



# Journal of the Senate

Number 11

Wednesday, April 10, 1991

## CALL TO ORDER

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

|                 |             |          |           |
|-----------------|-------------|----------|-----------|
| Madam President | Davis       | Jennings | Scott     |
| Bankhead        | Diaz-Balart | Johnson  | Souto     |
| Beard           | Dudley      | Kiser    | Thomas    |
| Brown           | Forman      | Kurth    | Thurman   |
| Bruner          | Gardner     | Langley  | Walker    |
| Casas           | Girardeau   | Malchon  | Weinstein |
| Childers        | Gordon      | McKay    | Weinstock |
| Crenshaw        | Grant       | Meek     | Wexler    |
| Crotty          | Grizzle     | Myers    | Yancey    |
| Dantzler        | Jenne       | Plummer  |           |

Excused: Senator Kirkpatrick

## PRAYER

The following prayer was offered by Dr. David Brett, Pastor, Christian Heritage Church, Tallahassee:

Almighty God, we pause this morning to ask your blessings to rest upon us as we go about the business of our day. Do not let the vigour and freshness of the morning, or the glow of good health or the present prosperity we experience drive us into a false reliance upon our own strength. All these good gifts come from you. We are just stewards of them and only in continued dependence upon you, can we enjoy them.

And so in this moment of quiet we seek communion with you. We pause to acknowledge your love for us and for our nation. We turn our thoughts away from the fast paced fever of the day's business that still lies before us, from the world's discordant noises, from the noise of nations, and from the praise and blame of men. And we seek your peace.

Almighty God, I pray for these men and women here in the Senate chambers. They have been given much and much is required of them. Grant them your wisdom—wisdom that is able to cut through the complexities of the issues that they face. Grant them wisdom that will enable them to develop solutions for the problems within government. Give them the courage to put principle above reputation.

We pray, God, that you will take this day into your own keeping. Direct their energies. Instruct their minds. Sustain their wills. Make them skillful in service to their state and country.

Merciful God, grant them open ears—that they may hear the voice of the people calling them to the noble work of government; open minds—so that the past will not be so dear that it limits the future; open eyes—that are quick to discover the resilience of the human spirit; and open hands—that are ready to serve the people they represent.

In the name of the Father, the Son, and the Holy Spirit, we pray. Amen.

## SPECIAL GUESTS

Senator Thomas introduced former Senator Vernon Holloway, Miami, who was seated in the gallery.

Senator Thomas introduced the following Masonic dignitaries who were seated in the gallery: David Allen Eschrich, the Most Worshipful Grand Master of Masons of Florida; D. Hayward Stuckey, Right Worshipful Deputy Grand Master; Clayton Hollis, Jr., Worshipful Grand Orator; Roger Bertrand, Right Worshipful District Deputy Grand Master; and Jack Peterson, Worshipful Master, Jackson Lodge Number 1, Tallahassee, the oldest lodge in Florida.

## CONSIDERATION OF RESOLUTIONS

On motion by Senator Bruner, by two-thirds vote **SR 2406** was withdrawn from the Committee on Rules and Calendar and taken up out of order by unanimous consent.

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

**HCR 2537**—A concurrent resolution expressing opposition to the closing of the Naval Coastal Systems Center in Bay County.

—a companion measure, was substituted for **SR 2406** and by two-thirds vote read the second time in full, adopted and certified to the House.

On motion by Senator Weinstein, by two-thirds vote **SR 1904** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Weinstein—

**SR 1904**—A resolution commemorating the Days and Remembrance of the Victims of the Holocaust.

WHEREAS, in the entire history of humankind, there has been no greater violation of human rights than the Holocaust perpetrated by Nazi Germany during World War II, where six million Jews were murdered and millions of others suffered as victims of a systematic program of genocide, and

WHEREAS, the Holocaust has become a reminder to all men and women who cherish liberty and justice that they should never be complacent in that liberty or secure in that justice and that they must always honor the commitment to fight new forms of tyranny lest these lead to new Holocausts, and

WHEREAS, the State of Florida and the Holocaust Documentation and Education Center have jointly developed the first model Florida curriculum on the Holocaust, and

WHEREAS, April 11, 1991, is designated internationally, and pursuant to an Act of Congress, as a Day of Remembrance of the Victims of the Holocaust known as Yom Hashoah, and

WHEREAS, it is appropriate for the people of the state of Florida to acknowledge the international commemoration, NOW, THEREFORE,

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

That, in memory of the victims of the Holocaust, all six million, whose unyielding spiritual and physical resistance, even in the camps and ghettos, exemplifies all people's commitment to life, and in the hope that we will strive always to overcome prejudice and inhumanity through education, vigilance, and resistance, the Days of Remembrance of the Victims of the Holocaust are hereby commemorated.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to: Benjamin Meed, Chairman, Abraham Foxman, Vice Chairman, and Marian S. Craig, Director, of the United States Holocaust Memorial Council Days of Remembrance Committee; Harry A. Levy, President of the Holocaust Documentation and Education Center; Allan Solomon, President of the Florida Association of Jewish Federations; Dr. Earl Scarbeary, Holocaust Memorial Resource and Education Center of Central Florida; Walter Loebenberg, Tampa Bay Holocaust Memorial Museum and Educational Center; and Dr. Moshe Liba, Consul General of Israel in Florida, as tangible tokens of the sentiments of the Florida Senate.

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

Yeas—39      Nays—None

Senator Weinstein introduced Ambassador Moshe Liba, Consul General Israel; Alan Solomon, President, Florida Association of Jewish Federations; Hap Levy, President, Holocaust Documentation and Education Center; Rositta Kenigsburg, Director, Holocaust Documentation and Education Center; and Joel Reinstein, Board of Directors, Ft. Lauderdale Jewish Federation, who were seated in the chamber.

On motion by Senator Weinstein, by two-thirds vote **SR 2438** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Weinstein—

**SR 2438**—A resolution commending the efforts of the Jewish people of this state in rescuing their Soviet brothers and sisters and in aiding in the resettlement of Soviet Jews.

WHEREAS, Soviet Jews continue to strive for basic human rights, among them the right to practice their own religion and language and the right to leave a country that has traditionally denied them these rights, and

WHEREAS, the latter is an internationally recognized human right upheld by the Helsinki Final Act, and

WHEREAS, the Soviet Union is a party to that agreement, as well as many other international agreements that restate that basic human right, and

WHEREAS, the Soviet Union recently has made significant progress in these areas, and the opportunity for Soviet Jews to emigrate has dramatically improved, and

WHEREAS, a welcome break with the Soviets' past history of intolerance has been demonstrated by the passage of a new law that permits freedom of religious expression, and

WHEREAS, the number of Soviet Jews permitted to emigrate in the past several years has increased, and

WHEREAS, these facts make the case of Refusenik Leonid Kosharovskiy all the more difficult to understand, and

WHEREAS, Mr. Kosharovskiy has been refused permission to leave the Soviet Union due to his access to secret information based on a position he left more than 10 years ago, and

WHEREAS, Leonid Kosharovskiy seeks reunification with his wife and two children, and

WHEREAS, the pace of emigration is increasing as a result of the rise of anti-Semitism within the confines of the U.S.S.R., and

WHEREAS, now, more than ever, it is critical for all those Jews who wish to leave the Soviet Union to be permitted to do so, NOW, THEREFORE,

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

That the Senate, on behalf of the people of this state, urges the Soviet Government to release Leonid Kosharovskiy immediately.

BE IT FURTHER RESOLVED that the Senate, on behalf of the people of this state, expresses concern about the increasing reports of anti-Semitism in the Soviet Union. In condemning such acts, the Senate urges the government of the U.S.S.R. to use the full recourse of its legal system to protect its citizenry.

BE IT FURTHER RESOLVED that the Senate, on behalf of the people of this state, acknowledges the efforts of the Jews in this state who are working to rescue their Soviet brothers and sisters and resettle them in the United States, the State of Israel, or wherever else they may find a haven to live in freedom.

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

Yeas—39      Nays—None

Upon request of the President, Senator Weinstein escorted Ambassador Moshe Liba, Mr. Solomon, Mr. Levy, Ms. Kenigsburg and Mr. Reinstein to the rostrum where they were presented a copy of the resolution.

#### MOTION TO RECONSIDER

Senator Crotty moved that the Senate reconsider the vote by which **SB 598** passed April 9.

The motion was placed on the calendar.

#### SPECIAL ORDER

Consideration of **SB 646**, **SB 118** and **CS for CS for SB 18** was deferred.

**CS for SB's 58 and 2294**—A bill to be entitled An act relating to governmental reorganization; creating s. 20.41, F.S.; creating a Department of Elderly Affairs; providing for its organization; transferring specified powers, duties and functions, records, personnel, property and funds from the Pepper Commission on Aging to the department; transferring the state and district nursing home and long-term care facility ombudsman councils from the Pepper Commission on Aging to the department; amending ss. 400.304, 400.307, F.S., relating to the state and district nursing home and long-term care facility ombudsman councils, to conform; adding provisions relating to council duties and positions; amending s. 410.016, F.S.; requiring coordination of Department of Health and Rehabilitative Services' activities with the Department of Elderly Affairs; creating s. 410.701, F.S.; providing for contracting between the Department of Health and Rehabilitative Services and area agencies on aging; amending s. 410.505, F.S., and repealing section 4 of chapter 89-294, Laws of Florida; abolishing the Pepper Commission on Aging; conforming provisions and saving such section from Sundown repeal; amending and renumbering s. 410.505, F.S., and creating ss. 430.01, 430.02, 430.03, 430.05, 430.055, 430.058, 430.06, F.S.; providing a short title; providing legislative intent; specifying the purposes of the Department of Elderly Affairs; establishing duties and responsibilities of the department; creating the Department of Elderly Affairs Advisory Council; providing duties and membership; requiring a plan to improve the provision of social services and long-term care; creating the Elder Services Advocacy Committee; providing duties of the committee; providing rulemaking authority; providing for future review and repeal pursuant to the Sundown Act; creating a Commission on Volunteer Community Services; prescribing its composition and duties; exempting commission members from financial disclosure requirements; amending s. 410.201, F.S.; providing for administration of the older volunteer service program by the Department of Elderly Affairs; amending s. 402.165, F.S.; providing for the Department of Health and Rehabilitative Services' Human Rights Advocacy Committee to cooperate with the Elder Services Advocacy Committee; providing an effective date.

—was read the second time by title.

Senator Forman moved **Amendment 1**.

#### POINT OF ORDER

Senator Gordon raised a point of order that pursuant to Rule 7.1, **Amendment 1** contained language of bills not reported favorably by a Senate committee and was therefore out of order.

#### RULING ON POINT OF ORDER

On recommendation of Senator Thomas, Chairman of the Committee on Rules and Calendar, the President ruled the point well taken and the amendment out of order.

Further consideration of **CS for SB's 58 and 2294** was deferred.

**SB 292**—A bill to be entitled An act relating to health care; creating the Florida Patient's Bill of Rights and Responsibilities; providing definitions; providing purpose; providing rights of patients to individual dignity, receipt of information, including financial information, access to health care, notice of experimental research, and notice of the terms of the Florida Patient's Bill of Rights and Responsibilities; providing for patient's responsibilities; requiring the Department of Health and Rehabilitative Services to print and distribute copies of a summary of the Florida Patient's Bill of Rights and Responsibilities; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services recommended **Amendment 1** which was moved by Senator Malchon.

Senator Malchon moved **Substitute Amendment 2** which was adopted.

On motion by Senator Malchon, by two-thirds vote **SB 292** 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      Nays—None

Consideration of **CS for SB 1142** and **CS for CS for SB 306** was deferred.

**CS for SB 674**—A bill to be entitled An act relating to state uniform traffic control; amending ss. 316.613, 318.18, 322.27, F.S.; increasing the penalty for violations of law relating to child restraint requirements; providing for the assessment of points against a violators' driver's license; providing an effective date.

—was read the second time by title.

Senator Dudley moved **Amendments 1 and 2** which were adopted.

On motion by Senator Casas, by two-thirds vote **CS for SB 674** 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 Nays—None

**CS for SB 818**—A bill to be entitled An act relating to local government; authorizing the governing body of a county or municipality to adopt an official seal and restricting its use without the express approval of the governing body; providing a penalty for violation; providing an effective date.

—was read the second time by title. On motion by Senator Crotty, by two-thirds vote **CS for SB 818** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

**SB 118**—A bill to be entitled An act relating to coral reefs; reenacting s. 380.0558(5), F.S.; providing that damages recovered for injuries to coral reefs which otherwise would be deposited into the Internal Improvement Trust Fund be deposited into the Florida Area of Critical State Concern Restoration Trust Fund; reenacting and amending s. 253.04, F.S.; authorizing the Department of Natural Resources to develop a schedule to assess penalties for damage to coral reefs; prescribing the maximum amount of such penalties; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote **SB 118** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

**CS for SB 1142**—A bill to be entitled An act relating to information resources; amending s. 216.0445, F.S.; prescribing a uniform format for Information Resource Commission review of state agency information technology resource budget schedules; amending s. 282.1021, F.S.; prescribing content of the State Implementation Plan for Communications Services; amending s. 282.103, F.S.; deleting a reference to an operating plan, to specify that SUNCOM is not considered a "project" as defined in s. 282.303(17), F.S.; amending s. 282.303, F.S.; providing additional definitions with respect to the Information Resource Commission and information resource management; amending s. 282.304, F.S.; providing that the commission is in the Executive Office of the Governor; amending s. 282.306, F.S.; prescribing additional duties of the commission's executive administrator; amending s. 282.3062, F.S.; changing the date by which the annual report of the commission must be prepared; deleting an element from the annual report; amending s. 282.307, F.S.; revising the information that must be contained in each department's strategic plan for information resources management; requiring the plan to be supplemented to reflect changes in the direction of projects; amending ss. 282.308, 282.311, F.S.; abolishing the duties of information resource managers with respect to the Information Resources Management Operating Plan; repealing s. 282.3115, F.S., which requires preparation of an Information Resources Management Operating Plan; amending s. 282.312, F.S.; changing the date by which annual performance reports must be submitted to the commission; revising the information that must be contained in the report; amending s. 282.318, F.S.; prescribing additional duties of department heads and the Supreme Court with respect to security of data and information technology resources; providing an effective date.

—was read the second time by title.

On motions by Senator Gardner, the rules were waived to allow **Amendments 1, 2 and 3** to be considered.

Senator Gardner moved **Amendments 1, 2 and 3** which were adopted.

On motion by Senator Gardner, by two-thirds vote **CS for SB 1142** 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 Nays—None

**SB 1034**—A bill to be entitled An act relating to "The Motor Vehicle Retail Sales Finance Act"; amending s. 520.085, F.S.; revising provisions relating to finance charges with respect to a retail installment contract representing the sale of a motor vehicle primarily for business or commercial purposes; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended **Amendment 1** which was moved by Senator Forman and adopted.

On motion by Senator Forman, by two-thirds vote **SB 1034** 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 Nays—None

**CS for SB 1188**—A bill to be entitled An act relating to law enforcement officers; creating s. 901.252, F.S.; providing authority to municipal law enforcement officers to patrol property and facilities owned by the municipality but located outside its territorial jurisdiction, and providing authority to such officers to take into custody and detain persons who they have probable cause to believe have committed or are committing a violation of state law or of a municipal or county ordinance on such property or facilities; providing immunity from certain civil and criminal liability; providing an effective date.

—was read the second time by title.

Senator Dantzler moved **Amendment 1** which was adopted.

Senator Langley moved **Amendments 2 and 3** which were adopted.

On motion by Senator Dantzler, by two-thirds vote **CS for SB 1188** 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 Nays—None

**SB 1328**—A bill to be entitled An act relating to aircraft; amending s. 329.10, F.S.; revising language with respect to aircraft registration; providing additional unlawful acts with respect to aircraft registration; providing penalties; amending s. 329.11, F.S.; providing that it is unlawful to display false or misleading marks on an aircraft as to the nationality or registration of the aircraft; providing a penalty; providing an effective date.

—was read the second time by title.

Senators Thomas and Jenne offered **Amendment 1** which was moved by Senator Jenne and adopted.

On motion by Senator Jenne, by two-thirds vote **SB 1328** 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 Nays—None

**CS for SB 1400**—A bill to be entitled An act relating to plant industry; amending s. 581.131, F.S.; increasing the maximum fee for a certificate of registration to sell or distribute nursery stock and specifying a fee schedule; providing an effective date.

—was read the second time by title. On motion by Senator McKay, by two-thirds vote **CS for SB 1400** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator Forman, by two-thirds vote **HB 883** was withdrawn from the Committees on Criminal Justice and Appropriations.

On motion by Senator Forman—

**HB 883**—A bill to be entitled An act relating to handguns; creating s. 790.0655, F.S.; implementing a mandatory 3-day waiting period between retail purchase and delivery of any handgun; providing definitions; providing exceptions; providing criminal penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 1432** and read the second time by title.

Senator Forman moved **Amendment 1** which failed. The vote was:

Yeas—16 Nays—23

On motion by Senator Forman, by two-thirds vote **HB 883** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

**CS for CS for SB 306**—A bill to be entitled An act relating to traffic regulations to assist blind persons and mobility-impaired persons; amending ss. 316.1301, 316.1303, 318.18, F.S.; providing an increased fine for violating those regulations; providing for distributing the proceeds of such fine; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for CS for SB 306** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

**SB 1572**—A bill to be entitled An act relating to traffic citations; amending ss. 316.6105, 318.18, F.S.; increasing the period of time during which a motor vehicle may be repaired to reduce the amount of fine payable for a citation issued for operation of the vehicle in an unsafe condition; requiring the payment of moneys to the law enforcement agency that inspects the repair; reducing the amount of fine payable for the citation by the amount paid to the law enforcement agency; repealing a provision that provides for the distribution of revenue derived from the fine to the law enforcement agency; providing an effective date.

—was read the second time by title.

Senator Forman moved **Amendments 1 and 2** which were adopted.

On motion by Senator Dudley, by two-thirds vote **SB 1572** 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 Nays—None

**SB 1862**—A bill to be entitled An act relating to ad valorem taxation; creating s. 197.347, F.S.; requiring that a statement comparing specified millage and tax rates accompany notices of ad valorem taxes; providing for form and content of such statement; amending s. 200.065, F.S.; revising the sequence of actions taken by the governing body of a taxing authority regarding public hearings finalizing budgets and adopting millage rates; providing requirements for advertisements of ad valorem taxation in multicounty taxing authorities; amending s. 200.069, F.S.; changing the order of the information that appears on notices of proposed property taxes; repealing s. 200.069(12), (13), F.S., relating to statements required on notices of proposed ad valorem taxes; providing effective dates.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote **SB 1862** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

**CS for SB 2094**—A bill to be entitled An act relating to inmate release; amending ss. 944.605, 947.177, F.S.; requiring that an exit photo of the inmate be taken prior to the anticipated release; providing an effective date.

—was read the second time by title.

Senator Langley moved **Amendment 1** which was adopted. The vote was:

Yeas—18 Nays—12

On motion by Senator Crotty, by two-thirds vote **CS for SB 2094** 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 Nays—None

**CS for SB's 2224 and 2086**—A bill to be entitled An act relating to motor vehicle inspections; amending s. 325.203, F.S.; requiring persons who lease or own more than a specified number of motor vehicles to submit annual reports of the results of motor vehicle emissions inspections with the Department of Highway Safety and Motor Vehicles; amending s. 325.209, F.S.; authorizing the department to grant exemptions from compliance requirements for emissions standards under specified circumstances; amending s. 325.213, F.S.; exempting state or local

government agencies from certain requirements for licensure as a self-inspector of emissions inspections of motor vehicles; providing an effective date.

—was read the second time by title.

Senator Kiser moved **Amendment 1** which was adopted.

On motion by Senator Kiser, by two-thirds vote **CS for SB's 2224 and 2086** 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 Nays—None

**CS for SB 2250**—A bill to be entitled An act relating to detention for examination or for emergency medical treatment; amending s. 394.453, F.S.; expanding legislative intent; amending s. 394.457, F.S.; expanding the responsibilities of the Department of Health and Rehabilitative Services to include the treatment of patients at facilities for the mentally ill and at facilities providing examinations of patients who may require emergency treatment; amending s. 394.463, F.S.; giving authority to transport persons in an emergency condition; giving certain rights to certain persons being examined; setting time limits for examination and for transfer to a designated receiving facility; amending s. 395.0142, F.S.; giving certain rights to certain persons being examined; setting time limits for examination and for transfer to a designated receiving facility; providing an effective date.

—was read the second time by title. On motion by Senator Weinstock, by two-thirds vote **CS for SB 2250** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—1

#### MOTION

On motion by Senator Thomas, the rules were waived and time of recess was extended until completion of the special order calendar.

**CS for SB 1164**—A bill to be entitled An act relating to administration of estates; repealing s. 732.803, F.S., relating to challenges to charitable devises; amending s. 733.705, F.S.; requiring that objection to a claim against a decedent's estate contain certain disclosures; amending s. 737.402, F.S., relating to the powers of a trustee; disqualifying a trustee from exercising any power conferred upon such trustee to make discretionary distributions of principal or income for such trustee's own benefit, except for certain purposes, to make discretionary allocations of receipts or expenses as between principal and income, except under certain circumstances, or to make discretionary distributions of principal or income to satisfy such trustee's legal support obligations; excepting certain trustees from disqualification under this provision; permitting the exercise of any such power by the trustees, if any, not so disqualified or by an independent, court-appointed trustee upon application of any of specified parties in interest; providing for applicability of such limitations to existing trusts; prescribing methods by which existing trusts may be removed from the application of such limitations; improving the clarity of existing provisions of the section; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **CS for SB 1164** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motion by Senator Dudley, the rules were waived and **CS for SB 1164** was ordered immediately certified to the House.

**CS for CS for SB 18**—A bill to be entitled An act relating to animal control; providing that a police or service dog that bites an animal or human is exempt from quarantine under certain circumstances; amending s. 828.27, F.S.; authorizing animal control officers to carry tranquilizer devices; authorizing counties and municipalities to adopt ordinances relating to animal control or cruelty that require a mandatory court appearance; providing for citations; providing a means for issuing an order to show cause for failure to pay a fine or appear in court; providing that failure to pay a fine or appear is contempt of court; providing circumstances for mandatory court appearances; providing an effective date.

—was read the second time by title. On motion by Senator Gardner, by two-thirds vote **CS for CS for SB 18** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

**REPORTS OF COMMITTEES**

The Committee on Commerce recommends the following pass: SB 386 with 2 amendments, SB 1924, SB 2236 with 2 amendments

**The bills were referred to the Committee on Appropriations under the original reference.**

The Committee on Commerce recommends the following pass: SB 950

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

The Committee on Appropriations recommends the following pass: CS for SB 140, SB 358 with 2 amendments, CS for SB 518, SB 570, CS for SB 584, CS for SB 608, CS for SB 626, SB 636, SB 1062, CS for SB 1096, CS for SB 1586 with 1 amendment, CS for SB 1784

The Committee on Finance, Taxation and Claims recommends the following pass: CS for SB 1352 with 1 amendment, SB 1780, SB 1986, SB 2234

**The bills contained in the foregoing reports were placed on the calendar.**

The Committee on Corrections, Probation and Parole recommends a committee substitute for the following: CS for SB 2220

The Committee on Professional Regulation recommends a committee substitute for the following: SB 1536

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

The Committee on Corrections, Probation and Parole recommends a committee substitute for the following: SB 1602

**The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.**

The Committee on Professional Regulation recommends a committee substitute for the following: SB 1560

**The bill with committee substitute attached was referred to the Committee on Health and Rehabilitative Services under the original reference.**

The Committee on Professional Regulation recommends committee substitutes for the following: SB 724, SB 760, SB 1384, SB 1888, SB 1896, SB 2144

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

**FIRST READING OF COMMITTEE SUBSTITUTES**

By the Committee on Professional Regulation and Senator Kirkpatrick—

**CS for SB 724**—A bill to be entitled An act relating to regulation of professions and occupations; amending s. 455.213, F.S.; authorizing denial of license pending certain investigations; amending s. 455.217, F.S.; authorizing the Department of Professional Regulation to share licensing examinations with other state's licensing authorities under certain conditions; amending s. 455.2175, F.S.; prohibiting the theft of examinations; providing penalties; amending s. 455.219, F.S.; providing for fees for duplicate licenses, research, certified copies, and duplication; amending s. 455.223, F.S.; authorizing the Department of Professional Regulation to make certain inspections and to serve subpoenas and other process; creating s. 455.224, F.S.; authorizing the department to issue citations; providing procedures; providing for penalties; amending s. 455.225, F.S.; authorizing the department to dismiss cases based upon determination of insufficient credible evidence to support prosecution; specifying circumstances in which a formal hearing is required; including all regulated professionals in summary order procedures; requiring the department to give the subject of an investigation a copy of the investigative file, upon request; providing for a written response; amending s. 455.227, F.S.; authorizing disciplinary action where a licensee has had certain action taken against his license in any jurisdiction, or where a civil judgment against the licensee relating to the practice of his profession

has not been satisfied, increasing the maximum penalty for violations; amending s. 455.2275, F.S.; expanding applicability of prohibitions against giving false information to the department or a board; amending s. 455.229, F.S.; authorizing the department to require the payment of attorney's fees, costs, and court costs by a person who defaults on an examination hearing in certain circumstances; amending s. 455.241, F.S.; providing that the furnishing of reports or copies of patient records not be conditional upon payment of a fee; providing an effective date.

By the Committee on Professional Regulation and Senator Jenne—

**CS for SB 760**—A bill to be entitled An act relating to physical therapy practice; creating s. 486.109, F.S.; providing continuing education requirements for renewal of licenses of physical therapists and physical therapist assistants; providing for exceptions and rules; providing for review and repeal; providing an effective date.

By the Committee on Professional Regulation and Senator Weinstock—

**CS for SB 1384**—A bill to be entitled An act relating to water treatment devices; providing definitions; prohibiting false or misleading advertising of water treatment devices; requiring advertisements to contain certain information; providing penalties; providing an effective date.

By the Committee on Professional Regulation and Senator Crotty—

**CS for SB 1536**—A bill to be entitled An act relating to veterinary medical practice; amending s. 474.202, F.S.; revising and providing definitions; amending s. 474.203, F.S.; modifying certain exemptions; amending s. 474.2065, F.S.; modifying provisions relating to fees; amending s. 474.211, F.S.; revising continuing education requirements for renewal of license, to include filing of an affidavit of compliance; providing for automatic reversion to involuntary inactive status upon nonrenewal, including notice thereof; amending s. 474.212, F.S.; revising provisions relating to inactive status, to provide for voluntary and involuntary status; providing for renewal, reactivation, and relicensure; providing for fees; providing rulemaking authority; requiring specified notice prior to a license becoming void; amending s. 474.213, F.S.; expanding prohibitions; providing penalties; amending s. 474.214, F.S.; expanding grounds for disciplinary action; expanding applicable penalties; amending s. 474.215, F.S.; revising provisions relating to premises permits and fees therefor; providing for temporary permits; providing exemptions; amending s. 474.216, F.S., to conform; amending s. 474.217, F.S.; revising requirements for licensure by endorsement; amending s. 455.241, F.S.; conforming cross-references; providing an effective date.

By the Committee on Professional Regulation—

**CS for SB 1560**—A bill to be entitled An act relating to professional regulation; creating s. 455.2224, F.S.; requiring the Department of Professional Regulation and certain boards within the Division of Medical Quality Assurance to establish practice requirements to protect the public from the transmission of hepatitis B virus or human immunodeficiency virus; requiring the department and certain boards to establish procedures for licensees to report the carrier status of the hepatitis B virus or human immunodeficiency virus; exempting certain records and communications made by the department or appropriate board relating to a licensee who is a carrier of the hepatitis B virus or human immunodeficiency virus from public records and meeting requirements; repealing s. 461.041, F.S., relating to hepatitis B carriers; providing an effective date.

By the Committee on Corrections, Probation and Parole; and Senator Thurman—

**CS for SB 1602**—A bill to be entitled An act relating to medical expenses of persons in custody; providing for a study of medical expenses of state prisoners, parole violators, and probation violators; providing an effective date.

By the Committee on Professional Regulation and Senator Grizzle—

**CS for SB 1888**—A bill to be entitled An act relating to attorney's fees; amending s. 73.092, F.S.; providing for the award of attorney's fees in inverse condemnation proceedings; prohibiting the use of a contingency fee multiplier in determining attorney's fees in eminent domain or inverse condemnation proceedings; providing an effective date.

By the Committee on Professional Regulation and Senator Kurth—

**CS for SB 1896**—A bill to be entitled An act relating to medical negligence; amending ss. 458.331, 459.015, 461.013, 466.028, F.S., relating to

physicians, osteopathic physicians, podiatrists, and dentists; deleting settlement of claims against the practitioner as indicative of "repeated malpractice" and requiring judgments rather than claims against the practitioner to mandate department investigation; specifying grounds for disciplinary action; reenacting ss. 455.241(2), 455.245(3), 458.311(5), 458.313(7), 466.011, F.S., relating to patient records, suspension of practitioner licenses, licensure by examination, licensure by endorsement, and certification for licensure, to incorporate said amendments in references thereto; amending s. 766.106, F.S.; providing for sufficiency of notice to prospective defendants, and reenacting ss. 458.331(9), 459.015(9), F.S., relating to grounds for disciplinary actions against physicians and osteopathic physicians, to incorporate said amendment in references thereto; providing an effective date.

By the Committee on Professional Regulation and Senator Dantzler—

**CS for SB 2144**—A bill to be entitled An act relating to private investigative, private security, and recovery services; amending s. 493.6105, F.S., and repealing paragraph (g) of subsection (3), relating to the photograph requirement for application for licensure; revising the photograph requirement; amending s. 493.6106, F.S.; revising provisions relating to posting of license and change of address; amending s. 493.6107, F.S.; revising provisions relating to license fee; amending s. 493.6110, F.S.; revising provisions relating to licensee's insurance; amending s. 493.6111, F.S.; revising provisions relating to possession of license; amending s. 493.6113, F.S.; revising renewal requirements; amending s. 493.6115, F.S.; revising firearm requirements; amending s. 493.6118, F.S.; revising provisions relating to grounds for disciplinary action; amending ss. 493.6203, 493.6303, F.S.; revising license requirements; amending s. 493.6301, F.S.; revising classes of licenses; amending s. 493.6305, F.S.; revising provisions relating to uniforms; amending s. 493.6306, F.S.; revising provisions relating to proprietary security officer requirements; amending s. 493.6401, F.S.; revising classes of licenses; amending s. 493.6403, F.S.; revising license requirements; amending s. 493.6102, F.S.; providing for inapplicability to certain persons; providing an effective date.

By the Committees on Corrections, Probation and Parole; Criminal Justice; and Senator Grant—

**CS for CS for SB 2220**—A bill to be entitled An act relating to sentencing and circuit correctional planning committees; amending s. 921.187, F.S.; authorizing specified substance abuse punishment programs as sentencing alternatives for certain felony drug possessors and felony drug sellers, manufacturers, and deliverers; amending s. 893.15, F.S., and creating s. 893.155, F.S.; providing for placement on probation with set conditions; authorizing residential supervision in a probation and restitution center or other specified residential facility in certain circumstances; authorizing the withholding of adjudication for first-time felony drug possessors; providing penalties for violation of probation; providing for fines; providing for reports; creating circuit correctional planning committees; providing an effective date.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Thomas, by two-thirds vote **SB 2228** was withdrawn from the Committee on Health and Rehabilitative Services; **CS for SB 938** was withdrawn from the Committee on Rules and Calendar; **SB 1640** was withdrawn from the Committee on Judiciary; and **SB 1038** was withdrawn from the Committee on Professional Regulation.

On motions by Senator Gardner, by two-thirds vote **CS for SB 162**, **CS for SJR's 196, 836, 672, 512 and 28**, **SB 800**, **CS for SB 920**, **CS for SB 1026**, **CS for SB 1618** and **CS for CS for SB 2242** were withdrawn from the Committee on Appropriations.

On motions by Senator Jenne, by two-thirds vote **CS for SB 1766**, **SB 854** and **CS for SB 2280** were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Meek, by two-thirds vote **Senate Bills 436, 440, 468, 2072, 2082 and 2360** were withdrawn from the committees of reference and further consideration.

On motion by Senator Thomas, by two-thirds vote **SB 552** was withdrawn from the Committee on Community Affairs.

#### MOTIONS

On motion by Senator Thomas, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet at 1:45 p.m. this day.

On motions by Senator Thomas, the rules were waived and the Committee on Commerce was granted permission to meet upon adjournment to consider **Senate Bills 424, 2114 and 262**.

On motion by Senator Girardeau, the rules were waived and the Committee on Executive Business, Ethics and Elections was granted permission to consider **HB 2251** this day.

On motions by Senator Weinstein, the rules were waived and the Committee on Judiciary was granted permission to consider **SB 1104** and **SB 1772** April 11.

On motions by Senator Thomas, the rules were waived and the Committee on Governmental Operations was granted permission to add and place first on the agenda this day, **CS for SB 308**.

On motion by Senator Weinstein, the rules were waived and the Committee on Judiciary was granted permission to consider **SB 1524** April 11.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

##### First Reading

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 279, CS for HB 1065, CS for HB 2457, HB 2477, CS for HB 2497, HB 2501, HB 2503; has passed as amended HB 485, HB 749, HB 907, CS for HB 1411, CS for HB 1587, HB 1629, CS for CS for HB 1891, CS for HB 1945, HB 2431, HB 2453, HB 2455, CS for HB 2523; has adopted HM 2517, HCR 2537 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committee on Public Schools and Representative Kelly and others—

**CS for HB 279**—A bill to be entitled An act relating to environmental education; reenacting and amending s. 229.8055, F.S., the Florida Environmental Education Act; expanding the environmental education program to provide such education in community colleges and state universities; requiring the Commissioner of Education, the Board of Regents, and the State Board of Community Colleges to administer the program; requiring the Department of Education to disseminate information regarding environmental education for adults to the school districts; providing for regional service projects; reenacting s. 229.8056, F.S.; creating an Office of Environmental Education within the Office of the Commissioner of Education to develop a formal environmental education program; providing for a Coordinator of Environmental Education and specifying duties thereof; reenacting and amending s. 229.8058, F.S.; creating the Advisory Council on Environmental Education within the Legislature; providing membership and authorization for the council to employ staff; deleting an obsolete provision relating to transfer of certain equipment and materials to the council; providing responsibilities of the Advisory Council on Environmental Education; reenacting and amending s. 229.8059, F.S.; creating the Interagency Coordinating Committee for Environmental Education to coordinate the environmental education programs of certain state agencies and water management districts; providing for appointments; providing for payment of per diem and travel expenses; providing for duties of the committee, including the development of a memorandum of understanding and the submission of reports; deleting provisions that have had their effect; reenacting and amending s. 229.8061, F.S.; directing the Governor to administer a grant program for environmental education; authorizing certain organizations and projects to be eligible for the grants; providing duties of the Advisory Council on Environmental Education with respect to the grants; providing for meetings of members and staff of the Office of Environmental Education, the Interagency Coordinating Committee, the Executive Office of the Governor's environmental education staff, and the Advisory Council for Environmental Education; repealing s. 35, ch. 89-175, Laws of Florida, which provides for such meetings; reenacting and amending s. 229.8062, F.S.; creating the Governor's Environmental Education Trust Fund in the Executive Office of the Governor in place of the Save Our State Envi-

ronmental Education Trust Fund; reenacting s. 229.8063, F.S.; authorizing the Executive Office of the Governor to establish a nonprofit support corporation for certain purposes; requiring an annual audit of the records of the corporation; exempting from public records requirements information in the audit report; providing for future legislative review of such exemption; requiring an annual status report on environmental education activities by the Executive Office of the Governor; providing for future abolition and legislative review of the Advisory Council on Environmental Education and the Interagency Coordinating Committee for Environmental Education; repealing s. 39, ch. 89-175, Laws of Florida, as amended by s. 11, ch. 90-192, Laws of Florida, which provided for such abolition and review; ratifying appropriations, positions, and expenditures made pursuant to s. 40, ch. 89-175, Laws of Florida; providing for reimbursement of certain appropriated moneys; reenacting and amending s. 229.8064, F.S.; providing for the Advisory Council on Environmental Education to propose projects to the Governor and Cabinet for approval; providing for the Governor and Cabinet to act on such recommendations within a specified time; providing for use of funds in the Aquatic Resources Education Account by the Department of Natural Resources for aquatic education purposes; providing an effective date.

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

By the Committee on Governmental Operations and Representative Figg—

**CS for HB 1065**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for certain information required from prospective bidders by agencies in connection with roads or other public works projects; providing for review and repeal; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committees on Appropriations; and Employee and Management Relations; and Representatives Lawson and Holzendorf—

**CS for HB 2457**—A bill to be entitled An act relating to state officers and employees in the Florida Retirement System, Teachers' Retirement System, and State and County Officers' and Employees' Retirement System; establishing a temporary early retirement incentive program; providing for administration; providing for construction; requiring that participation must be voluntary; prohibiting coercion; providing eligibility criteria and procedure; providing for purchase of an annuity to fund supplemental benefits; providing for calculation of benefits; providing for compliance with s. 14, Art. X of the State Constitution; providing for funding; providing effective and expiration dates.

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

By the Committee on Regulatory Reform and Representative Tobin—

**HB 2477**—A bill to be entitled An act relating to equitable rights; amending s. 240.533, F.S., relating to women's intercollegiate athletics; repealing s. 240.533(3), F.S., relating to the Council on Equity in Athletics, pursuant to scheduled Sundown repeal; deleting obsolete language; providing Board of Regents' duties; revising funding for women's intercollegiate athletics; providing state policy relating to appointive membership of boards, commissions, councils, and committees; providing an effective date.

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

By the Committees on Appropriations and Postsecondary Education and Representative Arnold and others—

**CS for HB 2497**—A bill to be entitled An act relating to postsecondary education; establishing in Southwest Florida a tenth university in the State University System; providing for establishment of a site selection committee and providing duties thereof; providing duties of the Southwest Florida Regional Planning Council; providing duties of the Board of Regents; providing for transfer of certain donations; amending ss. 229.053 and 240.147, F.S.; providing a duty of the State Board of Education and the Postsecondary Education Planning Commission relating to the establishment of new community colleges and universities; providing for state university accountability; requiring plans; amending s. 240.2011, F.S.; providing for a new university in the State University System; amending s. 240.207, F.S.; providing for an orderly succession of Regents; providing

for future repeal of s. 240.207(3), F.S., relating to the orderly succession of Regents; amending s. 240.209, F.S.; providing a duty of the Board of Regents relating to expansion of the State University System; revising Board of Regents' duties relating to fees; revising provisions relating to salary rate controls; providing an additional responsibility of the Board of Regents relating to bonding; amending s. 240.243, F.S.; revising provisions relating to required number of classroom contact hours for university faculty members; providing for allocation of minimum contact hour requirements and providing calculations; creating s. 240.2602, F.S.; providing for a State University System Access Improvement Fee and establishing a trust fund; providing for use of fees; providing project requirements; providing for community college efficiency and effectiveness; requiring plans; amending s. 240.299, F.S.; authorizing direct-support organizations to establish accounts; amending s. 240.551, F.S.; providing a duty of the Prepaid Postsecondary Education Expense Board; amending s. 240.552, F.S.; revising provisions relating to the Florida Prepaid Tuition Scholarship Program; amending ss. 235.195, 240.531, 282.308, and 447.203, F.S.; correcting cross references; amending s. 240.271, F.S.; revising provisions relating to State University System funding; providing for appropriations, transfer of funds, and establishment of positions; providing intent for funding of new programs and Board of Regents' duties; providing conditions for certain faculty positions; amending s. 240.272, F.S.; revising provisions relating to the carrying forward of unexpended funds; amending ss. 240.409, 240.4095, and 240.4097, F.S.; revising provisions relating to the amount of awards of the Florida Public Student Assistance Grant Fund, the Florida Private Student Assistance Grant Fund, and the Florida Postsecondary Student Assistance Grant Fund; providing an effective date.

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

By the Committee on Appropriations and Representative Saunders—

**HB 2501**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1991, and ending June 30, 1992, to pay salaries, other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations and Representative Saunders—

**HB 2503**—A bill to be entitled An act relating to implementing the fiscal year 1991-1992 General Appropriations Act; providing legislative intent; providing for transfer of specified funds from the Insurance Commissioner's Regulatory Trust Fund, Florida Coastal Protection Trust Fund, Florida Fire Insurance Trust Fund, and Phosphate Research Trust Fund to the General Revenue Fund; transferring unexpended cash balances of the Cancer and Chronic Disease Research and Treatment Center Trust Fund and Agency Budget Sunset Trust Fund to the General Revenue Fund; authorizing state attorneys and public defenders to expend state funds on certain items; implementing position reductions of the Department of Health and Rehabilitative Services; requiring that certain attorneys provide legal representation in certain proceedings relating to juveniles; prohibiting the Department of Health and Rehabilitative Services from contracting for legal representation for such proceedings without prior approval from the Attorney General; authorizing expenditure of funds by the Guardian Ad Litem Program in certain dissolution proceedings; requiring the Capital Collateral Representative to seek certain compensation and reimbursement for representing indigent persons in the federal courts; providing for nonapplicability of salary adjustments for members of the Legislature based on state career service percentage increases; authorizing the Department of Highway Safety and Motor Vehicles to expend certain funds for operations; providing responsibility of the Fort Myers Urban Office of the Department of Transportation for transportation planning and policy for specified counties; authorizing the Department of Revenue to enter into a contract for the design and implementation of an Automated Collection and Enforcement System under certain circumstances; providing that certain appropriations from the 1989 General Appropriations Act, relating to a regional service center in Monroe County, shall not revert until a future date under certain circumstances; authorizing the Board of Regents to construct specified housing and parking facilities, which may be financed from revenue bonds; providing that funds relating to the University of Florida Health Center Academic Research Building and Medical Science Building renovation shall not revert until a specified date; providing that funds relating to certain capital improvement fee projects shall not revert until a specified date;

providing that funds relating to the Florida International University Arts Complex-Theatre Auditorium shall not revert until a specified date; providing that funds relating to a joint-use facility of Polk Community College and the University of South Florida shall not revert until a specified date and authorizing use of such funds for equipment; providing that funds relating to certain renovation projects of Florida Keys Community College shall not revert until a specified date and authorizing use of such funds to complete another project; providing that funds relating to a renovation project of Brevard Community College shall not revert until a specified date; providing that certain moneys appropriated from the Public Education Capital Outlay and Debt Service Trust Fund for certain vocational-technical center projects shall not be contingent upon matching funds; providing that the Santa Fe Performing Arts Center shall become the property of the University of Florida and shall operate pursuant to a shared-use agreement with Santa Fe Community College; revising a Florida Atlantic University appropriation for science center renovations to include a physical sciences building; revising the title of a Florida Atlantic University appropriation; providing a retroactive effective date and an expiration date.

—was referred to the Committee on Appropriations.

By Representative Glickman and others—

**HB 485**—A bill to be entitled An act relating to criminal offenses; amending s. 316.193, F.S.; providing that driving with a specified breath alcohol level constitutes driving under the influence; providing minimum fines; requiring certain notice to the defendant; amending s. 316.1932, F.S.; specifying the basis for determining the percent of alcohol in blood or breath; expanding implied consent for blood tests; specifying persons who may withdraw blood for blood test purposes; providing for release of breath test information; amending s. 316.1933, F.S.; specifying persons who may withdraw blood; amending s. 316.1934, F.S.; defining “normal faculties”; providing admissibility of breath tests; specifying presumptions relating to impairment; providing for admissibility of an affidavit containing the results of a blood or breath test in specified circumstances; creating s. 316.1939, F.S.; providing for seizure and forfeiture of vehicles involved in certain cases of driving under the influence; providing exceptions; amending s. 327.35, F.S.; providing that operating a vessel with a specified breath alcohol level constitutes operating a vessel under the influence; requiring certain notice to the defendant; providing for seizure and forfeiture of vessels involved in certain cases of operating a vessel under the influence; amending s. 327.352, F.S., relating to tests for impairment or intoxication with respect to operating a vessel under the influence, to conform; amending s. 327.354, F.S.; providing admissibility of breath tests; specifying presumptions relating to impairment; specifying the basis for determining the percent of alcohol in blood or breath; amending ss. 316.656, 322.291, and 327.36, F.S., to conform; reenacting ss. 322.03(2), 322.264, 322.271(2)(a), 322.28(2)(a) and (e) and (5)(a), 322.282(2)(a), 327.351(1) and (2), 327.3521(1) and (2), and 327.353, F.S., relating to accident reports, driver's licenses, and operation of a vessel while intoxicated, to incorporate the amendments to ss. 316.193, 316.1932, 316.1933, 316.1934, and 327.35, F.S., in references thereto; amending s. 90.803, F.S.; providing for admissibility of an affidavit containing the results of a blood or breath test notwithstanding the hearsay rule; amending s. 316.062, F.S.; providing that the duty of a person to give information regarding an accident to a law enforcement officer does not extend to information that would incriminate the person; amending ss. 316.066 and 324.051, F.S.; providing circumstances under which a law enforcement officer may testify as to statements made to him relating to accidents; amending s. 316.1937, F.S.; providing for defraying costs of installing ignition interlock devices, for probationers unable to pay therefor, from allocation of fines; providing an effective date.

—was referred to the Committees on Criminal Justice and Appropriations.

By Representative Wallace and others—

**HB 749**—A bill to be entitled An act relating to victim assistance; amending s. 960.02, F.S.; providing legislative intent; amending s. 960.03, F.S.; revising definitions; amending s. 960.05, F.S.; establishing the Crime Victims' Services Office within the Department of Legal Affairs; amending s. 960.09, F.S.; providing for determination of claims of victims and witnesses and for administrative hearings thereon; providing that claims shall be subject to the Administrative Procedure Act; amending ss. 960.06, 960.07, 960.12, 960.13, 960.14, 960.15, 960.21, 960.22, 960.23, and 960.28, F.S.; transferring duties relating to crime victims and witnesses from the Division of Workers' Compensation to the Department of Legal

Affairs; providing for the transfer of the Bureau of Crimes Compensation and Victim and Witness Services, renamed as the Crime Victims' Services Office, to the Department of Legal Affairs; reenacting ss. 775.0835(2) and 784.046(9)(a), F.S., relating to criminal fines and repeat violence actions, to incorporate the amendment to s. 960.21, F.S., in references thereto; amending s. 27.3455, F.S., to conform; providing an effective date.

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

By the Committee on Regulatory Reform and Representative Tobin—

**HB 907**—A bill to be entitled An act relating to real estate appraisers; amending s. 20.30, F.S.; creating the Florida Real Estate Appraisal Board; amending s. 475.01, F.S.; redefining the term “broker” and deleting reference to appraisers; redefining services provided by salespersons; amending s. 475.011, F.S.; providing exemptions to regulation by the Florida Real Estate Commission for persons who are, or are studying to become, real estate appraisers; amending ss. 475.04, 475.25, and 475.451, F.S., and repealing s. 475.42(1)(m), F.S.; deleting reference to real estate appraisers; repealing s. 475.501, F.S., relating to regulation of real estate appraisers; creating part II of chapter 475, F.S., consisting of ss. 475.610-475.630, F.S.; providing for the regulation of real estate appraisers; providing legislative purpose; providing definitions; providing for certification or licensure; creating the Florida Real Estate Appraisal Board; providing for rulemaking power; providing qualifications for registration, licensure, and certification; providing fees; providing examination requirements; providing education and experience requirements; providing for renewal and continuing education; providing for inactive status; providing that corporations and partnerships are ineligible for licensure or certification; providing for a registry of licensed and certified appraisers; providing for display and disclosure of licensure or certification; providing for registration of office locations; providing for discipline; providing for final orders; providing for violations and penalties; providing for real estate appraisal course instructors; providing professional standards; providing for retention of records; providing for temporary practice; directing that changes in terminology in the Florida Statutes be made; providing for review and repeal; providing an effective date.

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

By the Committee on Regulatory Reform and Representatives Dennis Jones and Mortham—

**CS for HB 1411**—A bill to be entitled An act relating to chiropractic physicians; amending s. 460.406, F.S.; modifying a training requirement for applicants for licensure by examination; directing the department to submit written notification of certification; providing for lawful practice; providing an effective date.

—was referred to the Committee on Professional Regulation.

By the Committee on Regulated Services and Technology; and Representative Harden—

**CS for HB 1587**—A bill to be entitled An act relating to the state lottery; amending s. 24.120, F.S.; eliminating the lottery working capital reserve and authorizing the Department of the Lottery to borrow from the Working Capital Fund; providing that certain payments are not lump-sum salary bonuses; amending s. 24.121, F.S.; revising the percentage of lottery revenue deposited in the Educational Enhancement Trust Fund; providing an effective date.

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

By Representative Webster and others—

**HB 1629**—A bill to be entitled An act relating to the Greater Orlando Aviation Authority, Orange County; amending chapter 75-464, Laws of Florida, as amended, to require one member of the aviation authority be a resident and elector of Osceola County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committees on Appropriations; and Tourism, Hospitality and Economic Development; and Representative Saunders and others—

**CS for CS for HB 1891**—A bill to be entitled An act relating to tax on sales, use, and other transactions; creating s. 212.0515, F.S.; providing for computation of the tax to be paid on food and beverages sold in vending machines; requiring registration of vending machine operators and display of notice on machines; authorizing payment of rewards for reports of violations; requiring quarterly reports by operators; requiring quarterly reports by persons selling food and beverages to vending machine operators; requiring dealers and operators purchasing food or beverages for resale to provide the dealer with a certificate stating whether the purchaser is a vending machine operator; providing penalties; amending s. 212.12, F.S.; requiring that sales made through such vending machines be separately shown on returns; amending s. 212.02, F.S.; defining “coin-operated amusement machine”; amending s. 212.05, F.S.; imposing a tax on receipts from such machines and providing for computation thereof; requiring registration of operators of such machines and display of notice on machines; authorizing payment of rewards for reports of violations; providing requirements with respect to certificates of registration for operators of such machines; providing penalties; amending s. 212.054, F.S.; revising provisions which specify conditions under which a transaction is deemed to occur in a county imposing a discretionary sales surtax, to include coin-operated vending and amusement machines; providing effective dates.

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

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

**CS for HB 1945**—A bill to be entitled An act relating to witnesses in criminal proceedings; amending s. 905.17, F.S.; providing that a witness under examination by a grand jury may have an attorney present for advisement and consultation; prohibiting representation of multiple clients by an attorney before the grand jury; providing an effective date.

—was referred to the Committees on Criminal Justice and Judiciary.

By the Committee on Governmental Operations and Representatives Figg and Holzendorf—

**HB 2431**—A bill to be entitled An act relating to public records; reenacting and amending s. 320.025(1) and (2), F.S., which provides for confidential registration certificates and license plates for vehicles used by law enforcement agencies; reenacting and amending s. 378.406(1), F.S., which provides confidentiality for secret processes or methods of operation used in land reclamation; reenacting and amending s. 377.2409(2), F.S., which provides confidentiality for information related to geophysical activities; providing for future review and repeal; providing a retroactive effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Vocational/Technical Education and Representative Guber and others—

**HB 2453**—A bill to be entitled An act relating to education; creating chapter 239, F.S., relating to vocational, adult, and community education; providing for organization of the chapter; creating s. 239.101, F.S.; providing definitions; creating s. 239.105, F.S.; providing for vocational and adult education interinstitutional articulation agreements; amending and renumbering s. 229.132, F.S., relating to registration of adult students; amending and renumbering s. 230.645, F.S., relating to postsecondary student fees; providing for inclusion of community colleges; providing for fees for certain forms of adult education; prohibiting certain fee charges; creating s. 239.129, F.S.; providing for employment of teachers of adult education and nondegree teachers of vocational education; amending and renumbering s. 233.0681, F.S., relating to occupational specialists; providing for inclusion of community colleges; amending and renumbering s. 233.068, F.S., relating to job-related vocational instruction; deleting certain requirements relating to development of courses, minimum course offerings, certification of instructors, and funding; amending and renumbering s. 240.355, F.S.; deleting certain rulemaking requirements relating to vocational education programs; amending and renumbering s. 229.557, F.S.; providing a cross reference; amending and renumbering s. 233.0695, F.S., relating to vocational preparatory instruction; providing for inclusion of community colleges; providing for exemptions to vocational entry-level tests; amending and renumbering s. 232.2467, F.S.,

relating to the Florida gold seal vocational endorsement; creating s. 239.241, F.S.; requiring the use and distribution of eye-protective devices in certain courses; amending and renumbering s. 233.069, F.S., relating to the vocational improvement fund; providing for the inclusion of community colleges; amending and renumbering s. 231.614, F.S., relating to the master inservice plan for vocational educators; creating s. 239.261, F.S.; providing for vocational education program evaluations; providing for use of evaluations for funding; amending and renumbering s. 228.072, F.S., relating to adult general education; revising student eligibility for adult basic and secondary education; providing for customized supplemental vocational instruction; deleting certain fee provisions; amending and renumbering s. 228.0713, F.S., relating to the adult literacy plan; expanding types of literacy eligible for inclusion; amending s. 228.0715, F.S., relating to the Adult Literacy Act; revising funding provisions; amending and renumbering s. 228.0727, F.S., relating to education for handicapped adults; correcting cross references; amending and renumbering s. 228.071, F.S., relating to community education; revising provisions relating to distribution of funds; amending and renumbering s. 228.0716, F.S., relating to the Florida Literacy Corps; amending and renumbering s. 230.23165, F.S.; correcting a cross reference; amending and renumbering s. 240.356, F.S., relating to the Sunshine State Skills Program; amending and renumbering s. 240.358, F.S., relating to the workforce literacy program; amending ss. 228.074 and 228.075, F.S.; revising provisions relating to regional coordinating councils; amending s. 228.076, F.S., relating to vocational education and adult general education programs; amending s. 229.551, F.S.; deleting provisions relating to program evaluations for vocational education; amending s. 229.565, F.S.; correcting a cross reference; amending s. 231.1725, F.S.; deleting provisions relating to employment of certain vocational and adult education teachers; amending s. 232.45, F.S.; deleting provisions relating to eye-protective devices in certain vocational courses; requiring provision of safety glasses for students; amending s. 237.34, F.S.; correcting a cross reference; amending s. 240.301, F.S.; deleting provisions relating to certain community college student fees; amending s. 240.35, F.S.; deleting provisions relating to the establishment of certain fees; amending ss. 240.604 and 242.68, F.S.; correcting cross references; amending s. 246.061, F.S.; revising provisions related to the deposit and appropriation of certain funds related to the State Board of Independent Colleges and Universities; amending s. 246.101, F.S.; revising the schedule for fees collected by the State Board of Independent Colleges and Universities; amending s. 246.219, F.S.; revising the schedule for fees collected for school agents by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; revising provisions related to the deposit of fees collected by said board; renumbering s. 246.224 as s. 246.31, F.S.; revising provisions related to the administration and use of the Institutional Assessment Trust Fund; renumbering ss. 229.558, 230.63, 230.631, 230.64, 230.643, 231.3505, 231.361, 235.196, 229.601, and 230.66, F.S.; repealing ss. 228.0725, 228.073, 228.077, and 233.0682, F.S., relating to model non-instructional adult literacy centers, vocational and adult education planning regions, customized supplemental vocational instruction, and State Board of Education regulations; providing for future repeal of ss. 228.074, 228.075, and 228.076, F.S., relating to regional coordinating councils and vocational and adult education programs; establishing a MIS Review Task Force; providing for membership and duties; establishing a Student Completion and Placement Task Force; providing for membership and duties; establishing a Vocational Funding Task Force; providing for membership and duties; establishing a Rules Review and Revision Task Force; providing for membership and duties; establishing a Teacher Certification Task Force; providing for membership and duties; establishing a Vocational Equipment Task Force; providing for membership and duties; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Vocational/Technical Education and Representative Guber and others—

**HB 2455**—A bill to be entitled An act relating to education; amending s. 230.645, F.S.; exempting homeless students from requirements for the payment of fees for certain postsecondary instruction; deleting provisions related to in-kind contributions; providing for fee waivers for business and labor partnerships; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committees on Appropriations; and Finance and Taxation; and Representative Brown—

**CS for HB 2523**—A bill to be entitled An act relating to taxation; amending s. 20.21, F.S.; renaming the Division of Technical Assistance of the Department of Revenue; amending ss. 72.011 and 215.26, F.S.; providing that taxpayers may contest the legality of any denial of refund of specified taxes, interest, or penalties in circuit court or under chapter 120, F.S.; providing time limitations; amending ss. 26.012, 72.031, and 120.575, F.S., to conform; amending s. 193.114, F.S.; specifying that the property appraiser is the custodian of the tax roll and certain copies thereof for certain purposes; amending s. 194.015, F.S.; renaming the property appraisal adjustment boards; directing that changes in terminology in the Florida Statutes be made; amending s. 195.027, F.S.; revising provisions relating to department rules relating to access to financial records relating to nonhomestead property; amending s. 196.011, F.S.; revising provisions which authorize the property appraiser to accept initial or original applications for homestead exemption for the succeeding year after March 1; repealing s. 197.364, F.S., relating to the collection of certain taxes assessed against railroad property; amending s. 198.15, F.S.; providing a penalty for failure to timely file estate tax; amending s. 199.052, F.S.; requiring corporations to file annual intangible tax returns; exempting corporations that have no intangible tax liability and that file an annual report with the Department of State; amending s. 607.1622, F.S.; including information relating to intangible tax liability in said annual report and providing for furnishing such information to the Department of Revenue; repealing s. 200.069(13), F.S., which requires a notice applicable to persons renting or leasing living quarters or sleeping or housekeeping accommodations on the notice of proposed property taxes; providing for retroactive effect; amending s. 203.01, F.S.; revising provisions relating to the option to separately state the gross receipts tax on utility services on the customer's bill; removing a requirement that certain increases in the rate of such tax be separately stated on the customer's bill; providing that the decision to separately state the increase and the ability to recover it from the customer are not subject to regulatory approval; specifying that the tax applies to certain charges relating to electric utility service; providing legislative intent; specifying the rate applicable to revenues collected on-site from the provision of local pay telephone service; amending s. 206.56, F.S.; revising provisions which specify that failure to account for fuel taxes collected constitutes embezzlement; providing that any person who uses taxes collected pursuant to chapter 206, part II of chapter 212, s. 336.021, s. 336.025, or s. 336.026 with the intent to deprive the state of a right to such funds or appropriate such funds to his own use, commits theft of state funds, and providing penalties therefor; reenacting ss. 206.97, 206.9915(3), 212.66, and 336.026(2)(a), F.S., to incorporate the amendment to s. 206.56, F.S., in references thereto; amending s. 206.9825, F.S.; delaying the repeal date of provisions which provide for levy of the aviation fuel tax at a specified percentage of the retail sales price for certain air carriers; amending s. 212.0305, F.S.; authorizing authorities appointed in connection with the charter county convention development tax to invest tax proceeds and other revenues; amending s. 212.0505, F.S., which imposes a tax on unlawful sales, use, and other transactions involving medicinal drugs, cannabis, or controlled substances; authorizing a designee of the executive director of the department to settle or compromise taxes, penalties, or interest thereunder; amending s. 212.0598, F.S.; providing that the ratio applied in determining sales tax on tangible personal property purchased by certain air carriers shall also apply to such carriers' payments for the lease or rental of, or license in, certain real property; amending s. 212.06, F.S.; providing for application of use tax to certain boats imported into the state; amending s. 212.054, F.S.; revising provisions which specify conditions under which a transaction is deemed to have occurred in a county imposing a discretionary sales surtax, for purposes of imposition of such surtax, to conform; amending s. 212.11, F.S.; revising provisions which require certain taxpayers to pay estimated sales taxes; deleting a revision to the method of calculating estimated tax liability scheduled to take effect July 1, 1991; revising the criterion for determining the taxpayers required to pay estimated taxes; providing for distribution of estimated sales tax revenues; repealing ss. 26 and 27, ch. 90-132, Laws of Florida, which amend ss. 212.04 and 212.12, F.S., to revise the reduced dealer's credit for collecting sales taxes, effective January 1, 1992; amending s. 213.053, F.S., relating to confidentiality of information, specifying governmental and nongovernmental agencies to which the department may provide certain information; providing for application of confidentiality and penalty provisions; authorizing disclosure of certain additional information; creating s. 213.225, F.S.; authorizing the department to publish and distribute certain materials and charge for

certain materials; amending s. 213.30, F.S., which authorizes compensation to persons for information relating to violation of tax laws, to remove the restriction that such information relate to the commission of a crime; specifying that department and government employees and former employees may provide such information; providing for confidentiality of information that could lead to the identification of such persons; amending s. 213.34, F.S.; revising the description of the revenue laws with respect to which the department has authority to audit and examine records; creating s. 213.37, F.S.; authorizing the department to require verification of certain documents; providing a penalty; amending and transferring parts I, II, and III of chapter 214, F.S., relating to administration of designated nonproperty taxes, to parts VIII, IX, and X of chapter 220, F.S., the Florida Income Tax Code; repealing s. 214.01, F.S., which specifies the application of chapter 214; revising language relating to penalties for failure to file returns; repealing s. 214.46, F.S., which specifies the length of liens; conforming language and correcting references; amending s. 220.15, F.S.; consolidating in said section provisions for apportionment of adjusted federal income; repealing ss. 214.70 and 214.71, F.S., which define "tax base" and provide a general method for apportionment; amending and renumbering s. 214.72, F.S., relating to apportionment methods for special industries, as s. 220.151, F.S.; amending and renumbering s. 214.73, F.S., relating to other methods of apportionment, as s. 220.152, F.S.; amending ss. 72.011, 72.041, 196.012, 212.0598, 213.05, 213.053, 220.131, 220.181, 220.23, 220.31, 220.32, 220.41, 220.53, 220.64, and 221.04, F.S.; conforming and correcting references; amending s. 220.03, F.S.; revising the definition of the Internal Revenue Code for purposes of the Florida Income Tax Code; providing for retroactive effect; amending ss. 220.11 and 220.63, F.S.; deleting obsolete language relating to legislative review of an increase in the corporate income tax and franchise tax; imposing taxes on banks and savings associations in addition to the franchise tax for a specified period; providing intent with respect to a credit against the franchise tax; amending s. 220.12, F.S.; revising the definition of "net income" under the code; providing for retroactive effect; amending ss. 220.183 and 624.5105, F.S., relating to community contribution tax credits against the corporate income tax and insurance premium tax; revising provisions relating to limitations on credits and carryover of credits; specifying that a taxpayer eligible for the insurance premium tax credit is not eligible for the corporate income tax credit; amending s. 624.511, F.S.; providing requirements with respect to refunds of overpayments of insurance premiums taxes and taxes on wet marine and transportation insurance; amending s. 893.11, F.S., which provides for the suspension or revocation of business and professional licenses of persons convicted of certain felonies involving controlled substances, to exempt licenses, permits, and certificates issued by the department; providing effective dates.

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

By Representative Bronson and others—

**HM 2517**—A memorial to the Congress of the United States, urging Congress to pass House Resolution 1147 to allow the release of certain information concerning United States personnel listed as prisoners of war or missing in action.

—was referred to the Committee on Rules and Calendar.

By Representative Clemons—

**HCR 2537**—A concurrent resolution expressing opposition to the closing of the Naval Coastal Systems Center in Bay County.

(Substituted for **SR 2406** this day.)

## RETURNING MESSAGES ON SENATE BILLS

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 2302 and requests the concurrence of the Senate, or failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed from the House to resolve the differences between the houses.

House Conferees: Chairman: Saunders; Alternate Chairman/Vice: Ritchie; Ex-Officio: Kelly, Bo Johnson; HRS: Gordon, Brown, Hafner, Sanderson; Alternates: Graber, Gutman; Criminal Justice: Clark, Ireland, Silver, Trammell; Alternates: Logan, Martinez; General Government: Mitchell, Holzendorf, Morse, Rudd; Alternates: Flagg, Hawkins; Transportation and Economic Develop-

ment: Mackenzie, Albright, Healey, Rojas; Alternates: Hargrett, Peeples; Education: Long, Davis, Friedman, Garcia, Lawson; Alternates: King, Young; Monitors: Arnold, Guber, Jamerson

*John B. Phelps, Clerk*

**SB 2302**—A bill to be entitled An act relating to implementing the fiscal year 1991-1992 General Appropriations Act; providing legislative intent; requiring state attorneys and public defenders to submit a report of certain expenditures; providing the Attorney General with certain oversight responsibility relating to Department of Health and Rehabilitative Services compliance with a Florida Supreme Court decision; requiring a report; providing access to certain confidential information; requiring that certain attorneys provide legal representation in certain proceedings relating to juveniles; prohibiting the Department of Health and Rehabilitative Services from contracting for legal representation for such proceedings without prior approval from the Attorney General; authorizing expenditure of funds by the Guardian Ad Litem Program in certain dissolution proceedings; authorizing an appropriation from the Emergency Medical Services Trust Fund to fund Medicaid rate increases for patient transportation; requiring the Capital Collateral Representative to seek certain compensation and reimbursement for representing indigent persons in the federal courts; prohibiting the Department of Professional Regulation from expending funds for the lease, possession, or acquisition of specified space for office or other use; authorizing the Department of Highway Safety and Motor Vehicles to expend certain funds for operations; providing responsibility of the Fort Myers Urban Office of the Department of Transportation for transportation planning and policy for specified counties; providing for calculation of the statewide adjusted aggregate required local effort for all school districts from ad valorem taxes, under authority of the Commissioner of Education; providing for adjustment of the required local effort millage rate of certain districts; requiring the Executive Office of the Governor to establish sufficient budget authority to provide for expenditure of certain funds in the Trust Fund for Eminent Scholars and the Trust Fund for Major Gifts; providing for certain transfer of excess unencumbered funds; providing for an experimental program in the Department of Revenue for fiscal years 1991-1993 to determine the feasibility of acting outside the normal constraints on personnel, budgetary, purchasing, and leasing; providing for a Department of Revenue Productivity Advisory Group and prescribing its duties; prescribing powers and duties of the executive director of the department with respect to the experimental program; providing for executive branch agencies to notify the Executive Office of the Governor of positions that become vacant during a specified period of time and providing for such positions and funds associated with such positions to be placed in a productivity reserve; providing for removal of positions from the productivity reserve; authorizing Florida Atlantic University to designate its school of nursing as a College of Nursing; providing methods for calculation of school districts' total weighted full-time equivalent student enrollment; exempting activities of the Department of Revenue relating to implementation of the automated collection and enforcement system from certain laws regulating acquisition of goods and services and communication and data processing; authorizing the department to contract for the system; providing that specified projects at Polk Community College/University of South Florida, Florida Keys Community College, Brevard Community College, the University of Florida Health Center Academic Research Building and Medical Science Building Renovation, Capital Improvement Fee projects, and the Florida International University Arts Complex-Theatre Auditorium will not revert until specified dates; authorizing the use of unexpended balances of certain funds appropriated to Brevard Community College for planning the Hemispheric Instructional Chamber; authorizing the Board of Regents to construct housing facilities at Florida State University, Florida A & M University, Florida Atlantic University, and the University of Central Florida and parking facilities at the University of North Florida; providing that the Santa Fe Performing Arts Center will become the property of the University of Florida upon completion; providing the shared use of the center between the university and Santa Fe Community College; reducing the amount of specific appropriations to Florida Atlantic University in chapter 89-253, Laws of Florida, and providing an additional appropriation; retitling an appropriation to Florida Atlantic University contained in chapter 90-209, Laws of Florida; creating the Resolution Trust Corporation Advisory Commission to advise the Governor and Legislature with respect to purchase of properties from the Resolution Trust Corporation at prices below market value; providing that, with respect to lack of references in the 1991-1992 General Appropriations Act to vendors and contract service providers, there is no legislative intent to preclude agencies from contracting with vendors that have his-

torically been referenced as recipients in proviso language; providing that district school boards may use ad valorem tax revenues collected for capital outlay purposes to fund classroom operations under certain circumstances; prescribing duties of the Department of Health and Rehabilitative Services with respect to withdrawing from the federal rebate program relating to Medicaid funding for prescribed medicine and developing a state program for reimbursement for prescribed medicine; providing that an appropriation for the Veterans' Memorial Park/Wall South-Escambia County shall not revert; authorizing certain statutory teaching hospitals to elect to have Health Care Cost Containment Board assessments deducted from their Medicaid disproportionate share payment; directing the Department of Transportation to enter into an agreement with the Greater Orlando Aviation Authority for the ecological preservation of certain lands; providing for refund of moneys received by the authority if the use of such lands changes in the future; authorizing Valencia Community College to acquire specified lands through the expenditure of non-PECO funds; providing for the creation and sale of a Walt Disney World Commemorative license plate for kids; establishing fees and providing for the use thereof; providing for the creation and sale of a commemorative Walt Disney World frontal plate for kids; establishing fees, and providing for the use thereof; authorizing the department to provide for private vendor sales of such frontal plates; providing an exception from trust fund service charges; authorizing the Board of Trustees of the Internal Improvement Trust Fund, on behalf of the Department of Highway Safety and Motor Vehicles, to enter into an agreement for the exchange of lands with the Greater Orlando Aviation Authority and for design and construction of a district Florida Highway Patrol station to be located at the Orlando International Tradeport; requiring the Department of Health and Rehabilitative Services to develop a plan for contracting with the service districts for specific units of service in specified program areas; providing for approval of the plan by the Executive Office of the Governor and for amending approved budgets of the agencies involved in order to provide management flexibility; authorizing the transfer of funds appropriated in chapter 90-209, Laws of Florida, between specified projects at the University of North Florida; providing that certain PECO moneys appropriated in specific appropriation 2170 of chapter 90-209, Laws of Florida, are not contingent upon matching funds; providing a retroactive effective date and an expiration date.

On motion by Senator Gardner, the amendments constituted an entirely new bill and therefore were not published in the Journal.

On motions by Senator Gardner, the Senate refused to concur in the House amendments and acceded to the request for a conference committee.

The President announced that she was appointing the same Senate Conferees as previously appointed on **SB 2300**, the appropriations bill.

The action of the Senate was certified to the House.

#### RETURNING MESSAGES—FINAL ACTION

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed SB 68.

*John B. Phelps, Clerk*

The bill contained in the foregoing message was ordered enrolled.

#### AMENDMENTS TO SENATE BILLS

##### CS for SB's 58 and 2294

Senator Forman moved the following amendment:

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

Section 1. Section 20.41, Florida Statutes, is created to read:

20.41 Department of Elderly Affairs.—There is created a Department of Elderly Affairs.

(1) The head of the department is the Secretary of Elderly Affairs, who shall be appointed by the Governor and serve at the pleasure of the Governor. The secretary shall administer the affairs of the department and shall employ such assistants, professional staff, and other employees as are deemed necessary by the secretary to discharge the powers and duties of the department.

(2) The Pepper Commission on Aging, created by s. 410.505, is hereby abolished, and all its statutory powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds are hereby transferred by a type three transfer, as defined in s. 20.06(3), to the department. The secretary shall add and delete or reclassify personnel positions as necessary to discharge the duties of the department.

(3) The State Nursing Home and Long-Term Care Facility Ombudsman Council, created by s. 400.304, and the district nursing home and long-term care facility ombudsman councils, created by s. 400.307, are hereby transferred from the Pepper Commission on Aging by a type one transfer, as defined in s. 20.06(1), to the department. The department shall administratively house the State Nursing Home and Long-Term Care Facility Ombudsman Council and district nursing home and long-term care facility ombudsman councils through a contract with the Department of Health and Rehabilitative Services. The councils in performance of their duties shall not be subject to control, supervision, or direction by the department.

Section 2. Section 400.304, Florida Statutes, is amended to read:

400.304 Establishment of a State Nursing Home and Long-Term Care Facility Ombudsman Council; duties; membership.—

(1) There is created a State Nursing Home and Long-Term Care Facility Ombudsman Council which shall be located for administrative purposes in the *Department of Elderly Affairs Commission on Aging*.

(2) In order to ensure that the ombudsman program has the objectivity and independence required to qualify it for funding under the federal Older Americans Act, the State Unit on Aging of the Department of Health and Rehabilitative Services shall contract with the *Department of Elderly Affairs Commission on Aging* for the operation of an Office of the State Long-Term Care Ombudsman to carry out the long-term care ombudsman program and advise the state and district councils. The contract shall be limited to provisions which assure compliance with and carry out the intent of the Older Americans Act. The State Unit on Aging shall:

(a) Provide, in accordance with guidelines formulated by the state council, the funds necessary to match the federal allocation.

(b) Receive and disburse state and federal funds by contract with the *Department of Elderly Affairs Commission on Aging* for purposes that the state council has formulated in accordance with the Older Americans Act.

(c) Act as liaison between the federal program representatives, the staffs of the state and district councils, and members of the state and district councils.

(d) Submit annually to the Legislature, *at least 30 days prior to the convening of the regular session of the Legislature*, a report of the status of the contract with the *Department of Elderly Affairs Commission on Aging*, including a statement regarding any problems in the contractual arrangement; an assessment of the success of the ombudsman program during the preceding year; the degree of compliance by the program with the Older Americans Act; and an assessment of the level of cooperation between the Department of Health and Rehabilitative Services and the ombudsman program regarding shared responsibilities, including, but not limited to, access to records and actions taken on behalf of residents of long-term care facilities. The report shall be submitted in conjunction with the report submitted by the state ombudsman council required by this section. ~~The first report shall be submitted to the Legislature on or before March 1, 1990.~~

(3) The state ombudsman council:

(a) Shall help establish and coordinate the district ombudsman councils throughout the state.

(b) Shall serve as an appellate body in receiving from the district ombudsman councils complaints not resolved at the district level. The state ombudsman council may enter any nursing home or long-term care facility involved in an appeal, pursuant to the conditions specified in s. 400.307(3). Members who are associated with a nursing home or long-term care facility which is under investigation by a council may not participate in the investigation or in an appeal.

(c) Shall develop procedures to discover, investigate, and determine the existence of abuse or neglect in any nursing home or long-term care facility. Investigations may consist, in part, of one or more onsite administrative inspections.

(d) Shall develop procedures for eliciting, receiving, responding to, and resolving complaints made by, and on behalf of, nursing home and long-term care facility residents.

(e) Shall elicit and coordinate state, local, and voluntary organizational assistance for the purpose of improving the care received by residents of a nursing home or long-term care facility.

(f) Shall prepare an annual report to the President of the Senate, the Speaker of the House of Representatives, minority leaders of the Senate, the House of Representatives, chairmen of appropriate Senate and House of Representatives committees, and the Governor containing an appraisal of the problems of nursing home and long-term care facility residents, recommendations for improving nursing home and long-term care facility care and treatment, and an analysis of the success of the ombudsman program during the preceding year which should address, at a minimum, the relationship between the ombudsman program, the *Department of Elderly Affairs Commission on Aging*, and the Department of Health and Rehabilitative Services and an assessment of how successfully the ombudsman program has carried out its responsibilities under the Older Americans Act. The annual report shall be submitted on or before 30 days prior to the convening of the regular session of the Legislature ~~March 1 of each year~~.

(g) Shall appoint an executive director who shall serve at the pleasure of the council and shall perform the duties delegated to him by the council. The executive director, with the consent of the council and as authorized and funded by the Older Americans Act, shall employ such personnel, including staff for the district councils, as are necessary to perform adequately the functions of the council and may provide or contract for legal services to assist the state and district councils in the performance of their duties. Staff for each district council shall be selected in consultation with, and must meet the approval of, that district council. *District council staff positions may be established as state career service positions, as Older Americans Act funds permit.*

(h) May contract for services necessary to carry out its activities.

(i) May apply for, receive, and accept grants, gifts, or other payments, including, but not limited to, real property, personal property, and services from a governmental entity or other public or private entity or person, and make arrangements as to the use of such grants, gifts, or payments.

(4) In performing the duties specified in state and federal law, the ombudsman councils shall be independent of the Department of Health and Rehabilitative Services and the *Department of Elderly Affairs*. However, the ~~departments department~~ and the councils shall cooperate fully in the discharge of their responsibilities for identifying and correcting deficiencies in nursing homes and other long-term care facilities. *The state ombudsman council shall make a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives at any time the council judges that organizational or departmental policy issues threaten the continued independence of the state or district councils in performing their duties.*

(5) The state ombudsman council shall be composed of 12 members appointed by the Governor. The council shall solicit nominations from appropriate professional organizations, consumer groups representing older or disabled persons and long-term care advocacy groups, and shall submit a list of nominees to the Governor for consideration.

(a) The council shall include the following:

1. One medical or osteopathic physician whose practice includes or has included a substantial number of geriatric patients and who may have limited practice in a long-term care facility;
2. One registered nurse who has geriatric experience, if possible;
3. One nursing home administrator;
4. One owner or operator of an adult congregate living facility;
5. One licensed pharmacist;
6. One registered dietitian;

7. Two nursing home residents or representative consumer advocates for nursing home residents;
8. One adult congregate living facility resident or representative consumer advocate for adult congregate living facility residents;
9. One adult foster home resident or representative consumer advocate for adult foster home residents;
10. One attorney; and
11. One professional social worker.

Each of the four representatives who are long-term care facility residents or consumer advocates shall be chosen from a list of at least four persons recommended by the state council.

(b) In no case may the medical director of a nursing home or a long-term care facility or an employee of the Department of Health and Rehabilitative Services or the *Department of Elderly Affairs* serve as a member or as an ex officio member of the council. Except for the nursing home administrator, adult congregate living facility owner or operator, medical or osteopathic physician, licensed pharmacist, registered dietitian, and registered nurse, each member of the state ombudsman council shall certify to having no association with a nursing home or long-term care facility for reward or profit.

(6)(a) All members shall be appointed to serve for 3-year terms. A member may not serve more than two consecutive terms. Any vacancy which occurs shall be filled by the Governor. If an appointment is not made within 60 days after a vacancy occurs, or within 60 days after the Governor receives a list of recommendations from the council, whichever is later, the vacancy shall be filled by a majority vote of the council. The term of any member missing three consecutive regular meetings without cause shall be declared vacant.

~~(b) In order to stagger the terms of office so that a third of the council members are in the first year of their respective terms, while a third are in the second year, and a third are in the third year:~~

~~1. When the terms of four members expire November 1, 1989, the Governor shall appoint their replacements to 3-year terms ending November 1, 1992;~~

~~2. When the terms of eight members expire November 1, 1990, the Governor shall appoint replacements for four of those members to 1-year terms ending November 1, 1991, and shall appoint replacements for four of those members to 3-year terms ending November 1, 1993; and~~

~~3. After the terms referred to in subparagraphs 1. and 2. have expired, the Governor shall appoint all members to 3-year terms.~~

(7) The state ombudsman council shall elect a chairman for a term of 1 year from members who have served at least 1 year. A person who is an owner, administrator, operator, or employee of a nursing home or long-term care facility, as defined in s. 400.301(2), may not be elected as chairman of the council. The chairman shall select a vice chairman from among the members. The vice chairman shall preside over the council in the absence of the chairman.

(8) The state ombudsman council shall meet upon the call of the chairman, at least quarterly or more frequently as needed.

(9)(a) Members shall receive no compensation but shall be reimbursed for per diem and travel expenses as provided for in s. 112.061.

(b) The *Department of Elderly Affairs Commission on Aging* shall make a separate and distinct request for an appropriation for all expenses for the state and district councils. Such request may be combined into a specific appropriation for *Department of Elderly Affairs Commission on Aging* expenses or included in a specific appropriation with other expenses in the Governor's recommended budget or in the appropriations acts.

(10) The state ombudsman council is authorized to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties, including assistance from any adult protective services programs of the *Department of Health and Rehabilitative Services* as provided for under s. 409.026 and ss. 415.101-415.113.

(11) The state ombudsman council shall enter into a cooperative agreement with the statewide and district human rights advocacy com-

mittees, as defined in s. 20.19(7) and (8), for the purpose of coordinating advocacy services provided to residents of nursing home and long-term care facilities.

Section 3. Subsection (4) of section 400.307, Florida Statutes, is amended to read:

400.307 District nursing home and long-term care facility ombudsman councils; duties; membership.—

(4) Each district ombudsman council shall be composed of no less than 15 members and no more than 20 members from the district, to include the following: one medical or osteopathic physician whose practice includes or has included a substantial number of geriatric patients and who may have limited practice in a long-term care facility; one registered nurse who has geriatric experience, if possible; one nursing home administrator; one owner or operator of an adult congregate living facility; one licensed pharmacist; one registered dietitian; at least five nursing home residents or representative consumer advocates for nursing home residents; at least two long-term care facility residents or representative consumer advocates for long-term care facility residents; one attorney; and one professional social worker. In no case shall the medical director of a nursing home or a long-term care facility or an employee of the *Department of Health and Rehabilitative Services* or the *Department of Elderly Affairs* serve as a member or as an ex officio member of a council. Except for the nursing home administrator, adult congregate living facility owner or operator, medical or osteopathic physician, licensed pharmacist, registered dietitian, and registered nurse, each member of the council shall certify to having no association with a nursing home or long-term care facility for reward or profit. Any member who has an affiliation with a nursing home, adult congregate living facility, or adult foster home may not participate in any investigation or inspection of any facility with which he has such affiliation.

Section 4. Subsection (2) of section 410.016, Florida Statutes, is repealed.

Section 5. Sections 430.01, 430.02, 430.03, and 430.04, Florida Statutes, are created to read:

430.01 Short title.—This chapter may be cited as the "Department of Elderly Affairs Act" or the "Pepper Act" as a memorial to Congressman Claude Denson Pepper.

430.02 Legislative intent.—It is the intent of the Legislature to:

(1) Advise, assist, and protect the state's older population to the fullest extent.

(2) Ensure that programs and services are developed and implemented to be accessible to all older population to assist them in the achievement or maintenance of maximum independence and quality of life and minimum levels of social dependence.

(3) Support and promote the efforts of families and other caregivers in assisting older persons.

(4) Promote intergenerational activities that will provide residents of all ages opportunities to enjoy the enriching benefits of interaction and that will promote unity and support for one another.

(5) Ensure that state government functions effectively and efficiently in serving the older population through coordination of policy development, planning, and service delivery by all state agencies relating to the older population of the state.

(6) Ensure that older persons are able to secure prompt, adequate, and accurate information and assistance regarding, but not limited to, health, social welfare, long-term care, protective services, consumer protection, education and training, housing, employment, recreation, transportation, insurance, and retirement.

430.03 Purposes.—The purposes of the Department of Elderly Affairs are to:

(1) Combat age discrimination and create public awareness and understanding of the potentials and needs of older persons.

(2) Study and plan for programs and services to meet identified and projected needs and to provide opportunities for personal development and achievement of persons aged 60 years or older.

(3) Advocate quality programs and services for the state's older population and on behalf of individual citizen's needs.

(4) Coordinate interdepartmental policy development and program planning for all state agencies that provide services for the older population in order to prevent duplicative efforts, to maximize use of resources, and to ensure cooperation, communication, and departmental linkages.

(5) Recommend legislative budget requests for programs and services for the state's older population.

(6) Serve as a state-level information clearinghouse and encourage the development of local-level identifiable points of information and referral regarding all federal, state, and local resources of assistance to older persons.

430.04 Duties and responsibilities of the Department of Elderly Affairs.—The Department of Elderly Affairs shall:

(1) Function as the sole state agency to develop a comprehensive plan on aging to meet the needs of all of the state's older population.

(2) Receive and disburse federal and state funds made available directly to the department, including funding provided through the federal Older Americans Act and the state community care for the elderly program and related programs for providing services for older persons.

(3) Solicit, accept, hold, and administer in behalf of the state any grants, devises, or bequests of money, securities, or property to the state for services to older persons or purposes related thereto.

(4) Coordinate plans, policies, and activities of governmental and nongovernmental agencies with regard to older persons.

(5) Create public awareness and understanding of the needs and potentials of older persons.

(6) Encourage state and local agencies, universities, and other appropriate agencies to conduct needed research in the field of aging and, when such research cannot be done by established state agencies, carry out the research.

(7) Appraise the availability, adequacy, and accessibility of all services and facilities for older persons within the state, in consultation and cooperation with the area agencies on aging.

(8) Study the policies, in consultation and cooperation with the area agencies on aging, which affect older persons of all state and county departments and agencies responsible for providing services for older persons, including, but not limited to, the agencies having primary responsibility for public health, social welfare, education, housing, employment, recreation, and retirement.

(9) Establish criteria for the performance of area agencies on aging that will engage in community planning, coordination, and program development and, through contractual arrangements using federal and state funds, provide a broad array of social and nutritional services as may be appropriate to ensure the continued independence and quality of life for older persons.

(10) Stimulate, train, guide, evaluate, and provide technical assistance to area agencies on aging to develop and strengthen their capabilities to plan, contract for, and monitor services and activities within the area of their responsibilities.

(11) Cooperate with national groups and organizations representing the interests and activities of, and the concerns affecting, older persons and arrange for participation by representatives of the state in White House conferences and other national conferences from time to time.

(12) Adopt rules for the implementation of this section.

(13) Recommend legislative and administrative action on behalf of older persons; review legislation pertaining to older persons and appropriations and expenditures made for services in their behalf or affecting their well-being and independence, in such fields as health, social welfare, education, employment, and recreation; and consider and present revisions and additions needed to the Governor and to the Legislature regarding such legislation.

(14) Engage in such other administrative activities as considered necessary to effectively and efficiently address the needs of the older population of this state.

(15) Fully utilize and coordinate with rural hospitals when carrying out activities under chapter 410 with regard to older persons when advisable in terms of cost-effectiveness and feasibility.

(16) Develop policies, methods, and strategies that will provide opportunities for every generation to benefit from reciprocal, intergenerational experiences and understanding.

(17) Prepare and submit to the Governor, each Cabinet member, the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house, and the chairmen of the appropriate substantive committees of each house a master plan within a year for policies and programs in the state related to aging. The plan shall identify and assess the needs of the older population in the areas of housing, employment, education and training, medical care, long-term care, preventive care, protective services, social services, mental health, transportation, insurance, and other areas considered appropriate by the department. The plan shall assess the needs of particular subgroups of the population and evaluate the capacity of existing programs, both public and private and in state and local agencies, to respond effectively to identified needs. The plan shall include policy goals and program strategies designed to respond efficiently to current needs and projected needs. The plan shall also include policy goals and program strategies to promote intergenerational policies, relationships, and activities. Public hearings and other appropriate processes shall be employed by the department to solicit input for the development and updating of the master plan from persons including, but not limited to:

(a) Older persons and their families and caregivers.

(b) Local public and private service providers, advocacy organizations, and other organizations relating to the older population.

(c) Local governments.

(d) All state agencies that provide services to the older population.

(e) University centers on aging.

(f) Designated area agencies on aging.

(18) Serve as an information clearinghouse at the state level, and assist local-level information and referral resources as a repository, and means for dissemination, of information regarding all federal, state, and local resources for assistance to the elderly in the areas of, but not limited to, health, social welfare, long-term care, protective services, consumer protection, education and training, housing, employment, recreation, transportation, insurance, and retirement.

(19) Recommend guidelines for the development of roles for state agencies that provide services to older persons, review plans of agencies that provide such services, and relay these plans to the Governor, each Cabinet member, the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house, and the chairmen of the appropriate substantive committees of each house.

(20) Recommend to the Governor, each Cabinet member, the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house, and the chairmen of the appropriate substantive committees of each house an organizational framework for the planning, coordination, implementation, and evaluation of programs related to aging with the purpose of expanding and improving programs and opportunities available to the state's older population and enhancing a continuum of long-term care. This framework must assure that:

(a) Performance objectives and measures are established.

(b) Program reviews are conducted statewide.

(c) Each major program related to aging is reviewed every 3 years.

(d) Agency budget requests reflect the results and recommendations of such program reviews.

(e) Program decisions lead to the distinctive roles established for state agencies that provide aging services.

(21) Advise the Governor, each Cabinet member, the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house, and the chairmen of the appropriate substantive committees of each house regarding the need for and location of programs related to aging and any legislative changes necessary.

(22) Review and coordinate aging research plans of all state agencies to ensure the conformance of research objectives to issues and needs addressed in the master plan for policies and programs related to aging. The research activities that must be reviewed and coordinated by the department include, but are not limited to, contracts with academic institutions, development of educational and training curriculums, Alzheimer's disease and other medical research, studies of long-term care and other personal assistance needs, and design of adaptive or modified living environments.

(23) Review budget requests for programs related to aging for compliance with the master plan for policies and programs related to aging before submission to the Governor and the Legislature.

(24) Update the master plan for policies and programs related to aging every 3 years.

(25) Review implementation of the master plan for programs and policies related to aging and annually report to the Governor, each Cabinet member, the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house, and the chairmen of the appropriate substantive committees of each house the progress towards implementation of the plan.

(26) Hold public meetings regularly throughout the state for purposes of receiving information and maximizing the visibility of important issues.

(27) Conduct policy analysis and program evaluation studies assigned by the Legislature.

(28) Assist the Governor, each Cabinet member, the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house, and the chairmen of the appropriate substantive committees of each house in the conduct of their responsibilities in such capacities as they consider appropriate.

(29) Call upon appropriate agencies of state government for such assistance as is needed in the discharge of its duties. All agencies shall cooperate in assisting the department in carrying out its responsibilities as prescribed by this section. However, no provision of law with respect to confidentiality of information may be violated.

Section 6. Effective January 1, 1992, section 410.011, Florida Statutes, is renumbered as section 430.05, Florida Statutes, and amended to read:

~~430.05~~ ~~410.011~~ Administration of federal and state aging programs.—The Department of ~~Elderly Affairs Health and Rehabilitative Services~~ shall be the designated state agency to handle all programs of the Federal Government relating to the aging, by virtue of funds appropriated through the Older Americans Act of 1965 and subsequent amendments, requiring actions within the state which are not the specific responsibility of another state agency under the provisions of federal or state law. *The Department of Elderly Affairs shall also be the state agency designated to handle specified state human service programs relating to aging, including, but not limited to, the community care for the elderly program, the programs related to Alzheimer's disease provided under ss. 410.401 and 410.402 and programs under the federal Home Energy Assistance Act of 1980.* Authority is hereby conferred on the department to accept and use any funds in accordance with established state budgetary procedures which might become available pursuant to the purposes set out herein.

Section 7. Effective January 1, 1992, section 430.055, Florida Statutes, is created to read:

430.055 Elder Services Advocacy Committee.—

(1) There is created within the Department of Elderly Affairs an Elder Services Advocacy Committee. The Department of Elderly Affairs shall provide administrative support and service to the committee to the extent requested by the executive director within available resources. The Elder Services Advocacy Committee shall not be subject to control, supervision, or direction by the Department of Elderly Affairs in the performance of its duties. The committee shall consist of 11 citizens, one from each service district of the Department of Health and Rehabilitative Services, who broadly represent the interests of the public and the clients of that department. The members shall be representative of five groups of citizens as follows: one elected public official; one provider who delivers services or programs to elderly clients of the Department of Health

and Rehabilitative Services; three nonsalaried representatives of non-profit agencies or civic groups; three representatives of health and rehabilitative services consumer groups who are currently receiving, or have received, services for the elderly from the Department of Health and Rehabilitative Services within the past 4 years, at least one of whom must be a consumer; and three residents of the state who do not represent any of the foregoing groups, two of whom represent health-related professions and one of whom represents the legal profession. In appointing the representatives of the health-related professions, the appointing authority shall give priority of consideration to a physician licensed under chapter 458 or chapter 459; and, in appointing the representative of the legal profession, the appointing authority shall give priority of consideration to a member in good standing of The Florida Bar. Persons related to each other by consanguinity or affinity within the third degree may not serve on the Elder Services Advocacy Committee at the same time.

(2) Members of the Elder Services Advocacy Committee shall be appointed to serve terms of 3 years. The Governor shall appoint one member from each planning and service area and shall select each appointment from a list of three nominees submitted by the designated area agency on aging in each planning and service area. A member may not serve more than two consecutive terms.

(3) If a member of the Elder Services Advocacy Committee fails to attend two-thirds of the regular committee meetings during the course of a year, the position held by such member may be deemed vacant by the committee. The Governor shall fill the vacancy pursuant to subsection

(4). If a member of the Elder Services Advocacy Committee is in violation of the provisions of this section or procedures adopted thereto, the committee may recommend to the Governor that such member be removed.

(4) The Governor shall fill each vacancy on the Elder Services Advocacy Committee from a list of nominees submitted by the statewide committee. A list of candidates shall be submitted to the committee by the area agency on aging in the planning and service area. If an appointment is not made within 60 days after a vacancy occurs on the committee, the vacancy shall be filled by a majority vote of the statewide committee without further action by the Governor. No person who is employed by the Department of Health and Rehabilitative Services or the Department of Elderly Affairs may be appointed to the committee.

(5)(a) Members of the Elder Services Advocacy Committee shall receive no compensation, but shall be entitled to be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(b) The committee shall select an executive director who shall serve at the pleasure of the committee and shall perform the duties delegated to him by the committee. The compensation of the executive director shall be established in accordance with the rules of the Selected Exempt Service.

(c) The committee may apply for, receive, and accept grants, gifts, donations, bequests, and other payments including money or property, real or personal, tangible or intangible, and service from any governmental or other public or private entity or person and make arrangements as to the use of same.

(d) The Elder Services Advocacy Committee shall biennially prepare a budget request that shall not be subject to change by department staff after it is approved by the committee, but the budget request shall be submitted to the Governor by the department for transmittal to the Legislature. The budget shall include a request for funds to carry out the activities of the Elder Services Advocacy Committee and the district human rights advocacy committees.

(6) The members of the Elder Services Advocacy Committee shall elect a chairperson to a term of 1 year. A person may not serve as chairperson for more than two consecutive terms.

(7) The responsibilities of the committee include, but are not limited to:

(a) Serving as an independent third-party mechanism for protecting the constitutional and human rights of any elderly client within a program or facility operated, funded, licensed, or regulated by the Department of Health and Rehabilitative Services.

(b) Monitoring by site visit and inspection of records, the delivery and use of services, programs, or facilities operated, funded, regulated, or licensed by the Department of Health and Rehabilitative Services for the purpose of preventing abuse or deprivation of the constitutional and

human rights of elderly clients. The Elder Services Advocacy Committee may conduct an unannounced site visit or monitoring visit that involves the inspection of records if such visit is conditioned upon a complaint. A complaint may be generated by the committee itself if information from the Department of Health and Rehabilitative Services or other sources indicates a situation at the program or facility that indicates possible abuse or neglect of clients. The Elder Services Advocacy Committee shall establish and follow uniform criteria for the review of information and generation of complaints. Routine program monitoring and reviews that do not require an examination of records may be made unannounced.

(c) Receiving, investigating, and resolving reports of abuse or deprivation of constitutional and human rights referred to the Elder Services Advocacy Committee by a district human rights advocacy committee by way of the Statewide Human Rights Advocacy Committee. If a matter constitutes a threat to the life, safety, or health of elder clients or is multidistrict in scope, the Elder Services Advocacy Committee may exercise such powers without the necessity of a referral from a district human rights advocacy committee.

(d) Reviewing existing programs or services for the elderly and new or revised programs for the elderly of the Department of Health and Rehabilitative Services and making recommendations as to how the rights of elder clients are affected.

(e) Submitting an annual report to the Legislature, no later than December 30 of each calendar year, concerning activities, recommendations, and complaints reviewed or developed by the committee during the year.

(f) Conducting meetings at least six times a year at the call of the chairperson and at other times at the call of the Governor or by written request of six members of the committee.

(g) Cooperating with the Long-Term Care Ombudsman Council in their responsibilities.

(8) For the purposes of investigation and monitoring, the Elder Services Advocacy Committee shall have the following powers:

(a) Access to all client records, files, and reports from any program, service, or facility that is operated, funded, licensed, or regulated by the Department of Health and Rehabilitative Services and any records which are material to its investigation and which are in the custody of any other agency or department of government. The committee's investigation or monitoring may not impede or obstruct matters under investigation by law enforcement or judicial authorities. Access shall not be granted if a specific procedure or prohibition for reviewing records is required by federal law and regulation which supersedes state law. Access shall not be granted to the records of a private licensed practitioner who is providing services outside agencies and facilities and whose client is competent and refuses disclosure. Notwithstanding the provisions of s. 119.14, all information obtained or copies of records received by the committee otherwise made confidential by law or relating to the identity of any client or individual providing information to the committee about abuse or alleged violations of constitutional or human rights shall be exempt from the provisions of chapter 119 and shall be considered and held confidential. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. In all other cases, the Elder Services Advocacy Committee shall have standing to petition the circuit court for access to client records which are confidential as specified by law. The petition shall state the specific reasons for which the committee is seeking access and the intended use of such information. The court may authorize committee access to such records upon a finding that such access is directly related to an investigation regarding the possible deprivation of constitutional or human rights or the abuse of a client. Original client files, records, and reports shall not be removed from the Department of Health and Rehabilitative Services or agency facilities. Under no circumstance shall the committee have access to confidential adoption records in accordance with the provisions of ss. 39.411, 63.022, and 63.162. Upon completion of a general investigation of practices and procedures of the Department of Health and Rehabilitative Services, the committee shall report its findings to that department. Notwithstanding the provisions of s. 119.14, all information obtained through examination of such reports otherwise made confidential by law or relating to the identity of any client or individual providing information to the committee about abuse or alleged violations of constitutional or human rights shall be exempt from the provisions of chapter 119 and shall remain confidential. Notwithstanding the provisions of s. 119.14 or s. 286.0111, all matters before

the committee relating to the identity of an individual client or group of clients subject to the protections of this section, or the identity of any individual providing information to the committee about abuse or alleged violation of constitutional or human rights, or testimony relating to records otherwise made confidential by law shall be exempt from the provisions of s. 286.011, the open meetings law, and s. 119.07(1), the open records law. All records prepared by members of the committee which reflect a mental impression, investigative strategy, or theory are exempt from s. 119.07(1) until completion of the investigation. These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14. All other matters before the committee shall be open to the public and subject to chapter 119. Any person who knowingly and willfully discloses any such confidential information is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) To receive, investigate, seek to conciliate, hold hearings on, and act on complaints which allege any abuse or deprivation of constitutional or human rights of elder clients.

(9)(a) The Elder Services Advocacy Committee shall also monitor the following programs in the Department of Health and Rehabilitative Services to ensure adequate access and services to elder citizens:

1. Food stamps.
2. Mental health.
3. Public health.
4. Financial assistance.
5. Protective services.
6. Medicaid.
7. Developmental services.
8. Nursing home care.
9. Home care.
10. Foster grandparents.
11. Intergenerational child care.
12. Housing.
13. Other programs identified by the committee.

(b) The Elder Services Advocacy Committee shall report annually to the Department of Elderly Affairs, the Governor, the President of the Senate, and the Speaker of the House of Representatives on the adequacy and efficiency of the delivery of the services listed in paragraph (a).

(c) The committee shall annually report to the Department of Elderly Affairs and the Department of Health and Rehabilitative Services on the unmet needs of the elderly in the state.

Section 8. Effective January 1, 1992, section 430.058, Florida Statutes, is created to read:

430.058 Duties of the Department of Elderly Affairs relating to the Elder Services Advocacy Committee.—The Department of Elderly Affairs shall adopt rules which are consistent with law, amended to reflect any statutory changes, which rules address at least the following:

(1) Procedures by which Department of Health and Rehabilitative Services district staff refer reports to the Elder Services Advocacy Committee.

(2) Procedures by which client information is made available to members of the Elder Services Advocacy Committee.

(3) Procedures by which recommendations made by the Elder Services Advocacy Committee will be incorporated into Department of Elderly Affairs policies and procedures.

(4) Procedures by which committee members are reimbursed for authorized expenditures.

Section 9. Effective January 1, 1992, section 410.021, Florida Statutes, is renumbered as section 430.21, Florida Statutes, and amended to read:

430.21 410.021 Short title.—Sections 430.21-430.27 410.021-410.029 may be cited as “The Community Care for the Elderly Act.”

Section 10. Effective January 1, 1992, section 410.022, Florida Statutes, is renumbered as section 430.22, Florida Statutes, and amended to read:

430.22 410.022 Legislative intent.—The purpose of this act is to assist functionally impaired *older elderly* persons in living dignified and reasonably independent lives in their own homes or in the homes of relatives or “caregivers” through the development, expansion, reorganization, and coordination of various community-based services. The Legislature intends that a continuum of care be established so that functionally impaired *older elderly* persons age 60 and older may be assured the least restrictive environment suitable to their needs. The development of innovative approaches to program management, staff training, and service delivery that have an impact on cost-avoidance, cost-effectiveness, and program efficiency shall be encouraged.

Section 11. Effective January 1, 1992, section 410.023, Florida Statutes, 1990 Supplement, is renumbered as section 430.23, Florida Statutes, and amended to read:

430.23 410.023 Definitions.—As used in this act, the term:

(1) “Area agency on aging” means an identifiable private nonprofit or public agency within each planning and service area designated by the department, in accordance with the requirements of the federal *Older Americans Act*, to engage in those activities that are consistent with the mission described in that act and the mission of the department. Neither the department nor any other unit of state government may be designated or otherwise serve in any capacity as an area agency on aging except as provided by the *Older Americans Act* and related regulations.

(2)(1) “Community care service system” means a service network comprised of a variety of home-delivered services, day care services, and other basic services, hereinafter referred to as “core services,” for functionally impaired *older elderly* persons that are provided by several agencies under the direction of a single lead agency. Its purpose is to provide a continuum of care encompassing a full range of preventive, maintenance, and restorative services for functionally impaired *older elderly* persons.

(3)(2) “Department” means the Department of *Elderly Affairs Health and Rehabilitative Services*.

(3) “District” means a specified, geographic service area, as defined in s. 20.19(7)(a), in which the programs of the department are administered and services are delivered.

(4) “Functionally impaired *older elderly* person” means any person, 60 years of age or older, with physical or mental limitations which restrict individual ability to perform the normal activities of daily living and which impede individual capacity to live independently without the provision of core services. Functional impairment shall be determined through a functional assessment administered to each applicant for community-care-for-the-elderly core services. The functional assessment shall be developed by the department.

(5) “Health maintenance services” means those routine health services necessary to help maintain the health of a functionally impaired *older elderly* person, but shall be limited to medical therapeutic services, medical supplies, nonmedical prevention services, personal care services, home health aide services, home nursing services, and emergency response systems.

(6) “Lead agency” means an agency designated by an area agency on aging in each community care service system which shall have the authority and responsibility to coordinate services for functionally impaired *older elderly* persons; to provide case management, except when the department agrees to provide case management directly through its own service workers; to provide, or subcontract for the provision of, no fewer than four core services; to compile community care statistics; and to monitor subcontracts with agencies providing core services.

(7) “Planning and service area” means a specified geographic service area in which the programs of the department are administered.

(8)(7) “Multiservice senior center” means a facility which is acquired, altered, or renovated for the purpose of serving as the focal point for housing and delivering services to persons 60 years of age or older.

(9)(8) “State Plan on Aging” means the service plan developed by the department which evaluates service needs of the *older population elderly*, identifies priority services and target client groups, provides for biennial periodic evaluation of activities and services funded under the plan, and provides for administration of funds available through the *Older Americans Act*.

Section 12. Effective January 1, 1992, section 410.024, Florida Statutes, is renumbered as section 430.24, Florida Statutes, and amended to read:

430.24 410.024 Community-care-for-the-elderly core services; powers and duties of the department.—

(1) The department shall fund, directly or through an area contracting agency on aging, in each planning and service area district, and in each subdistrict where practicable, at least one community care service system in each county or group of counties which shall have as its primary purpose the prevention of unnecessary institutionalization of functionally impaired *older elderly* persons through the provision of community-based core services. Whenever feasible, an area agency on aging shall be the contracting agency of preference to engage only in the planning and funding of community care for the elderly core services for functionally impaired elderly persons.

(2) All existing community resources available to functionally impaired *older elderly* persons shall be coordinated into a community care service system to provide a continuum of care to such persons as their needs change. Additional services may be incorporated into the system, but shall not be funded from the community-care-for-the-elderly core service funds. The area lead agency on aging shall ensure that the lead agency has used all other funding sources available have been used prior to utilizing community-care-for-the-elderly funds. The department, area agencies on aging, and core-service-provider agencies are authorized to accept gifts and grants in order to carry out a community care service system.

(3) The use of volunteers shall be maximized to provide a range of services for the functionally impaired *older elderly* person. The department shall provide or arrange for the provision of training and supervision of volunteers to ensure the delivery of quality services. The department or contracting agency may provide appropriate insurance coverage to protect volunteers from personal liability while acting within the scope of their volunteer assignments under a community care service system. The coverage may also include excess automobile liability protection.

(4) The area department or contracting agency on aging shall contract for the provision of the core services required by a community care service system. However, the department may provide core services when such services cannot otherwise be purchased. Such purchase of service contracts shall be utilized whenever the requirements of s. 20.19(17) exist.

(5) Entities contracting to provide core services under this act shall provide a minimum of 10 percent of the funding necessary for the support of project operations. In-kind contributions, whether materials, commodities, transportation, office space, other types of facilities, or personal services, and contributions of money or services from functionally impaired *older elderly* persons may be evaluated and counted as part or all of this required local funding.

(6) When possible, services shall be obtained under:

- (a) The Florida Comprehensive Annual Services Program Plan under Title XX of the Social Security Act;
- (b) The Florida Plan for Medical Assistance under Title XIX of the Social Security Act;
- (c) The State Plan on Aging under the *Older Americans Act*; or
- (d) The Florida Financial Assistance for Community Services Act of 1974.

(7) Funds appropriated for community care for the elderly shall be used only for the provision of community-care-for-the-elderly core services, case management, and directly related expenditures, including administrative costs of area agencies on aging. The department shall have the authority to provide advance funding for community care for the elderly.

(8) Provider agencies shall be responsible for the collection of contributions for services in accordance with rules promulgated by the department. Provider agencies are authorized to assess contributions for services rendered in accordance with those rules. To help pay for services received from community care for the elderly, a functionally impaired *older elderly* person shall contribute an amount of money based on an overall ability to pay. The amount of *the contribution money to be contributed* shall be fixed according to a schedule established by the department. Services of specified value may be accepted in lieu of a monetary contribution. ~~This contribution schedule shall be developed by January 1, 1981, and shall be in effect on July 1, 1981. This subsection does not apply to programs utilizing federal funds when regulations prohibit a means test and fees or require contributions to revert to the original funding source.~~

(9) The department shall evaluate the *efficiency and effectiveness* progress of community care service systems. Accurate analysis of the costs and benefits associated with the establishment and operation of the programs as determined through a uniform cost accounting and reporting system shall be maintained to provide an assessment of the ability of these programs to:

- (a) Reduce the rate of inappropriate entry and placement of functionally impaired *older elderly* persons in institutions; *and*
- (b) Reduce the use of institutional services and facilities; *and*
- ~~(c) Recommend legislative and administrative action as set forth in s. 410.016.~~

Section 13. Effective January 1, 1992, section 410.0241, Florida Statutes, 1990 Supplement, is renumbered as section 430.25, Florida Statutes, and amended to read:

~~430.25~~ ~~410.0241~~ Community care service system.—

(1) ~~The area department or contracting agency on aging shall fund in each planning and service area shall fund district, and in each subdistrict where practicable,~~ at least one community care service system in each county or group of counties which shall provide case management and no fewer than four core services to functionally impaired *older elderly* persons. Core services are those services which are most needed to prevent unnecessary institutionalization. Core services shall be limited to homemaker and chore services, respite care, adult day care, medical transportation, mini-day care, home-delivered meals, counseling, information and referral, emergency home repair services, and health maintenance services. Lead agencies providing directly the health maintenance service called "personal care" shall be exempt from the home health agency licensure provisions of part III of chapter 400, but shall at a minimum, retain the services of a nurse licensed under chapter 464 for the initial assessment of clients referred for personal care services and for the development and periodic monitoring of client care plans involving personal care. For purposes of this subsection, "personal care services" shall be defined as services to assist with bathing, dressing, ambulation, housekeeping, supervision, emotional security, and eating, supervision of self-administered medications, and assistance in securing health care from appropriate sources. Personal care services shall not include medical services. Nothing herein shall be construed to exempt community-care-for-the-elderly lead agencies from the requirements of part III, chapter 400 in their direct or indirect provision of any home health services regulated under chapter 400, other than "personal care" services as defined herein. Services other than the community-care-for-the-elderly core services may be incorporated into a community care service system, but shall not be funded with funds designated for community care for the elderly. Case management services shall be provided to each community care core service recipient to ensure that arrangements are made for appropriate services. If independent living is no longer possible for a functionally impaired *older elderly* person, the case manager shall assist the person in locating the most appropriate, least restrictive, and most cost-beneficial alternate living arrangement.

(2) Core services and other support services may be furnished by public or private agencies or organizations. Each community care service system shall be under the direction of a lead agency which shall coordinate the activities of individual contracting agencies providing community-care-for-the-elderly services. When practicable, the community care service system shall be located in a multiservice senior center and coordinated with other services offered therein. Nothing in this subsection shall require programs in existence prior to the effective date of this act to be relocated.

(3) Services shall be coordinated into the community care service system and shall include:

- (a) Community care core services.
- (b) Older Americans Act services.
- (c) Title XX services.
- (d) Senior center services.
- (e) Protective services.
- (f) Hospice services.
- (g) Financial assistance services, including, but not limited to, food stamps, Medicaid, Medicare, and supplemental security income.
- (h) Other community services.

(4) The department shall define each core service pursuant to subsection (1) and establish minimum standards for the delivery of core services, and may conduct or contract for demonstration projects to determine the desirability of new concepts of organization, administration, or service delivery designed to prevent the institutionalization of functionally impaired *older elderly* persons. Evaluations shall be made of the cost-avoidance of such demonstration projects, the ability of the projects to reduce the rate of placement of functionally impaired *older elderly* persons in institutions, and the impact of projects on the use of institutional services and facilities.

(5) A preservice and inservice training program for community-care-for-the-elderly service providers and staff may be designed and implemented to help assure the delivery of quality services. Community-care-for-the-elderly service providers and staff shall participate in inservice training at least once a year. Training that is currently provided may be used to satisfy this requirement. Training programs may be offered to volunteers to fulfill the requirements of s. 430.24(3) ~~s. 410.024(3)~~. Training shall be funded through the Older Americans Act, Title XX of the Social Security Act, and other available sources.

(6) Any person who has been classified as a functionally impaired *older elderly* person, as defined in s. 430.23(4) ~~s. 410.023(4)~~, shall be eligible to receive community-care-for-the-elderly core services. Those *older elderly* persons who are determined by the functional assessment to be at risk of institutionalization shall be given primary consideration.

Section 14. Effective January 1, 1992, section 410.026, Florida Statutes, is renumbered as section 430.26, Florida Statutes, and amended to read:

~~430.26~~ ~~410.026~~ Multiservice senior center.—

(1) When practicable, multiservice senior center services shall be available to functionally impaired *older elderly* persons.

(2) When feasible, a multiservice senior center shall be centrally located and easily accessible to public transportation. Provision may be made for transporting persons to the center. A center shall be designed to provide ease of access and use, considering the infirmities of frail and handicapped *older elderly* persons.

Section 15. Effective January 1, 1992, section 410.029, Florida Statutes, is renumbered as section 430.27, Florida Statutes, and amended to read:

~~430.27~~ ~~410.029~~ Multiyear plans.—The department shall develop a multiyear plan which shall provide for the implementation of at least one community care system in each *planning and service area* ~~district and, where practicable, in each subdistrict~~. The multiyear plan shall be integrated into and developed concurrently with the State Plan on Aging required under the Older Americans Act and shall provide statewide coordination of all community-based services for the elderly. The multiyear plan shall include an inventory of existing services and an analysis comparing the cost of institutional care and the cost of community care and other community-based services for the elderly. The multiyear plan shall emphasize potential savings to the state made by providing community-based services for the elderly under this act. The multiyear plan shall be presented to the Speaker of the House of Representatives and the President of the Senate ~~by October 1, 1990, and at such times thereafter~~ as required by the Older Americans Act.

Section 16. Section 430.28, Florida Statutes, is created to read:

## 430.28 Area agencies on aging.—

(1) The Department of Elderly Affairs shall designate, in each of its planning and service areas, in accordance with the federal Older Americans Act, an area agency on aging, which shall have local administrative responsibility for carrying out the purposes of the federal Older Americans Act, the Community Care for the Elderly Act, and such other state programs as may be assigned to the area agency.

(2) An area agency on aging designated by the Department of Elderly Affairs shall:

(a) Serve as an advocate for older persons by representing their interests to public officials and public and private organizations within the planning and service area.

(b) Develop and administer an area plan for a comprehensive and coordinated service delivery system in the planning and service area and provide opportunities for older persons and service providers to express their views to the area agency concerning the development of policies and the implementation of programs under the plan.

(c) Assess the kinds and levels of services needed by older persons in the planning and service area and the effectiveness of other public and private programs serving those needs.

(d) Enter into subcontracts with local organizations for the direct provision of services to meet the most important needs of older persons which are identified in the plan.

(e) Coordinate and assist regional or local public agencies and nonprofit agencies in the planning and development of programs to establish an areawide network of comprehensive, coordinated services and opportunities for older persons.

(f) Serve as an advocate for older persons by assisting them in obtaining the benefits currently available to them under federal and state law.

(g) Prevent or reduce inappropriate institutionalization of older persons by promoting community-based care, home-based care, or other forms of less intensive care.

(h) Aid in the support of families and other care-givers of older persons.

(i) Promote intergenerational research, training, program development, service delivery systems, and public policy initiatives.

Section 17. Section 430.29, Florida Statutes, is created to read:

## 430.29 Area agencies on aging; establishment and organization of boards.—

(1) Each area agency on aging board authorized by law is an independent, separate, legal entity created for the operation of the area agency on aging.

(2) Members of area agencies on aging boards shall be solicited from a broad cross-section of the public, private, and volunteer sectors of each county in the respective planning and service areas. Nominations for board seats shall be sought from boards of county commissioners, elected officials, major municipalities, human service area organizations, and minority organizations within the planning service area.

(3) The membership of each board shall be appointed by the Governor and reflect the broad geographical balance as well as the distribution of demographic characteristics including the older persons in the planning and service areas.

(4) This section does not affect the term of office of any person serving on the board of an area agency on aging on the effective date of this section.

Section 18. Subsections (2) and (3) of section 410.401, Florida Statutes, are amended to read:

## 410.401 Alzheimer's Disease Advisory Committee; research grants; trust fund.—

(2) There is created an Alzheimer's Disease Advisory Committee, composed of seven members to be selected by the Governor, which shall advise the Department of *Elderly Affairs Health and Rehabilitative Services* in the performance of its duties under this act. Members shall be residents of the state who are experts in Alzheimer's disease. At least four

of the seven members must be licensed pursuant to chapter 458 or chapter 459 or hold a Ph.D. degree and be currently involved in the research of Alzheimer's disease. The seven members shall include two persons who are related to victims of Alzheimer's disease and have been their primary caretakers and, whenever possible, one each of the following professionals: a gerontologist, a geriatric psychiatrist, a geriatrician, a neurologist, and a social worker.

(3) In the event funds are available in the trust fund created in subsection (4), the Department of *Elderly Affairs Health and Rehabilitative Services* shall award research grants to qualified profit or nonprofit associations and institutions or governmental agencies in order to plan, establish, or conduct programs in Alzheimer's disease control or prevention, education and training, and research. The department may adopt rules necessary to carry out its duties.

Section 19. Subsections (2) and (3) of section 410.402, Florida Statutes, 1990 Supplement, are amended to read:

## 410.402 Alzheimer's disease; memory disorder clinics and day care and respite care programs.—

(2) Pursuant to the provisions of s. 287.057, the Department of *Elderly Affairs Health and Rehabilitative Services* shall contract for the provision of three specialized model day care programs in conjunction with each memory disorder clinic. The purpose of each model day care program shall be service delivery to persons suffering from Alzheimer's disease or a related memory disorder and training of health care and social service personnel in the care of persons with Alzheimer's disease and related memory disorders.

(3) Pursuant to s. 287.057, the Department of *Elderly Affairs Health and Rehabilitative Services* shall contract for the provision of respite care. All funds appropriated for the provision of respite care shall be distributed annually by the department of *Health and Rehabilitative Services* to selected districts according to an allocation formula. In developing the formula, the department shall consider the number and proportion of the district population of persons 75 years of age and older in a planning and service area, the number and proportion of the district population of couples 75 years of age and older in the area, and the number and proportion of the district households in the area in which at least one member is 75 years of age and older. Each respite care program shall be used as a resource for research and statistical data by the state's three medical schools and/or teaching hospitals. In consultation with the medical schools and teaching hospitals, the department shall specify the information to be provided by the respite care programs for research purposes.

Section 20. The number of district program staff positions that are necessary to ensure the effective and efficient implementation of the mission described in the federal Older Americans Act and the mission of the Department of Health and Rehabilitative Services are hereby transferred from the Department of Health and Rehabilitative Services to the Department of Elderly Affairs.

## Section 21. Department of Elderly Affairs Policy Review Board.—

(1) There is created the Department of Elderly Affairs Policy Review Board which is located for administrative purposes in the Department of Elderly Affairs. The policy review board is an independent nonpartisan body and is not subject to control, supervision, or direction by the department.

(2)(a) The policy review board shall be composed of one person from each planning and service area of the department, who shall be appointed by the area agency on aging for the respective area, and six persons appointed at large by the Governor. The six gubernatorial appointments shall be made so that the gender balance of, and minority representation on, the board is maintained. More than one-half of the appointees must be age 60 or older.

(b) The members of the policy review board shall be appointed for terms of 3 years each. A vacancy on the board shall be filled in the same manner as the original appointment. A member may be reappointed for no more than two succeeding terms.

1. In order to stagger the terms of office, one-third of the total initial appointees of the Governor shall be appointed to 1-year terms, one-third shall be appointed to 2-year terms, and one-third to 3-year terms. If the initial appointments of the Governor are not of a number divisible into thirds, and there results one additional appointee, that appointee shall be

appointed to a 2-year term. If the initial appointments of the Governor are not of a number divisible into thirds, and there results two additional appointees, one of the additional appointees shall be appointed to a 1-year term and the other appointee shall be appointed to a 2-year term.

2. Vacancies occurring during an appointee's initial term shall be filled in the same manner as the initial appointments, pursuant to subparagraph 1. After the terms referred to in subparagraph 1. have expired, members shall be appointed to 3-year terms.

(3)(a) The policy review board shall assist the secretary of the Department of Elderly Affairs in carrying out the purposes, duties, and responsibilities of the department. The policy review board may make recommendations to the secretary, the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding organizational issues and additions or reductions in the department's duties and responsibilities.

(b) In addition, the policy review board shall:

1. Participate in the preparation of the state plan and budget required by the federal Older Americans Act;

2. Review and comment on department rules to assure that they contribute to an efficient and effective delivery system and allow for flexibility in addressing local needs;

3. Review and comment on proposed statutory changes;

4. Conduct public hearings; and

5. Review, comment, and make recommendations on such matters that are brought before it by the Secretary of Elderly Affairs.

(c) In order to enhance its understanding of various needs of the state's older population and to avoid unnecessary duplication of effort, the policy review board shall identify any council, committee, task force, or similar group that is statutorily mandated to represent the interest of older persons and shall invite a member from each identified group aged 60 years or older, or a younger member if there are no members aged 60 years or older, from each identified group to serve as a nonvoting ex officio member of the policy review board.

(4) The policy review board shall meet at least quarterly and may meet more frequently as needed.

(5) The secretary shall meet with the policy review board at least quarterly and shall interact with the board on the development of a plan and budget.

(6) The Department of Elderly Affairs shall provide staff support to assist the policy review board in the performance of its duties.

(7) The members of the policy review board shall receive no salary, but are entitled to reimbursement for travel and per diem expenses, as provided in section 112.061, Florida Statutes, while performing their duties under this section.

Section 22. No later than January 1, 1992, the Department of Elderly Affairs and the Department of Health and Rehabilitative Services shall prepare and submit to the Legislature a complete plan that identifies the organizational changes needed to improve the delivery and coordination of aging-related programs and services.

Section 23. Rulemaking.—The Department of Elderly Affairs shall adopt, amend, or rescind such rules as it considers necessary to carry out the provisions of sections 19 through 22 of this act.

Section 24. Section 19 of this act, relating to the Department of Elderly Affairs Policy Review Board, is repealed October 1, 2001, and the Department of Elderly Affairs Policy Review Board shall be reviewed by the Legislature pursuant to section 11.611, Florida Statutes, in advance of that date.

Section 25. Sections 1, 4, and 41 of chapter 89-294, Laws of Florida, appearing as section 410.505, Florida Statutes, are repealed.

Section 26. All state departments providing services to older persons shall develop with the Department of Elderly Affairs memoranda of agreement to ensure the effective and efficient delivery of services through the coordination of relevant policies, decisions, and activities of the Governor.

Section 27. There is created within the Department of Elderly Affairs a Commission on Volunteer Community Service.

(1) The commission shall consist of 11 members. The chairman of the advisory board of the area agency on aging in each district of the Department of Health and Rehabilitative Services shall serve on the commission. Members of the commission shall serve without compensation for their services, but they are eligible for reimbursement for per diem and travel expenses in accordance with section 112.061, Florida Statutes. The commission shall annually elect a chairman from its membership, and the chairman may succeed himself.

(2) The commission:

(a) Shall compile an inventory of services being provided to elderly persons by volunteers.

(b) Shall compile an inventory of services needed by elderly persons.

(c) Shall compile an inventory of services that are or can be provided by elderly persons who are acting as volunteers.

(d) May accept tax-exempt contributions from any source.

(e) Shall sponsor or coordinate programs for the furnishing of services to elderly persons by volunteers or by elderly persons as volunteers.

(f) Shall monitor all programs in the Department of Health and Rehabilitative Services and all other state agencies that affect the elderly and may issue reports to the Governor and the Legislature as needed.

(3) Members of the commission, and volunteers who provide services to elderly persons through programs sponsored or coordinated by the commission, who are not otherwise required by law to file full or limited disclosure of their financial interests, are not required, as a result of their service on the commission, or provision of services to elderly persons, to file disclosure of their financial interests.

(4) The commission is not subject to control, supervision, or direction of the Department of Elderly Affairs.

Section 28. Section 410.201, Florida Statutes, is amended to read:

410.201 Older volunteer service program; ~~administration administered by department.~~—

(1) The Department of ~~Elderly Affairs shall administer the Health and Rehabilitative Services~~ is directed to initiate a statewide, computer-based volunteer service credit program under which persons who are 60 years of age or older may volunteer their services to provide respite care, homemaker care, or related service to other persons aged 60 or older who are determined by the department to need such care. Volunteer participants in this program are to receive credit for providing such volunteer services, which credit may then be drawn upon when volunteers or their spouses are determined by the department to need services included in the volunteer service credit program.

(2) The department shall establish a computer-based volunteer skills bank which shall include a registry of names, skills, and interests of persons earning service credits; an accounting system necessary to track service credits earned by each volunteer; and the capacity to provide each volunteer with monthly balances of credits earned and credits expended.

(3) In order to ensure the integrity of the service credit program, the department shall, to the extent possible, recruit and train a sufficient number of volunteers to assure their availability to meet the needs of persons who have service credits and who need to draw on their accounts. The department shall have responsibility for developing a contingency plan for using its own staff and the programs that it funds to ensure that services are available in return for credit in the event no appropriate volunteer is available. Such contingency plan shall be incorporated into rules adopted pursuant to this act.

(4) The department shall adopt rules necessary to administer the program which shall include standards to screen and train participants, to limit the number of hours of credit which may be accumulated by each volunteer, and to provide insurance coverage according to provisions in s. 110.504.

(5) For the purposes of assessing the effectiveness of this program, the department is authorized to establish up to five program sites.

(6) The department shall coordinate this program with the existing volunteer program authorized by ss. 110.501-110.505.

Section 29. Subsection (7) of section 402.165, Florida Statutes, is amended to read:

402.165 Statewide Human Rights Advocacy Committee.—

(7) The responsibilities of the committee include, but are not limited to:

(a) Serving as an independent third-party mechanism for protecting the constitutional and human rights of any client within a program or facility operated, funded, licensed, or regulated by the Department of Health and Rehabilitative Services.

(b) Monitoring by site visit and inspection of records, the delivery and use of services, programs, or facilities operated, funded, regulated, or licensed by the Department of Health and Rehabilitative Services for the purpose of preventing abuse or deprivation of the constitutional and human rights of clients. The Statewide Human Rights Advocacy Committee may conduct an unannounced site visit or monitoring visit that involves the inspection of records if such visit is conditioned upon a complaint. A complaint may be generated by the committee itself if information from the Department of Health and Rehabilitative Services or other sources indicates a situation at the program or facility that indicates possible abuse or neglect of clients. The Statewide Human Rights Advocacy Committee shall establish and follow uniform criteria for the review of information and generation of complaints. Routine program monitoring and reviews that do not require an examination of records may be made unannounced.

(c) Receiving, investigating, and resolving reports of abuse or deprivation of constitutional and human rights referred to the Statewide Human Rights Advocacy Committee by a district human rights advocacy committee. If a matter constitutes a threat to the life, safety, or health of clients or is multidistrict in scope, the Statewide Human Rights Advocacy Committee may exercise such powers without the necessity of a referral from a district committee.

(d) Reviewing existing programs or services and new or revised programs of the Department of Health and Rehabilitative Services and making recommendations as to how the rights of clients are affected.

(e) Submitting an annual report to the Legislature, no later than December 30 of each calendar year, concerning activities, recommendations, and complaints reviewed or developed by the committee during the year.

(f) Conducting meetings at least six times a year at the call of the chairperson and at other times at the call of the Governor or by written request of six members of the committee.

(g) Developing and adopting uniform procedures to be used to carry out the purpose and responsibilities of the human rights advocacy committees, which procedures shall include, but need not be limited to, the following:

1. The responsibilities of the committee;
2. The organization and operation of the statewide committee and district committees, including procedures for replacing a member, formats for maintaining records of committee activities, and criteria for determining what constitutes a conflict of interest for purposes of assigning and conducting investigations and monitoring;
3. Uniform procedures for the statewide committee and district committees to receive and investigate reports of abuse of constitutional or human rights;
4. The responsibilities and relationship of the district human rights advocacy committees to the statewide committee;
5. The relationship of the committee to the Department of Health and Rehabilitative Services, including the way in which reports of findings and recommendations related to reported abuse are given to the Department of Health and Rehabilitative Services;
6. Provision for cooperation with the State Nursing Home and Long-Term Care Facility Ombudsman Council and the Elder Services Advocacy Committee;

7. Procedures for appeal. An appeal to the state committee is made by a district human rights advocacy committee when a valid complaint is not resolved at the district level. The statewide committee may appeal an unresolved complaint to the Secretary of the Department of Health and Rehabilitative Services. If, after exhausting all remedies, the statewide committee is not satisfied that the complaint can be resolved within the Department of Health and Rehabilitative Services, the appeal may be referred to the Governor or the Legislature;

8. Uniform procedures for gaining access to and maintaining confidential information; and

9. Definitions of misfeasance and malfeasance for members of the statewide committee and district committees.

(h) Monitoring the performance and activities of all district committees and providing technical assistance to members and staff of district committees.

(i) Providing for the development and presentation of a standardized training program for members of district committees.

(j) *Assisting the Elder Services Advocacy Committee in the performance of its duties, including, but not limited to, providing information developed by district human rights advocacy committees, responding to requests for information, providing investigative resources, and acquisition of records and documents.*

Section 30. Except as otherwise expressly provided in this act, this act shall take effect October 1, 1991.

**Amendment 1** was ruled out of order on a point of order.

**SB 292**

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

**Amendment 1**—On page 2, lines 26 and 27, strike “action and neither expands” and insert: or administrative action, nor as evidence of a standard of care in a civil or administrative action,

Senator Malchon moved the following substitute amendment which was adopted:

**Amendment 2**—On page 2, strike line 26 and insert: shall not be used for any purpose in any civil or administrative action and neither

**CS for SB 674**

Senator Dudley moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 11, strike everything after the enactment clause and insert:

Section 1. Subsections (2), (3), and (4) of section 316.6105, Florida Statutes, 1990 Supplement, are amended to read:

316.6105 Violations involving operation of motor vehicle in unsafe condition or without required equipment; procedure for disposition.—

(2) The person to whom the citation has been issued may mitigate the civil penalty by making the necessary repair and presenting the vehicle to any local police department or sheriff's department in this state for inspection within 20 10 days from the issuance of the citation.

(3) The police or sheriff's department shall make available a person or persons to confirm that the defect has been corrected. If the correction has been made, such employee shall *execute complete* the affidavit-of-compliance form in a manner established by the Department of Highway Safety and Motor Vehicles and return it to the person who received the citation. *The person who received the citation shall, upon receipt of the executed affidavit of compliance, pay the appropriate fine to the law enforcement agency pursuant to s. 318.18(2)(c) thereby completing the affidavit of compliance.* The affidavit of compliance shall not be construed by the courts as a warranty of the mechanical condition of the motor vehicle. Neither the person who confirms that a defect has been corrected nor the department by which he is employed shall be liable in damages for any defect, failure, or improper functioning of any item of equipment on such motor vehicle.

(4) The person to whom the citation was issued shall mail or present the traffic citation and the affidavit-of-compliance form to the clerk of the court where the traffic citation was issued and shall thereupon pay the appropriate fine pursuant to s. 318.18(2)(c).

Section 2. Subsection (5) is added to section 316.613, Florida Statutes, to read;

316.613 Child restraint requirements.—

(5) Any person who violates the provisions of this section commits a nonmoving traffic infraction punishable as provided for in s. 318.18(12) and shall have 3 points assessed against his driver's license as set forth in s. 322.27.

Section 3. Paragraphs (a) and (c) of subsection (2) and subsection (10) of section 318.18, Florida Statutes, 1990 Supplement, are amended, and subsection (12) is added to said section, to read:

318.18 Amount of civil penalties.—The penalties required for a non-criminal disposition pursuant to ss. 316.2935(6) and 318.14(1), (2), and (4) are as follows:

(2) Thirty-two dollars for all nonmoving traffic violations and:

(a) For all violations of s. ~~ss. 316.613 and~~ 322.19.

(c) For all violations of ss. 316.2935 and 316.610. However, for a violation of s. 316.2935 or s. 316.610, if the person committing the violation corrects the defect and obtains proof of such timely repair by an affidavit of compliance executed by the law enforcement agency within 20 days from the date upon which the traffic citation was issued, and pays \$4 to the law enforcement agency, thereby completing the affidavit of compliance, then upon presentation of said affidavit by the defendant to the clerk within the 30-day time period set forth under s. 318.14(4), the fine shall be reduced to \$5 of which the clerk of the court shall retain \$2 for administrative costs and forward \$1 to the Department of Highway Safety and Motor Vehicles and \$2 to the Department of Health and Rehabilitative Services. ~~within 10 days from the date upon which the traffic citation was issued, the fine shall be reduced to \$0, of which \$2 shall be distributed to the clerk of the court for administrative costs, \$4 to the law enforcement agency which confirms that the defect has been corrected and completes the affidavit of compliance form, \$1 to the Department of Highway Safety and Motor Vehicles, and \$2 to the Department of Health and Rehabilitative Services.~~

(10) In addition to the civil penalties imposed in subsections (2) and (4) and (12) for the violation of child restraint requirements provided in s. 316.613 and safety belt requirements as provided in s. 316.614, there is hereby imposed an additional \$5 surcharge. This surcharge shall be deposited in the Epilepsy Services Trust Fund established pursuant to s. 385.207.

(12) One hundred and fifty dollars, including court costs, for a violation of s. 316.613.

Section 4. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, as amended by chapter 89-282, Laws of Florida, is amended to read:

322.27 Authority of department to suspend or revoke license.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(5)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any operator or chauffeur upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(5)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of an accident resulting in property damage of more than \$50—6 points.
3. Unlawful speed resulting in an accident—6 points.
4. Passing a stopped school bus—4 points.
5. Unlawful speed:

a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.

b. In excess of 15 miles per hour of lawful or posted speed—4 points.

6. Improper equipment or the operation of a motor vehicle which is in an unsafe condition pursuant to s. 316.610—2 points; except that when the operator corrects the defect within 10 days from the date upon which the traffic citation was issued—0 points. The provisions of this subparagraph shall not apply to violations of s. 316.610 by a commercial motor vehicle as defined in s. 316.003(66) or by transit buses owned and operated by a governmental entity.

7. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, no points shall be imposed for a violation of s. 316.1001 or s. 316.2065(12).

8. Any moving violation covered above resulting in an accident—4 points.

9. Any conviction under s. 403.413(5)(b)—3 points.

10. Any violation under s. 316.613—3 points.

Section 5. This act shall take effect October 1, 1991.

**Amendment 2**—In title, on page 1, strike all of lines 1-8 and insert: A bill to be entitled An act relating to state uniform traffic control; amending s. 316.6105, F.S.; revising language with respect to violations involving operation of a motor vehicle in unsafe condition or without required equipment; amending ss. 316.613, 318.18, and 322.27, F.S.; increasing the penalty for violations of law relating to child restraint requirements; providing for the assessment of points against a violator's driver's license; revising language with respect to the procedures for correcting certain defects and providing an affidavit of compliance to conform to the act; providing an effective date.

#### SB 1034

The Committee on Commerce recommended the following amendment which was moved by Senator Forman and adopted:

**Amendment 1**—On page 1, line 24, after "vary" insert: , but no higher than the limits set forth in s. 520.08,

#### CS for SB 1142

Senator Gardner moved the following amendments which were adopted:

**Amendment 1**—On page 7, lines 10 and 11, strike "Executive Office of the Governor" and insert: Department of General Services ~~Executive office of the Governor~~

**Amendment 2**—On page 16, between lines 28 and 29, insert:

Section 14. All personnel, records, property, and unexpended balances of appropriations, allocations, and other funds of the Information Resource Commission of the Executive Office of the Governor, except for three positions and \$183,790 appropriated for the commission from the General Revenue Fund, are transferred from the Executive Office of the Governor to the Department of General Services by a type four transfer, as defined in section 20.06(4), Florida Statutes.

(Renumber subsequent section.)

**Amendment 3**—In title, on page 1, line 17, strike "Executive Office of the Governor;" and insert: Department of General Services; providing for a transfer of personnel, records, property, appropriations, allocations, and other funds;

## CS for SB 1188

Senator Dantzler moved the following amendment which was adopted:

**Amendment 1**—On page 2, line 9, after “any” insert: reasonable

Senator Langley moved the following amendments which were adopted:

**Amendment 2**—On page 2, strike line 11 and insert:

Section 2. Section 117.10, Florida Statutes, is amended to read:

117.10 Law enforcement officers and correctional officers.—Law enforcement officers and correctional officers, as defined in s. 943.10, traffic accident investigation officers, as described in s. 316.640, and traffic infraction enforcement officers as described in s. 318.141, are notaries public when engaged in ~~for the purpose of notarizing, certifying, or attesting to documents in connection with~~ the performance of official duties. Sections 117.01, 117.04, 117.05, 117.07, and 117.08 do not apply to the provisions of this section. An officer may not notarize his own signature.

Section 3. Subsection (2) of section 784.07, Florida Statutes, is amended to read:

784.07 Assault or battery of law enforcement officers, firefighters, or intake officers; reclassification of offenses.—

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an intake officer as defined in s. 39.01, a traffic accident investigation officer as described in s. 316.640, a traffic infraction enforcement officer as described in s. 318.141, or a parking enforcement specialist as defined in s. 316.640, while the officer, firefighter, intake officer, traffic accident investigation officer, traffic infraction enforcement officer, or parking enforcement specialist is engaged in the lawful performance of his duties, the offense for which the person is charged shall be reclassified as follows:

(a) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

(b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.

(c) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.

(d) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

Section 4. Section 318.141, Florida Statutes, 1990 Supplement, is amended to read:

318.141 Enforcement; traffic control officers and traffic infraction enforcement officers.—

(1)(a) Any sheriff's department, or any police department of a chartered municipality, may employ, as a traffic control officer, any individual who successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program offered by the local sheriff's department or police department, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. A traffic control officer employed pursuant to this subsection is authorized to direct traffic or operate a traffic control device only at a fixed location and only upon the direction of a fully qualified law enforcement officer; however, it is not necessary that such traffic control officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer.

(b) Nothing in this subsection shall be construed to permit the carrying of firearms or other weapons, nor shall traffic control officers have arrest authority.

(2)(a) Any sheriff's department or police department of a chartered municipality may employ, as a traffic infraction enforcement officer, any individual who successfully completes at least 200 hours of instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement,

or through a similar program, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. Any such traffic infraction enforcement officer who observes the commission of a traffic infraction or, in the case of a parking infraction, who observes an illegally parked vehicle may issue a traffic citation for such infraction when, based upon personal investigation, he has reasonable and probable grounds to believe that an offense has been committed which constitutes a noncriminal traffic infraction as defined in s. 318.14.

(b) Such traffic enforcement officer shall be employed in relationship to a selective traffic enforcement program at a fixed location or as part of an accident investigation team at the scene of a vehicle accident or in other types of traffic infraction enforcement under the direction of a fully qualified law enforcement officer; however, it is not necessary that such traffic infraction enforcement officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer ~~direct and immediate supervision of a fully qualified law enforcement officer.~~

(c) Nothing in this subsection shall be construed to permit the carrying of firearms or other weapons, nor shall traffic infraction enforcement officers have arrest authority other than the authority to issue a traffic citation as provided herein.

Section 5. (1) A sheriff may operate or administer a program to contract for the employment of sheriff's deputies, during off-duty hours, for public or private security services.

(2) Such a public or private employer of a deputy sheriff is responsible for the acts or omissions of the deputy sheriff while performing services for that employer off duty, including workers' compensation benefits.

(3) Deputy sheriffs employed during off-duty hours pursuant to the provisions of this section are exempt from the licensure requirements of chapter 493, Florida Statutes, for watchmen, guards, patrol services, or private investigators.

Section 6. This act shall take effect October 1, 1991.

**Amendment 3**—In title, on page 1, line 14, after the semicolon (;) insert: amending s. 117.10, F.S.; providing that traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties; amending s. 784.07, F.S.; revising language with respect to assault or battery of a law enforcement officer which results in the reclassification of the offense to include reference to traffic accident investigation officers and traffic infraction enforcement officers; allowing a sheriff to operate or administer a program to contract for the employment of off-duty deputy sheriffs by public or private security services; providing that the public or private security service employer is liable for acts or omissions of deputy sheriffs so employed; exempting deputy sheriffs so employed from certain licensing requirements; amending s. 318.141, F.S.; requiring direction but not necessarily immediate supervision of traffic infraction enforcement officers;

## SB 1328

Senators Thomas and Jenne offered the following amendment which was moved by Senator Jenne and adopted:

**Amendment 1**—On page 1, line 25, before “registered” insert: knowingly and willfully

## SB 1572

Senator Forman moved the following amendments which were adopted:

**Amendment 1**—On page 3, between lines 22 and 23, insert:

Section 3. Subsection (2) of section 316.1301, Florida Statutes, is amended to read:

316.1301 Traffic regulations to assist blind persons.—

(2) Whenever a pedestrian is crossing, or attempting to cross, a public street or highway, guided by a dog guide or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, the driver of every vehicle approaching the intersection

or place where such pedestrian is attempting to cross shall bring his vehicle to a full stop before arriving at such intersection or place of crossing and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian. A person who is convicted of a violation of this subsection is guilty of a moving violation punishable as provided in s. 318.18(12) ~~§-318.18~~.

Section 4. Section 316.1303, Florida Statutes, is amended to read:

316.1303 Traffic regulations to assist mobility-impaired persons.—Whenever a pedestrian is in the process of crossing a public street or highway and the pedestrian is mobility-impaired (using a walker, a crutch, an orthopedic cane, or a wheelchair), the driver of every vehicle approaching the intersection, as defined in s. 316.003(17), shall bring his vehicle to a full stop before arriving at such intersection and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian. A person who is convicted of a violation of this section shall be punished as provided in s. 318.18(12) ~~§-318.18(3)~~.

Section 5. Subsection (12) is added to section 318.18, Florida Statutes, 1990 Supplement, as amended by section 10 of chapter 90-330, Laws of Florida, to read:

318.18 Amount of civil penalties.—The penalties required for a non-criminal disposition pursuant to ss. 316.2935(6) and 318.14(1), (2), and (4) are as follows:

(12) Two hundred and fifty dollars for a violation of s. 316.1301 or s. 316.1303. Of this amount, 5 percent shall be deducted by the clerk of the court for administrative costs, \$37.50 shall be deposited into the endowment fund of the Florida Endowment Foundation for Vocational Rehabilitation, established in s. 413.615, and \$37.50 shall be deposited in the Grants and Donation Trust Fund in the Division of Blind Services of the Department of Education; and \$100 shall be distributed as provided in s. 318.21. The remainder shall be deposited into the Transportation Disadvantaged Trust Fund for use as provided in s. 427.0159.

(Renumber subsequent sections.)

**Amendment 2**—In title, on page 1, line 14, after the semicolon (;) insert: amending ss. 316.1301, 316.1303, 318.18, F.S.; providing an increased fine for violating those regulations; providing for distributing the proceeds of such fine;

#### CS for SB 2094

Senator Langley moved the following amendment which was adopted:

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

Section 1. Section 944.605, Florida Statutes, is amended to read:

944.605 Inmate release; notice by Department of Corrections or Parole Commission.—

(1) Within 6 months prior to the release of an inmate from the custody of the Department of Corrections by expiration of sentence under s. 944.275, any release program provided by law, or parole under chapter 947, notification of such anticipated release date shall be made known by the appropriate agency to the original sentencing judge, the appropriate state attorney, the original arresting law enforcement agency, and the sheriff as chief law enforcement officer of the county in which the inmate plans to reside. If the original sentencing judge is no longer available, such notice shall be sent to the chief judge of the circuit in which the offender was sentenced. In addition, unless otherwise requested by the victim or the personal representative of the victim, the state attorney, the Department of Corrections, or the Parole Commission, whichever is appropriate, shall notify such person within 6 months prior to the inmate's release, if the name and address of such victim or representative of the victim has been furnished to the agency. The state attorney shall provide the latest address documented for the victim to the sheriff with the other documents required by law for the delivery of inmates to those agencies for service of sentence. For the purposes of this section, the appropriate agency for parole releases is the Parole Commission and the appropriate agency for releases by expiration of sentence or by any other release program provided by law is the Department of Corrections. The Department of Corrections and the Parole Commission shall adopt rules to provide for the timely notification of releases under s. 944.598. This section shall not be construed to imply any repeal or modification of any provision of law relating to notification of victims.

(2) Within 90 days prior to the anticipated release of an inmate under subsection (1), an exit photo of the inmate to be released shall be taken and placed in the inmate's file.

Section 2. Section 947.177, Florida Statutes, 1990 Supplement, is amended to read:

947.177 Inmate release; notice by Department of Corrections or Parole Commission.—

(1) Within 90 days after the anticipated release of an inmate from the custody of the Department of Corrections by expiration of sentence under s. 944.275 or parole under this chapter, notification of such release date shall be made known by the appropriate agency to the original sentencing judge, the appropriate state attorney, the original arresting law enforcement agency, and the sheriff as chief law enforcement officer of the county in which the inmate plans to reside. If the original sentencing judge is no longer available, such notice shall be sent to the chief judge of the circuit in which the offender was sentenced. In addition, if requested by the victim or the personal representative of the victim, the state attorney shall notify such person of the inmate's anticipated release date. For the purposes of this section, the appropriate agency for parole releases is the Parole Commission and the appropriate agency for releases by expiration of sentence is the Department of Corrections. The Department of Corrections and the Parole Commission shall adopt rules to provide for the timely notification of releases under s. 944.598. This section shall not be construed to imply any repeal or modification of any provision of law relating to notification of victims.

(2) Within 90 days prior to the anticipated release of an inmate on parole, an exit photo of the inmate to be released shall be taken and placed in the inmate's file.

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

#### CS for SB's 2224 and 2086

Senator Kiser moved the following amendment which was adopted:

**Amendment 1**—On page 1, strike all of lines 20-30 and insert:

Section 1. Subsection (1) of section 325.203, Florida Statutes, 1990 Supplement, is amended to read:

325.203 Motor vehicles subject to annual inspection; exemptions.—

(1) Beginning January 1, 1991, or as soon thereafter as possible as determined by the department, each motor vehicle which is required to obtain an inspection certificate shall obtain one or a waiver annually within 90 days prior to the expiration of the motor vehicle registration period. Any person who owns or leases 200 or more motor vehicles that are subject to inspection under the Clean Outdoor Air Act shall submit to the department in the prescribed format a list of all motor vehicles that are subject to inspection and shall indicate pass/fail results of the inspection for each vehicle by February 1, 1992, and each year thereafter.

#### AMENDMENTS TO HOUSE BILLS

##### HB 883

Senator Forman moved the following amendment which failed:

**Amendment 1**—On page 2, strike all of lines 1-4 and insert: every person engaged in the business of selling handguns, and who sells at retail, offers for sale at retail, or who has in his possession for sale at retail, any handgun, and who is registered or required to be registered under part I of chapter 212.

#### ROLL CALLS ON SENATE BILLS

##### CS for CS for SB 18

Yeas—37

|                 |             |           |          |
|-----------------|-------------|-----------|----------|
| Madam President | Childers    | Forman    | Jennings |
| Bankhead        | Crotty      | Gardner   | Johnson  |
| Beard           | Dantzler    | Girardeau | Kiser    |
| Brown           | Davis       | Gordon    | Kurth    |
| Bruner          | Diaz-Balart | Grant     | Langley  |
| Casas           | Dudley      | Jenne     | Malchon  |

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| McKay   | Scott   | Walker    |
| Meek    | Souto   | Weinstein |
| Myers   | Thomas  | Weinstock |
| Plummer | Thurman | Wexler    |

Nays—None

**SB 118**

Yeas—36

|                 |             |          |
|-----------------|-------------|----------|
| Madam President | Davis       | Jenne    |
| Bankhead        | Diaz-Balart | Jennings |
| Beard           | Dudley      | Johnson  |
| Brown           | Forman      | Kiser    |
| Bruner          | Gardner     | Kurth    |
| Casas           | Girardeau   | Langley  |
| Childers        | Gordon      | Malchon  |
| Crotty          | Grant       | McKay    |
| Dantzler        | Grizzle     | Meek     |

Nays—None

**SB 292**

Yeas—38

|                 |             |          |
|-----------------|-------------|----------|
| Madam President | Davis       | Jennings |
| Bankhead        | Diaz-Balart | Johnson  |
| Beard           | Dudley      | Kiser    |
| Brown           | Forman      | Kurth    |
| Bruner          | Gardner     | Langley  |
| Casas           | Girardeau   | Malchon  |
| Childers        | Gordon      | McKay    |
| Crenshaw        | Grant       | Meek     |
| Crotty          | Grizzle     | Myers    |
| Dantzler        | Jenne       | Plummer  |

Nays—None

**CS for CS for SB 306**

Yeas—37

|                 |             |         |
|-----------------|-------------|---------|
| Madam President | Davis       | Johnson |
| Bankhead        | Diaz-Balart | Kiser   |
| Beard           | Dudley      | Kurth   |
| Brown           | Forman      | Langley |
| Bruner          | Gardner     | Malchon |
| Casas           | Gordon      | McKay   |
| Childers        | Grant       | Myers   |
| Crenshaw        | Grizzle     | Plummer |
| Crotty          | Jenne       | Scott   |
| Dantzler        | Jennings    | Souto   |

Nays—None

Vote after roll call:

Yea—Girardeau

**CS for SB 674**

Yeas—37

|                 |             |          |
|-----------------|-------------|----------|
| Madam President | Davis       | Jennings |
| Bankhead        | Diaz-Balart | Johnson  |
| Beard           | Dudley      | Kiser    |
| Brown           | Forman      | Kurth    |
| Bruner          | Gardner     | Langley  |
| Casas           | Girardeau   | McKay    |
| Childers        | Gordon      | Meek     |
| Crenshaw        | Grant       | Myers    |
| Crotty          | Grizzle     | Plummer  |
| Dantzler        | Jenne       | Souto    |

Nays—None

Vote after roll call:

Yea—Malchon

Yea to Nay—Dantzler

Yancey

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| Myers     |
| Plummer   |
| Souto     |
| Thomas    |
| Thurman   |
| Walker    |
| Weinstock |
| Wexler    |
| Yancey    |

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| Souto     |
| Thomas    |
| Thurman   |
| Walker    |
| Weinstein |
| Weinstock |
| Wexler    |
| Yancey    |

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| Thomas    |
| Thurman   |
| Walker    |
| Weinstein |
| Weinstock |
| Wexler    |
| Yancey    |

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| Thomas    |
| Thurman   |
| Walker    |
| Weinstein |
| Weinstock |
| Wexler    |
| Yancey    |

**CS for SB 818**

Yeas—38

|                 |             |          |
|-----------------|-------------|----------|
| Madam President | Davis       | Jennings |
| Bankhead        | Diaz-Balart | Johnson  |
| Beard           | Dudley      | Kiser    |
| Brown           | Forman      | Kurth    |
| Bruner          | Gardner     | Langley  |
| Casas           | Girardeau   | Malchon  |
| Childers        | Gordon      | McKay    |
| Crenshaw        | Grant       | Meek     |
| Crotty          | Grizzle     | Myers    |
| Dantzler        | Jenne       | Plummer  |

Nays—None

**SB 1034**

Yeas—37

|                 |             |         |
|-----------------|-------------|---------|
| Madam President | Diaz-Balart | Kiser   |
| Bankhead        | Dudley      | Kurth   |
| Beard           | Forman      | Langley |
| Brown           | Gardner     | Malchon |
| Bruner          | Girardeau   | McKay   |
| Casas           | Gordon      | Meek    |
| Childers        | Grant       | Myers   |
| Crenshaw        | Jenne       | Plummer |
| Dantzler        | Jennings    | Scott   |
| Davis           | Johnson     | Souto   |

Nays—None

**CS for SB 1142**

Yeas—36

|                 |             |          |
|-----------------|-------------|----------|
| Madam President | Davis       | Jenne    |
| Bankhead        | Diaz-Balart | Jennings |
| Beard           | Dudley      | Johnson  |
| Brown           | Forman      | Kiser    |
| Bruner          | Gardner     | Kurth    |
| Casas           | Girardeau   | Langley  |
| Childers        | Gordon      | Malchon  |
| Crotty          | Grant       | McKay    |
| Dantzler        | Grizzle     | Meek     |

Nays—None

Vote after roll call:

Yea—Weinstein

**CS for SB 1164**

Yeas—37

|                 |             |          |
|-----------------|-------------|----------|
| Madam President | Davis       | Jennings |
| Bankhead        | Diaz-Balart | Johnson  |
| Beard           | Dudley      | Kiser    |
| Brown           | Forman      | Kurth    |
| Bruner          | Gardner     | Langley  |
| Casas           | Girardeau   | Malchon  |
| Childers        | Gordon      | McKay    |
| Crenshaw        | Grant       | Meek     |
| Crotty          | Grizzle     | Myers    |
| Dantzler        | Jenne       | Plummer  |

Nays—None

**CS for SB 1188**

Yeas—38

|                 |             |         |
|-----------------|-------------|---------|
| Madam President | Diaz-Balart | Johnson |
| Bankhead        | Dudley      | Kiser   |
| Beard           | Forman      | Kurth   |
| Brown           | Gardner     | Langley |
| Bruner          | Girardeau   | Malchon |
| Casas           | Gordon      | McKay   |
| Childers        | Grant       | Meek    |
| Crotty          | Grizzle     | Myers   |
| Dantzler        | Jenne       | Plummer |
| Davis           | Jennings    | Scott   |

Nays—None

Vote after roll call:

Yea—Crenshaw

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| Souto     |
| Thomas    |
| Thurman   |
| Walker    |
| Weinstein |
| Weinstock |
| Wexler    |
| Yancey    |

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| Thomas    |
| Thurman   |
| Walker    |
| Weinstein |
| Weinstock |
| Wexler    |
| Yancey    |

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| Myers     |
| Plummer   |
| Scott     |
| Souto     |
| Thurman   |
| Walker    |
| Weinstock |
| Wexler    |
| Yancey    |

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| Scott     |
| Souto     |
| Thomas    |
| Thurman   |
| Walker    |
| Weinstein |
| Yancey    |

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| Souto     |
| Thomas    |
| Thurman   |
| Walker    |
| Weinstein |
| Weinstock |
| Wexler    |
| Yancey    |

SB 1328

Yeas—37

|                 |             |         |
|-----------------|-------------|---------|
| Madam President | Diaz-Balart | Johnson |
| Bankhead        | Dudley      | Kiser   |
| Beard           | Forman      | Kurth   |
| Brown           | Gardner     | Langley |
| Bruner          | Girardeau   | Malchon |
| Casas           | Gordon      | McKay   |
| Childers        | Grant       | Myers   |
| Crotty          | Grizzle     | Plummer |
| Dantzler        | Jenne       | Scott   |
| Davis           | Jennings    | Souto   |

Nays—None

Vote after roll call:

Yea—Crenshaw

CS for SB 1400

Yeas—38

|                 |             |          |           |
|-----------------|-------------|----------|-----------|
| Madam President | Davis       | Jennings | Scott     |
| Bankhead        | Diaz-Balart | Johnson  | Souto     |
| Beard           | Dudley      | Kiser    | Thomas    |
| Brown           | Forman      | Kurth    | Thurman   |
| Bruner          | Gardner     | Langley  | Walker    |
| Casas           | Girardeau   | Malchon  | Weinstock |
| Childers        | Gordon      | McKay    | Wexler    |
| Crenshaw        | Grant       | Meek     | Yancey    |
| Crotty          | Grizzle     | Myers    |           |
| Dantzler        | Jenne       | Plummer  |           |

Nays—None

SB 1572

Yeas—36

|                 |             |          |           |
|-----------------|-------------|----------|-----------|
| Madam President | Dantzler    | Jenne    | Plummer   |
| Bankhead        | Davis       | Jennings | Scott     |
| Beard           | Diaz-Balart | Johnson  | Thomas    |
| Brown           | Dudley      | Kiser    | Thurman   |
| Bruner          | Forman      | Kurth    | Walker    |
| Casas           | Gardner     | Langley  | Weinstock |
| Childers        | Gordon      | Malchon  | Weinstock |
| Crenshaw        | Grant       | McKay    | Wexler    |
| Crotty          | Grizzle     | Myers    | Yancey    |

Nays—None

Vote after roll call:

Yea—Girardeau, Souto

SB 1862

Yeas—37

|                 |             |         |           |
|-----------------|-------------|---------|-----------|
| Madam President | Diaz-Balart | Johnson | Thomas    |
| Bankhead        | Dudley      | Kiser   | Thurman   |
| Beard           | Forman      | Kurth   | Walker    |
| Brown           | Gardner     | Langley | Weinstock |
| Casas           | Girardeau   | Malchon | Weinstock |
| Childers        | Gordon      | McKay   | Wexler    |
| Crenshaw        | Grant       | Myers   | Yancey    |
| Crotty          | Grizzle     | Plummer |           |
| Dantzler        | Jenne       | Scott   |           |
| Davis           | Jennings    | Souto   |           |

Nays—None

SR 1904

Yeas—39

|                 |          |             |           |
|-----------------|----------|-------------|-----------|
| Madam President | Casas    | Davis       | Girardeau |
| Bankhead        | Childers | Diaz-Balart | Gordon    |
| Beard           | Crenshaw | Dudley      | Grant     |
| Brown           | Crotty   | Forman      | Grizzle   |
| Bruner          | Dantzler | Gardner     | Jenne     |

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|----------|---------|---------|-----------|
| Jennings | Malchon | Scott   | Weinstein |
| Johnson  | McKay   | Souto   | Weinstock |
| Kiser    | Meek    | Thomas  | Wexler    |
| Kurth    | Myers   | Thurman | Yancey    |
| Langley  | Plummer | Walker  |           |

Nays—None

All Senators voting were recorded as co-sponsors of SR 1904.

CS for SB 2094—Amendment 1

Yeas—18

|          |             |         |           |
|----------|-------------|---------|-----------|
| Bankhead | Diaz-Balart | Langley | Walker    |
| Brown    | Grizzle     | Myers   | Weinstock |
| Casas    | Jennings    | Scott   | Wexler    |
| Crenshaw | Johnson     | Souto   |           |
| Crotty   | Kurth       | Thomas  |           |

Nays—12

|          |           |        |         |
|----------|-----------|--------|---------|
| Beard    | Dantzler  | Gordon | McKay   |
| Bruner   | Davis     | Grant  | Plummer |
| Childers | Girardeau | Kiser  | Yancey  |

CS for SB 2094

Yeas—34

|                 |             |          |           |
|-----------------|-------------|----------|-----------|
| Madam President | Davis       | Jennings | Souto     |
| Bankhead        | Diaz-Balart | Johnson  | Thomas    |
| Beard           | Forman      | Kiser    | Walker    |
| Brown           | Gardner     | Kurth    | Weinstock |
| Bruner          | Girardeau   | Langley  | Weinstock |
| Casas           | Gordon      | Malchon  | Wexler    |
| Childers        | Grant       | Myers    | Yancey    |
| Crotty          | Grizzle     | Plummer  |           |
| Dantzler        | Jenne       | Scott    |           |

Nays—None

Vote after roll call:

Yea—Thurman

CS for SB's 2224 and 2086

Yeas—36

|                 |             |          |           |
|-----------------|-------------|----------|-----------|
| Madam President | Davis       | Jennings | Plummer   |
| Bankhead        | Diaz-Balart | Johnson  | Scott     |
| Beard           | Forman      | Kiser    | Souto     |
| Brown           | Gardner     | Kurth    | Thomas    |
| Bruner          | Girardeau   | Langley  | Walker    |
| Casas           | Gordon      | Malchon  | Weinstock |
| Childers        | Grant       | McKay    | Weinstock |
| Crotty          | Grizzle     | Meek     | Wexler    |
| Dantzler        | Jenne       | Myers    | Yancey    |

Nays—None

Vote after roll call:

Yea—Thurman

CS for SB 2250

Yeas—36

|                 |             |          |           |
|-----------------|-------------|----------|-----------|
| Madam President | Davis       | Jennings | Scott     |
| Bankhead        | Diaz-Balart | Johnson  | Souto     |
| Beard           | Dudley      | Kurth    | Thomas    |
| Brown           | Gardner     | Langley  | Thurman   |
| Casas           | Girardeau   | Malchon  | Walker    |
| Childers        | Gordon      | McKay    | Walker    |
| Crenshaw        | Grant       | Meek     | Weinstock |
| Crotty          | Grizzle     | Myers    | Wexler    |
| Dantzler        | Jenne       | Plummer  | Yancey    |

Nays—1

Bruner

SR 2438

Yeas—39

|                 |             |          |
|-----------------|-------------|----------|
| Madam President | Davis       | Jennings |
| Bankhead        | Diaz-Balart | Johnson  |
| Beard           | Dudley      | Kiser    |
| Brown           | Forman      | Kurth    |
| Bruner          | Gardner     | Langley  |
| Casas           | Girardeau   | Malchon  |
| Childers        | Gordon      | McKay    |
| Crenshaw        | Grant       | Meek     |
| Crotty          | Grizzle     | Myers    |
| Dantzler        | Jenne       | Plummer  |

Nays—None

ROLL CALLS ON HOUSE BILLS

HB 883—Amendment 1

Yeas—16

|                 |           |         |           |
|-----------------|-----------|---------|-----------|
| Madam President | Forman    | Jenne   | Souto     |
| Brown           | Girardeau | Malchon | Weinstein |
| Davis           | Gordon    | Meek    | Weinstock |
| Diaz-Balart     | Grant     | Plummer | Wexler    |

Nays—23

|          |          |         |         |
|----------|----------|---------|---------|
| Bankhead | Crotty   | Johnson | Scott   |
| Beard    | Dantzler | Kiser   | Thomas  |
| Bruner   | Dudley   | Kurth   | Thurman |
| Casas    | Gardner  | Langley | Walker  |
| Childers | Grizzle  | McKay   | Yancey  |
| Crenshaw | Jennings | Myers   |         |

HB 883

Yeas—36

|                 |             |          |           |
|-----------------|-------------|----------|-----------|
| Madam President | Dantzler    | Jenne    | Plummer   |
| Bankhead        | Davis       | Jennings | Scott     |
| Beard           | Diaz-Balart | Johnson  | Souto     |
| Brown           | Dudley      | Kiser    | Thurman   |
| Bruner          | Forman      | Kurth    | Walker    |
| Casas           | Gardner     | Langley  | Weinstein |
| Childers        | Gordon      | Malchon  | Weinstock |
| Crenshaw        | Grant       | McKay    | Wexler    |
| Crotty          | Grizzle     | Myers    | Yancey    |

Nays—None

Vote after roll call:

Yea—Girardeau

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 9 was corrected and approved.

CO-SPONSORS

Senator Crenshaw—CS for SB 1532; Senator Crotty—CS for SB 1316; Senators Dantzler, Diaz-Balart, Dudley, Gardner and Kirkpatrick—CS for SB 962; Senator Grant—SB 1642; Senator Jennings—SB 2432; Senator Souto—CS for SB 60; Senator Thurman—SB 364

RECESS

On motion by Senator Thomas, the Senate recessed at 12:05 p.m. to reconvene at 9:00 a.m., Thursday, April 11, or upon call of the President.