821 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Bankhead	Deratany	Jennings	Souto
Beard	Diaz-Balart	Johnson	Thomas
Brown	Dudley	Langley	Thurman
Bruner	Forman	Malchon	Walker
Casas	Gardner	Margolis	Weinstock
Childers, D.	Girardeau	McPherson	Woodson-Howard
Childers, W. D.	Gordon	Meek	
Crenshaw	Grizzle	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

##### Reconsideration

On motion by Senator Johnson, the Senate reconsidered the vote by which—

**SB 876**—A bill to be entitled An act relating to protection from abuse, neglect, and exploitation; amending s. 415.504, F.S.; providing procedures in cases of known or suspected child abuse, or neglect when the alleged perpetrator is a public school employee; providing an exemption from public records requirements and providing for review and repeal; amending ss. 415.107, 415.51, and 959.06, F.S.; correcting cross references; providing an effective date.

—as amended passed this day.

On motion by Senator Johnson, by two-thirds vote the Senate reconsidered the vote by which SB 876 was read the third time.

On motion by Senator Johnson, the Senate reconsidered the vote by which **Amendment 1** was adopted.

Senator Johnson moved the following substitute amendment which was adopted:

**Amendment 2**—On page 1, line 15, strike everything after the enactment clause and insert:

Section 1. Paragraph (a) of subsection (1) of section 415.505, Florida Statutes, is amended to read:

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

(1)(a) The department shall be capable of receiving and investigating reports of known or suspected child abuse or neglect 24 hours a day, 7 days a week. If it appears that the immediate safety or well-being of a child is endangered, that the family may flee or the child will be unavailable for purposes of conducting a child protective investigation, or that the facts otherwise so warrant, the department shall commence an investigation immediately, regardless of the time of day or night. In all other child abuse or neglect cases, a child protective investigation shall be commenced within 24 hours of receipt of the report. *In institutional child abuse cases where the institution is not operating and the child cannot otherwise be located, the investigation shall commence immediately upon the program resuming operation. The alleged perpetrator shall be entitled to legal representation, at his or her expense, during questioning in connection with the investigation, but the absence of counsel shall not prevent the department from proceeding with other aspects of the investigation including interviews with other persons. Legal counsel shall be bound by the confidentiality of s. 415.51. In the event the alleged perpetrator is employed in a non-residential institutional public educational setting, and the alleged abuse occurred as a matter of carrying out his duty as an employee in the educational setting, the alleged perpetrator may request a qualified representative as recognized by the*

local school district to be present during the investigation provided that the qualified representative agrees to be bound by the confidentiality provisions of s. 415.51. If requested by a state attorney and/or local law enforcement agency, the department shall furnish all investigative reports to those agencies.

Section 2. This act shall take effect upon becoming a law.

Senator Johnson moved the following amendment which was adopted:

**Amendment 3**—In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to protection from abuse, neglect and exploitation; amending s. 415.505, F.S.; providing for immediate commencement of investigations in certain institutional child abuse cases; entitling the alleged perpetrator to certain representation at the onsite investigation; providing an effective date.

On motion by Senator Johnson, by two-thirds vote SB 876 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	Diaz-Balart	Johnson	Myers
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Langley	Thurman
Casas	Girardeau	Malchon	Walker
Childers, D.	Gordon	Margolis	Weinstein
Childers, W. D.	Grizzle	McPherson	Weinstock
Deratany	Jennings	Meek	Woodson-Howard

Nays—None

On motions by Senator Meek, by two-thirds vote CS for HB 2599 was withdrawn from the Committees on Community Affairs, Governmental Operations and Appropriations.

On motion by Senator Meek, by two-thirds vote—

**CS for HB 2599**—A bill to be entitled An act relating to manufacturers; amending s. 229.8053, F.S.; providing for creation of a not-for-profit corporation; providing powers and duties; providing for a program of training and assistance for small disadvantaged manufacturers; providing legislative intent; providing an effective date.

—a companion measure, was substituted for SB 1472.

Further consideration of **CS for HB 2599** was deferred.

On motions by Senator Forman, by two-thirds vote CS for HB 3059 was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Forman, by two-thirds vote—

**CS for HB 3059**—A bill to be entitled An act relating to persons who have disabilities; amending s. 318.21, F.S.; providing that a portion of the proceeds of fines imposed for violations of traffic regulations be deposited in the Transportation Disadvantaged Trust Fund and be used to provide transportation for handicapped persons; amending s. 400.021, F.S.; defining “transitional living facility”; creating s. 400.045, F.S.; requiring the Department of Health and Rehabilitative Services to develop rules for licensing certain facilities; amending s. 413.602, F.S., and repealing subsection (6), relating to definitions; removing the definition of “halfway house”; defining “transitional living facility”; amending s. 413.603, F.S.; providing for establishment of a plan for a system of treatment; creating s. 413.614, F.S.; requiring the department to develop rules for licensing certain facilities; providing program goals and requirements; creating s. 413.70, F.S.; creating the Limiting Disabilities Program; providing a purpose; creating s. 413.71, F.S.; providing definitions; creating s. 413.72, F.S.; providing for eligibility; creating s. 413.73, F.S.; providing duties and responsibilities of the Division of Vocational Rehabilitation of the Department of Labor and Employment Security; creating s. 413.731, F.S.; providing for funding; authorizing contracting; creating s. 413.74, F.S.; providing for referral and cooperation by other public agencies; amending s. 413.341, F.S.; providing for confidentiality of certain records; providing a penalty; amending s. 320.0848, F.S.; providing for issuance of exemption parking permits to qualified persons; specifying time limits on said permits; providing for certification by chiropractic physicians; specifying criteria for applicants eligible for permits; specifying the contents of the certificate of disability; providing for renewal of exemption permits; requiring the exemption permit to be a placard; specifying the contents

of the temporary exemption permit; prohibiting the department from issuing more than 2 permits; specifying fees and disbursement; authorizing counties and municipalities to increase the required number of handicapped parking spaces; prohibiting false or misleading statements in the application or physician’s certification; providing penalties; providing for rules; amending s. 318.30, F.S.; revising language with respect to legislative intent relating to civil traffic infraction hearing officers; amending s. 316.1967, F.S., requiring counties to provide the Department of Highway Safety and Motor Vehicles with lists of persons who have violated handicapped parking laws or ordinances; requiring the department to mark the vehicle registrations of such persons; amending s. 316.1956, F.S., making conforming changes; amending s. 316.1955, F.S., including reference to certain license plates for disabled parking; amending s. 316.1964, F.S., exempting certain permits from parking fees; amending s. 526.141, F.S., requiring full-service gasoline stations to dispense self-service gasoline to vehicles with certain permits; amending s. 316.008, F.S., correcting a cross reference; reenacting s. 316.1957, F.S., relating to parking violations, s. 316.1958, F.S., relating to out-of-state vehicles, s. 318.18, F.S., relating to amount of civil penalties, and s. 320.03, F.S., relating to registration, to incorporate the amendments to ss. 526.141, 320.0848, 316.1967, 316.1964, 316.1956, 316.1955, and 316.008, F.S., in references thereto; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for SB 1084 and read the second time by title.

Senator Thomas moved the following amendment which was adopted:

**Amendment 1**—On page 5, between lines 9 and 10, insert:

Section 3. Subsections (3), (4), (5), (6), (7), and (8) of section 400.23, Florida Statutes, are renumbered as subsections (4), (5), (6), (7), (8), and (9), respectively, and a new subsection (3) is added to said section to read:

400.23 Rules; minimum standards; evaluation and rating system; fee for review of plans.—

(3) *The department shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care which utilizes a rate-setting mechanism whereby the rates are reasonable and adequate to cover a nursing home’s cost which must be incurred by an efficiently and economically operated facility in order to provide care and services in conformance with the applicable state and federal laws, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care. In the establishment of any maximum rate of payment, whether overall or component, the department shall base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment. Whenever the quality of patient care in rural facilities with a high Medicaid caseload is threatened because of a nursing shortage, the department shall permit an interim rate adjustment for such providers within funds appropriated.*

(Renumber subsequent sections.)

On motion by Senator Thomas, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

Further consideration of **CS for HB 3059** was deferred.

**CS for SB 1238**—A bill to be entitled An act relating to education; amending s. 200.001, F.S., relating to school millages; correcting cross-references; amending s. 228.195, F.S.; clarifying language relating to school breakfast programs; amending s. 230.2305, F.S.; revising provisions relating to children to be served by the prekindergarten early intervention program; amending s. 230.2316, F.S.; revising provisions relating to student participation in educational alternatives programs; amending s. 233.0681, F.S.; revising provisions relating to proposed programs to identify and train occupational specialists; amending s. 234.02, F.S.; revising provisions relating to school board use of motor vehicles other than school buses for transporting students; amending s. 234.091, F.S.; revising licensing requirements for school bus drivers; amending s. 235.04, F.S.; providing for rules relating to disposal of property; amending s. 235.056, F.S.; revising provisions relating to lease of educational facilities and sites; amending s. 235.212, F.S.; revising provisions relating to low-energy usage features in the design and construction of educational facilities; amending s. 235.26, F.S.; requiring the development of building accessibility standards for children; amending s. 236.081, F.S.; revising provi-

sions relating to the required local effort calculation; amending s. 236.083, F.S.; revising provisions relating to the determination of students who may be transported; amending s. 236.25, F.S.; revising provisions relating to use of millage for payment of loans; providing effective dates.

—was read the second time by title.

Senator Johnson moved the following amendments which were adopted:

**Amendment 1**—On page 2, line 10, strike everything after the enacting clause and insert:

Section 1. Paragraphs (a) and (b) of subsection (3) of section 200.001, Florida Statutes, are amended to read:

200.001 Millages; definitions and general provisions.—

(3) School millages shall be composed of five categories of millage rates, as follows:

(a) Nonvoted required school operating millage, which shall be that nonvoted millage rate set by the county school board for current operating purposes and imposed pursuant to s. 236.02(7)(6).

(b) Nonvoted discretionary school operating millage, which shall be that nonvoted millage rate set by the county school board for operating purposes other than the rate imposed pursuant to s. 236.02(7)(6) and other than the rate authorized in s. 236.25(2).

Section 2. Paragraph (a) of subsection (5) of section 228.195, Florida Statutes, is amended to read:

228.195 School food service programs.—

(5) SCHOOL BREAKFAST PROGRAMS.—

(a) Each school district shall implement school breakfast programs in all elementary schools by the beginning of the 1991-1992 school year. Breakfast programs shall make breakfast available to all students in kindergarten through grade 6 in each district school, unless the elementary school goes only through grade 5, in which case the requirement shall apply only through grade 5. Breakfast programs shall be phased in over a 3-year period, beginning July 1, 1989, and ending June 30, 1992.

1. The first phase shall be from July 1, 1989, to June 30, 1990. During the first phase, each school district shall develop a 3-year plan for implementing breakfast programs in all elementary schools.

2. The second phase shall be from July 1, 1990, to June 30, 1991. During the second phase, each school district shall implement breakfast programs in elementary schools in which 40 percent of the student population is eligible to be served free and reduced price meals as reported for the second preceding year, to the extent specifically funded in the General Appropriations Act.

3. The third phase shall be from July 1, 1991, to June 30, 1992. During the third phase and each year thereafter, each school district shall implement breakfast programs in all elementary schools in which students are eligible for free and reduced price lunch meals, to the extent specifically funded in the General Appropriations Act.

The Commissioner of Education may grant a 1-year extension to schools which cannot, for good cause, meet the deadlines specified in this paragraph. The commissioner may renew the extension for 1 additional year. A school district may operate a breakfast program providing for food preparation at the school site or in central locations with distribution to designated satellite schools or any combination thereof.

Section 3. Paragraph (a) of subsection (2) and paragraph (a) of subsection (9) of section 230.2305, Florida Statutes, are amended to read:

230.2305 Prekindergarten early intervention program.—

(2) PROGRAM.—There is hereby created the prekindergarten early intervention program for children who are 3 and 4 years of age. A prekindergarten early intervention program shall be administered by a district school board and shall receive state funds pursuant to subsection (9). Prekindergarten early intervention programs shall be implemented and conducted by school districts pursuant to a plan developed and approved as provided in this section. School district participation in the

prekindergarten early intervention program shall be at the discretion of each school district.

(a) Beginning with the 1989-1990 school year, at least 75 percent of the children projected to be served by the district program shall be economically disadvantaged 4-year-old children, including migrant children. Other children projected to be served by the district program may include any of the following up to a maximum of 25 percent of the total number of children served:

1. Three-year-old and four-year-old children who are referred to the school system who may not be economically disadvantaged but who are abused, drug addicted, from foster homes, or who are marginal in terms of Exceptional Student Education placement.;

2. *Three-year-old children and four-year-old children who may not be economically disadvantaged but who are eligible handicapped students and served in a specific part-time or combination of part-time exceptional student education programs with required special services, aids, or equipment and who are reported for funding part-time in the Florida Education Finance Program as exceptional students. These students may be funded from prekindergarten early intervention program funds the portion of the time not funded by the Florida Education Finance Program for the actual instructional time or one full-time equivalent student membership, whichever is the lesser. These part-time handicapped students shall be counted toward the 25-percent student limit based on full-time equivalent student membership funded part-time by prekindergarten early intervention program funds. Also, three-year-old or four-year-old eligible handicapped students who are reported for funding in the Florida Education Finance Program in a full-time or an authorized combination of full-time and part-time exceptional student programs as provided in s. 236.081(1)(c) may be mainstreamed in the prekindergarten early intervention program if such programming is reflected in the student's individual educational plan, if required special services, aids, or equipment are provided, and if there is no operational cost to prekindergarten early intervention program funds. These full-time exceptional students shall not count against the 75-percent or 25-percent student limit as stated in this paragraph.*

3. Economically disadvantaged 3-year-old children served in groups.;

4. Economically disadvantaged 3-year-old children served at home through home visitor programs and intensive parent education programs.;

5. Children who meet federal and state requirements for eligibility for the migrant preschool program but who do not meet the criteria of "economically disadvantaged" as defined in paragraph (b), who shall not pay a fee.

6. After the groups listed in subparagraphs 1., 2., and 3., and 4. have been served, 3-year-old and 4-year-old children who are not economically disadvantaged and for whom a fee is paid for the children's participation.

(9) FUNDING.—

(a) This section shall be implemented only to the extent that funding is available. State funds appropriated for the prekindergarten early intervention program may not be used for the construction of new facilities, the transportation of students, or the purchase of buses, but may be used for educational field trips which enhance the curriculum. A portion of such funds, as determined by the commissioner, may be used to remodel or renovate existing facilities pursuant to the provisions of chapter 235, to lease facilities in accordance with subsection (3) of this section, and to purchase classroom equipment to allow the implementation of the prekindergarten early intervention program. A portion of such funds may also be used to provide training for program teachers and administrative personnel employed by the school district and by agencies with which the school district contracts for the provision of prekindergarten services. Beginning July 1, 1990 ~~1989~~, and ending June 30, 1991 ~~1990~~, up to \$1,000,000 of such funds shall be allocated by the commissioner to supplement the school transportation formula as specified in s. 236.083 to fully reimburse school districts for the transportation of prekindergarten students. If the \$1,000,000 is insufficient to cover the calculation, the allocation shall be prorated. Funds may also be used to provide the prekindergarten early intervention program for more than 180 school days.

Section 4. Paragraph (a) of subsection (4) of section 230.2316, Florida Statutes, is amended to read:

230.2316 Dropout prevention.—

(4) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.—All programs funded pursuant to the provisions of this section shall be positive and shall reflect strong parental and community involvement. In addition, specific programs shall meet the following criteria:

(a) Educational alternatives programs.—

1. The program differs from traditional education programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and employs alternative teaching methodologies, curricula, learning activities, or diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. Student participation in such programs shall be voluntary. The minimum period of time during which the student participates in the program shall be equivalent to three instructional periods per day unless the program utilizes a resource or tutorial model rather than regularly scheduled courses. The minimum period of time for a student in grades 6-12 9-12 may be equivalent to two instructional periods per day. ~~The minimum period of time for a student in grades 6-8 may be equivalent to two instructional periods per day if the student is enrolled at least three periods or the equivalent in a state or federal compensatory education program.~~

2. The student has been identified as being a potential dropout based upon one of the criteria:

a. The student has shown a lack of motivation in school through grades which are not commensurate with documented ability levels, high absenteeism, or other documentation provided by student services personnel;

b. The student has not been successful in school as determined by retentions, failing grades, or low achievement test scores and has needs and interests that cannot be met through federal or state compensatory education programs or exceptional education programs;

c. The student has been identified as a potential school dropout by student services personnel using district or state criteria.

Section 5. Subsection (1) of section 231.15, Florida Statutes, is amended to read:

231.15 Positions for which certificates required.—

(1) The State Board of Education shall have authority to classify school services and to prescribe rules in accordance with which the professional, temporary, part-time, adjunct, and substitute certificates shall be issued by the Department of Education to school employees who meet the standards prescribed by such rules for their class of service. Each person employed or occupying a position as school supervisor, helping teacher, principal, teacher, library media specialist, *school counselor*, adjunct instructor, athletic coach, or substitute teacher, or other position in which the employee serves in an instructional capacity, in any public school of any district of this state shall hold the certificate required by law and by rules of the state board in fulfilling the requirements of the law for the type of service rendered. However, the state board shall adopt rules authorizing school boards to employ selected noncertificated personnel to provide instructional services in the individuals' fields of specialty or to assist instructional staff members as teacher aides. Each person who is employed and renders service as a substitute teacher or athletic coach in any public school in any district of this state shall hold a valid substitute, part-time, temporary, or professional certificate. Each person employed as a school nurse shall hold a license to practice nursing in the state, and each person employed as a school physician shall hold a license to practice medicine in the state.

Section 6. Subsection (2) of section 233.0681, Florida Statutes, is amended to read:

233.0681 Occupational specialists; training, etc.—

(2) ~~Pursuant to policies and regulations to be adopted by the Board of Education:~~

(a) Each school board may submit to the Department of Education a proposed program designed to identify and train occupational specialists, ~~including therewith a statement of the number of individuals to be~~

~~included in the program, an itemized statement of the estimated total cost of the program, and a copy of a school board resolution indicating its intention to provide at least 25 percent of the total cost of the program if approved by the department;~~

(b) ~~Plans for providing occupational specialists may include, but are not limited to:~~

1. ~~An internship program established by one or more district school boards in cooperation with an academic institution; and~~

2. ~~A plan developed by one or more districts in cooperation with a college of education or the State Department of Education for identifying, recruiting, and training occupational specialists.~~

(c) Upon the request of any school board, the department shall provide such technical assistance to the school board as is necessary to develop and submit a proposed program. ~~The department may use its own staff or such consultants as may be necessary to accomplish this purpose; and~~

(d) The department shall review and approve, disapprove, or resubmit to the school board for modification all proposed programs submitted. ~~For those programs approved, the department shall authorize distribution of funds in an amount not to exceed 75 percent of the total cost of the proposed program.~~

Section 7. Subsection (1) of 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 prekindergarten programs through grade 12. 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.

(d) 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, ~~and such transportation is shall~~ be provided in a passenger car ~~or van~~ not to exceed eight students in designated seating ~~positions 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.

Section 8. Section 234.091, Florida Statutes, is amended to read:

234.091 General qualifications.—Each school bus driver shall be of good moral character, of good vision and hearing, able-bodied, free from communicable disease, mentally alert, and sufficiently strong physically to handle the bus with ease and to make emergency repairs, and he shall possess such other qualifications as are prescribed by the state board, and he shall hold a valid chauffeur's license issued by the Department of Highway Safety and Motor Vehicles or a comparable license issued by the school bus driver's state of residence.

Section 9. Effective April 1, 1991, section 234.091, Florida Statutes, as amended by chapter 89-282, Laws of Florida, is amended to read:

234.091 General qualifications.—Each school bus driver shall be of good moral character, of good vision and hearing, able-bodied, free from

communicable disease, mentally alert, and sufficiently strong physically to handle the bus with ease and to make emergency repairs, and he shall possess such other qualifications as are prescribed by the state board, and he shall hold a valid commercial driver's license with a passenger endorsement issued, in accordance with the requirements of chapter 322, by the Department of Highway Safety and Motor Vehicles.

Section 10. 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 of Education*, 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 11. Paragraph (b) of subsection (2) and paragraph (a) of subsection (3) of section 235.056, Florida Statutes, are amended to read:

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

(2)

(b) A lease contract for 1 year or less, when extended or renewed beyond a year, becomes a multiple-year lease, and *the facility or site must also be inspected and approved by the office.*

(3)(a) A board 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 *the facility or site must also be inspected and approved by the office.* Any available funds may be authorized to be expended for such purposes.

Section 12. Subsection (1) of section 235.212, Florida Statutes, is amended to read:

235.212 Low-energy use design; solar energy systems; swimming pool heaters.—

(1)(a) Passive design elements and low-energy usage features shall be included in the design and construction of new educational facilities. *Operable glazing consisting of at least 5 percent of the floor area shall be placed in each classroom located on the perimeter of the building* ~~Based upon justification developed with a value analysis, design for natural or natural and low-energy usage mechanical ventilation that will permit the satisfactory use of the facilities without air conditioning or heating when ambient conditions are moderate is required in the design of student occupied facilities, except in auxiliary facilities, music rooms, gyms, locker and shower rooms, special laboratories requiring special climate control, and large group instruction areas having a capacity of more than 100 persons.~~

(b) In the remodeling and renovation of educational facilities which have existing natural ventilation, adequate sources of natural ventilation shall be retained, or a combination of natural and low-energy usage mechanical equipment shall be provided that will permit the use of the

facility without air conditioning or heat when ambient conditions are moderate, ~~except as provided in paragraph (a) above.~~ However, the Commissioner of Education is authorized to waive this requirement when environmental conditions, particularly noise and pollution factors, preclude the effective use of natural ventilation.

Section 13. Present paragraphs (e) and (f) of subsection (2) of section 235.26, Florida Statutes, are redesignated as paragraphs (f) and (g), respectively, and a new paragraph (e) is added to said subsection 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.

(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS REQUIRED FOR APPROVAL.—A board shall not approve any plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants unless these plans conform to the requirements of the Uniform Building Code. It shall also be the responsibility of the office to develop, as a part of the Uniform Building Code, standards relating to:

(e) *Notwithstanding ss. 553.48 and 553.49, the office shall develop standards on accessibility for children.*

Section 14. Paragraph (r) of subsection (1) of section 236.081, Florida Statutes, is redesignated as paragraph (s) and a new paragraph (r) is added to said subsection, and paragraph (f) is added to subsection (4) of said section, 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:

(r) *Year-round-school programs.—The Commissioner of Education is authorized to adjust student eligibility definitions, funding criteria, and reporting requirements of statutes and rule in 1990-1991 and 1991-1992 in order that year-round-school programs may achieve equivalent application of funding requirements with non-year-round-school programs. The commissioner shall develop and submit for consideration in the 1992 legislative session appropriate proposed amendments to statutes to implement equivalent funding for year-round-school programs. A "year-round school" means a school where each student receives at least 180 days of instruction as provided for in s. 228.041(16); however, rather than attending school for 8 or 9 consecutive months with consecutive months for vacation or beyond 180-day school year instructional periods, students are offered educational opportunities over an 11-month or 12-month period, with shorter, staggered vacation periods or beyond 180-day school year instructional periods throughout the year.*

(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:

(f) *Adjustment.*—In the event that the required local effort calculation causes the net state amount, exclusive of adjustments because of audit or prior year calculation adjustment, to be a negative amount, it shall be adjusted to zero.

Section 15. Paragraph (c) of 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, in migrant and exceptional student programs below kindergarten, and in any other state-funded prekindergarten program 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:

(c) By reason of being in a state prekindergarten ~~early-intervention~~ program, regardless of distance from school;

Section 16. Paragraph (f) of subsection (2) of section 236.25, Florida Statutes, 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 2 mills against the nonexempt assessed valuation for school purposes to fund:

(f) Payment of loans approved pursuant to ss. ~~§~~ 237.161 and ~~§~~ 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 17. Notwithstanding section 236.25(2), Florida Statutes, school districts are not subject to an equal dollar reduction in Florida Education Finance Program funds for violations of former sections 235.435(1)(c) and 236.25(2)(b), Florida Statutes, 1988 Supplement, which violations occurred prior to July 1, 1989, if the Department of Education did not provide an equal dollar reduction of Florida Education Finance Program funds, before July 1, 1989, for such violations.

Section 18. Except as otherwise provided herein, this act shall take effect July 1, 1990, or upon becoming a law, whichever occurs later.

**Amendment 2**—On page 16, lines 21-30, and on page 17, lines 1 and 2, strike all of said lines

**Amendment 3**—In title, on page 2, lines 15 and 16, strike “and provisions relating to the required local effort calculation”

**Amendment 4**—In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to education; amending s. 200.001, F.S., relating to school millages; correcting cross-references; amending s. 228.195, F.S.; clarifying language relating to school breakfast programs; amending s. 230.2305, F.S.; revising provisions relating to children to be served by the prekindergarten early intervention program; providing for allocation of funds; amending s. 230.2316, F.S.; revising provisions relating to student participation in educational alternatives programs; amending s. 231.15, F.S.; requiring certification of school counselors; amending s. 233.0681, F.S.; revising provisions relating to proposed programs to identify and train occupational specialists; amending s. 234.02, F.S.; revising provisions relating to school board use of motor vehicles other than school buses for transporting students; amending s. 234.091, F.S.; revising licensing requirements for school bus drivers; amending s. 235.04, F.S.; providing for rules relating to disposal of property; amending s. 235.056, F.S.; revising provisions relating to lease of educational facilities and sites; amending s. 235.212, F.S.; revising provisions relating to low-energy usage features in the design and construction of educational facilities; amending s. 235.26, F.S.; requiring the development of building accessibility standards for children; amending s. 236.081, F.S.; revising provisions relating to computation of the basic amount to be included for operation and provisions relating to the required local effort calculation; amending s. 236.083, F.S.; revising provisions relating to the determination of students who may be transported; amending s. 236.25, F.S.; revising provisions relating to use of millage for payment of loans; exempting school districts from a provision that requires the reduction of moneys provided to them pursuant to

the Florida Education Finance Program, under certain circumstances; providing effective dates.

On motion by Senator Johnson, by two-thirds vote CS for SB 1238 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	Deratany	Johnson	Peterson
Beard	Diaz-Balart	Kirkpatrick	Plummer
Brown	Dudley	Kiser	Souto
Bruner	Forman	Langley	Thomas
Casas	Gardner	Malchon	Thurman
Childers, D.	Gordon	Margolis	Walker
Childers, W. D.	Grant	McPherson	Weinstein
Crenshaw	Grizzle	Meek	Weinstock
Davis	Jennings	Myers	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Girardeau

**CS for SB 1726**—A bill to be entitled An act relating to driving under the influence; amending s. 316.193, F.S.; requiring that the parent or guardian of a minor be notified of the minor's conviction for driving under the influence; providing an effective date.

—was read the second time by title.

Senator Weinstock moved the following amendments which were adopted:

**Amendment 1**—On page 1, between lines 16 and 17, insert:

Section 2. Subsection (9) of section 39.01, Florida Statutes, is amended, present subsections (29) through (57) are renumbered as subsections (30) through (58), respectively, and a new subsection (29) is added to said section, to read:

39.01 Definitions.—When used in this chapter:

(9) “Child who has committed a delinquent act” means a child who, pursuant to the provisions of this chapter, is found by a court to have committed a felony, a misdemeanor, contempt of court, or a violation of a local penal ordinance, *other than a juvenile traffic offense*, and whose case has not been prosecuted as an adult case, except that this definition shall not include an act constituting contempt of court arising out of a dependency proceeding or a proceeding pursuant to part IV ~~Y~~ of this chapter.

(29) “*Juvenile traffic offense*” means a violation by a child of a state law or local ordinance pertaining to the operation of a motor vehicle; however, the following offenses do not constitute juvenile traffic offenses but constitute delinquent acts for the purposes of this chapter:

(a) *Fleeing or attempting to elude a law enforcement officer or failing or refusing to comply with any lawful order or direction of any police officer or member of the fire department in violation of s. 316.072.*

(b) *Leaving the scene of a collision or an accident involving death, personal injury, or property damage.*

(c) *Driving while under the influence of alcoholic beverages, narcotic drugs, barbiturates, or other stimulants in violation of s. 316.193.*

(d) *Driving a vehicle in willful or wanton disregard for the safety of persons or property in violation of s. 316.192.*

(e) *Driving without a valid operator's license or while the license is suspended or revoked.*

Section 3. Subsection (1) of section 39.02, Florida Statutes, is amended to read:

39.02 Jurisdiction.—

(1) The circuit court shall have exclusive original jurisdiction of proceedings in which a child is alleged to have committed a delinquent act, including those delinquent acts prescribed in s. 39.01(29), or violation of law. The circuit court may have jurisdiction in those cases where the child has been found guilty of two or more juvenile traffic offenses

within 6 months only if the court having jurisdiction over traffic offenses waives jurisdiction and certifies the case to the circuit court. In such case, a petition of delinquency, which may include or consist of the uniform traffic complaint, shall be filed in the circuit court, and the case shall be heard de novo as a delinquency proceeding.

(Renumber subsequent section.)

**Amendment 2**—In title, on page 1, strike all of lines 1-6 and insert: A bill to be entitled An act relating to juvenile traffic offenses; amending s. 316.193, F.S.; requiring that the parent or guardian of a minor be notified of the minor's conviction for driving under the influence; amending s. 39.01, F.S.; providing definitions; amending s. 39.02, F.S.; expanding jurisdiction of circuit court in delinquency proceedings; providing an effective date.

Senator Johnson moved that the Senate reconsider the vote by which **Amendment 1** was adopted. The motion failed.

On motion by Senator Crenshaw, by two-thirds vote CS for SB 1726 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	Davis	Jennings	Myers
Bear	Diaz-Balart	Kirkpatrick	Souto
Brown	Dudley	Kiser	Thurman
Bruner	Forman	Langley	Walker
Casas	Gardner	Malchon	Weinstock
Childers, D.	Gordon	Margolis	
Childers, W. D.	Grant	McPherson	
Crenshaw	Grizzle	Meek	

Nays—1

Johnson

Vote after roll call:

Yea—Woodson-Howard

Yea to Nay—Davis

**SB 1712**—A bill to be entitled An act relating to education; amending s. 232.26, F.S.; requiring the suspension of pupils charged with certain delinquent acts; specifying the length of suspensions of pupils charged with a felony or delinquent act; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote SB 1712 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Deratany	Jennings	Myers
Bear	Diaz-Balart	Johnson	Souto
Brown	Dudley	Kirkpatrick	Thomas
Bruner	Forman	Kiser	Thurman
Casas	Gardner	Langley	Walker
Childers, D.	Girardeau	Malchon	Weinstein
Childers, W. D.	Gordon	Margolis	Weinstock
Crenshaw	Grant	McPherson	
Davis	Grizzle	Meek	

Nays—None

Vote after roll call:

Yea—Woodson-Howard

**SB 1730**—A bill to be entitled An act relating to filing fees; amending s. 28.241, F.S.; increasing surcharges for deposit into the Court Education Trust Fund; providing an effective date.

—was read the second time by title.

Senator Weinstein moved the following amendment:

**Amendment 1**—On page 1, strike all of lines 22 and 23 and insert: additional service charge of \$7 \$6 shall be paid to the clerk for each civil action filed, \$6 \$5 of such charge to be remitted by

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

**Amendment 1A**—On page 1, line 6, strike "6" and insert: 7

**Amendment 1** as amended was adopted.

Senator Weinstein moved the following amendment:

**Amendment 2**—On page 2, between lines 14 and 15, insert:

Section 2. Subsection (5) of section 34.041, Florida Statutes, is amended to read:

34.041 Service charges and costs.—

(5) In addition to the filing fees provided in subsection (1), in all civil cases, the sum of \$6.00 \$5.00 per case shall be paid by the plaintiff when filing his action for the purpose of funding the court costs. Such funds shall be remitted to the general revenue fund.

(Renumber subsequent section.)

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

**Amendment 2A**—On page 1, line 22, strike "\$6.00" and insert: \$7.00

**Amendment 2** as amended was adopted.

Senator Weinstein moved the following amendment which was adopted:

**Amendment 3**—In title, on page 1, line 4, after the semicolon (;) insert: amending s. 34.041, F.S.; increasing service charges in civil cases;

On motion by Senator Davis, by two-thirds vote SB 1730 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	Johnson	Plummer
Bear	Diaz-Balart	Kiser	Souto
Brown	Dudley	Langley	Stuart
Bruner	Forman	Malchon	Walker
Casas	Gardner	Margolis	Weinstein
Childers, D.	Gordon	McPherson	Weinstock
Childers, W. D.	Grant	Meek	Woodson-Howard
Crenshaw	Grizzle	Myers	
Davis	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—Girardeau, Kirkpatrick, Thurman

On motions by Senator Bankhead, by two-thirds vote CS for HB 2843 was withdrawn from the Committees on Transportation; and Finance, Taxation and Claims.

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

**CS for HB 2843**—A bill to be entitled An act relating to motor vehicles; amending s. 320.02, F.S.; providing for a hold on the registration or renewal of motor vehicle registration if the owner of the vehicle has a driver's license under suspension for failure to comply with the penalty requirements of certain civil traffic infractions or criminal traffic offenses; directing the Department of Highway Safety and Motor Vehicles to take certain action; amending s. 322.61, F.S.; providing for disqualification from operating a commercial motor vehicle upon conviction of certain traffic offenses; amending s. 322.64, F.S.; providing for disqualification from operating a commercial motor vehicle for a person who operates a commercial motor vehicle with an unlawful blood alcohol level or refuses to submit to a test for alcohol or drugs; requiring notice; providing for formal and informal review of the disqualification; providing an exemption from the Administrative Procedure Act; providing for inadmissibility of certain evidence; amending s. 322.2615, F.S.; creating s. 320.91, F.S.; prohibiting certain agreements between recreational vehicle park owners or developers and motor vehicle dealers or licensees; providing a penalty; providing for administrative suspension after receiving results of a blood test; providing effective dates.

—a companion measure, was substituted for CS for SB 2042 and by two-thirds vote read the second time by title.

Senator Bankhead moved the following amendments which were adopted:

**Amendment 1**—On page 13, strike all of lines 1-22

**Amendment 2**—On page 2, line 11, after “levied” insert: *in this state*

**Amendment 3**—On page 13, between lines 22 and 23, insert:

Section 3. Subsection (2) of section 207.004, Florida Statutes, is amended to read:

207.004 Registration of motor carriers; identifying devices; fees; renewals; trip, emergency, and annual permits.—

(2) Identifying devices shall be issued each year for the period January 1 through December 31, or any portion thereof, if tax returns and tax payments, when applicable, have been submitted to the department for prior reporting periods. *Identifying devices may be displayed for the next succeeding indicia period beginning November 1 of each year. Identifying devices issued for the December 1, 1987, through November 30, 1988, registration period shall be extended through December 31, 1988.*

Section 4. Subsection (3) of section 207.005, Florida Statutes, is amended to read:

207.005 Returns and payment of tax; delinquencies; calculation of fuel used during operations in the state; credit; bond.—

(3) For the purpose of computing the carrier's liability for the road privilege tax, the total gallons of fuel used in the propulsion of any commercial motor vehicle in this state shall be multiplied by the rates provided in chapter 206 and part II of chapter 212. From the sum determined by this calculation, there shall be allowed a credit equal to the amount of the tax per gallon under chapter 206 and part II of chapter 212 for each gallon of fuel purchased in this state during the reporting period when the special fuel or motor fuel tax was paid at the time of purchase. If the tax paid under chapter 206 and part II of chapter 212 exceeds the total tax due under this chapter, the excess may be allowed as a credit against ~~future the tax payments due during the succeeding 12 month reporting period.~~ A refund may be made for this credit *provided it exceeds \$10.*

Section 5. Section 1 of chapter 87-198, Laws of Florida, is amended to read:

Section 1. (1) The fuel use tax function and all functions directly linked to and solely a part of the administration of fuel use tax by the Department of Revenue, and all statutory powers, duties, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds related thereto, are transferred to the Department of Highway Safety and Motor Vehicles and assigned to the Division of Motor Vehicles.

(2) *The Department of Highway Safety and Motor Vehicles may make assessments, and exercise its other authority under this section, with respect to the fuel use tax during the same period of time as to which the Department of Revenue may make assessments under s. 95.091(3), Florida Statutes, as amended from time to time. Each person required by such tax to act in the administration of the tax shall keep books and records relating to the tax, as described in s. 213.35, Florida Statutes, and other applicable law, for the duration of the period during which assessments may be made, and shall enjoy the same limitation upon actions to collect such taxes as is established under s. 95.091, Florida Statutes. Both of the statutes specifically referenced in this subsection, and other applicable law, shall, for all purposes of chapter 207, Florida Statutes, be construed in accordance with this subsection, regardless of the limited application on their face to the Department of Revenue.*

Section 6. Paragraph (d) is added to subsection (3) of section 320.0715, Florida Statutes, to read:

320.0715 International Registration Plan; motor carrier services; permits; retention of records.—

(3)

(d) *Application for permanent registration must be made to the department within 10 days from issuance of a temporary operational permit. Failure to file an application within this 10-day period may result in cancellation of the temporary operational permit.*

Section 7. Paragraph (j) is added to subsection (1) of section 320.131, Florida Statutes, and subsection (2) of said section is amended, to read:

320.131 Temporary tags.—

(1) The department is authorized and empowered to design, issue, and regulate the use of temporary tags to be designated “temporary tags” for use in the following cases:

(j) *In any case where a permanent license plate can not legally be issued to an applicant and a temporary license plate is not specifically authorized under the provisions of this section, the department shall have the discretion to issue temporary license plates to applicants demonstrating a need for such temporary use.*

Further, the department is authorized to disallow the purchase of temporary tags by licensed dealers, common carriers, or financial institutions in those cases where abuse has occurred.

(2) The department is authorized to sell temporary tags, in addition to those listed above, to their agents and where need is demonstrated by a consumer complainant. The fee shall be \$1 each with the proceeds being deposited into the General Revenue Fund. Agents of the department shall sell temporary tags for \$1 each and shall charge the service charge authorized by s. 320.04 per transaction, regardless of the quantity sold. Requests for purchase of temporary tags to the department or its agents shall be made, where applicable, on letterhead stationery and notarized. A temporary tag shall be valid for 30 20 days and no more than two shall be issued to the same person for the same vehicle.

Section 8. Subsection (2) of section 320.15, Florida Statutes, is amended to read:

320.15 Refund of license tax.—

(2) The refund provisions of this section apply to vehicles registered under the International Registration Plan, ~~including cases of overpayment or duplicate registration.~~ *In this circumstance these circumstances,* only the portion of license tax retained by this state and the pro rata license tax on the unused registration period may be refunded if the amount is \$100 or more.

Section 9. Subsections (4) and (5) are added to section 320.14, Florida Statutes, to read:

320.14 Fractional license tax.—

(4) *For a trailer or semitrailer taxed under s. 320.08(5) or (7)(a), there shall be no reduction in the annual license tax paid for a half-year or quarter-year registration.*

(5) *Any truck tractor which is used exclusively for hauling agricultural products and which is not required to be apportioned may register for any 3-month period or 6-month period and pay, respectively, one-quarter or one-half of the annual registration rate provided in s. 320.08.*

(Renumber subsequent sections.)

**Amendment 4**—On page 13, line 23, insert:

Section . Section 349.05, Florida Statutes, is amended to read:

349.05 Bonds of the authority.—

(1)(a) The bonds of the authority issued pursuant to the provisions of this chapter, *whether an original issuance or on refunding,* shall be authorized by resolution of the members thereof and may be either term or serial bonds ~~and~~ shall bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, ~~not exceeding 7.5 percent per annum,~~ payable semiannually, be in such denominations, be in such form, either coupon or fully registered, ~~shall~~ carry such registration, exchangeability, and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption, and be entitled to such priorities on the revenues, rates, fees, rentals, or other charges or receipts of the authority including the Duval County gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department, as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, provided that such bonds shall bear at least one signature which is manually executed thereon, and the coupons attached to such bonds shall bear the facsimile signature or signatures of

such officer or officers as shall be designated by the authority and shall have the seal of the authority affixed, imprinted, reproduced, lithographed thereon, all as may be prescribed in such resolution or resolutions.

(b) *Such bonds must be sold at public sale in the manner provided by the State Bond Act. However, if the authority, by official action at a public meeting, determines that a negotiated sale of the bonds is in the best interest of the authority, the authority may negotiate for sale of the bonds with the underwriter or underwriters designated by the authority and the Division of Bond Finance of the Department of General Services. Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority may determine.*

~~(b) Prior to any sale of bonds the authority shall cause notice to be given by publication in some newspaper published in the county that the authority will receive bids for the purchase of the bonds at the office of the authority in the county. Said notice shall be published twice and the first publication shall be given not less than 15 days prior to the date set for receiving the bids. Said notice shall specify the amount of the bonds offered for sale and shall state that the bids shall be sealed bids, shall give the schedule of the maturities of the proposed bonds and such other pertinent information as may be prescribed in the resolution authorizing the issuance of such bonds or any resolution subsequent thereto. Bidders may be invited to name the rate of interest which the bonds are to bear or the authority may name rate of interest and invite bids thereon. In addition to publication of notice of the proposed sale the authority shall also give notice in writing of the proposed sale enclosing a copy of such advertisement to the secretary of the Department of Transportation and to at least three recognized bond dealers in the state, such notice to be given not less than 10 days prior to the date set for receiving the bids.~~

~~(c) All bonds and refunding bonds issued pursuant to this chapter shall be sold to the highest and best bidder at such public sale unless sold at a better price or yield basis within 30 days after failure to receive an acceptable bid at a duly advertised public sale, provided that the interest cost to the authority on such bonds shall not exceed 7.5 percent per annum, and provided further, that the authority shall have the right to reject all bids and cause a new notice to be given in like manner inviting other bids for such bonds. In determining the highest and best bidder for bonds offered for sale, the net interest cost to the authority as shown in standard bond tables shall govern; provided, that the determination of the authority as to the highest and best bidder shall be final. Pending the preparation of definitive bonds, interim certificates may be issued to the purchaser or purchasers of such bonds, and may contain such terms and conditions as the authority may determine.~~

~~(d) The authority may require all bidders for said bonds to give security by bond or deposit to the authority to insure that the bidder shall comply with the terms of the bid, and any bidder whose bid shall be accepted shall be liable to the authority for all damages on account of the nonperformance of the terms of such bid or to a forfeiture of the deposit required by the authority.~~

(2) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions which shall be part of the contract with the holders of such bonds, as to:

(a) The pledging of all or any part of the revenues, rates, fees, rentals, including the sales surtax adopted pursuant to s. 212.055(1) (including all or any portion of the Duval County gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department, or any part thereof), or other charges or receipts of any nature of the authority, whether or not derived by the authority from the Jacksonville Expressway System;

(b) The completion, improvement, operation, extension, maintenance, repair, lease or lease-purchase agreement of said system, and the duties of the authority and others, including the department, with reference thereto;

(c) Limitations on the purposes to which the proceeds of the bonds, then or hereafter to be issued, or of any loan or grant by the United States or the state may be applied;

(d) The fixing, charging, establishing, and collecting of rates, fees, rentals, or other charges for use of the services and facilities of the Jacksonville Expressway System or any part thereof;

(e) The setting aside of reserves or sinking funds or repair and replacement funds and the regulation and disposition thereof;

(f) Limitations on the issuance of additional bonds;

(g) The terms and provisions of any lease-purchase agreement, deed of trust or indenture securing the bonds, or under which the same may be issued; and

(h) Any other or additional agreements with the holders of the bonds which the authority may deem desirable and proper.

~~(3)(a) The authority may employ fiscal agents as provided by this chapter or the State Board of Administration may, upon request by the authority, act as fiscal agent for the authority in the issuance of any bonds that may be issued pursuant to this part, and the State Board of Administration may, upon request by the authority, take over the management, control, administration, custody, and payment of any or all debt services or funds or assets now or hereafter available for any bonds issued pursuant to this part. The State Board of Administration of Florida shall be the fiscal agent of the authority for any bonds issued by the authority pursuant to this chapter whenever the authority requires the issuance of bonds related to or dependent upon pledging of Duval County gasoline tax funds; but the state board of administration need not be the fiscal agent for the authority in the issuance of bonds not related to or dependent upon the pledging of Duval County gasoline tax funds. The authority may enter into deeds of trust, indentures, or other agreements with its said fiscal agent, or with any bank or trust company within or without the state, with the consent of said board, as security for such bonds, and may, under such agreements, assign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority, including all or any portion of the Duval County gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department, thereunder. Such deed of trust, indenture, or other agreement, may contain such provisions as is customary in such instruments or, as the authority may authorize, including, but without limitation, provisions as to:~~

~~(a)1. The completion, improvement, operation, extension, maintenance, repair, and lease of, or lease-purchase agreement relating to, the Jacksonville Expressway System, and the duties of the authority and others, including the department, with reference thereto;~~

~~(b)2. The application of funds and the safeguarding of funds on hand or on deposit;~~

~~(c)3. The rights and remedies of the trustee and the holders of the bonds; and~~

~~(d)4. The terms and provisions of the bonds or the resolutions authorizing the issuance of the same.~~

~~(4)(b) Any of the bonds issued pursuant to this chapter are, and are hereby declared to be, negotiable instruments, and shall have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the state.~~

~~(5) Notwithstanding any of the provisions of this chapter, each project, building, or facility which has been financed by the issuance of bonds or other evidences of indebtedness under this chapter and any refinancing thereof is hereby approved as provided for in Article VII, s. 11(e) of the State Constitution.~~

(Renumber subsequent section.)

**Amendment 5**—In title, on page 1, line 30, after the semicolon (;) insert: amending s. 349.05, F.S.; repealing a maximum limit on the interest rates of bonds issued by the Jacksonville Transportation Authority; deleting provisions that require publication of notice of the sale of such bonds; revising the procedure for the sale of such bonds to provide that such bonds must be sold pursuant to the State Bond Act and to provide for the underwriting of such bonds; specifying provisions that such bonds may contain; authorizing the authority to employ fiscal agents; revising a provision that authorizes the State Board of Administration to act as fiscal agent for the authority;

**Amendment 6**—On page 1, strike line 30 and insert: results of a blood test; amending s. 207.004, F.S.; revising language with respect to identifying devices on motor carriers to provide for display for certain periods; amending s. 207.005, F.S.; providing a limitation on the application of refunds for credits with respect to the road privilege tax; amend-

ing chapter 87-198, Laws of Florida; providing for the responsibilities of the Department of Highway Safety and Motor Vehicles with respect to the fuel use tax; amending s. 320.0715, F.S.; revising language with respect to the International Registration Plan to provide a time period for application for permanent registration; amending s. 320.131, F.S.; providing an additional case where the department may issue temporary tags; providing an increase in the time period that temporary tags may be issued for; amending s. 320.15, F.S.; revising language with respect to the refund of license taxes under the International Registration Plan; amending s. 320.14, F.S.; limiting reduction of tag fees for trailers or semitrailers; providing reduction of tag fees for truck tractors which haul agricultural products only; providing effective

**Amendment 7**—In title, on page 1, strike all of lines 25-28 and insert: providing a penalty; providing

On motion by Senator Bankhead, by two-thirds vote CS for HB 2843 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Deratany	Kiser	Souto
Beard	Dudley	Langley	Thomas
Brown	Forman	Malchon	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	Scott	

Nays—None

**SB 1872**—A bill to be entitled An act relating to education; requiring the Commissioner of Education to coordinate the development of model curriculum standards for specified courses of study; providing requirements for the model curriculum standards; requiring a review and determination of skill levels of certain courses of study; providing for technical assistance to school districts in implementing changes required by a model curriculum standard; requiring the State Board of Education to adopt curriculum standards; requiring school districts to compare certain educational activities with curriculum standards; providing an effective date.

—was read the second time by title.

Senator Peterson moved the following amendments which were adopted:

**Amendment 1**—On page 3, between lines 11 and 12, insert:

Section 2. Comprehensive revision of Florida's system of school improvement and education responsibility.—

(1) The Legislature intends that Florida establish a system of school improvement and responsibility based on the performance of students and educational programs. The school improvement and responsibility system shall use procedures and programs established locally to improve public schools and increase their responsibility for students' attaining identified outcomes.

(2) Florida's system for school improvement and education responsibility shall:

- (a) Establish state and local education goals.
- (b) Increase the use of educational outcomes over educational processes in assessing educational programs.
- (c) Redirect state fiscal and human resources to assist school districts and schools to meet state and local goals for student success in school and in later life.

(3) In developing the state system of public education, the State Board of Education shall establish statewide goals for educational achievements. Goals shall be established for at least the following educational issues:

- (a) Readiness to start school;
- (b) Graduation rate;
- (c) Readiness for postsecondary education or employment;

- (d) Student performance; and
- (e) School safety and environment.

Section 3. Implementation of state system of educational responsibility and school improvement.—

(1) Based on the recommendations of the Commission to Improve Schools and Simplify Education Reports, the commissioner shall develop and implement plans for the following programs and procedures:

(a) A system of data collection and analysis that will improve information about the educational success of individual students and schools. The information and analyses must be capable of identifying educational programs or activities in need of improvement.

(b) A program of school improvement that will analyze information to identify schools, educational programs, or educational activities in need of improvement.

(c) A method of delivering services to assist school districts and schools to improve.

(d) A method of coordinating with the state educational goals and school improvement plans any other state program that creates incentives for school improvement.

(2) The Department of Education shall implement a training program to develop among state and district educators a cadre of facilitators of school improvement. These facilitators shall assist schools and districts to implement school improvement programs to meet state goals.

Section 4. Commission to improve schools and simplify education reports.—

(1) There is established the Commission to Improve Schools and Simplify Education Reports, which is assigned to the Department of Education. The commission shall be assigned to the Office of the Commissioner of Education for administrative purposes, but shall exercise its responsibilities independently. The commission shall study and may recommend improvements in all education reports that serve as evaluations, accountability measures, or management tools for public education, kindergarten through grade 12. Its reports and recommendations must be made available to the Legislature, the State Board of Education, other appropriate governmental officials, and the public schools in this state.

(2) The commission shall be composed of 11 members, of whom four must be appointed by the Commissioner of Education and three must be appointed by the Governor. The commissioner shall appoint a teacher, a school administrator, a parent of a child in a public school in Florida, and a representative of the postsecondary academic community. The Governor shall appoint representatives of the business community. The chairpersons of the education committees of the Senate and the House of Representatives or their designees and a representative of the Executive Office of the Governor shall serve as voting ex officio members. The Commissioner of Education shall be an ex officio voting member and shall serve as chairperson. The lay members must be approved by three members of the State Board of Education other than the Governor and confirmed by the Senate.

(3) The commissioner shall call the first meeting of the commission and subsequent meetings must be held as often as the commission deems necessary to carry out its responsibilities.

(4) The commission shall appoint an executive director, who shall serve at its pleasure, to perform the duties assigned to him by the commission. The executive director shall be the chief administrative officer of the commission and shall be responsible for appointing all commission employees and staff members, who shall serve under his direction and control.

(5) Lay members shall be entitled to receive travel and per diem expenses as provided in section 112.061, Florida Statutes, while performing their duties under this act, and legislators shall be entitled to receive travel and per diem expenses as provided by the Joint Legislative Management Committee for meetings of legislative committees.

Section 5. Powers and duties of the commission.—The commission shall:

(1) Document and analyze all statutes, laws, and rules of the State Board of Education that require reports evaluating activities conducted by public educational institutions in this state, kindergarten through grade 12. This analysis must include a review of reports submitted to comply with any statute, law, or rule and must contain an evaluation of the extent to which the reports constitute a sound and efficient system to assist program evaluation and resource decisions at the state, district, and school levels.

(2) Prepare and submit to the State Board of Education a plan for public education report simplification. The plan must describe a comprehensive public school reporting system, including content and appropriate distribution of accountability reports, coordination with federal requirements, and agency responsibilities. The plan must also contain components of ways to improve measurement of student outcomes, including the development of methods of assessing higher level skills of thinking and problem-solving; of increasing the use of data on student performance for program improvement; and of improving the data available to elected officials who wish to determine resource needs of the educational system.

(3) Recommend to the Legislature and the State Board of Education any changes in statutes or administrative rules that would improve or simplify the use of student evaluations, program evaluations, and reports of educational outcomes for planning and allocating resources to public school programs.

(4) Recommend to the Legislature and the State Board of Education any changes in statutes or administrative rules that would establish a coordinated system of resource allocation to schools or school districts based on evaluations of the outcomes of the programs conducted by a school or school district.

(5) The commission shall carry out its responsibilities within 3 years after its first meeting. The commission is abolished October 1, 1994, and shall be reviewed by the Legislature prior to that date pursuant to section 11.611, Florida Statutes.

#### Section 6. Elderly Education Program Grants.—

(1) Contingent upon annual funding by the Legislature, the Department of Education shall administer a grant program for planned non-credit instructional activities or programs for adults who are 65 years of age or older. Any instructional activity or program provided according to this section must have an innovative format that would make it difficult or impossible to register students and calculate them for reporting for funding through the Florida Education Finance Program or the Community College Program Fund. Eligible activities include but are not limited to seminars, publications, public service presentations, and multi-media events. People under 65, especially families and caretakers of older people, may be included in activities provided by the program if those activities are designed expressly to benefit people over 65.

(2) The State Board of Education shall adopt rules to govern the distribution of funds, administration procedures, and evaluation of the Elderly Education Program. The rules shall include at least the following provisions:

(a) Content of requests from school districts and community colleges.

(b) Methods of enhancing cooperative ventures among school districts, community colleges, public and private community service agencies, and agencies with special missions or statewide jurisdiction such as public universities, Developmental Research Schools, and the Florida School for the Deaf and the Blind.

(c) Guidelines for the Commissioner of Education to award grants for the program.

(d) The method of distributing funds for the program equitably statewide and among school districts and community colleges. This method shall include provisions for assuring cooperation among community colleges and school districts serving the same population of older people.

(e) Maximum administrative cost.

(f) Requirements for oversight and evaluation, which may include participation by state-level advocacy groups.

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 15, after the semicolon (;) insert: requiring a comprehensive revision of Florida's system of school improvement and education responsibility; providing legislative intent; providing responsibilities of the system; requiring the State Board of Education to develop goals for certain educational achievements; requiring the Commissioner of Education to develop and implement certain plans; requiring the Department of Education to develop a training program; creating the Commission to Improve Schools and Simplify Education Reports within the Department of Education; providing membership and authorization for the commission to employ staff; allowing reimbursement of travel and per diem expenses; providing duties and responsibilities; providing for future abolition and legislative review of the commission; creating an Elderly Education Program; requiring the Department of Education to administer the program of noncredit activities; providing eligibility of grant recipients and participants; requiring the State Board of Education to adopt rules to implement the program;

On motion by Senator Peterson, by two-thirds vote SB 1872 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	Johnson	Plummer	
Davis	Kirkpatrick	Scott	
Diaz-Balart	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Deratany

The Senate resumed consideration of—

**CS for HB 2599**—A bill to be entitled An act relating to manufacturers; amending s. 229.8053, F.S.; providing for creation of a not-for-profit corporation; providing powers and duties; providing for a program of training and assistance for small disadvantaged manufacturers; providing legislative intent; providing an effective date.

On motions by Senator Meek, CS for HB 2599 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—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	Johnson	Plummer	
Davis	Kirkpatrick	Scott	
Diaz-Balart	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Deratany

**SB 1838**—A bill to be entitled An act relating to soil and water conservation; amending s. 582.05, F.S.; providing duty of the soil and water conservation districts; authorizing specific appropriations for district operations; providing for administration by the Department of Agriculture and Consumer Services; providing for annual funding of the districts; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendment which was moved by Senator D. Childers and adopted:

**Amendment 1**—On page 3, line 11, strike "shall" and insert: may

Senator Bruner moved the following amendment which was adopted:

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

Section 2. Subsection (2) of section 582.19, Florida Statutes, is amended to read:

582.19 Qualifications and tenure of supervisors.—

(2) The supervisors shall designate a chairman and may, from time to time, change such designation by majority vote. The term of office of each supervisor shall be 4 years, except that two supervisors shall be elected to serve for initial terms of 2 years, respectively, from the date of their election as provided in this chapter. A supervisor shall hold office until his successor has been elected and qualified. The selection of successors to fill an unexpired term shall be in accordance with s. 582.18(2). Selection for a full term in a newly created district shall be by election of the qualified electors of the district. A majority of the supervisors shall constitute a quorum and the concurrence of a majority of the supervisors in any matter within their duties shall be required for its determination. A supervisor shall receive no compensation for his services, but he shall, with approval of the supervisors of the district, be reimbursed for travel expenses as provided in s. 112.061. *Notwithstanding any provisions to the contrary in s. 112.061, reimbursable travel expenses may include expenses for travel within the district to attend all meetings, both regular and special called meetings, if the district has budgeted and is funded for such expenses.*

(Renumber subsequent sections.)

On motion by Senator D. Childers, by two-thirds vote SB 1838 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	Deratany	Margolis	Thomas
Beard	Diaz-Balart	McPherson	Thurman
Brown	Dudley	Meek	Walker
Bruner	Forman	Myers	Weinstein
Casas	Gordon	Peterson	Weinstock
Childers, D.	Grant	Plummer	Woodson-Howard
Childers, W. D.	Grizzle	Scott	
Crenshaw	Johnson	Souto	
Davis	Kirkpatrick	Stuart	

Nays—None

Vote after roll call:

Yea—Girardeau, Malchon

Consideration of CS for SB 1958 was deferred.

**SB 1848**—A bill to be entitled An act relating to disabled veterans; amending s. 295.16, F.S.; expanding an exemption from county and municipal license and permit fees for disabled veterans who make improvements upon their residences for the purpose of making the residences accessible to themselves; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 1848 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Deratany	Johnson	Stuart
Beard	Diaz-Balart	Kirkpatrick	Thomas
Brown	Dudley	Malchon	Thurman
Bruner	Forman	Margolis	Walker
Casas	Gardner	McPherson	Weinstein
Childers, D.	Girardeau	Meek	Weinstock
Childers, W. D.	Gordon	Myers	Woodson-Howard
Crenshaw	Grant	Plummer	
Davis	Grizzle	Souto	

Nays—None

**CS for SB 2794**—A bill to be entitled An act relating to health insurance; amending s. 627.646, F.S.; specifying required coverage in policies converted from group policies; specifying applicability; amending s. 627.6645, F.S.; requiring a refund of unearned premium; amending s. 627.667, F.S.; requiring extension of benefits with respect to specified

coverages; amending s. 627.6675, F.S.; limiting applicability of provision requiring convertibility of group policies; specifying benefits required in such converted policies; reenacting ss. 627.6515(2)(c), 627.6651, 627.9303(7), F.S., relating to out-of-state groups, liability of prior insurer, and life maintenance contracts, to incorporate the amendments to ss. 627.667, 627.6675, F.S., in references thereto; renumbering s. 627.626, F.S., as s. 627.6085, F.S., to exclude said section from the operation of s. 627.618, F.S.; providing an effective date.

—was read the second time by title.

Senator Weinstein moved the following amendments which were adopted:

**Amendment 1**—On page 1, between lines 24 and 25, insert:

Section 1. Section 627.673, Florida Statutes, is amended to read:

627.673 Designation as Medicare supplement policy; penalties for violations.—No policy of health insurance, whether individual, group, blanket, or franchise, shall be delivered or issued for delivery in this state as a Medicare supplement policy unless it meets the requirements of ss. 627.671-627.675. Any violation of this act shall subject the insurer to the provisions of s. 624.4211. In addition, the department may require insurers violating any of the provisions of ss. 627.671-627.675 to cease marketing any Medicare supplement policy in this state which is related directly or indirectly to a violation or may require the such insurer to take any action such actions as are necessary to comply with the provisions of ss. 627.671-627.675. The provisions of ss. 627.671-627.675 are not intended to prohibit or apply to insurance policies or health care benefit plans, including group conversion policies, provided to Medicare eligible persons which policies are not marketed or held to be Medicare supplement policies or benefit plans.

Section 2. Section 627.6736, Florida Statutes, is amended to read:

627.6736 Filing requirements for out-of-state group policies.—Every insurer providing group Medicare supplement insurance benefits to a resident of this state shall file a copy of the master policy and any certificate used in this state in accordance with ss. 627.410 and 627.411, as if the policy were to be issued in this state. However, no insurer shall be required to make a filing earlier than 30 days after insurance was provided to a resident of this state under a master policy issued for delivery outside this state.

Section 3. Section 627.6737, Florida Statutes, is created to read:

627.6737 Reporting of multiple policies.—

(1) On or before March 1, every insurer or other entity providing Medicare supplement insurance coverage in this state shall report the following information for every individual resident of this state for which the insurer or entity has in force more than one Medicare supplement insurance policy or certificate:

- (a) Policy and certificate number.
- (b) Date of issuance.

(2) The items set forth above must be grouped by individual policyholder.

Section 4. Section 627.674, Florida Statutes, is amended to read:

627.674 Minimum standards; filing requirements.—

(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.

(2)(a) The department shall issue rules hereunder so that the combination of this law and such rules shall be no less comprehensive or beneficial to persons insured or covered under Medicare supplement policies issued, delivered, or issued for delivery in this state, including certificates under such group or blanket policies, which policies have been so issued, delivered, or issued for delivery, than under the provisions pertaining to Medicare supplement policies contained in the NAIC Model Regulation To Implement the Individual Accident and Sickness Insurance Minimum Standards Act adopted by the National Association of Insurance Commissioners on June 6, 1979, and in the model Individual Accident and Sickness Insurance Minimum Standards Act adopted by that association

as such model act was constituted on the effective date hereof, and in the NAIC Medicare Supplement Insurance Minimum Standards Model Act adopted by the National Association of Insurance Commissioners on December 7, 1989 December 8, 1987.

(b) The department shall issue rules to establish specific standards, including standards of full and fair disclosure, that set forth the manner, content, and required disclosure for the sale of group, blanket, franchise, and individual Medicare supplement policies and Medicare supplement subscriber contracts of dental service plans and nonprofit health care services plans. The standards may cover, but not be limited to:

1. Terms of renewability;
2. Initial and subsequent conditions of eligibility;
3. Nonduplication of coverage;
4. Probationary periods;
5. Benefit limitations, exceptions, and reductions;
6. Elimination periods;
7. Requirements for replacement coverage;
8. Recurrent conditions; and
9. Definitions of terms; and
10. Application forms.

(c) The department may issue rules that specify prohibited policies or policy provisions not otherwise specifically authorized by statute which in the opinion of the commissioner are unjust, unfair, or unfairly discriminatory to the policyholder, the person insured under the policy, or the beneficiary.

(d) For policies issued on or after January 1, 1991, the department may adopt rules to establish minimum policy standards and any optional benefits to facilitate policy comparisons. The rules shall not limit the providing of Medicare supplement insurance optional benefits.

(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 Medicare Supplement Insurance Minimum Standards Model Act, Model Regulation to Implement the Individual Accident and Sickness Insurance Minimum Standards Act, as adopted by the National Association of Insurance Commissioners on December 7, 1989, September 20, 1988, 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. 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.

(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.

(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.

e. 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.

(4) A policy filed with the department as a Medicare supplement policy must:

(a)(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.

(b)(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.

(c)(g) Be written in simplified language, be easily understood by purchasers, and be otherwise in accordance with s. 627.602.

(h)1. If it is not replacing an existing policy, 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.

2. If it is replacing an existing policy, provide coverage for a health condition which existed prior to the effective date to the same extent that coverage was provided by the policy replaced. However, if the policy being replaced limited or precluded liability due to the health condition, the replacement policy may not limit or preclude liability for more than 6 months because of such condition.

(d)(i) 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.

(e)(j) Contain a prominently displayed notice of any coordination-of-benefits clause which might in any way restrict payment under the policy.

(f)(k) 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. 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.

(g)(l) 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 Regulation Regulations To Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act, as adopted by the National Association of Insurance Commissioners on December 7, 1989, and as prescribed in s. 627.6743 September 20, 1988, and:

1. The Such outline shall be delivered to the applicant at the time application is made, and, except for the direct response policy, acknowl-

edgment of receipt or certification of delivery of *the* 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."

(5) *A Medicare supplement policy shall not contain benefits which duplicate benefits provided by Medicare.*

Section 5. Section 627.6741, Florida Statutes, is created to read:

627.6741 Cancellation, nonrenewal, and replacement.—

(1) For both individual and group Medicare supplement policies:

(a) Except as authorized by the department, an insurer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

(b) If it is not replacing an existing policy, a Medicare supplement policy shall 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.

(c) If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate, the replacing insurer shall waive any time periods applicable to preexisting conditions, waiting periods, elimination periods and probationary periods in the new Medicare supplement policy for similar benefits to the extent such time was spent under the original policy.

(2) For group Medicare supplement policies:

(a) If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in paragraph (c), the insurer shall offer certificateholders an individual Medicare supplement policy. The insurer shall offer the certificateholder at least the following choices:

1. An individual Medicare supplement policy which provides for continuation of the benefits contained in the group policy.

2. An individual Medicare supplement policy which provides only the benefits required to meet the minimum standards.

(b) If membership in a group is terminated, the insurer shall:

1. Offer the certificateholder conversion opportunities described in paragraph (a); or

2. At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

(c) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

Section 6. Section 627.6742, Florida Statutes, is created to read:

627.6742 Permitted compensation arrangements.—

(1) The department shall adopt rules governing the permitted compensation arrangements between insurers and agents with respect to Medicare supplement policies.

(2) The rules shall be based upon the format, interrelationships, and parameters relating to compensation arrangements as set forth in the NAIC Medicare Supplement Insurance Minimum Standards Model Act and Regulations adopted by the National Association of Insurance Commissioners on December 7, 1989.

(3) The rules adopted pursuant to this section shall not apply to an agent's contract with an insurer existing on the date such rules become effective until such contract is renewed or until October 1, 1991, whichever is sooner.

Section 7. Section 627.6743, Florida Statutes, is created to read:

627.6743 Standards for marketing.—

(1) Every insurer, health care service plan, or other entity marketing Medicare supplement insurance coverage in this state, directly or through its producers, shall:

(a) Establish marketing procedures to assure that any comparison of policies by its agents or other producers will be fair and accurate.

(b) Establish marketing procedures to assure excessive insurance is not sold or issued.

(c) Display prominently by type, stamp, or other appropriate means, on the first page of the outline of coverage and policy, the following:

"Notice to buyer: This policy may not cover all of the costs associated with medical care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all policy limitations."

(d) Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of any such insurance.

(2) Every insurer or entity marketing Medicare supplement insurance shall establish auditable procedures for verifying compliance with this subsection.

(3) In addition to the practices prohibited in s. 626.9541, the following acts and practices are prohibited:

(a) Knowingly making any misleading representation or incomplete or fraudulent comparison of 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 with another insurer.

(b) Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

(c) Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

Section 8. Section 627.6744, Florida Statutes, is created to read:

627.6744 Recommended purchase and excessive insurance.—

(1) In addition to the requirements of s. 626.8373, in recommending the purchase or replacement of any Medicare supplement policy or certificate, an agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.

(2) Any sale of Medicare supplement coverage which will provide an individual more than one Medicare supplement policy or certificate is prohibited; provided, however, that additional Medicare supplement coverage may be sold if, when combined with that individual's health coverage already in force, it would insure no more than 100 percent of the individual's actual medical expenses covered under the combined policies.

(Renumber subsequent sections.)

**Amendment 2**—On page 1, between lines 24 and 25, insert:

Section 1. Subsection (1) of section 455.247, Florida Statutes, is amended to read:

455.247 Health care practitioners; reports on professional liability claims and actions.—

(1)(a) *Each self-insurer authorized under s. 627.357, each insurer or joint underwriting association, and any practitioner of medicine licensed pursuant to the provisions of chapter 458, practitioner of osteopathic medicine licensed pursuant to the provisions of chapter 459, podiatrist licensed pursuant to the provisions of chapter 461, or dentist licensed pursuant to the provisions of chapter 466 if the claim was not covered by an insurer required to report under this subsection, shall report to the Department of Professional Regulation any claim or action for damages for personal injury alleged to have been caused by error, omission, or negligence in the performance of such licensee's professional services or based on a claimed performance of professional services without consent if the claim was not covered by an insurer required to report under s. 627.912 and the claim resulted in:*

- 1.(a) A final judgment in any amount.
- 2.(b) A settlement in any amount.
- 3.(c) A final disposition not resulting in payment on behalf of the licensee.

Reports shall be filed with the department no later than 60 days following the occurrence of any event listed in *subparagraph 1., subparagraph 2., or subparagraph 3. paragraph (a), paragraph (b), or paragraph (c). Reports filed under this subsection shall be made available for public inspection under chapter 119.*

(b) *The Department of Professional Regulation shall review each report and determine whether any of the incidents that resulted in the claim potentially involved conduct by the licensed practitioner that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. The department, as part of the annual report required by s. 455.2285, shall publish annual statistics, without identifying licensees, on the reports it receives, including final action taken on such reports by the department or the appropriate regulatory board.*

Section 2. Section 627.912, Florida Statutes, is amended to read:

627.912 Professional liability claims and actions; reports by insurers.—

(1) ~~Each self-insurer authorized under s. 627.356 or s. 627.357 and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed pursuant to the provisions of chapter 458, to a practitioner of osteopathic medicine licensed pursuant to the provisions of chapter 459, to a podiatrist licensed pursuant to the provisions of chapter 461, to a dentist licensed pursuant to the provisions of chapter 466, to a hospital licensed pursuant to the provisions of chapter 395, to a crisis stabilization unit licensed under part IV of chapter 394, to a health maintenance organization certificated under part II of chapter 641, to clinics included in chapter 390, to an ambulatory surgical center as defined in s. 395.002(2), or to a member of The Florida Bar shall maintain a report of report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent, if the claim resulted in:~~

- (a) A final judgment in any amount.
- (b) A settlement in any amount.
- (c) A final disposition not resulting in payment on behalf of the insured.

~~Reports shall be made available to filed with the department upon request, and, if the insured party is licensed pursuant to chapter 458, chapter 459, chapter 461, or chapter 466, with the Department of Professional Regulation, no later than 60 days following the occurrence of any event listed in paragraph (a), paragraph (b), or paragraph (c). The Department of Professional Regulation shall review each report and determine whether any of the incidents that resulted in the claim potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. The Department of Professional Regulation, as part of the annual report required by~~

~~s. 455.2285, shall publish annual statistics, without identifying licensees, on the reports it receives, including final action taken on such reports by the Department of Professional Regulation or the appropriate regulatory board.~~

(2) The reports required by subsection (1) shall contain:

- (a) The name, address, and specialty coverage of the insured.
- (b) The insured's policy number.
- (c) The date of the occurrence which created the claim.
- (d) The date the claim was reported to the insurer or self-insurer.
- (e) The name and address of the injured person. This information shall be privileged and confidential and shall not be disclosed by the department without the injured person's consent, ~~except for disclosure by the department to the Department of Professional Regulation.~~ This information may be used by the department for purposes of identifying multiple or duplicate claims arising out of the same occurrence.
- (f) The date of suit, if filed.
- (g) The injured person's age and sex.
- (h) The total number and names of all defendants involved in the claim.

(i) The date and amount of judgment or settlement, if any, including the itemization of the verdict as required under s. 768.77 or s. 768.48, as applicable, together with a copy of the settlement or judgment.

(j) In the case of a settlement, such information as the department may require with regard to the injured person's incurred and anticipated medical expense, wage loss, and other expenses.

(k) The loss adjustment expense paid to defense counsel, and all other allocated loss adjustment expense paid.

(l) The date and reason for final disposition, if no judgment or settlement.

(m) A summary of the occurrence which created the claim, which shall include:

1. The name of the institution, if any, and the location within the institution at which the injury occurred.
2. The final diagnosis for which treatment was sought or rendered, including the patient's actual condition.
3. A description of the misdiagnosis made, if any, of the patient's actual condition.
4. The operation, diagnostic, or treatment procedure causing the injury.
5. A description of the principal injury giving rise to the claim.
6. The safety management steps that have been taken by the insured to make similar occurrences or injuries less likely in the future.

(n) Any other information required by the department to analyze and evaluate the nature, causes, location, cost, and damages involved in professional liability cases.

~~(3) Upon request by the Department of Professional Regulation, the department shall provide that department with any information received pursuant to this section related to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466. For purposes of safety management, the department shall annually provide the Department of Health and Rehabilitative Services with copies of the reports in cases resulting in an indemnity being paid to the claimants.~~

(3)(4) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any insurer reporting hereunder or its agents or employees or the department or its employees for any action taken by them pursuant to this section.

Section 3. Section 627.9122, Florida Statutes, is amended to read:

627.9122 Officers' and directors' liability claims; reports by insurers.—

(1) Each insurer providing coverage for officers' and directors' liability coverage shall ~~maintain a report regarding to the Department of Insurance~~ any claim or action for damages claimed to have been caused by error, omission, or negligence in the performance of the officer's or director's services, if the claim resulted in:

- (a) A final judgment in any amount.
- (b) A settlement in any amount.
- (c) A final disposition not resulting in payment on behalf of the insured.

Reports shall be ~~made available to filed with the department upon request no later than 60 days following the occurrence of any event listed in paragraphs (a), (b), or (c).~~

- (2) The reports required by subsection (1) shall contain:
  - (a) The name, address, and position held by the insured, and the type of corporation or organization, including classifications as provided in section 501 (c) of the Internal Revenue Code of 1986, as amended.
  - (b) The insured's policy number.
  - (c) The date of the occurrence which created the claim.
  - (d) The date the claim was reported to the insurer.
  - (e) The name of the injured person. This information shall be privileged and confidential and shall not be disclosed by the department without the consent of the injured person. This information may be used by the department for purposes of identifying multiple or duplicate claims arising out of the same occurrence.
  - (f) The date of suit, if filed.
  - (g) The total number and names of all defendants involved in the claim.
  - (h) The date and amount of judgment or settlement, together with a copy of the settlement or judgment.
  - (i) In the case of a settlement, such information as the department may require with regard to the claimant's anticipated future losses.
  - (j) The loss adjustment expense paid to defense counsel, and all other allocated loss adjustment expenses paid.
  - (k) The date and reason for final disposition, if no judgment or settlement.

(l) A summary of the occurrence which created the claim, which shall include:

- 1. Whether the injuries claimed were the result of physical damage to the claimant, were the result of damage to the reputation of the claimant, were based on self-dealing by the defendant, or were in the nature of a shareholder dispute.
- 2. A description of the type of activity which caused the injury.
- 3. The steps taken by the officers or directors to assure that similar occurrences are less likely in the future.

(m) Any other information required by the department to analyze and evaluate the nature, causes, costs, and damages involved in officers' and directors' liability cases.

~~(3) The department shall include a summary of this information in its annual report.~~

Section 4. Subsection (1) of section 627.9126, Florida Statutes, is amended to read:

627.9126 Annual reports of information by liability insurers required.—

(1) Each insurer, *self-insurer authorized under s. 627.356 or s. 627.357, or joint underwriting association* transacting commercial multiperil, products liability, commercial automobile liability, private passenger automobile liability, *professional liability*, or other line of liability insurance shall maintain information as specified in this section. Such information shall be maintained for each line of insurance and for direct Florida business only. The department shall annually conduct a sampling

of claims or actions for damages for personal injury or property damage claimed to have been caused by error, omission, or negligence of insureds if the claim resulted in:

- (a) A final judgment in any amount.
- (b) A settlement in any amount.
- (c) A final disposition not resulting in payment on behalf of the insured.

Section 5. Section 627.913, Florida Statutes, is amended to read:

627.913 Reports of information by products liability insurers required.—

(1) Any insurer authorized to write a policy of products liability insurance in the state shall ~~maintain transmit~~ the following information, based on its statewide products liability insurance writings, *for inspection by the department upon request each year in the annual report of such insurer:*

- (a) Premiums written;
- (b) Premiums earned;
- (c) Unearned premiums;
- (d) The dollar amount of claims paid;
- (e) Incurred claims, not including claims incurred but not reported;
- (f) Claims closed without payment, and the amount reserved for such claims;
- (g) Loss reserves for all claims except claims incurred but not reported;
- (h) Reserves for claims incurred but not reported;
- (i) Losses paid as a percentage of the amount reserved for such losses;
- (j) Net investment gain or loss and other income gain or loss allocated to products liability lines according to the allocation formula used in the annual insurance expense exhibit;
- (k) Underwriting income or loss;
- (l) Actual expenses in detail, including, but not limited to, loss adjustment expense; commissions; general expense; and advertising, home office, and defense costs;
- (m) Claims settled after a suit was filed;
- (n) Claims paid based on a judgment; and
- (o) Judgments appealed by the insurer, together with the total results of such appeals.

~~(2) The department shall provide a summary of information provided pursuant to subsection (1) in its annual report.~~

~~(2)(3)~~ In the first year that an insurer *compiles* makes a report pursuant to subsection (1), the insurer shall provide only the information required by paragraphs (a) through (l) of subsection (1) and shall provide such information for the current year and the 3 previous years.

Section 6. Paragraph (a) of subsection (1) of section 766.101, Florida Statutes, is amended to read:

766.101 Medical review committee, immunity from liability.—

- (1) As used in this section:
  - (a) The term "medical review committee" or "committee" means:
    - 1. A committee:

a. Of a hospital or ambulatory surgical center licensed under chapter 395 or a health maintenance organization certificated under part II of chapter 641,

b. Of a state or local professional society of health care providers,

c. Of a medical staff of a licensed hospital or nursing home, provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital or nursing home,

d. Of the Department of Corrections or the Correctional Medical Authority as created under s. 945.602, or employees, agents, or consultants of either the department or the authority or both,

e. Of a professional service corporation formed under the provisions of chapter 621 or a corporation organized under chapter 607, which is formed and operated for the practice of medicine as defined in s. 458.305(3), and which has at least 25 health care providers who routinely provide health care services directly to patients,

f. Of a mental health treatment facility licensed under chapter 394 or a community mental health center as defined in s. 394.907 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,

g. Of an alcohol treatment and prevention resource licensed under chapter 396 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency, or

h. Of a drug abuse treatment and education prevention program licensed under chapter 397 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,

i. Of a peer review or utilization review committee organized under chapter 440, or

j. *Of a private medical review organization whose primary purpose is the review of medical transactions for an evaluation of quality, substance, or results,*

which committee is formed to evaluate and improve the quality of health care rendered by providers of health service or to determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care or that the cost of health care rendered was considered reasonable by the providers of professional health services in the area; or

2. A committee of an insurer, self-insurer, or joint underwriting association of medical malpractice insurance, or other persons conducting review pursuant to the provisions of s. 766.106.

Section 7. Sections 627.6057 and 627.6058, Florida Statutes, are renumbered as sections 627.4148 and 627.4149, respectively, and are relocated to part II of chapter 627, Florida Statutes.

Section 8. Subsection (8) of section 458.311, Florida Statutes, is amended to read:

458.311 Licensure by examination; requirements; fees.—

(8) Notwithstanding any of the provisions of this section, the department shall issue a restricted license to any applicant who successfully completes the Florida Board Examination and who the board certifies has met the criteria of subparagraph (a)1. or subparagraph (a)2. as follows:

(a)1.a. Is a graduate of a foreign medical institution located in a country in the Western Hemisphere with which the United States does not maintain diplomatic relations;

b. Received a medical education which was substantially similar at the time of the applicant's graduation to approved United States medical programs;

c. Practiced medicine in a foreign country from which he immigrated to the United States of America and has lawful immigration status, including employment authority; and

d. Successfully completed the examination utilized by the Educational Commission for Foreign Medical Graduates or successfully completed a course developed by the University of Miami, the University of

Florida, or the University of South Florida for physician training which is equivalent to the course developed for such purposes pursuant to chapter 74-105, Laws of Florida, or successfully completed a 500-hour review course developed and administered by one of the three university medical schools or developed by said schools and administered by an organization accredited by the Accreditation Council for Continuing Medical Education and approved by the board. The board shall monitor each such course. Each applicant must have approval from the board prior to taking such course and must demonstrate, to the satisfaction of the board, that he has met the requirements of the course; or

2. Obtained a certificate of completion from the program established at the first accredited medical school pursuant to chapter 74-105, Laws of Florida, prior to January 1, 1982.

(b) The holder of a restricted license issued pursuant to this subsection may only practice medicine under the direct supervision of a physician with an active, valid license issued pursuant to this section or s. 458.313.

(c) Upon demonstration to the board that the holder of a restricted license issued pursuant to this subsection has practiced for 1 year under direct supervision, has had no malpractice suits filed against him, and has not committed any act or is not under investigation for any act which would constitute a violation of this chapter, the department shall issue an unrestricted license to the restricted licenseholder.

(d) The Florida Board Examination may be translated into a foreign language at the request of no fewer than five applicants who are otherwise qualified pursuant to this subsection; however, the cost for such translation shall be paid by such applicants.

(e) The first sitting for the Florida Board Examination shall be held by no later than February 2, 1987, and shall be offered in 6-month intervals thereafter.

This subsection is repealed effective October 1, 1993 1991.

Section 9. Subsection (6) of section 458.331, Florida Statutes, is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(6) Upon the department's receipt ~~from an insurer or self-insurer of a report of a closed claim against a physician pursuant to s. 627.912 or from a health care practitioner of a report pursuant to s. 455.247, or upon the receipt from a claimant of a presuit notice against a physician pursuant to s. 766.106, the department shall review each report and determine whether it potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. However, if it is reported that a physician has had three or more claims with indemnities exceeding \$25,000 \$10,000 each within the previous 5-year period, the department shall investigate the occurrences upon which the claims were based and determine if action by the department against the physician is warranted.~~

Section 10. Subsection (6) of section 459.015, Florida Statutes, is amended to read:

459.015 Grounds for disciplinary action by the board.—

(6) Upon the department's receipt ~~from an insurer or self-insurer of a report of a closed claim against an osteopathic physician pursuant to s. 627.912 or from a health care practitioner of a report pursuant to s. 455.247, or upon the receipt from a claimant of a presuit notice against an osteopathic physician pursuant to s. 766.106, the department shall review each report and determine whether it potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. However, if it is reported that an osteopathic physician has had three or more claims with indemnities exceeding \$25,000 \$10,000 each within the previous 5-year period, the department shall investigate the occurrences upon which the claims were based and determine if action by the department against the osteopathic physician is warranted.~~

Section 11. Paragraph (a) of subsection (5) of section 461.013, Florida Statutes, is amended to read:

461.013 Grounds for disciplinary action; action by the board; investigations by department.—

(5)(a) Upon the department's receipt of a report pursuant to s. 455.247 ~~from an insurer or self-insurer of a report of a closed claim against a podiatrist pursuant to s. 627.912,~~ or upon the receipt from a claimant of a presuit notice against a podiatrist pursuant to s. 766.106, the department shall review each report and determine whether it potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. However, if it is reported that a podiatrist has had three or more claims with indemnities exceeding \$25,000 ~~\$10,000~~ each within the previous 5-year period, the department shall investigate the occurrences upon which the claims were based and determine if action by the department against the podiatrist is warranted.

Section 12. Subsection (6) of section 466.028, Florida Statutes, is amended to read:

466.028 Grounds for disciplinary action; action by the board.—

(6) Upon the department's receipt of a report pursuant to s. 455.247, ~~from an insurer or self-insurer of a report of a closed claim against a dentist pursuant to s. 627.912~~ or upon the receipt from a claimant of a presuit notice against a dentist pursuant to s. 766.106 the department shall review each report and determine whether it potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. However, if it is reported that a dentist has had any indemnity paid in excess of \$25,000 ~~\$5,000~~ in a judgment or settlement or has had three or more claims for dental malpractice within the previous 5-year period which resulted in indemnity being paid, the department shall investigate the occurrence upon which the claims were based and determine if action by the department against the dentist is warranted.

(Renumber subsequent sections.)

Further consideration of CS for SB 2794 as amended was deferred.

**CS for SB 1958**—A bill to be entitled An act relating to education; providing for the planning and implementation of full school utilization programs; providing definitions; providing contents of plan; providing grant application and award procedures; providing program monitoring and evaluation; authorizing the adoption of rules; providing an effective date.

—was read the second time by title.

Senator Johnson moved the following amendment:

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

Section 1. Paragraph (d) of subsection (1) and subsection (2) of section 235.195, Florida Statutes, are amended, and subsection (4) is added to said section, to read:

235.195 Cooperative development and use of facilities by two or more boards.—

(1) Two or more boards, including 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, desiring to cooperatively establish a common educational facility to accommodate students shall:

(d) Submit requests for funding of joint-use facilities projects involving state universities and community colleges for approval by the Board of Regents or the State Board of Community Colleges, as appropriate. The respective boards shall determine the priority for funding these projects in relation to the priority of all other capital outlay projects under their consideration. To be eligible for funding from the Public Education Capital Outlay and Debt Service Trust Fund under the provisions of this section, projects involving both state universities and community colleges shall appear on either the Board of Regents and or the State Board of Community Colleges 3-year capital outlay priority list required by s. 235.435(4) ~~or on both lists.~~ Projects involving a state university, community college, and a public school, and in which the larger share of the proposed facility is for the use of the state university or the community college, shall appear on the Board of Regents and or State Board of Community Colleges 3-year capital outlay priority list, ~~as appropriate. The provisions of this subsection requiring the determinations of priorities and eligibility shall not be applicable to projects that have been funded by the Legislature, in whole or in part, prior to May 1, 1985.~~

(2) The commissioner shall cause the requested educational plant

survey to be conducted within 90 days after receiving the joint resolution and substantiating data and shall evaluate the findings of the survey in terms of the benefits to be obtained, the programs to be offered, and the estimated cost of the proposed plant. Upon completion of the educational plant survey, the participating boards may include the recommended projects in their plan as provided in s. 235.16. Upon approval of the project by the commissioner, he shall include up to 25 percent of the total cost of the project in the legislative capital outlay budget request as provided in s. 235.41 for educational plants. ~~as follows:~~

~~(a) For those facilities to be constructed by educational institutions offering differing levels of instruction on a site remote from any existing public educational campus or center, state matching funds from the Public Education Capital Outlay and Debt Service Trust Fund shall be provided in the same percent of the total cost as the Office of Educational Facilities determines that portion of the proposed facility to be for actual joint use of the participating institutions;~~

~~(b) For those facilities to be constructed by educational institutions offering differing levels of instruction on an existing public educational campus or center where significant existing ancillary services are to be used on a joint basis, state matching funds from the Public Education Capital Outlay and Debt Service Trust Fund shall be provided for up to 50 percent of the total cost of the proposed facility; and~~

~~(c) For those facilities to be constructed by educational institutions offering instruction at the same level, such as multicounty high schools, state matching funds from the Public Education Capital Outlay and Debt Service Trust Fund shall be provided in the same percent as that portion of the proposed facility is determined by the Office of Educational Facilities to be for actual joint use of the participating institutions, up to a maximum of 50 percent of the total cost of the proposed facility.~~

The participating boards must include in their joint resolution a commitment to finance the remaining funds necessary to complete the planning, construction, and equipping of to construct the facility. Funds from the Public Education Capital Outlay and Debt Service Trust Fund may not be expended on any project unless specifically authorized by the Legislature.

(4) A school board, community college, or state university may not receive funding for more than one approved joint-use facility in any 5-year period, effective August 1, 1990; however, any project approved before August 1, 1990, pursuant to this section shall not be affected. The first year of the 5-year period shall be the first year a board receives an appropriation.

Section 2. Subsections (1) and (2) of section 235.196, Florida Statutes, are amended to read:

235.196 Community educational facilities.—

(1) Each district school board, the State Board of Community Colleges on behalf of a community college board of trustees, or the Board of Regents on behalf of a state university may submit, prior to August ~~November~~ 1 of each year, a request to the commissioner for funds from the trust fund to construct a community educational facility. No district board or institution may apply and receive funding for more than one facility in any 5-year period ~~per year~~. Such request shall contain the following provisions:

(a) A detailed statement of the site, the site development necessary for new construction or the accomplishment of the project, and the facility to be constructed. The facility shall be located on a site owned by the education agencies or on a site leased to the education agencies for a period of not less than 40 years or the life expectancy of the proposed facility, whichever is longer.

(b) A detailed description and analysis of the educational programs to be offered and the benefits that will accrue to the students through their regularly scheduled instructional program upon completion of the facility.

(c) A detailed description of the community use of the facility, the benefits to be derived by the community, and the relationship between the educational use and the community use of the facility.

(d) The estimated number of full-time students whose regularly scheduled daily instructional program will utilize the facility and the estimated number of community residents who are to utilize the facility on a regular basis.

(e) The estimated cost of the facility and site development. If a site must be acquired, the estimated cost of the site shall be provided.

(f) A resolution or other appropriate indication of intent to participate in the funding and utilization of the educational facility from a non-educational governmental agency, ~~including community, public, or educational broadcasting stations.~~ Such indication shall include a commitment by such governmental agency to provide at least one-half of the cost of the site, should a site need to be acquired, of the site development, and of the facility. The purchase price of a site may be included in meeting the matching requirements of the noneducational governmental agency or the educational governmental agency if the site was recently acquired for the purpose of developing a community educational facility. Funds from the Public Education Capital Outlay and Debt Service Trust Fund may not be expended on any project unless specifically authorized by the Legislature.

(g) The designation as to which agency is to assume responsibility for the operation, maintenance, and control of the proposed community educational facility.

(h) Documentation by the educational agency that a long-term lease for the use of the community educational facility for a period of not less than 40 years or the life expectancy of the permanent facility constructed thereon, whichever is longer, has been obtained from the noneducational governmental agency if the facility is to be constructed on land owned by the noneducational governmental agency. If a community educational facility is to be constructed on land owned by the educational agency, then documentation shall be provided which shows that the noneducational governmental agency has obtained a long-term lease for the use of the community educational facility for a period of not less than 40 years or the life expectancy of the permanent facility constructed thereon, whichever is longer.

(i) *A description of the facility to be constructed. This should be in the form of a board-adopted and board-approved facility list indicating all spaces and the associated net and gross square feet. All facilities shall be designed and constructed in accordance with Chapter 6A-2, Florida Administrative Code, for educational facilities.*

(2) Each district school board, the State Board of Community Colleges on behalf of each community college board of trustees, or the Board of Regents on behalf of each state university may submit a request to the commissioner for funds from the trust fund to remodel or renovate a community educational facility *previously constructed from funds authorized by this section.* Such request shall contain the following provisions:

(a) A detailed statement, including floor plans, of the community educational facility to be remodeled or renovated on property owned by the educational agency listed above. Such statement shall include an analysis of the relationship of current educational and community use of the facility and any anticipated changes in the utilization of the facility after completion of the remodeling or renovation.

(b) The number of students and community residents who are currently utilizing the facility and the estimated number of students and community residents to utilize the facility after completion of the remodeling or renovation.

(c) The estimated cost of the remodeling or renovation.

(d) A resolution or other appropriate indication of intent to participate in the funding and utilization of the educational facility to be remodeled or renovated from a noneducational governmental agency, ~~including community, public, and educational broadcasting stations.~~ Such indication shall include a commitment by such governmental agency to provide at least one-half of the cost of the remodeling or renovation of the educational facility. Public Education Capital Outlay and Debt Service Trust Fund moneys may not be expended on any project unless specifically authorized by the Legislature.

Section 3. Subsection (23) is added to section 235.011, Florida Statutes, 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:

(23) *"Satellite facility" means the buildings and equipment, structures, and special educational use areas that are built, installed, or established by private business or industry in accordance with 6A2 Florida Administrative Code to serve primarily the students of its employees and which is staffed professionally by the district school board.*

Section 4. Subsection (1) of section 235.014, Florida Statutes, is amended to read:

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

(1) Establish minimum and maximum square footage requirements for different functions and areas and the procedures for determining the gross square footage for each educational facility to be funded in whole or in part by the state, including public broadcasting stations but excluding postsecondary special purpose laboratory space. *The gross square footage determination standards may be exceeded when using local operating funds. The office shall encourage multiple use of facilities and spaces in educational plants.*

Section 5. Section 235.15, Florida Statutes, is amended to read:

235.15 Educational plant survey required.—At least every 5 years, each board, including the Board of Regents, shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus. Each survey shall be conducted by the Department of Education or an agency approved by the commissioner. Surveys conducted by agencies other than the Department of Education shall be reviewed and approved by the commissioner. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each; *the utilization of school plants based on an extended school day or year-round operation;* and such other information as may be required by the rules of the State Board of Education. An official copy of each survey report shall be filed by the board with the office. This report may be amended, if conditions warrant, at the request of the board or commissioner. *Relocatables shall be included in the school district inventory of facilities, but shall only be rated at one-half of actual student capacity for purposes of the inventory and future needs determination.*

Section 6. Section 235.198, Florida Statutes, is created to read:

235.198 Cooperative development and use of satellite facilities by private industry and school boards.—

(1) Each district school board may submit, prior to August 1 of each year, a request to the commissioner for funds from the Public Education Capital Outlay and Debt Service Trust Fund to construct, remodel, or renovate an educational facility within the industrial environment. A school board may not apply for more than one facility per year. Such request shall contain the following provisions:

(a) A detailed description of the satellite site, the site development necessary for new construction, remodeling, or renovation for the accomplishment of the project, and the facility to be constructed. The facility shall be located on a site owned by the business and leased to the school board at no cost for a period of not less than 40 years or the life expectancy of the proposed facility, whichever is longer. However, the minimum agreement shall be for a period of at least 5 years. The amounts provided by the state and the school board shall be considered full consideration for the lease. If the lease agreement is terminated early, the business shall reimburse the school board an amount determined by multiplying the amounts contributed by the school board and the state by a fraction the numerator of which is the number of months remaining in the original agreement and the denominator of which is the total number of months of the agreement.

(b) A detailed description and analysis of the educational programs to be offered and the benefits that will accrue to the students through the instructional programs upon completion of the facility.

(c) The estimated number of full-time students whose regularly scheduled daily instructional program will utilize the facility.

(d) The estimated cost of the facility and site development not to exceed the Office of Educational Facilities' average cost of new construction adjusted to the respective county cost index. If a site must be acquired, the estimated cost of the site shall be provided.

(e) A resolution or other appropriate indication of intent to participate in the funding and utilization of the educational facility from private industry. Such indication shall include a commitment by private industry to provide at least one-half of the cost of the facility. The school board shall provide one-fourth of the cost of the facility and, if approved, the state shall provide one-fourth of the cost of the facility. Funds from the Public Education Capital Outlay and Debt Service Trust Fund may not be expended on any project unless specifically authorized by the Legislature.

(f) The designation as to which agency is to assume responsibility for the operation, maintenance, and control of the proposed facility.

(g) Documentation by the school board that a long-term lease for the use of the educational facility for a period of not less than 40 years or the life expectancy of the permanent facility constructed thereon, whichever is longer, has been obtained from private industry.

(2) The commissioner shall appoint a review committee to make recommendations and prioritize requests. If the project is approved by the commissioner, the commissioner shall include up to one-fourth of the cost of the project in the legislative capital outlay budget request, as provided in s. 235.41, for the funding of capital outlay projects involving both educational and private industry. The commissioner shall prioritize any such projects for each fiscal year and, notwithstanding the provisions of s. 235.435(3)(c), limit the recommended state funding amount not to exceed 5 percent off the top of the total funds recommended pursuant to s. 235.435(2) and (3).

Section 7. Section 235.211, Florida Statutes, is amended to read:

235.211 Educational facilities construction techniques and financing mechanisms.—Pursuant to rules of the state board, the office shall require boards to employ procedures for the design and construction of new facilities, or major additions to existing facilities, that will include, but not be limited to, the latest developments in construction, in order to ensure that educational facilities are constructed rapidly and economically. *In accordance with the provisions of s. 481.229, the services of an architect shall be used for the development of plans for the erection, enlargement, or alteration of any educational facility. Boards are encouraged to consider the reuse of existing construction documents where such reuse is feasible and practical. Notwithstanding the provisions of s. 287.055, school boards, community college district boards of trustees, and the Board of Regents shall not be required to use a competitive selection process to reuse existing construction documents originally contracted for with state or local school district funds. However, such reuse shall not be without notice to, and permission from, the architect of record whose plans are being reused. These plans shall be reviewed by the office for compliance with the State Uniform Building Code for Public Educational Facilities Construction.* The following concepts may be included in the requirements of the office:

(1) SYSTEMS BUILDING PROCESS.—An approach to construction that combines the organization and programming, planning, design, financing, manufacturing, construction, and evaluation of buildings under single or highly coordinated management into an efficient total process. A total building system is an interdependent group of building subsystems forming a unified whole. The systems building process requires the standardization and multiple reuse of building subsystems for maximum compatibility and interfaceability of different structures and facilities.

(2) FAST-TRACK CONSTRUCTION SCHEDULING.—A method which involves the bidding and awarding of certain building subsystems after approval of preliminary design and before final document completion. Fast-track construction reduces construction time by overlapping design development and construction of various subsystems. It can improve cost and price control and eliminates extensive design development time by planners and designers.

(3) CONSTRUCTION MANAGEMENT.—A process whereby a single or highly coordinated authority is responsible for all scheduling and coordination in both design and construction phases and is generally responsible for the successful, timely, and economical completion of the construction project.

(4) TURNKEY BIDDING.—A method whereby the contractor agrees to complete construction to the user's specifications and requirements at a previously agreed cost.

(5) DESIGN AND BUILD BIDDING.—A procedure which requires that an architect, contractor, or engineer bid the entire design and construction of a project and which requires that the owner hire a single source for the project completion and be responsible for the development of performance specifications and technical criteria.

(6) USE OF COMPONENTS.—The use of modular, prefabricated, and standardized components.

Notwithstanding anything above, a board shall be authorized to utilize its own procedures, designs, construction techniques, and materials upon a showing to the office that such proposal will result in equivalent educational facilities without an increase in cost or a delay in construction.

Section 8. Paragraph (b) of subsection (5) of section 235.26, Florida Statutes, is 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.

(5) OFFICE APPROVAL.—

(b) In reviewing plans for approval, the office shall take into consideration:

1. The need for the new facility.
2. The educational and ancillary plant planning.
3. The architectural and engineering planning.
4. The location on the site.
5. Plans for future expansion.
6. The type of construction.
7. Sanitary provisions.
8. Conformity to Uniform Building Code standards.
9. The structural design and strength of materials proposed to be used.
10. The mechanical design of any heating, air-conditioning, plumbing, or ventilating system. *Typical heating, ventilating, and air conditioning systems preapproved by the office for specific applications may be used in the design of educational facilities.*
11. The electrical design of educational plants. *Typical lighting configurations preapproved by the office for specific applications may be used in the design of educational facilities.*
12. The energy efficiency and conservation of the design.
13. Life-cycle cost considerations.
14. The design to accommodate physically handicapped persons.
15. The ratio of net to gross square footage.
16. The proposed construction cost per gross square foot.

Section 9. Paragraph (a) of subsection (2) and subsections (3) and (4) of section 235.435, Florida Statutes, 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 Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent 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 Construction Account shall submit one specific 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 *shall be* the first year a district receives *an a-construction* appropriation. The request must meet the following criteria to be considered by the committee:

1. The 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 construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

3. The district must have selected and had approved a site for the construction project in compliance with s. 235.19 and the rules of the State Board of Education.

4. The district *shall 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.

5. There *shall 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 *shall must*, at the time of the request *and for a continuing period of 3 years, levy the maximum millage* ~~be levying 1.5 mills~~ against their nonexempt assessed property value as *provided* ~~allowed~~ in s. 236.25(2).

7. 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 days may be granted by the commissioner.

8. The office *shall 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 ~~August~~ *November 1*.

(3)(a) Each district school board shall receive an amount from the Public Education Capital Outlay and Debt Service Trust Fund to be calculated by computing the capital outlay full-time equivalent membership as determined by the office. The capital outlay full-time equivalent membership shall be determined for kindergarten through the 12th grade and for vocational-technical centers by averaging the unweighted full-time equivalent student membership for the second and third surveys and comparing the results on a school-by-school basis with the Florida Inventory for School Houses. The capital outlay full-time equivalent membership by grade level organization shall be used in making the following calculations: The capital outlay full-time equivalent membership by grade level organization for the 1981-1982 fiscal year shall be computed as the base year. The capital outlay full-time equivalent membership by grade level organization for the 1984-1985 fiscal year shall be computed with the positive increase over the base year constituting growth. From the total amount appropriated by the Legislature pursuant to this subsection, 40 percent shall be allocated among the base capital outlay full-time

equivalent membership and 60 percent among the growth capital outlay full-time equivalent membership. The allocation within each of these groups shall be prorated to the districts based upon each district's percentage of base and growth capital outlay full-time membership. The most recent 4-year capital outlay full-time equivalent membership data shall be used in each subsequent year's calculation for the allocation of funds pursuant to this subsection. If the growth capital outlay full-time equivalent membership for a district declines in any year used in their calculation after the initial allocation pursuant to this subsection, no allocation for growth capital outlay full-time equivalent membership shall be made for any subsequent year until the number of capital outlay full-time equivalent membership has exceeded the number for which an allocation has already been made. If a change, correction, or recomputation of data during any year results in a reduction or increase of the calculated amount previously allocated to a district, the allocation to that district shall be adjusted correspondingly. If such recomputation results in an increase or decrease of the calculated amount, such additional or reduced amounts shall be added to or reduced from the district's future appropriations. However, no change, correction, or recomputation of data shall be made subsequent to 2 years following the initial annual allocation.

(b) Funds accruing to a district school board from the provisions of this section shall be expended on needed projects as shown by survey or surveys under the rules of the State Board of Education.

(c) *A school board may lease relocatable educational facilities for up to 3 years using local capital outlay millage and nonbonded PECO funds.*

(d)(e) Funds distributed to the district school boards shall only be allocated based on the provisions of paragraphs (1)(a) and (2)(a) and paragraph (a) of this subsection. No individual school district projects shall be funded off the top of funds allocated to district school boards.

(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.

(b) *The boards of trustees of the community colleges and the Board of Regents of the State University System may lease relocatable educational facilities for up to 3 years using nonbonded PECO funds.*

(c)(b) The boards of trustees of the community colleges and the Board of Regents shall receive funds for remodeling, renovation, maintenance and repairs, and site improvement for existing satisfactory facilities pursuant to subsection (1).

Section 10. Paragraph (f) of subsection (2) of section 236.25, Florida Statutes, is amended and paragraph (h) is added to said subsection 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 2 mills against the nonexempt assessed valuation for school purposes to fund:

(f) Payment of loans approved pursuant to ss. ~~ss.~~ 237.161 and ~~or s.~~ 237.162.

(h) *Payment of costs of leasing relocatable educational facilities for up to 3 years.*

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 11. Paragraph (a) of subsection (9) of section 200.065, Florida Statutes, is amended to read:

200.065 Method of fixing millage.—

(9)(a) In addition to the notice required in subsection (3), a district school board shall publish a second notice of intent to levy additional taxes under s. 236.25(2). Such notice shall specify the projects or number of school buses anticipated to be funded by such additional taxes and shall be published in the size, within the time periods, adjacent to, and in substantial conformity with the advertisement required under subsection (3). The projects shall be listed in priority within each category as follows: construction and remodeling; maintenance, renovation, and repair; bus purchases; new and replacement equipment; payments for educational facilities and sites due under a lease-purchase agreement; payments of loans approved pursuant to ss. 237.161 and 237.162; and payment of costs of compliance with environmental statutes and regulations; and payment of costs of leasing relocatable educational facilities for up to 3 years. The additional notice shall be in the following form, except that the second sentence of the second paragraph shall be deleted if the district is advertising pursuant to paragraph (3)(e):

NOTICE OF TAX FOR SCHOOL CAPITAL OUTLAY

The . . . (name of school district) . . . will soon consider a measure to impose a . . . (number) . . . mill property tax for the capital outlay projects listed herein.

This tax is in addition to the school board's proposed tax of . . . (number) . . . mills for operating expenses and is proposed solely at the discretion of the school board. THE COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING EXPENSES AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

The capital outlay tax will generate approximately \$. . . (amount) . . ., to be used for the following projects:

. . . (list of capital outlay projects) . . .

All concerned citizens are invited to a public hearing to be held on . . . (date and time) . . . at . . . (meeting place) . . .

A DECISION on the proposed CAPITAL OUTLAY TAXES will be made at this hearing.

Section 12. Section 235.198, Florida Statutes, is repealed effective July 1, 1995, and shall be reviewed by the Legislature prior to that date.

Section 13. Notwithstanding section 236.25(2), Florida Statutes, school districts are not subject to an equal dollar reduction in Florida Education Finance Program funds for violations of former sections 235.435(1)(c) and 236.25(2)(b), Florida Statutes, 1988 Supplement, which violations occurred prior to July 1, 1989, if the Department of Education did not provide an equal dollar reduction of Florida Education Finance Program Funds, before July 1, 1989, for such violations.

(Renumber subsequent section.)

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

**Amendment 1A**—On page 4, line 15, strike "in any 5-year period" and reinsert deleted words "per year"

**Amendment 1** as amended was adopted.

Senator Johnson moved the following amendment which was adopted:

**Amendment 2**—In title, on page 1, line 8, after the semicolon (;) insert: amending s. 235.195, F.S.; requiring joint-use facilities projects involving a community college and university to appear on both 3-year capital outlay priority lists; deleting provisions relating to specified projects; revising provisions relating to the costs of projects included in the Commissioner of Education's budget request; limiting funding; amending s. 235.196, F.S.; changing the deadline for submission of a request for funds to construct a community educational facility; limiting requests and funding; requiring a description of the facility to be constructed; amending s. 235.011, F.S.; defining the term "satellite facility"; amending s. 235.014, F.S.; revising provisions relating to square footage requirements and use of educational facilities; amending s. 235.15, F.S.; revising provisions relating to the educational plant survey; creating s. 235.198, F.S.; providing for cooperative development and use of satellite facilities by private industry and school boards; providing for a request for funds; providing for prioritization and funding; amending s. 235.211, F.S.; revising provisions relating to design and construction techniques and requirements; amending s. 235.26, F.S.; revising provisions relating to approval of educational facilities plans; amending s. 235.435, F.S.; requiring a school district to levy the maximum millage for capital outlay for a specified period of time; changing a plan approval date; providing for the lease of relocatable educational facilities; amending s. 236.25, F.S.; clarifying provisions relating to the use of millage levied for capital outlay purposes; providing an additional use for millage for capital outlay purposes; amending s. 200.065, F.S.; conforming provisions; providing for review and repeal of s. 235.198, F.S.; exempting school districts from a provision that requires the reduction of moneys provided to them pursuant to the Florida Education Finance Program, under certain circumstances;

On motion by Senator Stuart, by two-thirds vote CS for SB 1958 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	Diaz-Balart	Kirkpatrick	Stuart
Brown	Dudley	Langley	Thomas
Bruner	Forman	Margolis	Thurman
Casas	Gardner	McPherson	Walker
Childers, D.	Girardeau	Meek	Weinstein
Childers, W. D.	Gordon	Myers	Weinstock
Crenshaw	Grant	Peterson	Woodson-Howard
Davis	Grizzle	Plummer	

Nays—None

**CS for SB 3194**—A bill to be entitled An act relating to the Taxation and Budget Reform Commission; amending s. 101.161, F.S.; including proposals submitted by the commission in provisions relating to constitutional amendment ballot language; creating s. 286.036, F.S.; authorizing the commission to employ personnel, incur expenses, and expend funds; providing for travel and per diem expenses; providing for state agencies and local governments to assist and cooperate with the commission; providing for expiration of the commission; assigning the commission to the Board of Regents for administrative purposes; providing an effective date.

—was read the second time by title.

Senators Malchon and Brown offered the following amendment which was moved by Senator Malchon and failed:

**Amendment 1**—On page 2, line 31, after the period (.) insert:

(4)(a) The Taxation and Budget Reform Commission may compel by subpoena duces tecum the production of any books, letters, or other documentary evidence in reference to any matter before it from any public agency in this state.

(b) The Taxation and Budget Reform Commission may issue subpoenas and other necessary process to compel the attendance of persons employed by any public agency in this state as witnesses to appear before the commission in order to carry out its duties. The chairman of the commission shall, after a majority vote of the entire commission, issue such process on behalf of the commission. The chairman or any other member

of the commission may administer oaths and affirmations in the manner prescribed by law to witnesses who appear before the commission

(5) If any witness fails to respond to the lawful subpoena of the Taxation and Budget Reform Commission, or having responded, fails to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction and shall direct the witness to respond to that complaint and direct the witness to respond to all lawful questions and to produce all documentary evidence in his possession which is lawfully demanded. The failure of any witness to comply with such order of the court constitutes direct and criminal contempt of court, and the court shall punish the witness accordingly.

(Renumber subsequent sections.)

Senator Brown moved the following amendments which were adopted:

**Amendment 2**—On page 3, line 11, insert a new section 3:

Section 3. Local taxation and budget reform commissions; creation; appointment of members; duties; report.—

(1) In order to provide needed information and recommendations on the efficiency and effectiveness of local governments and on the ability of local governments to adequately finance the operations and facilities needed in the next 10 years, each county in the state is authorized to create a local taxation and budget reform commission.

(2) Local taxation and budget reform commissions shall be composed of no more than 20 members. One-half of the membership of each commission shall be appointed by the board of county commissioners or governing body of the county and one-half of the membership shall be appointed by the governing bodies of the municipalities of the county in which the commission is located.

(a) In the event that the number of municipalities in a county exceeds the number of positions designated for municipal representatives, the board of directors of the local unit of the Florida League of Cities shall determine which municipalities shall make appointments.

(b) In the event that the number of municipalities in a county is less than or equal to the number of positions designated for municipal representatives, each municipality shall appoint one representative to the commission and the board of directors of the Florida League of Cities shall determine which municipalities shall make appointments to any remaining positions.

(3) It shall be the duty of any local taxation and budget reform commission created pursuant to this section to:

(a) Consider projected demand for local services and facilities over the next 10 years, using where possible the population forecasts and other information included in the local government comprehensive plans for the area.

(b) Determine what the needs of the county will be in the upcoming 10-year period, project the revenues to meet those needs, examine the policy relating to the ability of local governments to tax and adequately fund the needs identified, and review local government budgeting and expenditures processes.

(c) Identify, if possible, means of improving:

1. The efficiency and effectiveness of local programs and services.
2. Local budget and expenditure processes, including revenue and expenditure forecasting.

(d) Provide information to the State Taxation and Budget Reform Commission in the form and manner prescribed by the commission.

(e) Make recommendations for statutory and constitutional changes that would improve governmental efficiency and productivity, institute better financial practices, or provide the revenues needed to overcome projected revenue shortfalls.

(f) Submit to the Florida League of Cities and the Florida Association of Counties any recommendations made to the State Taxation and Budget Reform Commission.

(g) Notify the State Taxation and Budget Reform Commission within 45 days of its formation.

(4) Recommendations made by any local taxation and budget reform commission formed pursuant to this section shall be submitted to the State Taxation and Budget Reform Commission by June 1, 1991.

(5) Local taxation and budget reform commissions shall be formed beginning in 1990 and at 10-year intervals thereafter. Upon the submission of recommendations to the State Taxation and Budget Reform Commission as provided in this section, the local commission shall stand dissolved.

(Renumber subsequent sections.)

**Amendment 3**—In title, on page 1, line 14, after the semicolon (;) insert: providing for the creation of local taxation and budget reform commissions; providing for membership; providing for duties; providing for recommendations; providing for dissolution;

On motion by Senator Deratany, by two-thirds vote CS for SB 3194 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	Diaz-Balart	Johnson	Plummer
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Thomas
Bruner	Gardner	Langley	Thurman
Casas	Girardeau	Malchon	Walker
Childers, D.	Gordon	Margolis	Weinstein
Childers, W. D.	Grant	McPherson	Weinstock
Davis	Grizzle	Myers	Woodson-Howard
Deratany	Jennings	Peterson	

Nays—None

The Senate resumed consideration of—

**CS for HB 3059**—A bill to be entitled An act relating to persons who have disabilities; amending s. 318.21, F.S.; providing that a portion of the proceeds of fines imposed for violations of traffic regulations be deposited in the Transportation Disadvantaged Trust Fund and be used to provide transportation for handicapped persons; amending s. 400.021, F.S.; defining "transitional living facility"; creating s. 400.045, F.S.; requiring the Department of Health and Rehabilitative Services to develop rules for licensing certain facilities; amending s. 413.602, F.S., and repealing subsection (6), relating to definitions; removing the definition of "halfway house"; defining "transitional living facility"; amending s. 413.603, F.S.; providing for establishment of a plan for a system of treatment; creating s. 413.614, F.S.; requiring the department to develop rules for licensing certain facilities; providing program goals and requirements; creating s. 413.70, F.S.; creating the Limiting Disabilities Program; providing a purpose; creating s. 413.71, F.S.; providing definitions; creating s. 413.72, F.S.; providing for eligibility; creating s. 413.73, F.S.; providing duties and responsibilities of the Division of Vocational Rehabilitation of the Department of Labor and Employment Security; creating s. 413.731, F.S.; providing for funding; authorizing contracting; creating s. 413.74, F.S.; providing for referral and cooperation by other public agencies; amending s. 413.341, F.S.; providing for confidentiality of certain records; providing a penalty; amending s. 320.0848, F.S.; providing for issuance of exemption parking permits to qualified persons; specifying time limits on said permits; providing for certification by chiropractic physicians; specifying criteria for applicants eligible for permits; specifying the contents of the certificate of disability; providing for renewal of exemption permits; requiring the exemption permit to be a placard; specifying the contents of the temporary exemption permit; prohibiting the department from issuing more than 2 permits; specifying fees and disbursement; authorizing counties and municipalities to increase the required number of handicapped parking spaces; prohibiting false or misleading statements in the application or physician's certification; providing penalties; providing for rules; amending s. 318.30, F.S.; revising language with respect to legislative intent relating to civil traffic infraction hearing officers; amending s. 316.1967, F.S., requiring counties to provide the Department of Highway Safety and Motor Vehicles with lists of persons who have violated handicapped parking laws or ordinances; requiring the department to mark the vehicle registrations of such persons; amending s. 316.1956, F.S., making conforming changes; amending s. 316.1955, F.S., including reference to certain license plates for disabled parking; amending s. 316.1964, F.S., exempting certain permits from parking fees; amending s. 526.141, F.S., requiring full-service gasoline stations to dispense self-service gasoline to vehicles with certain permits; amending s. 316.008, F.S., correcting a cross reference; reenacting s. 316.1957, F.S., relating to parking violations, s. 316.1958, F.S., relating to out-of-state vehicles, s. 318.18, F.S., relating to amount of civil penalties, and s. 320.03, F.S., relating to registration, to incorporate the amendments to ss. 526.141, 320.0848, 316.1967, 316.1964, 316.1956, 316.1955, and 316.008, F.S., in references thereto; providing an appropriation; providing an effective date.

Senator Weinstock moved the following amendments which were adopted:

**Amendment 2**—On page 5, between lines 9 and 10, insert:

Section 3. Subsection (2) of section 410.603, Florida Statutes, is amended to read:

410.603 Definitions.—As used in ss. 410.601-410.606:

(2) "Disabled adult" means any person at least 18 years of age, but under 60 years of age, ~~who is not eligible for vocational rehabilitation services and~~ who has one or more permanent physical or mental limitations which restrict his ability to perform the normal activities of daily living and impede his capacity to live independently or with relatives or friends without the provision of community-based services.

Section 4. Subsection (2) of section 410.604, Florida Statutes, is amended to read:

410.604 Community care for disabled adults program; powers and duties of the department.—

(2) Any person who meets the definition of a disabled adult pursuant to s. 410.603(2) is eligible to receive the services of the community care for disabled adults program. However, the community care for disabled adults program shall operate within the funds appropriated by the Legislature. Priority shall be given to disabled adults who are not eligible for comparable services in programs of or funded by the department or the *Division of Vocational Rehabilitation of the Department of Labor and Employment Security*; who are determined to be at risk of institutionalization; and whose income is at or below the existing institutional care program eligibility standard.

(Renumber subsequent sections.)

**Amendment 3**—In title, on page 1, line 13, after the semicolon (;) insert: amending s. 410.603, F.S.; modifying the definition of a disabled adult to expand the persons eligible for the services of the community care for disabled adults program; amending s. 410.604, F.S.; requiring that certain additional persons, not otherwise eligible for comparable services, be given priority for services under the program;

On motion by Senator Forman, by two-thirds vote CS for HB 3059 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

The Senate resumed consideration of—

**CS for SB 2794**—A bill to be entitled An act relating to health insurance; amending s. 627.646, F.S.; specifying required coverage in policies converted from group policies; specifying applicability; amending s. 627.6645, F.S.; requiring a refund of unearned premium; amending s. 627.667, F.S.; requiring extension of benefits with respect to specified coverages; amending s. 627.6675, F.S.; limiting applicability of provision requiring convertibility of group policies; specifying benefits required in such converted policies; reenacting ss. 627.6515(2)(c), 627.6651, 627.9303(7), F.S., relating to out-of-state groups, liability of prior insurer, and life maintenance contracts, to incorporate the amendments to ss. 627.667, 627.6675, F.S., in references thereto; renumbering s. 627.626, F.S., as s. 627.6085, F.S., to exclude said section from the operation of s. 627.618, F.S.; providing an effective date.

Senator Weinstein moved the following amendments which were adopted:

**Amendment 3**—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 455.247, F.S.; requiring insurers, self-insurers, and joint underwriting associations to report claims or actions for damages to

the Department of Professional Regulation; requiring the department to review such reports and take specified actions; amending ss. 627.912, 627.9122, 627.9126, and 627.913, F.S.; requiring insurers, self-insurers, and joint underwriting associations to maintain and make available certain information on professional liability claims or actions; amending s. 766.101, F.S.; revising the definition of the term "medical review committee"; renumbering ss. 627.6057 and 627.6058, F.S., relating to medical malpractice insurers; amending s. 458.311, F.S.; delaying the future repeal date of a provision relating to licensure of foreign medical school graduates; amending s. 458.331, F.S.; providing conforming language; requiring investigation of occurrences upon which certain claims against physicians are based; amending s. 459.015, F.S.; providing conforming language; requiring investigation of occurrences upon which certain claims against osteopathic physicians are based; amending s. 461.013, F.S.; providing conforming language; requiring investigation of occurrences upon which certain claims against podiatrists are based; amending s. 466.028, F.S.; providing conforming language; requiring investigations of occurrences resulting in certain claims against dentists;

**Amendment 4**—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 627.673, F.S.; providing for designation of such policies; amending s. 627.6736, F.S., relating to filing requirements for out-of-state group policies, to conform language; creating s. 627.6737, F.S.; providing for reporting of multiple policies; amending s. 627.674, F.S.; revising minimum standards for Medicare supplement policies; creating s. 627.6741, F.S.; providing requirements for cancellation, nonrenewal, and replacement of such policies; creating s. 627.6742, F.S.; providing for restrictions on compensation arrangements between Medicare supplement insurers and agents pursuant to rules of the Department of Insurance; creating s. 627.6743, F.S.; providing standards for marketing; creating s. 627.6744, F.S.; requiring agents to determine appropriateness of a purchase or replacement;

On motion by Senator Weinstein, by two-thirds vote CS for SB 2794 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	Johnson	Plummer
Beard	Diaz-Balart	Kirkpatrick	Souto
Brown	Dudley	Langley	Thomas
Bruner	Forman	Malchon	Thurman
Casas	Gardner	Margolis	Walker
Childers, D.	Girardeau	McPherson	Weinstein
Childers, W. D.	Gordon	Meek	Woodson-Howard
Crenshaw	Grant	Myers	
Davis	Grizzle	Peterson	

Nays—None

**CS for SB 2524**—A bill to be entitled An act relating to professional regulation; providing legislative intent; providing exemptions; providing definitions; creating the Board of Speech-Language Pathology and Audiology within the Department of Professional Regulation; providing rulemaking authority; providing for fees; providing for deposit of fees and fines; providing requirements for a provisional license; providing for renewal; providing a professional experience requirement; providing for a licensure examination; specifying requirements for licensure as a speech-language pathologist or an audiologist; providing requirements for licensure by endorsement; providing continuing education requirements; providing exceptions; providing for inactive status, reactivation, and expiration of licenses and certificates; specifying requirements for certification as a speech-language pathology assistant or an audiology assistant; providing minimal procedures and equipment in fitting and selling hearing aids; requiring certification of such equipment and testing facilities by the department; providing an exception; providing authority of the board; providing for inspections and investigations by the department; requiring an itemized listing of prices for hearing aids; providing requirements for receipts, packaging, disclaimers, and guarantees; providing conditions for cancellation and refund; prohibiting the sale or distribution of hearing aids through the mail; providing a penalty; requiring establishment of a place of business and display of license; providing prohibitions; providing a penalty; providing disciplinary proceedings and penalties; providing for the prosecution of criminal violations; saving certain pending proceedings; providing for participation of the board and the Department of Professional Regulation; continuing certificates and registrations currently in effect under part I of ch. 468, F.S.; amending s. 20.30, F.S., to conform; amending s. 468.1695, F.S.; providing that the

examination for licensure as a nursing home administrator shall be given at least four times a year; amending s. 468.1705, F.S.; modifying requirements for temporary licensure; amending s. 484.042, F.S.; deleting the audiologist member of the Board of Hearing Aid Specialists; modifying requirements for lay members; amending s. 484.0447, F.S.; increasing licensure and renewal fees for hearing aid specialists; amending s. 484.059, F.S.; modifying the exemption from licensure as a hearing aid specialist for audiologists; providing for transfer of funds in the Speech-Language Pathology and Audiology Trust Fund; repealing part I of ch. 468, F.S., the Speech-Language Pathology and Audiology Act; providing for the transfer of certain functions of the Department of Education to the department; repealing part I of ch. 468, F.S., the Speech-Language Pathology and Audiology Act; repealing s. 484.045(4), F.S., relating to licensure of audiologists to fit and dispense hearing aids; providing for review and repeal; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Peterson moved the following amendment which was adopted:

**Amendment 1**—On page 30, strike all of lines 27-31 and renumber subsequent paragraphs.

Senator Davis moved the following amendment which was adopted:

**Amendment 2**—On page 31, between lines 9 and 10, insert:

Section 33. Legislative review of the regulation of lay midwifery.—

(1) It is the intent of the Legislature to study during the 1990-1991 interim whether the practice of lay midwifery should be permitted beyond the scope provided for in chapter 467, Florida Statutes, and, if so, whether lay midwifery can be regulated by the state in a manner which does not unnecessarily or adversely affect the competitive market and yet regulate lay midwifery to the extent necessary to ensure the consumers of services of lay midwives safe childbirth.

(2) In determining whether to allow the profession of lay midwifery to continue and grow and whether changes are needed in current regulation, the Legislature shall apply the following criteria:

(a) Whether the practice of lay midwifery will harm or endanger the public health, safety, or welfare and whether the potential for harm is recognizable and not remote;

(b) Whether the practice of lay midwifery requires skill or training and whether the public needs and will benefit by assurances of initial and continuing competency;

(c) Whether the public is or can be effectively protected by other means;

(d) Whether the overall cost-effectiveness and economic impact of regulation will be favorable;

(e) Whether regulation has the effect of directly or indirectly increasing the costs of lay midwifery services involved and, if so, to what degree;

(f) Whether any increase in cost involved is more harmful to the public than the harm which could result from the absence of regulation; and

(g) What the proposed licensee population will be and the proposed licensure fees for that population based upon any proposed regulatory scheme.

(3) Proponents of legislation proposing changes in the current regulation of lay midwifery shall provide the following information in writing as requested by the Legislature:

(a) The names of all associations and individuals having an interest in changing the current regulation of lay midwifery;

(b) Documentation of the nature and extent of the harm to the public caused by the unregulated practice of lay midwifery;

(c) A description of the ways in which the public will benefit or be harmed by the continuation of current regulation;

(d) The reason why other types of regulation would not effectively protect the public;

(e) A list of states which regulate lay midwives, providing the dates of enactment of such regulations and descriptions of the regulatory schemes;

(f) A copy of any federal legislation mandating regulation; and

(g) Any other information the Legislature considers relevant to the evaluation of regulation of lay midwives.

(4) When making a recommendation concerning proposed legislation providing for changes in regulation of lay midwifery, the Legislature shall determine:

(a) Whether or not regulation is justified based on the criteria contained in this section;

(b) The least restrictive level of regulation which will adequately protect the public; and

(c) The technical sufficiency of the proposed legislation, particularly its consistency with the regulation of lay midwifery under existing law.

(5) Any legislation enacted pursuant to this section must be made subject to legislative review under section 11.61, Florida Statutes.

(Renumber subsequent sections.)

Senators Souto, Diaz-Balart, Casas, Weinstein, Meek and W. D. Childers offered the following amendment which was moved by Senator Souto:

**Amendment 3**—On page 31, between lines 9 and 10, insert:

Section 33. Paragraph (b) of subsection (7) of section 458.347, Florida Statutes, is amended, paragraph (f) of said section is redesignated as paragraph (g), and a new paragraph (f) is added to said subsection, to read:

458.347 Physician assistants.—

(7) PHYSICIAN ASSISTANT CERTIFICATION.—

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

1. A renewal fee not to exceed \$500 \$300 as set by the board.

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

*Certification granted pursuant to subparagraph (f)1. shall be reviewed by the board prior to renewal.*

(f) *Notwithstanding the provisions of subparagraph (a)2. and subparagraph (a)3.a., the board shall grant certification to any person who:*

1. *Has made a passing score of 65 or above on the licensure examination of the Federation of State Medical Boards of the United States, Inc., (FLEX) or the Educational Commission for Foreign Medical Graduates examination (ECFMG) in lieu of the proficiency examination; or*

2.a. *Has been certified by the board as having met the requirements for licensure as a medical doctor by examination set forth in s. 458.311(1), (3), (4), and (5), with the exception that the applicant is not required to have taken the FLEX or the ECFMG and the applicant is not required to have completed an approved residency of at least 1 year;*

b. *Has completed, in lieu of a certificate of completion of an approved physician assistant training program, two equivalent courses, which shall contain a risk management component and a survey course with a clinical component; and*

c. *Has satisfactorily passed a state proficiency examination developed by the department in lieu of the entry-level examination administered by the National Commission on Certification of Physician Assistants.*

*However, the application fee under this paragraph shall be the fee due under s. 458.311(1)(a) and not the fee otherwise due under subparagraph (a)3.*

Section 34. Paragraph (f) of subsection (7) of section 458.347, Florida Statutes, is repealed on October 1, 1995, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 35. There is hereby appropriated from the Professional Regulation Trust Fund six positions and \$270,140 to the Department of Professional Regulation in Fiscal Year 1990-1991 to administer the provisions of this Act.

Further consideration of CS for SB 2524 with pending Amendment 3 was deferred.

**CS for SB 306**—A bill to be entitled An act relating to the Board of Trustees of the John and Mable Ringling Museum of Art; amending s. 265.26, F.S.; providing certain responsibilities of the board of trustees; providing that the board of trustees is responsible for preserving and maintaining all the artifacts, collections, and objects in the custody of the museum; providing for the inventory of properties in the custody of the board; specifying that the Department of State may oversee the activities of the board; allowing the board of trustees to approve a direct-support organization to operate for certain purposes; providing that the direct-support organization must operate under a contract and specifying the terms of the contract; specifying funds which may be held in trust by the direct-support organization; providing for a council to advise and assist the board of trustees and the direct-support organization; providing qualifications for membership on the council; repealing s. 265.261(3), F.S., relating to a council to advise and assist the board of trustees; reviving and readopting ss. 265.26, 265.261, 265.27, F.S., notwithstanding repeal scheduled pursuant to the Sundown Act; providing for future repeal and review of said sections; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for SB 306 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Diaz-Balart	Kirkpatrick	Souto
Beard	Dudley	Kiser	Stuart
Brown	Forman	Langley	Thomas
Bruner	Gardner	Margolis	Thurman
Casas	Girardeau	McPherson	Walker
Childers, D.	Gordon	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Deratany, Malchon, Woodson-Howard

**CS for SB 2316**—A bill to be entitled An act relating to health care utilization review; creating s. 395.0172, F.S.; providing legislative intent; providing definitions; providing for registration of private review agents; providing registration requirements; providing for fees; providing administrative penalties; providing for injunction; prohibiting contracting with unlicensed review agents; providing exemptions; requiring certain compliance by hospitals; providing rulemaking authority; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendments which were adopted:

**Amendment 1**—On page 2, line 20, after “hospitals” insert: , or wholly owned subsidiaries thereof or affiliates under common ownership,

**Amendment 2**—On page 3, line 19, after “nurse” insert: , or other similarly qualified medical records or health care professionals

On motion by Senator Langley, by two-thirds vote CS for SB 2316 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	Brown	Casas	Childers, W. D.
Beard	Bruner	Childers, D.	Crenshaw

Davis	Grizzle	McPherson	Thurman
Deratany	Jennings	Meek	Walker
Diaz-Balart	Johnson	Myers	Weinstein
Dudley	Kirkpatrick	Peterson	Weinstock
Forman	Kiser	Plummer	Woodson-Howard
Gardner	Langley	Souto	
Girardeau	Malchon	Stuart	
Gordon	Margolis	Thomas	

Nays—None

Consideration of CS for SB 574 was deferred.

**CS for SB 122**—A bill to be entitled An act relating to precursor and essential chemicals; repealing part III, chapter 499, F.S., consisting of ss. 499.601-499.79, relating to ether; creating part III of chapter 499, F.S., relating to listed chemicals; creating s. 499.602, F.S., providing definitions; creating s. 499.603, F.S., requiring registration of distributors and certain purchasers or possessors of listed chemicals; creating s. 499.605, F.S., requiring proof of identity of persons who purchase or receive listed chemicals; creating s. 499.606, F.S., requiring maintenance of certain records and submission of transactional reports by distributors; providing exemptions; creating s. 499.607, F.S., authorizing inspections of facilities; creating s. 499.609, F.S., requiring the reporting of loss, unexplained shortage, theft, or unlawful distribution, purchase, or possession of listed chemicals; creating s. 499.702, F.S., authorizing the adoption of rules by the Department of Health and Rehabilitative Services to administer this part; creating s. 499.703, F.S., providing prohibited acts; creating s. 499.704, F.S., providing penalties and remedies; creating s. 499.706, F.S., providing for the conduct of hearings and review of orders by the department; creating s. 499.708, F.S., providing criminal penalties; creating s. 499.80, providing for deposit of moneys collected under this part; creating s. 499.801, F.S., providing that information obtained by the department is confidential and exempt from s. 119.07(1), F.S.; authorizing the disclosure of information to certain officials or in certain investigations or proceedings; amending s. 893.02, F.S., adding a definition of listed chemical; creating s. 893.033, F.S., establishing a list of precursor chemicals and essential chemicals; creating s. 893.0358, F.S., authorizing the Attorney General to add or delete chemicals by rule; providing for recommendations by the Department of Health and Rehabilitative Services and the Department of Law Enforcement; amending s. 893.105, F.S., authorizing the sample testing and destruction of listed chemicals seized; amending s. 893.12, F.S., providing that listed chemicals involved in chapter 893 violations are contraband and are subject to seizure and forfeiture; providing for destruction of seized chemicals; creating s. 893.149, F.S., prohibiting the possession of listed chemicals with the intent to unlawfully manufacture controlled substances; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Souto, by two-thirds vote CS for SB 122 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

**CS for SB 574**—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.06, F.S.; requiring the department to supply retroreflective adhesive tape with county name; eliminating the requirement that license plates include a county designation at the bottom of the plates; providing an effective date.

—was read the second time by title. On motion by Senator Woodson-Howard, by two-thirds vote CS for SB 574 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Diaz-Balart	Kirkpatrick	Stuart
Beard	Dudley	Kiser	Thomas
Brown	Forman	Langley	Thurman
Bruner	Gardner	Malchon	Walker
Casas	Girardeau	McPherson	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Souto	

Nays—None

Vote after roll call:

Yea—Deratany

Consideration of **CS for SB 108** was deferred.

The Senate resumed consideration of—

**CS for SB 2524**—A bill to be entitled An act relating to professional regulation; providing legislative intent; providing exemptions; providing definitions; creating the Board of Speech-Language Pathology and Audiology within the Department of Professional Regulation; providing rulemaking authority; providing for fees; providing for deposit of fees and fines; providing requirements for a provisional license; providing for renewal; providing a professional experience requirement; providing for a licensure examination; specifying requirements for licensure as a speech-language pathologist or an audiologist; providing requirements for licensure by endorsement; providing continuing education requirements; providing exceptions; providing for inactive status, reactivation, and expiration of licenses and certificates; specifying requirements for certification as a speech-language pathology assistant or an audiology assistant; providing minimal procedures and equipment in fitting and selling hearing aids; requiring certification of such equipment and testing facilities by the department; providing an exception; providing authority of the board; providing for inspections and investigations by the department; requiring an itemized listing of prices for hearing aids; providing requirements for receipts, packaging, disclaimers, and guarantees; providing conditions for cancellation and refund; prohibiting the sale or distribution of hearing aids through the mail; providing a penalty; requiring establishment of a place of business and display of license; providing prohibitions; providing a penalty; providing disciplinary proceedings and penalties; providing for the prosecution of criminal violations; saving certain pending proceedings; providing for participation of the board and the Department of Professional Regulation; continuing certificates and registrations currently in effect under part I of ch. 468, F.S.; amending s. 20.30, F.S., to conform; amending s. 468.1695, F.S.; providing that the examination for licensure as a nursing home administrator shall be given at least four times a year; amending s. 468.1705, F.S.; modifying requirements for temporary licensure; amending s. 484.042, F.S.; deleting the audiologist member of the Board of Hearing Aid Specialists; modifying requirements for lay members; amending s. 484.0447, F.S.; increasing licensure and renewal fees for hearing aid specialists; amending s. 484.059, F.S.; modifying the exemption from licensure as a hearing aid specialist for audiologists; providing for transfer of funds in the Speech-Language Pathology and Audiology Trust Fund; repealing part I of ch. 468, F.S., the Speech-Language Pathology and Audiology Act; providing for the transfer of certain functions of the Department of Education to the department; repealing part I of ch. 468, F.S., the Speech-Language Pathology and Audiology Act; repealing s. 484.045(4), F.S., relating to licensure of audiologists to fit and dispense hearing aids; providing for review and repeal; providing an appropriation; providing an effective date.

—with pending Amendment 3.

Senators Diaz-Balart, Souto and Casas offered the following amendment to Amendment 3 which was moved by Senator Diaz-Balart and adopted:

**Amendment 3A**—On page 3, strike all of lines 9-12Further consideration of **CS for SB 2524** as amended was deferred.**The President presiding**

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 has passed SB 278 with amendment and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 278**—A bill to be entitled An act relating to the concealment of public hazards; creating s. 69.081, F.S.; providing a definition; providing that a court may not enter a judgment which conceals a public hazard; providing that certain contracts or agreements are void; providing standing for certain persons; providing for an action for declaratory judgment; providing an effective date.

**House Amendment 3**—On page 3, line 3, strike all of said line and insert a new Section 2:

Section 2. This act shall take effect July 1, 1990, and shall apply to causes of action accruing on or after the effective date.

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

SB 278 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Gardner Thurman

Vote after roll call:

Nay to Yea—Thurman

**SPECIAL ORDER, continued**

The Senate resumed consideration of—

**CS for HB 3143**—A bill to be entitled An act relating to developmental disabilities; amending s. 393.063, F.S.; clarifying the professional requirements for psychologists employed in comprehensive transitional education programs; expanding the definition of the term "high-risk child" to include a child who has a physical or genetic anomaly associated with developmental disability as that term is used in ch. 393, F.S., relating to developmental disabilities; amending s. 393.11, F.S.; modifying requirements for the involuntary admission to residential services of certain mentally retarded persons; providing authority for the court to issue orders for the administration of psychotropic medication and behavioral programming; amending s. 393.13, F.S.; revising the rights of clients of the developmental services program; providing an effective date.

—which was substituted for CS for SB 1702 this day.

On motions by Senator Forman, by two-thirds vote CS for HB 3143 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—38

Mr. President	Bruner	Crenshaw	Dudley
Bankhead	Casas	Davis	Forman
Beard	Childers, D.	Deratany	Gardner
Brown	Childers, W. D.	Diaz-Balart	Girardeau

Gordon	Kiser	Peterson	Walker
Grant	Langley	Plummer	Weinstock
Grizzle	Margolis	Souto	Weinstock
Jennings	McPherson	Stuart	Woodson-Howard
Johnson	Meek	Thomas	
Kirkpatrick	Myers	Thurman	

Nays—None

**CS for SB 108**—A bill to be entitled An act relating to state employment; amending s. 110.219, F.S.; providing for the adoption of rules for parental and family medical leave; amending s. 110.221, F.S.; prohibiting the state from terminating the employment of a career service employee because of the pregnancy of the employee's spouse; providing for parental or family medical leave for certain state employees; prohibiting the state from requiring mandatory parental or family medical leave or denying certain employees the use and payment for specified leave for specified reasons; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 108 to conform the bill to CS for HB 2743.

Pending further consideration of CS for SB 108 as amended, on motion by Senator Davis, by two-thirds vote CS for HB 2743 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motion by Senator Davis—

**CS for HB 2743**—A bill to be entitled An act relating to state employees; providing legislative intent; creating the "Family Support Personnel Policies Act"; directing the Department of Administration to develop a model rule with respect to family support personnel policies; providing a timeframe for the adoption of the rule; directing agencies to appoint advisory committees by a certain date; providing an effective date.

—a companion measure, was substituted for CS for SB 108 and read the second time by title.

Senator Davis moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 14, strike everything after the enacting clause and insert:

Section 1. It is the intent of the Legislature to encourage state agencies to establish personnel policies that will enable state employees to balance employment responsibilities with family responsibilities.

Section 2. Sections 1-5 of this act may be cited as the "Family Support Personnel Policies Act."

Section 3. The Department of Administration shall develop a model rule establishing family support personnel policies for all state agencies as defined in section 20.055, Florida Statutes. "Family support personnel policies," for purposes of sections 1-5 of this act, means personnel policies affecting employees' ability to both work and devote care and attention to their families and includes policies on flexible hour work schedules, compressed time, job sharing, part-time employment, maternity or paternity leave for employees with a newborn or newly-adopted child, and paid and unpaid family or administrative leave for family responsibilities.

Section 4. The Department of Administration shall publish such model rule in the Florida Administrative Weekly by July 1, 1991, and proceed to adopt a model rule without undue delay pursuant to chapter 120, Florida Statutes. The rule shall be effective 20 days after having been filed with the Department of State and shall become part of the personnel rules of all applicable state agencies 150 days after the effective date of the rule to the extent that each agency does not, subsequent to such effective date, adopt a rule that sets forth the intent to specifically amend all or part of such model rule. Any employee or organization representing employees shall be considered a party for purposes of any rule required by sections 1-5 of this act, notwithstanding any provision of chapter 120, Florida Statutes, to the contrary.

Section 5. By July 1, 1991, each head of a state agency shall appoint an advisory committee of nine employees to advise him on the appropriate family support personnel policies for the agency. The committee shall be comprised of two clerical employees, two nonclerical employees who are not managers, two employees who are managers, one nonemployee spouse of a state employee who is not a manager, and two other employ-

ees. At least three of the employees appointed shall be heads of households in single-parent families. Advisory committees may participate in the rulemaking proceedings for the model rule and shall recommend to the head of the agency any amendments to the model rule the agency should adopt. The head of the agency may continue the committee after the agency decides on its family support personnel policies, in order to consider future changes to such policies.

Section 6. Section 110.121, Florida Statutes, is amended to read:

110.121 Sick leave pool.—Each department or agency of the state which has authority to adopt rules governing the accumulation and use of sick leave for employees and which maintains accurate and reliable records showing the amount of sick leave which has been accumulated and is unused by employees may, in accordance with guidelines which shall be established by the Department of Administration, promulgate rules for the establishment of a plan allowing participating full-time employees to pool sick leave and allowing any sick leave thus pooled to be used by any participating employee who has used all of the sick leave that has been personally accrued by him. Although not limited to the following, such rules shall provide:

(1) That full-time employees shall be eligible for participation in the sick leave pool after 1 year of employment with the state or agency of the state; provided that such employee has accrued a minimum amount of unused sick leave, which minimum shall be established by rule.

(2) That participation in the sick leave pool shall, at all times, be voluntary on the part of the employees.

(3) That any sick leave pooled shall be removed from the personally accumulated sick leave balance of the employee contributing such leave.

(4) That any sick leave in the pool which leave is used by a participating employee shall be used only for the employee's personal illness, accident, or injury or for a medical emergency involving an imminent loss of life or limb, sight, or hearing of an immediate family member of the employee.

(5) That a participating employee shall not be eligible to use sick leave accumulated in the pool until all of his personally accrued sick, annual, and compensatory leave has been used.

(6) A maximum number of days of sick leave in the pool which any one employee may use.

(7) That a participating employee who uses sick leave from the pool shall not be required to recontribute such sick leave to the pool, except as otherwise provided herein.

(8) That an employee who cancels his membership in the sick leave pool shall not be eligible to withdraw the days of sick leave he has contributed to the pool.

(9) That an employee who transfers from one position in state government to another position in state government may transfer from one pool to another if the eligibility criteria of the pools are comparable or the administrators of the pools have agreed on a formula for transfer of credits.

(10) That alleged abuse of the use of the sick leave pool shall be investigated, and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave pool and shall be subject to such other disciplinary action as is determined by the agency head.

Section 7. Paragraph (h) of subsection (5) of section 110.219, Florida Statutes, is amended, present paragraphs (i), (j), (k), (l), (m), and (n) of said subsection are redesignated as paragraphs (j), (k), (l), (m), (n), and (o), respectively, and a new paragraph (i) is added to said section to read:

110.219 Attendance and leave; general policies.—

(5) Rules shall be adopted by the department to implement the provisions of this section; however, such rules shall be approved by the Administration Commission prior to their adoption by the department. Such rules shall provide for, but shall not be limited to:

(h) ~~Parental~~ Maternity leave provisions.

(i) Family medical leave provisions.

Section 8. Section 110.221, Florida Statutes, is amended to read:

110.221 *Parental or family medical Maternity leave.*—

(1) *As used in this section, the term "family" means a child, parent, or spouse, and the term "family medical leave" means leave requested by an employee for a serious family illness including an accident, disease, or condition that poses imminent danger of death, requires hospitalization involving an organ transplant, limb amputation, or other procedure of similar severity, or any mental or physical condition that requires constant in-home care.*

(2)(4) The state shall not:

(a) Terminate the employment of any employee in the career service because of ~~the her~~ pregnancy of the employee or the employee's spouse.

(b) Refuse to grant to a career service ~~such~~ employee parental or family medical ~~maternity~~ leave without pay for a period not to exceed 6 months. Such leave shall commence on a date that is determined by the employee in consultation with the employee's ~~her~~ doctor following notification to the ~~her~~ employer in writing and that is approved by the employer.

(c) Deny a career service ~~such~~ employee the use of and payment for annual leave credits for parental or family medical ~~maternity~~ leave. Such leave shall commence on a date determined by the employee in consultation with the employee's ~~her~~ doctor following notification to the ~~her~~ employer in writing.

(d) Deny a career service ~~such~~ employee the use of and payment for accrued sick leave or family sick leave for any reason deemed necessary by a physician or as established by policy.

(e) Require that a career service ~~such~~ employee take a mandatory parental or family medical ~~maternity~~ leave.

(3)(2) Upon returning at the end of parental or family medical ~~her~~ leave of absence, such employee shall be reinstated to the same ~~her~~ job or to an equivalent position with equivalent pay and with seniority, retirement, fringe benefits, and other service credits accumulated prior to the leave period. ~~If should~~ any portion of the parental or family medical ~~maternity~~ leave ~~is~~ be paid leave, the employee shall be entitled to accumulate all benefits granted under paid leave status.

Section 9. This act shall take effect upon becoming a law.

**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 state employees; providing legislative intent; creating the "Family Support Personnel Policies Act"; directing the Department of Administration to develop a model rule with respect to family support personnel policies; providing a timeframe for the adoption of the rule; directing agencies to appoint advisory committees by a certain date; amending s. 110.121, F.S.; authorizing the use of sick leave in a state employee sick leave pool for certain medical emergencies involving immediate family members of participating state employees; amending s. 110.219, F.S.; providing for the adoption of rules for parental and family medical leave; amending s. 110.221, F.S.; prohibiting the state from terminating the employment of a career service employee because of the pregnancy of the employee's spouse; providing for parental or family medical leave for certain state employees; prohibiting the state from requiring mandatory parental or family medical leave or denying certain employees the use and payment for specified leave for specified reasons; providing an effective date.

On motion by Senator Davis, by two-thirds vote CS for HB 2743 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—3

Beard Grant Langley

On motions by Senator Deratany, by two-thirds vote HB 3235 was withdrawn from the Committees on Regulated Industries; and Finance, Taxation and Claims.

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

**HB 3235**—A bill to be entitled An act relating to cigarette permitting; amending s. 210.15, F.S.; requiring distributing agents to file a set of fingerprints prior to permit approval; amending s. 210.16, F.S.; revising language relating to the power of the Division of Alcoholic Beverages and Tobacco to revoke wholesale dealers' permits; saving ss. 210.15, 210.16, and 210.161, F.S., from Sunset repeal; providing an effective date.

—a companion measure, was substituted for SB 2936 and read the second time by title.

Senator Deratany moved the following amendments which were adopted:

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

Section 1. Section 210.051, Florida Statutes, is created to read:

210.051 Cigarette Excise Tax Protection Trust Fund; contributions required; withdrawal of revenues.—

(1) The Cigarette Excise Tax Protection Trust Fund is created within the State Treasury as a guaranty fund to satisfy outstanding cigarette excise tax obligations. Any agent who has held a valid cigarette permit for the previous 3 consecutive years and who has substantially complied with this chapter, as determined by the division, shall contribute to the fund as provided under subsection (3) and shall be exempt from the bond and surety requirements of ss. 210.05 and 210.08.

(2) Each agent who is required to contribute to the fund shall remit to the division each year an amount equal to the product of the monthly average number of cigarette packages he sold during the preceding state fiscal year multiplied by the current excise tax rate for cigarettes multiplied by 0.005.

(3) On June 30 of each year, if the balance of the fund:

(a) Is less than \$1.5 million, each agent who is required to contribute to the fund shall remit payment to the division by September 1.

(b) Equals or exceeds \$1.5 million, any agent who has contributed to the fund for a total of 5 years need not contribute that year and any agent who has not contributed to the fund for a total of 5 years, shall remit payment to the division by September 1.

(4) By August 1 of each year the division shall notify each agent subject to the provisions of this section of the balance in the fund and the amount of the agent's contribution, if any. If the division does not provide such notice the agent need not contribute to the fund that year.

(5) Prior to withdrawing trust fund revenues to satisfy any outstanding cigarette excise tax obligation, the division shall follow the procedures outlined in ss. 210.12, 210.13, and 210.14.

Section 2. Paragraph (b) of subsection (3) of section 210.05, Florida Statutes, is amended to read:

210.05 Preparation and sale of stamps; discount.—

(3)

(b) Each agent appointed by the division to affix stamps shall be authorized to purchase stamps by furnishing an irrevocable letter of credit or unconditional guaranty contract or by executing bond with a solvent surety company qualified to do business in this state, in an amount of 110 percent of the agent's estimated tax liability for 30 days, but not less than \$2,000, conditioned upon said agent paying all taxes due the state arising hereunder. This form of payment in lieu of cash on delivery or its equivalent shall not preclude supplemental purchases for cash. Payment for each month's liability shall be due on or before the 10th day of the month following the month in which the stamps were sold. Default in the aforesaid bonding and payment provisions by any agent may result in the revocation of his privilege to purchase stamps except for cash on delivery for a period up to 12 months in the discretion of the division.

Any agent who is required to make contributions to the Cigarette Excise Tax Protection Trust Fund and who is in compliance with s. 210.051 is exempt from this paragraph and s. 210.08.

Section 3. Present paragraphs (g) and (h) of subsection (1) of section 210.15, Florida Statutes, are redesignated as paragraphs (h) and (i), respectively, and a new paragraph (g) is added to said paragraph to read:

210.15 Permits.—

(1)

(g) The annual fee for a cigarette permit for an agent is \$500 and shall be issued on or before July 1 of each year. Twenty percent of such fee shall be used by the division to cover costs of the investigation required before issuing or renewing such permit. The balance of such fee shall be deposited into the Cigarette Excise Tax Protection Trust Fund.

Section 4. Section 210.40, Florida Statutes, is amended to read:

210.40 License fees; surety bond; application for each place of business.—Each application for a distributor's license shall be accompanied by a fee of \$25. The application shall also be accompanied by a corporate surety bond issued by a surety company authorized to do business in this state, conditioned for the payment when due of all taxes, penalties, and accrued interest which may be due the state. The bond shall be in the sum of \$1,000 and in a form prescribed by the division. *In lieu of the \$1,000 bond, a distributor may substitute an irrevocable letter of credit issued by a financial institution licensed or chartered by this state, another state, or the Government of the United States, in an amount no less than \$1,000; an assignment of rights to an assignable certificate of deposit in an amount no less than \$1,000 with a financial institution licensed or chartered by this state, another state, or the Government of the United States; or any marketable negotiable security, other than cash, deemed by the division to be adequate to secure the payment of all taxes assessed. Security for payment of taxes required under this section may not be withdrawn without 60 days' prior written notice to the division.* Whenever it is the opinion of the division that the bond given by a licensee is inadequate in amount to fully protect the state, the division shall require an additional bond in such amount as is deemed sufficient. A separate application for a license shall be made for each place of business at which a distributor proposes to engage in business as a distributor under this part, but an applicant may provide one bond in an amount determined by the division for all applications made by the distributor.

Section 5. Notwithstanding the provisions of chapter 81-318, Laws of Florida, sections 210.15, 210.16, and 210.161, Florida Statutes, shall not stand repealed October 1, 1990, as scheduled by such law, but such sections, as amended by this act, are hereby revived and readopted.

Section 6. This act shall take effect July 1, 1990, or upon becoming a law, whichever occurs later.

**Amendment 2**—In title, on page 1, lines 1-11, strike all of said lines and insert: A bill to be entitled An act relating to the tax on cigarettes; creating s. 210.051, F.S.; creating the Cigarette Excise Tax Protection Trust Fund; providing requirements for annual contributions to the trust fund by certain tax agents authorized by the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation; providing for agents contributing to the trust fund, or having contributed for a specified period of time, to be exempt from certain bond requirements; requiring the division to follow certain procedures prior to withdrawing moneys from the trust fund; amending s. 210.05, F.S.; providing requirements for an agent to be exempt from bond requirements; amending s. 210.15, F.S.; providing a cigarette permit fee for agents; providing for deposit of a portion of the fee in the trust fund; amending s. 210.40, F.S.; authorizing distributors to substitute certain securities for the bond required as surety for the payment of taxes; requiring written notice prior to the withdrawal of any required security; reviving and readopting ss. 210.15, 210.16, 210.161, F.S., notwithstanding repeals scheduled under the Regulatory Sunset Act; providing an effective date.

On motion by Senator Deratany, by two-thirds vote HB 3235 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

**CS for SB 612**—A bill to be entitled An act relating to retail grocers; creating the Convenience Store Security Act; providing findings; defining "convenience store"; requiring certain retail grocery stores to be equipped with specified security devices; requiring certain levels of lighting for parking lots; requiring posting of certain signs; requiring posting of specified signs; prohibiting window tinting; requiring training for certain employees; providing for civil fines; providing for noncompliance fees; providing for a study by the Attorney General; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendment which was adopted:

**Amendment 1**—On page 5, line 1, after the period (.) insert: Additionally, any convenience store operator may have the option of providing two employees on duty in lieu of any local ordinance requirement for safety enclosures.

Pending further consideration of CS for SB 612 as amended, on motion by Senator Beard, by two-thirds vote CS for HB 1857 was withdrawn from the Committees on Commerce and Judiciary-Criminal.

On motion by Senator Beard—

**CS for HB 1857**—A bill to be entitled An act relating to retail grocers; creating the Convenience Store Security Act; providing findings; defining "convenience store"; providing applicability; requiring certain retail grocery stores to be equipped with specified security devices; requiring training programs; providing a fine for violations; providing for non-compliance fees; providing limited state preemption; authorizing the Attorney General to conduct a study and make a report; providing effective dates.

—a companion measure, was substituted for CS for SB 612 and read the second time by title. On motion by Senator Beard, by two-thirds vote CS for HB 1857 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

The Senate resumed consideration of—

**CS for SB 2524**—A bill to be entitled An act relating to professional regulation; providing legislative intent; providing exemptions; providing definitions; creating the Board of Speech-Language Pathology and Audiology within the Department of Professional Regulation; providing rulemaking authority; providing for fees; providing for deposit of fees and fines; providing requirements for a provisional license; providing for renewal; providing a professional experience requirement; providing for a licensure examination; specifying requirements for licensure as a speech-language pathologist or an audiologist; providing requirements for licensure by endorsement; providing continuing education requirements; providing exceptions; providing for inactive status, reactivation, and expiration of licenses and certificates; specifying requirements for certification as a speech-language pathology assistant or an audiology assistant;

providing minimal procedures and equipment in fitting and selling hearing aids; requiring certification of such equipment and testing facilities by the department; providing an exception; providing authority of the board; providing for inspections and investigations by the department; requiring an itemized listing of prices for hearing aids; providing requirements for receipts, packaging, disclaimers, and guarantees; providing conditions for cancellation and refund; prohibiting the sale or distribution of hearing aids through the mail; providing a penalty; requiring establishment of a place of business and display of license; providing prohibitions; providing a penalty; providing disciplinary proceedings and penalties; providing for the prosecution of criminal violations; saving certain pending proceedings; providing for participation of the board and the Department of Professional Regulation; continuing certificates and registrations currently in effect under part I of ch. 468, F.S.; amending s. 20.30, F.S., to conform; amending s. 468.1695, F.S.; providing that the examination for licensure as a nursing home administrator shall be given at least four times a year; amending s. 468.1705, F.S.; modifying requirements for temporary licensure; amending s. 484.042, F.S.; deleting the audiologist member of the Board of Hearing Aid Specialists; modifying requirements for lay members; amending s. 484.0447, F.S.; increasing licensure and renewal fees for hearing aid specialists; amending s. 484.059, F.S.; modifying the exemption from licensure as a hearing aid specialist for audiologists; providing for transfer of funds in the Speech-Language Pathology and Audiology Trust Fund; repealing part I of ch. 468, F.S., the Speech-Language Pathology and Audiology Act; providing for the transfer of certain functions of the Department of Education to the department; repealing part I of ch. 468, F.S., the Speech-Language Pathology and Audiology Act; repealing s. 484.045(4), F.S., relating to licensure of audiologists to fit and dispense hearing aids; providing for review and repeal; providing an appropriation; providing an effective date.

—with pending **Amendment 3** as amended which was adopted.

Senator Peterson moved the following amendment which was adopted:

**Amendment 4**—In title, on page 3, lines 8 and 9, strike the words, "providing an appropriation;"

Senator Davis moved the following amendment which was adopted:

**Amendment 5**—In title, on page 3, line 9, after the semicolon (;) insert: providing legislative intent; prescribing criteria for legislative review of proposals for regulation of lay midwives; requiring parties interested in changes in regulation to provide the Legislature with certain information; requiring the Legislature to make certain determinations when making recommendations concerning changes in the regulation of lay midwifery;

Senator Souto moved the following amendment which was adopted:

**Amendment 6**—In title, on page 3, line 9, after the semicolon (;) insert: amending s. 458.347, F.S.; increasing the maximum certification renewal fee; requiring review of certain certification prior to renewal; specifying alternative certification requirements; providing an application fee; providing for review and repeal;

On motion by Senator Peterson, by two-thirds vote CS for SB 2524 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	Diaz-Balart	Kirkpatrick	Souto
Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Scott

**CS for HB 2667**—A bill to be entitled An act relating to commercial feed; amending s. 580.051, F.S.; deleting a limitation on labels or containers of feed sold at retail required to bear the date of manufacture; providing additional exemptions from such labeling requirement; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, strike all of lines 17 and 18 and insert:

(d) The month, day, and year of ~~expiration~~ ~~manufacture~~ of the commercial feed, *which must be a date that is no later than 90 days after the date of manufacture of the commercial feed, except dog, cat, rabbit, pigeon, chinchilla,*

**Amendment 2**—In title, on page 1, strike all of lines 3-7 and insert: 580.051, F.S.; revising a provision that requires certain information to be specified on labels or containers of feed sold at retail; providing an effective date.

On motion by Senator Thurman, by two-thirds vote CS for HB 2667 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Davis	Johnson	Souto
Bankhead	Deratany	Kirkpatrick	Thomas
Beard	Diaz-Balart	Malchon	Thurman
Brown	Dudley	Margolis	Walker
Casas	Forman	McPherson	Weinstein
Childers, D.	Girardeau	Meek	Weinstock
Childers, W. D.	Gordon	Myers	Woodson-Howard
Crenshaw	Grizzle	Scott	

Nays—None

Vote after roll call:

Yea—Grant

**Senator Langley presiding**

**HB 2551**—A bill to be entitled An act relating to citrus; amending s. 601.27, F.S.; deleting requirement for federal licensure of citrus fruit inspectors; providing for sampling, testing, and inspection of processed citrus products by specified persons; amending s. 601.90, F.S.; revising requirements for meetings of the Florida Citrus Commission to determine freeze damage; providing for emergency quality assurance orders, rather than embargo orders; amending s. 601.9911, F.S.; conforming language; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 2551 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

**Reconsideration**

On motion by Senator Beard, the Senate reconsidered the vote by which—

**CS for HB 1857**—A bill to be entitled An act relating to retail grocers; creating the Convenience Store Security Act; providing findings; defining "convenience store"; providing applicability; requiring certain retail grocery stores to be equipped with specified security devices; requiring training programs; providing a fine for violations; providing for non-compliance fees; providing limited state preemption; authorizing the

Attorney General to conduct a study and make a report; providing effective dates.

—passed this day.

On motion by Senator Beard, by two-thirds vote the Senate reconsidered the vote by which CS for HB 1857 was read the third time.

On motion by Senator Beard, the Senate reconsidered the vote by which CS for HB 1857 was substituted for CS for SB 612 as amended.

On motion by Senator Beard, by two-thirds vote—

**CS for SB 612**—A bill to be entitled An act relating to retail grocers; creating the Convenience Store Security Act; providing findings; defining “convenience store”; requiring certain retail grocery stores to be equipped with specified security devices; requiring certain levels of lighting for parking lots; requiring posting of certain signs; requiring posting of specified signs; prohibiting window tinting; requiring training for certain employees; providing for civil fines; providing for noncompliance fees; providing for a study by the Attorney General; providing an effective date.

—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	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Casas	Girardeau	McPherson	Walker
Childers, D.	Gordon	Meek	Weinstein
Childers, W. D.	Grant	Myers	Weinstock
Crenshaw	Grizzle	Peterson	Woodson-Howard
Davis	Jennings	Plummer	
Diaz-Balart	Johnson	Souto	

Nays—None

Vote after roll call:

Yea—Deratany

On motions by Senator Walker, by two-thirds vote HB 993 was withdrawn from the Committees on Transportation; and Finance, Taxation and Claims.

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

**HB 993**—A bill to be entitled An act relating to motor vehicle licenses; amending ss. 320.06 and 320.08, F.S.; providing an additional category of license fees for certain truck tractors and heavy trucks; providing a fee; providing a design requirement; amending s. 320.0805, F.S.; providing that moneys collected from the sale of personalized prestige license plates be deposited into the State Transportation Trust Fund and the Capital Outlay and Debt Service School Trust Fund; repealing s. 380.511(1)(d), F.S., which requires deposit of said funds into the Florida Communities Trust Fund; creating s. 320.08062, F.S.; providing for annual audits of all organizational recipients of any special license plate annual use fees; providing an effective date.

—a companion measure, was substituted for CS for SB 608 and read the second time by title. On motion by Senator Walker, by two-thirds vote HB 993 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Deratany

On motions by Senator Kirkpatrick, by two-thirds vote CS for CS for HB 1207 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Kirkpatrick—

**CS for CS for HB 1207**—A bill to be entitled An act relating to law enforcement officers; providing a competitive pay adjustment for law enforcement officers in the State University System; providing for adjustments in pay plans to conform; providing a retroactive effective date.

—a companion measure, was substituted for SB 236 and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for CS for HB 1207 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Dudley	Kirkpatrick	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Casas	Girardeau	McPherson	Walker
Childers, D.	Gordon	Meek	Weinstein
Childers, W. D.	Grant	Myers	Weinstock
Crenshaw	Grizzle	Peterson	Woodson-Howard
Davis	Jennings	Plummer	
Diaz-Balart	Johnson	Souto	

Nays—None

Vote after roll call:

Yea—Deratany

**CS for SB 74**—A bill to be entitled An act relating to cholesterol screening; creating ss. 483.600-483.624, F.S.; providing a short title; providing definitions; prohibiting cholesterol screening by any person without a license; exempting certain persons and institutions from the provisions of the act; authorizing the Department of Health and Rehabilitative Services to issue a license and a provisional license; providing for expiration of a license and a renewal procedure; authorizing the department to establish in rule a license fee; prohibiting the sale or transfer of a cholesterol screening license; requiring the posting of a license; requiring a technical advisory panel and directing the technical advisory panel to develop a table of organization and a policy manual; requiring adequate staffing; requiring the adoption of bylaws; providing standards for cholesterol screening premises, test sites, and equipment; setting standards for the operation of cholesterol screening; limiting the types of services a cholesterol screening license may provide; requiring transport arrangements for certain patients; requiring the maintenance of clinical records and for review of patient records; authorizing inspections by the Department of Health and Rehabilitative Services; requiring that inspection reports be available for public inspection; providing for administrative penalties and emergency orders; providing criminal penalties and injunctive relief; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 74 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Bankhead	Dudley	Kirkpatrick	Scott
Beard	Forman	Kiser	Souto
Brown	Gardner	Langley	Stuart
Casas	Girardeau	Malchon	Thomas
Childers, D.	Gordon	McPherson	Thurman
Childers, W. D.	Grant	Meek	Walker
Crenshaw	Grizzle	Myers	Weinstein
Davis	Jennings	Peterson	Weinstock
Diaz-Balart	Johnson	Plummer	

Nays—1

Woodson-Howard

### Reconsideration

On motion by Senator Weinstein, the Senate reconsidered the vote by which—

**SB 1730**—A bill to be entitled An act relating to filing fees; amending s. 28.241, F.S.; increasing surcharges for deposit into the Court Education Trust Fund; providing an effective date.

—passed this day.

On motion by Senator Weinstein, by two-thirds vote the Senate reconsidered the vote by which SB 1730 was read the third time.

On motion by Senator Weinstein, the Senate reconsidered the vote by which Amendment 3 was adopted.

Further consideration of **SB 1730** as amended with pending **Amendment 3** was deferred.

### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote CS for SB 516, SB 724 and CS for SB 2658 were withdrawn from the Committee on Governmental Operations; CS for SB 1396 and CS for SB 2688 were withdrawn from the Committee on Personnel, Retirement and Collective Bargaining; Senate Bills 1862, 1880, 1888, 2388, 2770, CS for SB 2608, CS for SB 2822 and CS for SB 2834 were withdrawn from the Committee on Judiciary-Civil; CS for SB 2024 was withdrawn from the Committee on Community Affairs; and CS for SB 2734 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Margolis, by two-thirds vote SB 1356 was withdrawn from Subcommittee B of the Committee on Appropriations and the Committee on Appropriations; and HB 2535, CS for SB 1144, CS for SB 1566, SB 1982, CS for SB 2062, CS for SB 2350, CS for SB 2568, SB 2768, CS for SB 2908, SB 2972 and CS for SB 3012 were withdrawn from the Committee on Appropriations.

On motions by Senator Deratany, by two-thirds vote CS for SB 1436, CS for SB's 548 and 1070 and SB 2098 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Scott, by two-thirds vote HB 2621 was removed from the calendar and recommitted to the Committee on Finance, Taxation and Claims.

On motions by Senator Margolis, by two-thirds vote CS for SB's 548 and 1070 and SB 2388 were withdrawn from the Committee on Appropriations.

On motions by Senator Gardner, by two-thirds vote SJR 32 and Senate Bills 64 and 118 were withdrawn from the committees of reference and further consideration.

On motions by Senator Scott, by two-thirds vote CS for HB 1269 was withdrawn from the Committees on Community Affairs and Governmental Operations.

### Committee Meeting

On motions by Senator Scott, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet this day at 6:30 p.m. to consider HB 2621, CS for SB 2706, CS for SB 2036, CS for SB 590, CS for SB 2104, CS for SB 1942, CS for HB 427 and CS for SB 1388.

### ENROLLING REPORTS

CS for SB 234, CS for SB 494, CS for SB 502, SB 518, SB 710, CS for SB's 790 and 1480, CS for SB 972, CS for SB 982, SB 1174, CS for SB 1288, CS for SB 1498, CS for SB 1592, SB 1642, SB 1986, SB 2418, SB 2676, SB 3118, SB 3130 and SB 3176 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 30, 1990.

*Joe Brown, Secretary*

### CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 29 was corrected and approved.

### CO-INTRODUCERS

Senator Thomas—SB 236, CS for CS for CS for SB 1548; Senators D. Childers, Bankhead, Beard, Bruner, Casas, Crawford, Davis, Diaz-Balart, Dudley, Forman, Gardner, Gordon, Grant, Jennings, Johnson, Langley, Malchon, Margolis, Meek, Myers, Scott, Peterson, Stuart, Thurman, Walker, Weinstein and Weinstock—CS for CS for CS for SB 1548; Senator Woodson-Howard—CS for CS for CS for SB 1548, SB 2074

### RECESS

On motion by Senator Scott, the Senate recessed at 5:00 p.m. to reconvene at 9:30 a.m., Thursday, May 31.