

FLORIDA LEGISLATURE

SUMMARY OF GENERAL LEGISLATION

1978

F.S.U. LAW LIBRARY

REGULAR SESSION APRIL 4 - JUNE 2

SPECIAL SESSION JUNE 7 - 8

Florida State University
LAW LIBRARY
Tallahassee, Florida 32306

FLORIDA LEGISLATURE

SUMMARY OF GENERAL LEGISLATION 1978

REGULAR SESSION APRIL 4 - JUNE 2

SPECIAL SESSION JUNE 7 - 8

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in financial matters. The text suggests that organizations should implement robust systems to track every aspect of their operations, from procurement to sales.

2. The second part of the document addresses the challenges of data management in a rapidly changing environment. It highlights the need for flexible and scalable solutions that can adapt to new technologies and evolving business requirements. The author argues that investing in modern data infrastructure is crucial for staying competitive and making informed decisions.

3. The third part of the document focuses on the role of leadership in driving organizational success. It stresses that effective leaders must inspire their teams, set clear goals, and foster a culture of innovation and collaboration. The text provides several practical tips for leaders, such as regular communication and encouraging feedback from employees.

4. The fourth part of the document explores the impact of external factors on business performance. It discusses how economic conditions, market trends, and regulatory changes can influence an organization's success. The author advises businesses to stay informed about these factors and to develop strategies to mitigate potential risks.

5. The fifth part of the document concludes with a call to action, urging organizations to embrace change and continuous improvement. It states that only by constantly evolving and adapting can businesses thrive in the long run. The text ends with a motivational statement about the power of perseverance and the importance of staying focused on the organization's mission.

EW BRANTLEY
President



DONALD L. TUCKER
Speaker



THE FLORIDA LEGISLATURE
JOINT LEGISLATIVE MANAGEMENT COMMITTEE

THOMAS L. WADE III, EXECUTIVE DIRECTOR

Senator Philip D. Lewis, *Chairman*
Representative John Ryals, *Vice Chairman*
Senator Tom Gallen
Senator Kenneth A. Plante
Representative John A. Hill
Representative William James

Room 827, Capitol
Tallahassee, Florida 32304
Telephone (904) 488-2194

August 22, 1978

Honorable Lew Brantley
President, and Members
of the Senate

Honorable Donald Tucker
Speaker, and Members
of the House of
Representatives

Gentlemen:

I am pleased to furnish you herewith the Summary of General Legislation, 1978, prepared under the supervision and coordination of the Division of Library Services, with the assistance of members of the Legislative staff.

The information in these articles is presented so as to reflect generally the areas in which the legislative interest was centered during the session.

Sincerely,

A handwritten signature in cursive script that reads "Philip D. Lewis".

Philip D. Lewis
Chairman
Joint Legislative Management Committee

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

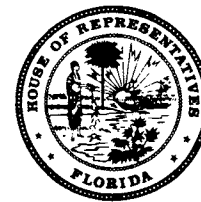
200



THE FLORIDA LEGISLATURE
JOINT LEGISLATIVE MANAGEMENT COMMITTEE

THOMAS L. WADE III, EXECUTIVE DIRECTOR

DIVISION OF LEGISLATIVE LIBRARY SERVICES



Senator Philip D. Lewis, *Chairman*
Representative John Ryals, *Vice Chairman*
Senator Tom Gallen
Senator Kenneth A. Plante
Representative John A. Hill
Representative William James

August 17, 1978

B. GENE BAKER, DIRECTOR
Room 701, Capitol
Telephone (904) 488-2812
Tallahassee, Florida 32304

FOREWORD

This book highlights, within broad subject areas, the general laws enacted by the 1978 Regular Session of the Florida Legislature and the special session immediately following. Essentially it is a re-editing of the preliminary summary articles mailed in recent weeks to Legislators and other interested persons. All but a few general laws of local application and all special and local acts are specifically excluded. The 1978 Legislature adopted no proposed constitutional amendments (joint resolutions).

Important enactments at the 1978 Regular Session include: creation of Educational Alternative Programs; the Youthful Offender Act; the Objective Parole Guidelines Act; the Juvenile Justice Act; new spouse abuse legislation; initial implementation of the Regulatory Reform Act of 1976 (Sunset Law); and the Computer Crimes Act. During the special session the Legislature dealt principally with workmen's compensation; an elective Public Service Commission; and state sovereignty over submerged lands.

Those offices and committees which initially prepared the articles are identified respectively with each article. This division is responsible for the final editing and organization of the material. In preparing the subject index to this SUMMARY OF GENERAL LEGISLATION, this office adapted the indexes prepared by the Legislative Information Division and the Division of Statutory Revision.

For the first time, the legislative computer has been used in the preparation of the SUMMARY and the Legislative Library wishes to acknowledge the unstinting cooperation of personnel from the Legislative Systems & Data Processing Division and the Legislative Information Division in programming and inputting the text which follows.

A handwritten signature in cursive script that reads "B. Gene Baker".

B. Gene Baker

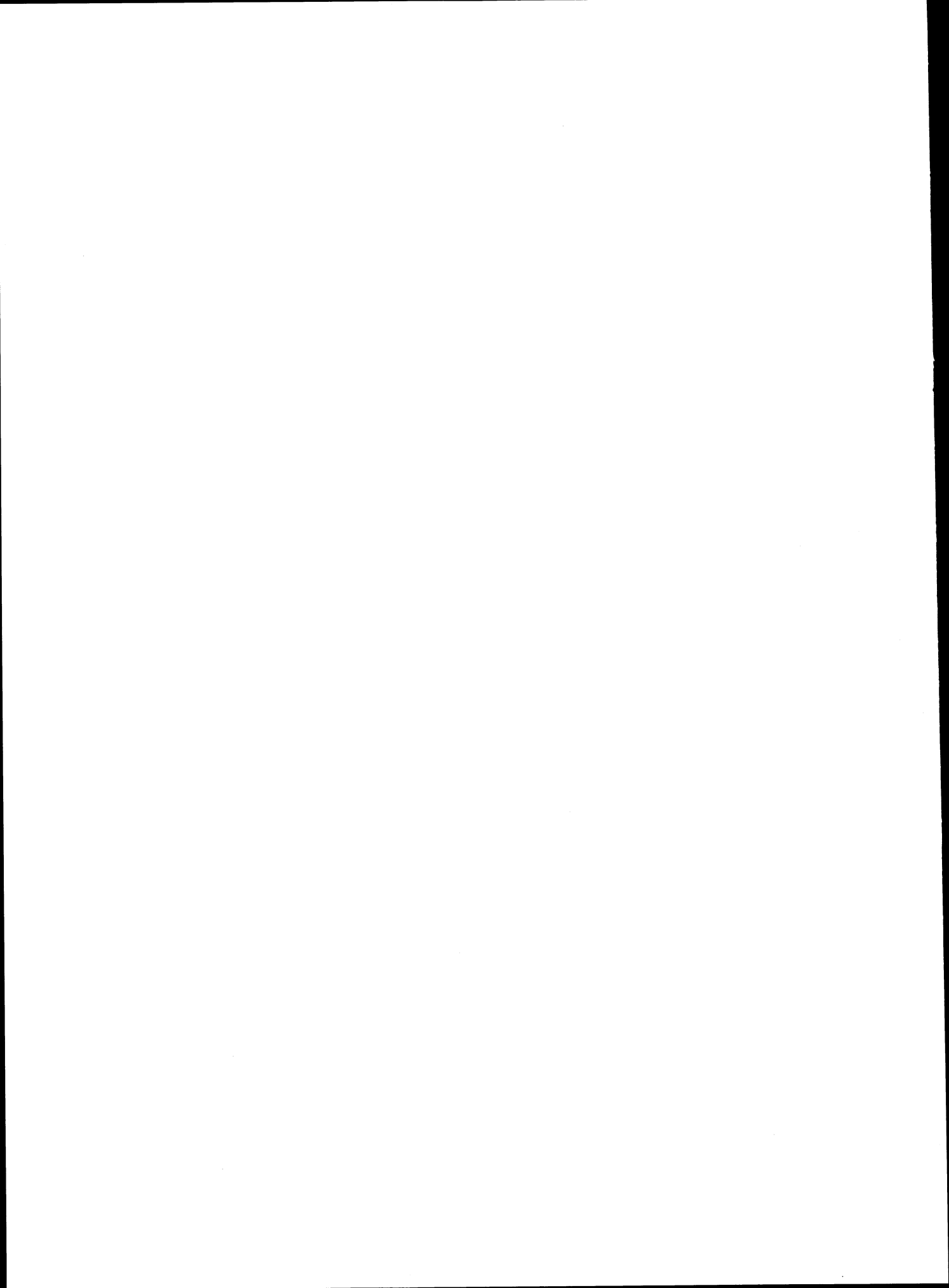
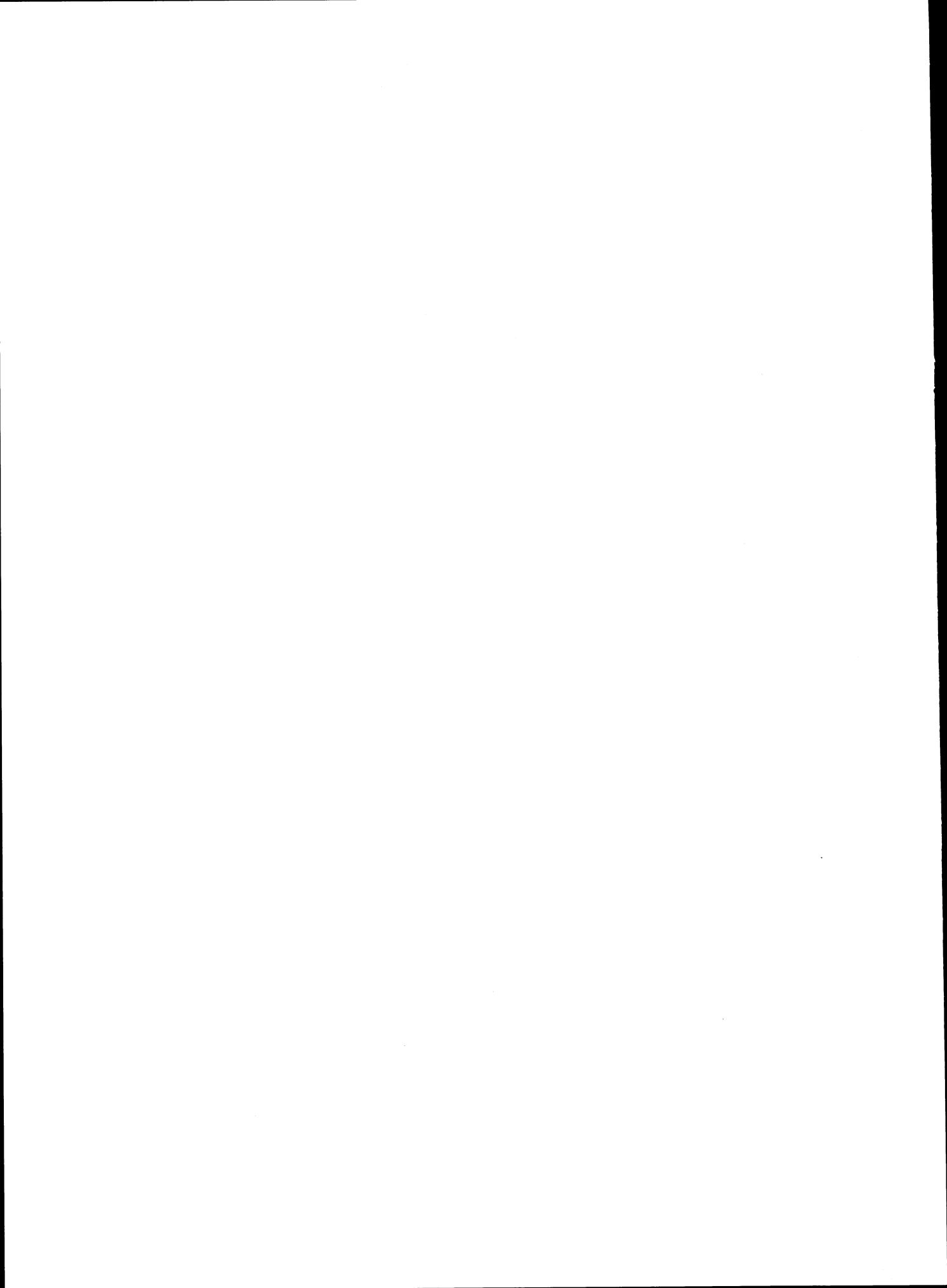


TABLE OF CONTENTS

ARTICLES:	Page
Agriculture	1
Appropriations.	12
Business Regulation	22
Commerce.	32
Conservation and Natural Resources.	52
Corrections	70
Courts and Civil Law.	78
Education	95
Elections	119
Health and Rehabilitative Services.	124
Insurance	143
Law Enforcement and Criminal Justice.	155
Local Government.	174
Motor Vehicles and Transportation	186
Professional and Occupational Regulation.	208
Public Officers and Employees	223
State Government.	230
Taxation.	247
1978 Special Session.	263

INDEX:

By Session Law Chapter Number	276
By Subject Matter	281
BILL NUMBER-SESSION LAW CROSS REFERENCE.	338
LEGISLATIVE STATISTICS	343
LIST OF VETOED GENERAL BILLS	345



AGRICULTURE*

Agriculture related bills enacted into law in the 1978 Session are measures predominately to expand or improve the regulatory authority of the Department of Agriculture and Consumer Services and to update laws governing the administration of the Department of Citrus, with one act pertaining to citrus redirecting expenditure of certain advertising trust funds. Brief summaries of 20 measures which passed both houses of the Legislature out of approximately 55 introduced are presented below.

Department of Agriculture and Consumer Services

HOUSE BILL 358 (CHAPTER 78-341) amends the Florida Marketing Laws to eliminate the authority of the Department of Agriculture and Consumer Services to prevent, modify or remove through marketing orders trade barriers to the free flow of celery, sweet corn, foliage plants, watermelons, soybeans or flue-cured tobacco to market. The Florida Supreme Court has held such use of marketing orders to be an unlawful delegation of legislative authority.

*Prepared by the staff of the Senate Committee on Agriculture

HOUSE BILL 410 (CHAPTER 78-158) authorizes the Division of Forestry, with concurrence of the governing body of each affected county or city, to designate annually certain railroad rights-of-way as known fire hazard areas and requires railroads operating in the state to maintain those rights-of-way in an approved condition as prescribed by rule of the Division to reduce fire hazard.

HOUSE BILL 1025 (CHAPTER 78-24) adds a grape grower representative and a foliage plant grower representative to the State Agricultural Advisory Council, and SENATE BILL 1080 (CHAPTER 78-196) adds a representative of the practice of veterinary medicine to the Council. The State Agricultural Advisory Council is a statutory body designed to advise the Commissioner of Agriculture on matters affecting all segments of the agricultural industry. The act also provides that the veterinarian member of the Council shall serve as an additional member of the Animal Industry Technical Council.

COMMITTEE SUBSTITUTE FOR SENATE BILL 812 (CHAPTER 78-179) creates the Florida Treated Fence Post Act. This act requires the Department of Agriculture and Consumer Services to license each person, firm or corporation who shall engage in the business of treating fence posts with preservatives in the state or who shall ship or bring into the state treated fence posts for sale. Treated fence posts offered for sale in the state shall be clearly marked with a brand approved by the Department and every sale of treated fence posts except a sale between farmers shall have documentation available disclosing

the method or treatment process, the name of the preservative and the average minimum net retention of the preservative per cubic foot of treated wood, and the name and location of the wood preserving plant. Inspection and sampling powers are given to the Department and penalties are provided for violation of this act. Moreover, this law specifically authorizes the Department's Division of Consumer Services to bring legal action for violations of the state's consumer protection laws in conjunction with the Department of Legal Affairs and appropriate state attorney. The provisions of this act will not take effect until January 1, 1979.

Necessitated by the advent of alpha-numeric license plates, SENATE BILL 983 (CHAPTER 78-180) redefines motor vehicles exempt from inspection by personnel of the Department of Agriculture in terms of type of vehicle rather than type of tag. These include private passenger automobiles with no trailer in tow, travel trailers, camping trailers, and motor homes as defined in Subsection 320.01(1)(b), F.S.

SENATE BILL 1146 (CHAPTER 78-409) requires that the 25-member Florida State Fair Authority meet at least quarterly. The act also requires at least one member to be selected from each Congressional District after July 1, 1982, and six may be from Hillsborough County. At least 80 percent of the membership shall have had previous experience in conducting fairs or similar activities. Only the common law rule of incompatibility shall prevent persons holding commissions in other boards or authorities from serving on the Florida State

Fair Authority. Provisions are made for an Executive Committee, the membership of which shall consist of not more than three members from any one Congressional District or county.

SENATE BILL 1200 (CHAPTER 78-154) updates the Florida Pesticide Law by amending same to conform to certain provisions of the Federal Insecticide, Fungicide, and Rodenticide Act. The Department's discretionary authority to permit a change in labeling or formula of a pesticide within a registration period without re-registering the product is deleted. The act prohibits the sale or delivery by a dealer licensee of a restricted use pesticide to a person unless that person signs a form indicating the purchaser holds a valid applicator's license. It repeals a provision in Section 487.041, F.S., authorizing a manufacturer of pesticides to sell special lots of pesticides not already registered with the Department. It also repeals a provision authorizing the continued sale of a discontinued pesticide. The provision for involvement of a county agricultural extension agent in the process of granting permits to users of restricted pesticides is repealed. Commercial and public pesticide licensees are required to maintain records with respect to application of restricted pesticides for a period of two years, rather than three years as required by present law.

The Department is required to regulate all antifreeze distributed in the state under SENATE BILL 1295 (CHAPTER 78-199). Adulteration and mislabeling criteria are set out and

the Department is granted inspection and sampling authority. Prohibited activities are enumerated and testing standards are adopted by reference. Provisions are made for registering each brand of antifreeze and penalties are provided for selling or distributing antifreeze not registered and not meeting standards prescribed by law or by rule.

SENATE BILL 1315 (CHAPTER 78-261) amends Subsection 582.06(2) and Section 582.18, F.S., increasing the membership of the Soil and Water Conservation Council of the Department of Agriculture and Consumer Services from five to nine, and prescribes new procedures for nomination and election of supervisors of the Soil and Water Districts. Candidates shall be nonpartisan and shall be prohibited from campaigning or qualifying for election based on party affiliation. It exempts candidates for the office of supervisor who neither receive contributions nor make expenditures from the provisions of Chapter 106, F.S., requiring establishment of bank accounts and appointment of a campaign treasurer; however, periodic reports are required to be filed. Those elected shall assume office on the first Tuesday after the first Monday in January following the election.

Regulation of Animal Industry

HOUSE BILL 733 (CHAPTER 78-71) provides that no agency of the state, or of any municipality, political subdivision, school district, or special district in this state, shall purchase or cause to be purchased for distribution or

consumption in Florida any fresh or frozen pork which does not comply with the standards set by the United States Department of Agriculture and the Florida Department of Agriculture and Consumer Services, and which has not been or will not be inspected by one of those agencies. Purchase bid invitations shall specify only domestic or imported pork which complies with such requirements will be accepted, and the supplier or vendor shall certify on the invoice that the fresh or frozen pork is either domestic or complies with these requirements.

SENATE BILL 410 (CHAPTER 78-395) provides a penalty of misdemeanor of the second degree for any person found guilty of soring or drugging a horse at horse shows or sales. A second or subsequent offense penalty shall be a misdemeanor of the first degree. A Review Commission appointed by the Commissioner of Agriculture is created for the purpose of conducting hearings and resolving complaints alleging violations of laws pertaining to horse sales, shows and exhibitions.

SENATE BILL 180 (CHAPTER 78-97) amends Section 535.03, F.S., to limit veterinary inspections at sales of thoroughbred yearlings or two-year old thoroughbred horses to any sale in which more than one-half of the horses entered have an appraised value equal to or greater than \$12,500 per horse.

SENATE BILL 406 (CHAPTER 78-57) defines "dairy cattle" and extends the \$100 per cow indemnity fee to owners of dairy cattle without regard to whether the animal is a registered purebred or of a non-registered grade. The indemnity fee is

paid to the owner who is required to destroy dairy cattle tested and found to be infected with brucellosis or tuberculosis. A \$100 fee is currently being paid by the state for registered purebred cattle and a fee of \$50 is paid for non-registered grade cattle. Some dairy cattle are non-registered but very expensive to replace.

Citrus and Citrus Products

Resulting from the efforts of the Joint Citrus Industry Legislative Committee (JCILC), five citrus bills were presented to the Legislature for enactment into law to improve citrus products sales.

SENATE BILL 703 (CHAPTER 78-60) authorizes the Florida Citrus Commission to establish by order the maximum degree of freeze damage or freeze related injury to be permitted in citrus fruit used in preparation of any frozen concentrated products, for the purpose of protecting the quality of such processed products. The length of time any such order shall be effective is determined by the Commission.

SENATE BILL 704 (CHAPTER 78-61) authorizes changes in the maturity standards for grapefruit for fresh use and grapefruit for processing, and permits the Citrus Commission to reduce the minimum total soluble solids requirements for pink and red seedless grapefruit and for all processed grapefruit.

SENATE BILL 384 (CHAPTER 78-99) rewrites Section 601.155, F.S., to clarify as to when the equalizing excise tax on citrus products is due and payable. It provides that the

citrus excise taxes and fees now applicable to persons who exercise the privilege of processing, reprocessing or packaging imported orange and grapefruit products are also applicable if the processed products are blended, mixed, packaged, re-packaged, or if any portion is removed from the original container in which it arrived in the state except for testing purposes or direct consumption.

SENATE BILL 385 (CHAPTER 78-100) amends Subsection 601.66(6), F.S., to provide for proceeds turned over to the Department of Agriculture and Consumer Services by surety companies for the purpose of paying growers for damages sustained through actions of citrus dealers to be deposited in a bank account maintained by the Division of Fruit and Vegetable Inspection in Winter Haven known as the Citrus Cash Bond Account. This act also redefines the basis for determining the amount of citrus fruit dealers' bond and authorizes the use of certificates of deposit in lieu of a surety bond or cash bond. It clarifies the citrus fruit dealers' duty to increase the amount of a bond sufficient to handle any increase in volume of fruit handled and requires the dealer to notify the Department of such increased volume.

HOUSE BILL 2053 (CHAPTER 78-392) authorizes the Department of Citrus to expend certain funds derived from excise taxes levied on citrus fruit grown in this state to finance commodity advertising, merchandising, publicity or sales promotion of citrus fruit or products thereof. Upon an affirmative vote of nine of its members the Citrus Commission

may expend annually up to ten percent of such excise taxes for noncommodity advertising, merchandising, publicity and sales promotion of such citrus fruits and products hereof, including brand advertising rebate programs that supplement other Department advertising, merchandising, publicity or sales promotion activities. Such programs shall exist for no more than three consecutive years before being automatically terminated.

Miscellaneous

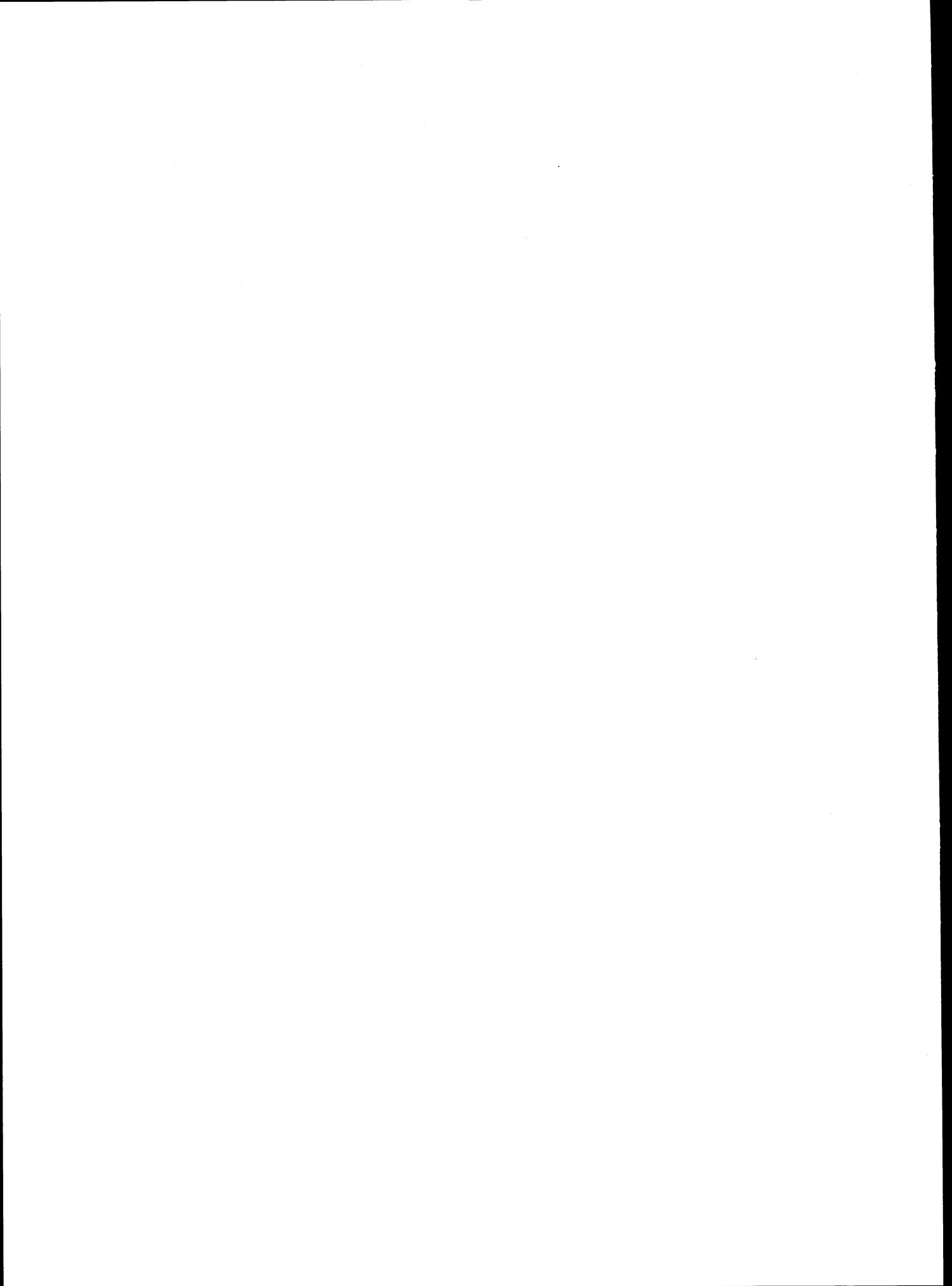
HOUSE BILL 742 (CHAPTER 78-265) creates the "Center for Aquatic Plant Research and Control" as a functional element of the Institute of Food and Agricultural Sciences of the University of Florida. The Center is authorized to conduct research on all species of aquatic and terrestrial plants which are potentially harmful to the aquatic environment and is authorized to conduct research on plant management techniques including mechanical, chemical, physical and biological control. The Center is directed to coordinate research with other affected agencies and the Department of Natural Resources, and shall cooperate with all other departments at the University of Florida and all other universities and state agencies in the State of Florida. The Center shall present to the Legislature each year in March a summary of the research efforts completed during the preceding year and those proposed for the coming year.

Statutory provisions relating to preservation of wild trees, shrubs, and plants (Section 865.06, F.S.), and exemptions from prohibitions and penalties of this law for Seminole Indians of Florida (Section 865.062, F.S.) are repealed; and a new act providing for the preservation of native flora is created as Sections 582.185 - 581.187, F.S., by passage of COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1139 AND 1321 (CHAPTER 78-72).

The current statutory Endangered Plant List is divided into a Threatened Plant List and an Endangered Plant List. An Endangered Plant Advisory Council is created to advise the Department of Agriculture and Consumer Services, consisting of five persons to be appointed by the Commissioner of Agriculture. The Department of Natural Resources, Department of Transportation, and the Game and Fresh Water Fish Commission are to assist the Council in the performance of its duties. Beginning in 1980, a comprehensive review of Section 581.185, F.S., and of the lists of plants provided therein will be made by the Department of Agriculture and Consumer Services and the Endangered Plant Advisory Council at four-year intervals, and the Department shall report its findings and recommendations and those of the Council to the Legislature by January 31 prior to the convening of the regular legislative session following each such review.

The law further prohibits certain activities respecting endangered and threatened plants without written permission, and requires a permit from the Department and written

permission be in the immediate possession of any person before such plants can be destroyed, injured, harvested, collected, removed, transported or sold. Exemptions are provided for Florida Indians, certain sales by nurserymen, and for persons engaged in logging and utility operations. The Department of Transportation is also required to notify the Department of Agriculture and Consumer Services and the Endangered Plant Advisory Council of any advertised bids for highway construction.



APPROPRIATIONS

Although always of paramount concern to all interests and individuals within the state, the 1978 appropriations battle was not fought with the protracted intensity of last year.

The Legislature has authorized spending totaling \$6,164,006,982 for the fiscal year ending June 30, 1979 through the enactment of CONFERENCE COMMITTEE REPORT ON SENATE BILL 1100 (CHAPTER 78-401). Special appropriations and state funds utilized to satisfy claims brings the sum of all moneys appropriated to \$6,166,187,398. Subtracting contingency and reserve items and those vetoed leaves an "effective" figure of \$6,165,265,157, slightly more than 8% above last year's authorization.

Sources for this amount breaks down as follows: General Revenue Fund, \$2,973,661,554; Federal Revenue Sharing Fund, \$70,200,000; and Trust Funds, \$3,121,403,603. Three functional categories account for 89% of state spending: Education, 61.6%; Health and Rehabilitative Services, 19.4%; and Criminal Justice 8%.

A fuller explanation of appropriations for 1978-79 is provided by the following pages selected from the current Fiscal Analysis in Brief prepared annually and jointly by the Appropriations Committees of the Senate and House.

SUMMARY OF 1978 APPROPRIATIONS

	General Revenue Fund	Fed. Revenue Sharing Fund	Trust Funds	Total Funds
	\$	\$	\$	\$
General Appropriations Act				
Operations (Section 01):				
Education	1,770,939,244	70,200,000	733,198,961	2,574,338,205
HRS	579,647,369		648,304,703	1,227,952,072
Criminal Justice	240,206,128		29,322,531	269,528,659
Natural Resources & Environment	63,759,818		52,994,501	116,754,319
Legislative Branch	33,578,602		870,108	34,448,710
Transportation	10,100,000		693,342,201	703,442,201
All Other Agencies	223,968,057 ^a		799,258,256	1,023,226,313
Fixed Capital Outlay (Sections 02 and 03):	44,077,378		18,960,878	63,038,256
Public Education Capital Outlay (Section 04):			144,900,000	144,900,000
Total Sections 01-04 Gen- eral Appropriations Act	\$2,966,276,596	\$ 70,200,000	\$3,121,152,139	\$6,157,628,735
Other Sections	6,378,247 ^b			6,378,247
Total General Appropria- tions Act	2,972,654,843	70,200,000	3,121,152,139	6,164,006,982
Special Appropriations Acts	1,687,077		200,000	1,887,077
Claims Bills (Excluding those from local funds)	94,507		198,832	293,339
Total Appropriations	\$2,974,436,427	\$ 70,200,000	\$3,121,550,971	\$6,166,187,398
Less:				
Contingent and Reserve Items	(750,000)		(147,368)	(897,368)
Vetoed Items	(24,873)			(24,873)
Effective Appropriations	<u>\$2,973,661,554</u>	<u>\$ 70,200,000</u>	<u>\$3,121,403,603</u>	<u>\$6,165,265,157</u>

a Includes \$900,000 Working Capital Fund

b Section 25 - Architectural Working Drawings	\$ 1,000,000
Section 28 - Marine Research Laboratory	78,247
Section 29 - Whitfield Building	1,200,000
Section 32 - Site Acquisition and Preparation - Dade County	3,700,000
Section 34 - Water and Sewer Matching Grants	200,000
Section 37 - Fire Ant Control	150,000
Section 38 - Constitution Revision Commission Records Disposition	50,000
	<u>\$ 6,378,247</u>

OUTLOOK

AVAILABLE FUNDS AND APPROPRIATIONS, 1977-78 and 1978-79
(TRUST FUNDS NOT INCLUDED)
MILLIONS OF DOLLARS

	General Revenue Fund \$	Working Capital Fund \$	Federal Revenue Sharing \$	Total All Funds \$
<u>Funds Available 1977-78</u>				
Balance Forward (7/1/77)	76.0	10.8	5.4	92.2
Transfer to Working Capital Fund	(76.0)	76.0	-	0.0
Estimated Revenues (4/78 Est.)	2,685.2	.7	69.4	2,755.3
Variance From Estimate (6/30/78)	87.9	-	-	87.9
Midyear Reversions (12/31/77)	3.7	-	-	3.7
Fixed Capital Outlay Reversions (4/1/78)	10.0	-	-	10.0
Counter Cyclical Grants	-	-	22.0	22.0
Repayment of Sewage Treatment Loans	19.2	-	-	19.2
Total Available	<u>2,806.0</u>	<u>87.5</u>	<u>96.8</u>	<u>2,990.3</u>
<u>Appropriated 1977-78</u>				
Operations	1,222.4	.7	23.8	1,246.9
Fixed Capital Outlay	65.0	-	-	65.0
Aid to Local Governments	1,369.6	-	73.0	1,442.6
Unused Appropriations (Operations)	(14.3)	-	-	(14.3)
Reverted Appropriations	(19.6)	-	-	(19.6)
Additional 1977-78 Appropriations	7.2	-	-	7.2
Total Appropriations	<u>2,630.3</u>	<u>.7</u>	<u>96.8</u>	<u>2,727.8</u>
<u>Funds Available 1978-79</u>				
Balance Forward (7/1/78)	175.7	86.8	-	262.5
Transfer to Working Capital	(175.7)	175.7	-	-
Midyear Reversions (12/31/78)	1.2	-	-	1.2
F.C.O. Reversions (4/1/79)	-	-	-	-
Estimated Revenues (4/78 Est.)	2,857.4	-	70.2	2,927.6
Counter Cyclical Grants	-	-	5.4	5.4
Tax Measures	(10.5)	-	-	(10.5)
Total Available	<u>2,848.1</u>	<u>262.5</u>	<u>75.6</u>	<u>3,186.2</u>
<u>Appropriated 1978-79</u>				
Section 01	2,921.3	.9	70.2	2,992.4
Section 02 & 03	44.1	-	-	44.1
Reappropriations & Certifications	6.4	-	-	6.4
Special Acts	1.7	-	-	1.7
Claims Bills	.1	-	-	.1
Less: Vetoed Items	-	-	-	-
Less: Contingencies	(.8)	-	-	(.8)
Total Appropriations	<u>2,972.8</u>	<u>.9</u>	<u>70.2</u>	<u>3,043.9</u>
Total Excess Funds Available				<u>142.3</u>

GENERAL APPROPRIATIONS ACT, 1978

CONTINGENCY ITEMS

Item	Amount	Contingency	Legislative Action
7A	\$ 750,000 GR	HB 720 or Similar Legislation	HB 720 Passed as Amended ⁽¹⁾
15	1,473,784 GR 250,012 TR	HB 1140 or Similar Legislation	HB 1140 (78-308) Passed as Amended
16A	1,252,600 GR	HB 706 or Similar Legislation	HB 706 Died SB 470 (Similar) Passed (78-364)
21A	186,869 GR	Federal Legislation	-
157	-	SB 108 or Similar Legislation	SB 108 (78-83) Passed as Amended
206A	464,012 GR	HB 1991 or Similar Legislation	HB 1991 (78-438) Passed as Amended
400	43,856 GR	HB 1216 or Similar Legislation	SB 669 (78-293) Substituted
448-459	33,257 GR 133,032 TR	HB 2074 or Similar Legislation	HB 2074/SB 2-D Passed (78-287)
550A	53,100 GR	CS/HB 1237 or Similar Legislation	CS/HB 1237 (78-413) Passed as Amended
609A	440,200 TR	CS/SB 649 or Similar Legislation	CS/SB 649 (78-281) Passed as Amended
710	4,060 TR ⁽²⁾	HB 2064 or Similar Legislation	HB 2064 Died in Committee
718	43,800 GR	SB 355 or Similar Legislation	SB 355 Died HB 1343 Substituted Passed as Amended (78-186)
759-763	183,301 TR	HB 1757 or Similar Legislation	HB 1757 Died SB 955 Substituted (78-258) Passed as Amended
764-767	185,252 TR	SB 954 or Similar Legislation	SB 954 (78-241) Passed as Amended
949-951	71,654 TR ⁽²⁾	SB 1233 or Similar Legislation not passing	SB 1233 (78-155) Passed as Amended
1029	71,654 TR ⁽²⁾	SB 1233 or Similar Legislation not passing	SB 1233 (78-155) Passed as Amended
1149A	50,000 GR	SB 635 or Similar Legislation	SB 635 (78-254) Passed
1184 & 1188	117,359 TR	SB 671 or Similar Legislation	SB 671 (78-88) Passed as Amended

(1) Vetoed by the Governor

(2) These contingency items totaling \$147,368 in trust funds and \$750,000 in general revenue funds did not become law.

OTHER SPECIAL APPROPRIATIONS, 1978-79

<u>Session Law</u>	<u>Bill Number</u>	<u>Subject</u>	<u>General Revenue</u>	<u>Trust Funds</u>
78-300	SB 3-D	Workmen's Compensation Study Committee	\$ 150,000	\$ 100,000
78-301	SB 6-D	State Lands Study Committee	25,000	
78-26	SB 75	Energy Management Plan	50,000	
78-218	SB 301	Cultural Affairs (Department of State)	1,100,000	
	57.091, F.S.	Reimbursements For Court Costs	140,000 est.	
78-331	SB 552	Health Pilot Programs (HRS)	40,000	
78-227	SB 588	Pretrial Intervention Programs	54,517	
78-201	SB 1240	Governmental Reorganization	79,510	
78-370	SB 1313	Environmentally Endangered Lands		*
78-308	HB 1140	Retirement		100,000
78-359	HB 1927	Health and Rehabilitative Services	<u>48,050</u>	<u> </u>
		TOTAL	<u>\$ 1,687,077</u>	<u>\$ 200,000</u>

FOOTNOTES

* Sufficient sums are provided in trust fund accounts for the appropriation in the General Appropriations Bill.

The above does not include the following appropriations made by the 1978 Legislature for 1977-78:

78-127	SB 678	Old Florida Capitol Restoration	\$ 7,039,440
78-445	HB 304	Indian Key - Monroe County	\$ 120,000

MEASURES AFFECTING REVENUE
1978-79 ESTIMATED INCREASES/(DECREASES)

Session Law	Bill Number	Description	General Revenue	Trust Fund
		<u>Ad Valorem Tax</u>	\$	\$
78-324	CS/SB 71	Property Tax: Homestead exemption, Trust		** (a)
78-330	SB 475	Special assessments for municipal improvements		** (a)
78-228	SB 590	Changing formula to calculate certified millage		* (a)
78-193	SB 591	D.O.R.: Aerial photos	*	
78-269	HB 16	Property assessment: county railroad property assessment of certain fuels considered goods in process of manufacturing		(a) (1,300,000)
78-354	HB 360	Environmentally endangered lands eligible for preferential assessment		** (a)
78-32	HB 875	Provides circumstances for refunds of taxes		** (a)
		<u>Beverage Tax & Licenses</u>		
78-103	SB 493	Special license for marketing associations of horse breeders	*	*
78-187	SB 758	Additional licenses for manufacturers of malt beverages	*	*
78-134	SB 1070	Defense in civil suite	*	*
78-133	SB 1071	Discount in usual course of business	*	*
78-135	HB 2079	Beverage	*	
		<u>Motor Vehicle Licenses</u>		
78-213	SB 124	Prestige license plates	*	*
78-105	SB 172	Lowers age limit on issuance of ID cards	*	*
78-216	SB 199	Exemption for dead storage	*	*
78-217	SB 244	Temporary tags for casual sales	*	*
78-363	SB 416	Ancient motor vehicles	*	*
78-232	SB 670	Free plates for Seminole and Miccosukee Indians	*	*
78-353	HB 261	Mopeds license fees	67,469	*
78-186	HB 1343	Motor vehicle registration; proof of personal injury protection	**	**
		<u>Racing Tax</u>		
78-380	SB 340	Jai-Alai Frontons: extended playing time	**	
78-39	SB 719	Horse racing: Breeders' award	*	
78-381	SB 876	Broward County Jai-Alai Fronton: Additional charity racing day for benefit of Broward Community College	**	
78-337	SB 1092	Dog & Horse racing		*
78-243	SB 1120	Licensure of totalisator owners, operators, and employees	*	
78-130	SB 1347	Amendment to SB 719 which passed the 1978 Legislature	*	
78-391	HB 2041	Pari-mutuels; assessed cost for investigating applicant	**	**
78-167	HB 2151	Thoroughbred horse racing	*	
78-319	HB 1334	Pari-mutuel wagering; dog racing days	*	
		<u>Sales and Use Tax</u>		
78-74	SB 15	Isolated Sales of aircraft	*	
78-249	SB 228	Exemption for commemorative flowers sold by Veterans' Organizations	*	
78-107	SB 269	Lease or rental of real property	(78,000)	
78-250	SB 276	Admissions and cultural events	(100,000)	

MEASURES AFFECTING REVENUE

1978-79 ESTIMATED INCREASES/(DECREASES)
Sales and Use Tax (continued)

Session Law	Bill Number	Description	General Revenue	Trust Fund
78-67	SB 294	Vessels	\$ (250,000)	\$
78-77	SB 339	Fuel used to heat pullets or broilers	*	
78-220	SB 351	Admissions to not-for-profit recreational centers; exempts college and university foundations	(100,000)	
78-329	SB 452	Resource recovery and management equipment	(936,000)	
78-176	SB 615	Meals on Wheels	*	
78-59	SB 676	Increase registration fee for vessels engaged in interstate commerce	800,000	
78-299	SB 1D	Economic development	(10,200,000)	(300,000)
78-270	HB 237	Exempts personal property sold or leased to Veterans' Organizations used as State Headquarters	(See SB 1D)	
78-23	HB 476	Extends time period for credit on worthless accounts	(183,000)	
78-411	HB 532	Exempts feed for certain horses	(175,000)	
<u>Other Taxes, Licenses and Fees</u>				
78-278	SB 155	Physical therapy: Licensure		*
78-6	SB 157	Game and Fresh Water Fish: License exemption for retarded persons		*
78-325	CS/SB 185	HRS: Hearing Aids		*
78-215	SB 196	Real Estate Licensing Law		**
78-138	SB 277	Outdoor advertising delinquency fee	*	
78-139	SB 309	Naturopathy: Renewal of licenses (Sunset)		*
78-142	SB 368	Construction Industry Licensing Board: Automatic transfer to DOE	(150,000)	150,000
78-99	SB 384	Citrus Tax: Processed fruit grown out-of-state	*	*
78-251	SB 399	State Lands: IITF imposition of fees		*
78-56	SB 403	Department of Natural Resources' license for taking saltwater products (commercial)		*
78-253	SB 564	Cosmetology: Sunset		*
78-332	SB 609	HRS: Collection of certain fees	*	
78-147	SB 624	Hunting license for muzzle loading guns		50,000
78-281	SB 649	Spouse Abuse Centers		440,200
78-79	SB 655	Intangibles Tax; Judicial Review	*	*
78-58	SB 656	Corporate Income Tax: Internal Revenue Code	*	
78-230	SB 658	Corporate Income Tax: New jobs credit	**	
78-366	SB 681	Real Estate License Law: Renewal fees for certain non-active salesmen		*
78-373	SB 706	HRS: Florida radiation protection	520,000	
78-320	SB 729	Little League Baseball		*
78-100	SB 775	Municipal Public Service Tax: Fuel oil used for residential heat		** (a)
78-236	SB 786	Florida Construction Industry Licensing Board: Additional licenses		*
78-234	SB 804	Game and Fresh Water Fish: Regulation of off-road motor vehicles on public lands	*	
78-179	SB 812	Florida Treated Fence Post Act		*
78-369	SB 851	Florida Cemetery Act: Licensing		131,125
78-151	SB 881	Funeral Directors and Embalmers		*
78-383	SB 992	Radiologic technology		200,000
78-336	SB 1089	Adult Day Care Centers		**
78-382	SB 1220	Abortion clinics: Licensure		**
78-155	SB 1233	Barbering: Sunset		**
78-199	SB 1295	Department of Agriculture: Anti-freeze licensure		*
78-340	HB 307	Condominiums		(250,000)
78-272	HB 386	Engineers' and Land Surveyors' increased application fee		**

MEASURES AFFECTING REVENUE

1978-79 ESTIMATED INCREASES/(DECREASES)
Other Taxes, Licenses and Fees (continued)

Session Law	Bill Number	Description	General Revenue	Trust Fund
78-355	HB 1200	Game and Fresh Water Fish: Registration fee for road vehicles	*	*
78-69	HB 233	Disabled Veterans: Exempts permanently disabled Veterans for license fees for improvements on mobile homes		**
78-163	HB 1211	Fishing licenses/special license		**
78-164	HB 1330	Real Estate License Law seaport fee for broker/salesman registration		(76,500)
78-212	HB 1837	Osteopathic Physicians' licensure	*	
78-442	HB 2096	Cigarette Tax: Uniform discount on tax stamps	(334,000)	(666,000)
78-436	HB 2183	Practice of Massage (Sunset Act)	**	
78-343	HB 485	Food service establishments: Exempts maintained eating places by civic organizations from licensing		*
78-189	HB 220	Freshwater fish frog dealers' licensing fees		82,500
<u>Other Measures Affecting Revenue</u>				
78-110	SB 367	Deposits of state money	150,000	*
78-233	SB 694	Student Loan Trust Fund		** (a)
78-367	SB 736	Service Charges by Clerks of Circuit Courts	*	
78-122	SB 1147	Private employment agencies		
78-360	HB 1958	Municipality assessment for construction of off-street parking facilities		**
78-406	HB 2116	Creates direct deposit of public funds and investment		**
	SB 1100	Transfer of excess trust fund to General Revenue Unallocated	500,000	
78-350	HB 1245	Deposit To General Revenue Fund Unallocated		*
		TOTAL	<u>(10,468,531)</u>	<u>(1,538,675)</u>

Vetoed Measures That Would Have Affected Revenues

CS/HB	300	Exempts vendors in airports from quota limitations on beverage licenses	**	
HB	361	Exemption for surviving spouse; charitable exemption for certain organizations		**
HB	1619	Recovery of delinquent taxes against certain leasehold property		** (a)
SB	845	Political subdivision & public utilities	(1,100,000)	
SB	912	Sales to small printers	(275,000)	
SB	1073	Bonded warehouses	*	*
SB	1185	Totally and permanently disabled		** (a)
		TOTAL VETOED AMOUNT	<u>(\$1,375,000)</u>	<u>\$ -0-</u>

* Insignificant
** Indeterminate
(a) Local Impact

THREE YEAR COMPARISON - BEFORE 1978 TAX MEASURES

RECURRING GENERAL REVENUE
(Millions of Dollars)

	Actual 1976-77	1977-78 Estimate (4/17/78)	Annual Growth Rate	1978-79 Estimate (4/17/78)	Annual Growth Rate	Increase Over 1977-78
Sales Tax	\$1,390.1	\$1,615.6	16.2%	\$1,752.9	8.5%	\$137.3
Beverage Tax & Lic.	193.7	245.9	26.9	260.0	5.7	14.1
Motor Vehicle Lic.	114.1	49.7	(56.4)	53.6	7.8	3.9
Corporate Income Tax	194.2	230.0	18.4	250.0	8.7	20.0
Doc. Stamp Tax	82.7	106.0	28.2	114.3	7.8	8.3
Cigarette Tax	31.8	72.3	127.4	77.7	7.5	5.4
Ins. Prem. Tax & Lic.	49.7	59.8	20.3	69.1	15.6	9.3
Racing Tax	51.0	51.0	-0-	54.0	5.9	3.0
Intangibles Tax	38.8	40.9	5.4	1.0	(97.6)	(39.9)
Estate Tax	49.3	40.0	(18.9)	38.5	(3.8)	(1.5)
Interest	26.2	33.7	28.6	36.4	8.0	2.7
Pub. Safe. Lic. & Fees	24.8	24.9	0.4	25.6	2.8	.7
Med. & Hosp. Fees	14.7	16.3	10.9	17.4	6.7	1.1
Auto Tit. & Lien Fees	9.4	9.3	(1.1)	10.1	8.6	.8
Severance Taxes	31.4	67.2	114.0	74.3	10.6	7.1
Charter Tax	2.0	2.1	5.0	2.3	9.5	.2
Securities Tax	1.0	1.0	-0-	1.0	-0-	-0-
E.D.P. Fees	6.0	.8	(86.7)	-0-	(100.0)	(.8)
Service Charges	20.9	22.4	7.2	23.7	5.8	1.3
Other Tax, Lic., & Fees	21.2	24.4	15.1	25.7	5.3	1.3
Total	\$2,353.0	\$2,713.3	15.3%	\$2,887.6	6.4%	\$174.3
Less Refunds	25.2	28.1	11.5	30.2	7.5	2.1
Net Recurring General Revenue Collections	<u>\$2,327.8</u>	<u>\$2,685.2</u>	<u>15.4%</u>	<u>\$2,857.4</u>	<u>6.4%</u>	<u>\$172.2</u>

OTHER RECURRING REVENUE
(Trust Funds Not Included)

Federal Revenue Sharing \$	68.8	\$ 69.4	.9%	70.2	1.2%	\$.8
Counter Cyclical Grants	20.4	22.0	7.8	5.4	(75.5)	(16.6)
Balance Fwd. of F.R.S.	2.0	3.6	80.0	-0-	(100.0)	(3.6)
Balance Fwd. of C.C.G.	-0-	1.8	-0-	-0-	(100.0)	(1.8)
Mid-Year Reversions	4.2	3.7	(11.9)	1.2	(67.6)	(2.5)
End-of-Year Reversions	19.3	14.3	(25.9)	-0-	(100.0)	(14.3)
Total Other Rec. Rev.	<u>\$ 114.7</u>	<u>\$ 114.8</u>	<u>.1%</u>	<u>\$ 76.8</u>	<u>(33.1)%</u>	<u>\$(38.0)</u>
Total Recurring Rev. (Excluding Trust Funds)	<u>\$2,442.5</u>	<u>\$2,800.0</u>	<u>14.6%</u>	<u>\$2,934.2</u>	<u>4.8%</u>	<u>\$134.2</u>

RECURRING GENERAL REVENUE
(Millions of Dollars)

	1977-78 Revenue Estimate	Before Tax Increases 1978-79 Revenue Estimate	Annual Growth Rate	Tax Measures Passed	After Tax Increases 1978-79 Revised Estimate	Annual Growth Rate	Total Increase Over 1977-78
Sales Tax	\$1,615.6	\$1,752.9	8.5%	(11.2)	\$1,741.7	7.8%	\$126.1
Beverage Tax & Lic.	245.9	260.0	5.7	-	260.0	5.7	14.1
Motor Vehicle Lic.	49.7	53.6	7.8	-	53.6	7.8	3.9
Corp. Income Tax	230.0	250.0	8.7	-	250.0	8.7	20.0
Doc. Stamp Tax	106.0	114.3	7.8	-	114.3	7.8	8.3
Cigarette Tax	72.3	77.7	7.5	(.3)	77.4	7.1	5.1
Ins. Prem. Tax & Lic.	59.8	69.1	15.6	-	69.1	15.6	9.3
Racing Tax	51.0	54.0	5.9	-	54.0	5.9	3.0
Intangibles Tax	40.9	1.0	(97.6)	-	1.0	(97.6)	(39.9)
Estate Tax	40.0	38.5	(3.8)	-	38.5	(3.8)	(1.5)
Interest	33.7	36.4	8.0	.2	36.6	8.6	2.9
Pub. Safe. Lic. & Fees	24.9	25.6	2.8	-	25.6	2.8	.7
Med. & Hosp. Fees	16.3	17.4	6.7	-	17.4	6.7	1.1
Auto Tit. & Lien Fees	9.3	10.1	8.6	-	10.1	8.6	.8
Severance Taxes	67.2	74.3	10.6	-	74.3	10.6	7.1
Charter Tax	2.1	2.3	9.5	-	2.3	9.5	.2
Securities Tax	1.0	1.0	-0-	-	1.0	-0-	-0-
E.D.P. Fees	.8	-0-	(100.0)	-	-0-	(100.0)	(.8)
Service Charges	22.4	23.7	5.8	-	23.7	5.8	1.3
Other Tax, Lic. & Fees	24.4	25.7	5.3	.8	26.5	8.6	2.1
Total	\$2,713.3	\$2,887.6	6.4%	(10.5)	\$2,877.1	6.0%	\$163.8
Less Refunds	28.1	30.2	7.5	-	30.2	7.5	2.1
Net Recurring General Revenue Collections	<u>\$2,685.2</u>	<u>\$2,857.4</u>	<u>6.4%</u>	<u>(10.5)</u>	<u>\$2,846.9</u>	<u>6.0%</u>	<u>\$161.7</u>

OTHER RECURRING REVENUE
(Trust Funds Not Included)

Federal Revenue Sharing	\$ 69.4	\$ 70.2	1.2%	-	\$ 70.2	1.2%	\$.8
Counter Cyclical Grants	22.0	5.4	(75.5)	-	5.4	(75.5)	(16.6)
Balance Fwd. of F.R.S.	3.6	-0-	(100.0)	-	-0-	(100.0)	(3.6)
Balance Fwd. of C.C.G.	1.8	-0-	(100.0)	-	-0-	(100.0)	(1.8)
Mid-Year Reversions	3.7	1.2	(67.6)	-	1.2	(67.6)	(2.5)
End-of-Year Reversions	14.3	-0-	(100.0)	-	-0-	(100.0)	(14.3)
Total Other Rec. Rev.	<u>\$ 114.8</u>	<u>\$ 76.8</u>	<u>(33.1)%</u>	<u>\$ -0-</u>	<u>\$ 76.8</u>	<u>(33.1)%</u>	<u>\$(38.0)</u>
Total Recurring Rev. (Excluding Trust Funds)	<u>\$2,800.0</u>	<u>\$2,934.2</u>	<u>4.8%</u>	<u>\$ (10.5)</u>	<u>\$2,923.7</u>	<u>4.4%</u>	<u>\$123.7</u>

BUSINESS REGULATION*

Measures passed at the 1978 Session affecting the regulation of business entities include the required disclosure of business interests on license applications made to the Department of Business Regulation; the supplying of copies of utility rate orders by the Public Service Commission to appropriate Clerks of the Circuit Court; regulation of time-sharing plans in condominiums; restrictions on automated telephone solicitation systems and private employment agency fees. The perennial concern of the Legislature with the alcoholic beverage and pari-mutuel industries is evidenced by a number of enactments.

Changes in laws relating to professions and occupations which are administered by the Department of Professional and Occupational Regulation are discussed in the Summary article on PROSESSIONAL AND OCCUPATIONAL REGULATION.

Disclosure of Business Interest

SENATE BILL 387 (CHAPTER 78-51) requires that all applications for licenses or renewals of licenses issued by the Department of Business Regulation shall contain a current list

*Prepared by staff of House Committee on Regulated Industries/Licensing

with names and addresses of all persons who own 10 percent or more interest in a business, and the names and addresses of those persons directly or indirectly in control of such business. Such application statement shall be signed under oath, and provision is made for suspension or revocation of such license if a false statement is made.

Public Service Commission - Utility Rates

SENATE BILL 80 (CHAPTER 78-137) requires the Public Service Commission to mail copies of orders, with dissenting or concurring opinions, adjusting rates of an electric, telephone or gas company to the Clerk of the Circuit Court of each county affected within 20 days of the official vote of the Commission. Such copies are to be kept on file and made available to the public. The Commission must also notify all parties of record in the proceeding of the date of such mailing. The date the copies are mailed is to be considered the date rendered for purposes of appeal, rehearing or judicial review.

Transportation Toll Facilities Regulation

HOUSE BILL 506 (CHAPTER 78-378) repeals Sections 347.08 - 347.18, F.S., and transfers all rights, powers and duties of the Public Service Commission over any toll facility pursuant to said sections to the Department of Transportation to be administered under the provisions of Chapter 338, F.S. The act also stipulates that the provisions shall not apply to any proceeding pending before the Commission on the effective date of this act (July 1, 1978) nor to any appeal or proceeding

taken thereon. Subsection (5) is added to Section 338.13, F.S., relating to purchase, lease or rent of toll facilities to provide for termination of ferry service when a reasonable alternative route is provided through construction of roads or bridges, and when all legal requirements or bond covenants relating to the operation of such ferries are satisfied.

Condominiums

SENATE BILL 303 (CHAPTER 78-328) amends chapter 718, F.S. (The Condominium Act), to state requirements which must be met in order to provide "time-share units" and "time-share estates." "Time-share estate" is defined to mean any interest in a unit under which the exclusive right of use, possession, or occupancy of the unit circulates among the various owners of time-share estates in such unit in accordance with a fixed time schedule on a periodically recurring basis for a period of time established by such schedule; and "time-share unit" means a unit in which time-share estates have been created. The act provides: certain regulations pertaining to content and provisions of the condominium declaration; that each owner of a time-share estate is jointly liable for assessments and other charges levied against the unit; for disclosure prior to sale of time-share estates in units; and that the prospectus or offering circular filed with the Division of Florida Land Sales and Condominiums of the Department of Business Regulation shall contain a statement relative to time-share estates. The provisions of this act do not take effect until August 1, 1979.

Although nominally related to all kinds of recreation districts, SENATE BILL 803 (CHAPTER 78-237) was primarily considered for its potential impact on condominium owners as an innovative response to the problem of lengthy, escalating land and recreational leases. This act authorizes cities and counties to create a recreational district by ordinance (approved by vote of the electors of the district), which district would be empowered to buy up recreational and land leases from developers with the proceeds from the sale of district bonds. The district would be a dependent district; that is, the governing body of the city or county which creates it would be its governing body. However, a district advisory board may be appointed to advise on matters of relevance to the district. It is anticipated that this act will allow for reductions to condominium owners in the cost of their recreational facilities. The referendum for its creation may be avoided if a majority of electors in a proposed district petition the city or county government for its creation. The act is not limited only to condominiums and cooperatives. In fact, such a district could be created for a neighborhood park or for any other recreation-related purpose.

Also related to condominiums is COMMITTEE SUBSTITUTE FOR HOUSE BILL 307 (CHAPTER 78-340) which makes several procedural and technical changes in Chapter 718, F.S. This law requires officers of some condominium associations to be bonded and an annual detailed breakout of the association's budget. It also exempts associations created prior to 1977 from the requirement

that they be incorporated. An authorization to purchase land and/or recreational leases is also granted condominium associations. Annual fees to the Division of Florida Land Sales and Condominiums of the Department of Business Regulation are reduced and several other regulatory provisions relating to condominiums are included in this act.

Private Wire Service

SENATE BILL 806 (CHAPTER 78-178) amends the procedures for disconnecting wire service used in violation of federal or state law by providing that any state or federal law enforcement officer may make application to the circuit court for an order requiring the public utility to discontinue service; and provides for notice and hearing. A penalty of second degree misdemeanor is provided for the use of automated telephone solicitation systems. Exempted is the use of automated telephone systems when the calls are made or message given solely in response to a call initiated by an interested person. The Attorney General or any telephone company servicing an area to which or from which automated calls are made may seek injunctive relief to enforce the provisions of this act.

Private Employment Agencies

SENATE BILL 1147 (CHAPTER 78-122) increases the number of calendar days for a refund of job applicant fees from 14 to 30 days. Thus, if an applicant for a job through no fault of his own is unable to remain in a job for 30 days, he may be

entitled to receive a refund of his employment agency fee, less 25 percent for the agency.

Public Food Service Establishments

HOUSE BILL 485 (CHAPTER 78-343) exempts temporary eating places operating at events such as fairs, carnivals, and athletic contests from the licensing provisions administered by the Division of Hotels and Restaurants of the Department of Business Regulation, if such places are operated by public or private schools, colleges or universities or by churches, religious, fraternal or nonprofit civic organizations. Non-profit civic organizations are also included in the statutory exemption currently allowed eating places maintained and operated by churches and religious or fraternal organizations if used primarily by their members or associates.

Alcoholic Beverages

SENATE BILL 493 (CHAPTER 78-103) provides that a special beverage license may be issued to any marketing association of horse breeders, valid only at facilities used by the association for public auction of its products. Such licenses do not permit sale of alcoholic beverages by the package for off-premises consumption.

HOUSE BILL 2079 (CHAPTER 78-135) defines "primary American source of supply" for vinous beverages and spirituous liquors, and for purposes of tax revenue control provides for registration by January 1, 1979, with the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation

of any person or entity which is the primary American source of supply of such beverages shipped to any distributor within Florida. The act prohibits certain interstate and foreign shipments of such beverages not from a registered primary American source of supply. Regulations are stated for the withdrawal for good cause of brands or labels of spirituous or vinous beverages from a distributor by a manufacturer.

SENATE BILL 1071 (CHAPTER 78-133) redefines "discount in the usual course of business" to include spirituous or vinous beverage merchandise, in addition to cash, given pursuant to an agreement made at the time of the sale. Such merchandise discounts cannot be accrued, accumulated or retroactive.

SENATE BILL 758 (CHAPTER 78-157) increases the number of vendor's licenses a manufacturer of malt beverages or wine may hold from one to two, provided such licensed operations are on property contiguous to the manufacturing operations.

SENATE BILL 1070 (CHAPTER 78-134) grants a beverage licensee a complete defense in any civil action arising from the sale of alcoholic beverages to minors, if such minor falsely evidenced he was of legal age and certain other requirements are met.

HOUSE BILL 2109 (CHAPTER 78-443) creates law which exempts bands, orchestras, musical and theatrical performers, disc jockeys and other such entertainers performing under written contract in licensed beverage establishments, from the workmen's compensation act, and defines them as independent contractors.

Pari-mutuel Wagering

HOUSE BILL 1334 (CHAPTER 78-319) provides that any dogracing permitholder which operated in 1977, and is operating in a county in which there is only one such track, may conduct racing on any dates it chooses, provided that no racing shall be conducted on Sunday and the total amount of days shall not exceed 105 in each racing year, plus charity and scholarship days. It further authorizes the Daytona Beach Jai Alai Fronton in Volusia County to conduct a charity day of racing for the benefit of the Daytona Beach Community College to be used for athletic scholarships.

SENATE BILL 876 (CHAPTER 78-381) provides for an extra day of charity operation for jai alai frontons in Broward County for the benefit of the Broward Community College Foundations, Inc. to be used for the general welfare and benefit of Broward Community College.

SENATE BILL 340 (CHAPTER 78-380) permits a jai alai fronton to operate games up to 2:00 a.m. into the next calendar day, provided no more than 12 games are played during any performance and provided that no games shall be started later than 1:30 a.m. and before 12 noon on any operation day, or 12 midnight on any Saturday night.

SENATE BILL 1120 (CHAPTER 78-243) gives the Division of Pari-mutuel Wagering of the Department of Business Regulation the authority to license all totalisator firms operating at racetracks and frontons. It provides for an audit by the Division of such operations and provides for suspension or

revocation of such licenses after due process, or for the imposition of civil penalties. "Totalisator" is defined as a mechanical or electrical machine used for recording, computing, and displaying on the mutuel board at a pari-mutuel facility, in plain view of the public, the total amount of sales on each race or game and the amount of award or dividend to winning patrons.

HOUSE BILL 2041 (CHAPTER 78-391) creates a new section to the racing law which provides that the cost of an investigation into the background of an applicant for a horseracing, dogracing, or jai alai fronton permit shall be paid by the applicant. Such investigative costs shall be itemized by the Division of Pari-mutuel Wagering to the applicant and all unused funds will be returned to the applicant within 60 days after the determination of eligibility has been made.

HOUSE BILL 2151 (CHAPTER 78-167) mandates a one percent deduction from thoroughbred purse pools to be paid to a horsemen's association for its use in accordance with the goals of its articles of association. To qualify for such funds, a horsemen's association must prove to the Division of Pari-mutuel Wagering that it represents a majority of the owners and trainers of thoroughbred horses stabled in Florida for a continuous 12 month period who conduct racing at the licensee's place of business. The Division retains audit powers over such funds and shall provide for cessation of such funds if they are misused.

SENATE BILL 719 (CHAPTER 78-39) provides for permanent breeder and stallion awards of 15 percent of announced gross purses at thoroughbred racetracks to the breeder or owners of registered Florida-bred horses, should such horses stand permanently in Florida. The Florida Thoroughbred Breeders Association is to maintain complete records concerning stallions, plus any awards earned, and to charge the owner or breeder a reasonable fee for this service. The act extends this awards program (Section 550.38, F.S.) indefinitely by superseding relevant provisions of the 1977 law which contain an expiration date of July 1, 1979. SENATE BILL 1347 (CHAPTER 78-130) amends Chapter 78-39 to prevent the July 1, 1979 expiration of Subsection 550.42(3), F.S., which prescribes the use and distribution of the breakage tax authorized under Section 550.26, F.S., for the awards program.

SENATE BILL 1092 (CHAPTER 78-337) is a technical act to provide for the administration of the Florida Harness Horse Racing Promotion Trust Fund by permitting direct payments from such Fund to the Florida Standardbred Breeders' and Owners' Association under the control of the Department of Agriculture and Consumer Services.

COMMERCE*

Activity by the 1978 Legislature in the broad area of commerce includes the substantial revision of laws regulating financial transactions: the Savings Association Act, the Florida Credit Union Guaranty Corporation Act, and the Florida Securities Law. The Charity industry is recognized by the reworking of the Solicitation of Charitable Funds Act and the creation of the Law Enforcement Funds Act; the latter for controlling the solicitation of funds for law enforcement groups. Laws dealing with home warranty associations and automobile inspection and warranty associations are revised and new language is created to regulate service warranty associations. The recent controversy over per diem and travel expenditures for economic and tourist promotions is reflected in amendments which provide more stringent control over such outlays.

Financial Institutions

Legislation enacted in 1973 (Chapter 73-119) allowed trust companies to establish a "trust service office" at the location of any bank. The act provided that if, at the time

*Prepared by the staff of the House Committee on Commerce

the trust service office was established, the bank had an existing trust department, that department would be terminated and the trust service office would automatically be substituted for it and succeed to all of its fiduciary powers and duties. In 1976, the law was amended to allow the bank's trust department to retain and continue to exercise its trust powers (Chapter 76-41). Any substitution of the trust service office for the bank as fiduciary would be on a case-by-case basis accompanied by formal procedures.

SENATE BILL 871 (CHAPTER 78-317) strikes a middle ground between these two positions by allowing the bank and trust company to elect to effect a complete substitution of the trust service office for the bank as fiduciary if the Department of Banking and Finance is satisfied that the interests of beneficiaries of the estates, trusts, and other fiduciary relationships being serviced by the bank will be adequately protected. If a bank retains its trust powers when a trust service office is established in the bank, the substitution may be made at any time by filing an election with the Department containing the consent of a majority of the voting stockholders and a majority of the board of directors of the bank. These provisions are not to be used to permit a trust company to transfer the administration of any estate or trust outside the county in which the bank is located.

SENATE BILL 963 (CHAPTER 78-152) makes certain technical amendments in the statutory provisions governing the retention of records and files by banks and trust companies. The act

also provides definitions of "originals" and "copies" of records in terms that generally comport with the Federal Rules of Evidence. Significantly, "originals" are defined to include computer data stored on tape.

SENATE BILL 789 (CHAPTER 78-177) deletes the former requirement that general correspondence files of the Department of Banking and Finance be retained for three years and other records for ten years, and authorizes the Department to destroy such records when they are deemed no longer necessary to preserve in accordance with retention schedules and destruction notices established by the Division of Archives, History, and Records Management. Such schedules and notices relating to financial records are subject to approval by the Auditor General. The Department is granted general authority to reproduce on film any documents and records it may select, and references to specific types of documents are deleted. The documents may be destroyed after being photographed and filed in accordance with proper schedules.

Under the provisions of SENATE BILL 367 (CHAPTER 78-110), the State Board of Administration will now be able to invest state money in savings accounts of state and federal savings and loan associations organized and located in Florida under federal law, subject to certain collateral security requirements, as well as making deposits of such money in certain banks.

A number of changes in the Savings Association Act have been made by SENATE BILL 492 (CHAPTER 78-40). Savings

associations are given an extra month in which to prepare and publish a statement of their financial condition, and corresponding with that, an extra month in which to hold the annual meeting. The financial statement must now be prepared by the second month of the fiscal year and the annual meeting held by the end of the fourth month. The bi-monthly meeting of the board of directors of a capital stock association may now be held at any time or place in the county in which the home office is located, as set by the bylaws or by majority vote of the board, rather than at the home office.

The maximum amount of "direct reduction" loans (in which 60% of an association's assets must be invested) is increased from \$50,000 to \$75,000, and the 2% limitation on prepayment penalties is restricted to home loans and loans of less than \$100,000. Finally, the law deletes the former provision that future advances made by an association on the security of an existing mortgage are junior to any other mortgage, lien, or claim of which the association has notice. Now, future advances made pursuant to Section 697.04, F.S., will be treated as though they were made on the date of execution of the original mortgage.

SENATE BILL 720 (CHAPTER 78-234) provides procedures whereby a federally chartered stock savings association may convert itself into a state-chartered stock savings association, and vice versa, as could previously be done by federal and state mutual savings associations.

SENATE BILL 1222 (CHAPTER 78-123) is a general revision of Part II of Chapter 657, F.S., the Florida Credit Union Guaranty Corporation Act. In addition to making numerous technical amendments, the act gives the Corporation, for the first time, the discretion to withhold a guaranty certificate from a credit union whose reserves are inadequate or whose financial condition and policies are unsafe or unsound. The Corporation may also cancel the certificate of a credit union whose condition has deteriorated beyond a certain point. In such a case, the Department of Banking and Finance is required to institute proceedings to revoke the certificate of organization of such credit union.

The act gives the Corporation additional authority to intervene in the affairs of a credit union, to examine its records, assume control, or participate in its merger, consolidation, or liquidation; and clarifies the provision by which the Corporation may levy assessments from member credit unions to cover the cost of its operations and to pay any covered claims.

Other changes effected by the law include: requirements that the Department notify the Corporation of any material change in the condition of a credit union so that the Corporation can take early steps to prevent a financial loss; a requirement that the Department designate the Corporation as liquidating agent for a member credit union in certain circumstances; and an increase in the minimum level of

insurance coverage of shares and deposits provided by the Corporation to \$40,000.

HOUSE BILL 187 (CHAPTER 78-182) limits the discount (finance charge) which industrial savings banks may charge on loans which exceed 36 months in duration to the equivalent of 18% per annum simple interest. The measure also increases the permissible loan to value ratio for second mortgage real estate loans from 70% to 75% of the appraised value of the property.

HOUSE BILL 1645 (CHAPTER 78-211) clarifies language in the general usury law which exempts from the provisions of that law loans made pursuant to a commitment by the Federal Housing Administration to insure the loan, a commitment by the Veterans' Administration to guarantee the loan, or a commitment by a federal agency to purchase the loan. HOUSE BILL 1206 (CHAPTER 78-312) creates a similar exemption from the finance charge limitation of the Motor Vehicle Sales Finance Act on retail installment contracts for the purchase of mobile homes which are entered into pursuant to a commitment to guarantee issued by the Veterans' Administration or a commitment to insure issued by the Federal Housing Administration.

Under the provisions of SENATE BILL 962 (CHAPTER 78-242), consumer finance agencies licensed under Chapter 516, F.S., are granted civil and criminal immunity for acting in good faith in reliance upon a rule, order, or declaratory statement of the Department of Banking and Finance, notwithstanding any subsequent court decision invalidating the

rule, order, or statement. Nor will they be deemed in violation of the law for such reliance.

Uniform Commercial Code

The priority of conflicting security interests in the same collateral under the Uniform Commercial Code is clarified by SENATE BILL 417 (CHAPTER 78-222). The Florida Supreme Court ruled in International Harvester Credit Corp. v. American National Bank of Jacksonville (296 So.2d 32, 1974), that a creditor's security interest in the after-acquired property of the debtor was limited to the "debtor's equity" even though the owner of a purchase money security interest in that property had not perfected his interest as required by the Uniform Commercial Code. The act rejects the debtor's equity concept and amends the Code to make it clear that the security interest in after-acquired property takes priority over an unperfected purchase money security interest in the same property.

Securities

HOUSE BILL 2118 (CHAPTER 78-435) accomplished a major overhaul of the Florida Securities Law, Chapter 517, F.S. Under this legislation, securities which have been approved for sale by the U.S. Securities and Exchange Commission may now be offered for sale in Florida without further examination by the state. The act also places more stringent information disclosure requirements upon religious, charitable and educational corporations which seek to secure an exemption from the registration provisions of the law for an offering of

securities. An exemption is provided for the securities of foreign as well as domestic banks, trust companies and savings institutions subject to the control and supervision of the state. Exemptions are deleted for securities traded on specified exchanges and securities appearing in trading lists of exchanges recognized by the Department of Banking and Finance. The registration exemption for small offerings has been broadened. The sale by an issuer of its own securities to fewer than 35 people (up from 25) within a 12-month period need not be registered, and purchasers of more than \$100,000 of such securities may be excluded from the computation. The bond requirement for securities dealers has been eliminated by the act, and the Security Guaranty Fund has been established to take its place. The Fund will be derived from special fees added to the annual license fees of dealers, investment advisors, and agents and will provide compensation to the victims of securities frauds. The act also gives the Department additional enforcement powers such as cease and desist orders to halt violations of the law and the authority to impose up to \$1,000 in administrative fines for a violation of the orders. Under the act, the Department will be able to seek recovery from violators on behalf of private investors. Finally, the act exempts from the "tender offer" provisions of the Investor Protection Act an offer to acquire equitable securities from not more than 15 offerees within a 12-month period, provided there is no public solicitation or advertising made by the offeror concerning such offer.

Unemployment Compensation

HOUSE BILL 2193 (CHAPTER 78-386) made four changes in the unemployment compensation law. The first of these provides that a job which pays the minimum wage and 120% of the weekly benefit amount shall be deemed "suitable work" for an individual who has received 25 weeks of unemployment benefits in a single year. Under the former law, this standard was applicable only after the individual had exhausted his regular benefits (26 weeks). The second change closed a loophole in the law which might have permitted educational personnel who had a reasonable assurance of employment in the fall to draw unemployment benefits during the summer months. Thirdly, a "reimbursable employer" is defined to mean one who is liable for payments in lieu of contributions. Finally, the act provides explicitly that employers who finance benefit payments through the reimbursement method must reimburse the Unemployment Compensation Trust Fund for all benefits paid to their former employees, including erroneous payments, overpayments, and payments resulting from determinations which have been reversed on appeal.

Cemeteries

SENATE BILL 851 (CHAPTER 78-369) increases the fees which cemetery companies must pay to the Department of Banking and Finance to be licensed and regulated under the Florida Cemetery Act (Part IV, Chapter 559, F.S.). The initial filing fee for a license is increased from \$400 to \$500, and the fee

for investigating a change of control is raised from \$100 to \$500. The maximum fee for examination of the cemetery's affairs was increased from \$50 to \$150 per day for each examiner, while the annual license fee was set at \$250, rather than the former formula which was based on the cemetery's receipts. A \$25 per month penalty charge was added for delinquent license application. The effective date of this act is to be January 1, 1979.

Charitable Solicitations

COMMITTEE SUBSTITUTE FOR SENATE BILL 647 (CHAPTER 78-229) revises and reorganizes the Solicitation of Charitable Funds Act (Chapter 496, F.S.). This act clarifies the rule making and enforcement authority of the Department of State, institutes a public records exemption for identities of contributors and amounts, and permits the Department to enter into reciprocal agreements with federal and other state authorities for exchange of relevant information. The exemption for religious organizations, with respect to funds for construction and maintenance of certain buildings, is deleted.

The term "contribution" under the prior law was defined as "the promise or grant of any money or property of any kind or value." This new law adds "donations" and would exclude items received from the government and payments which were, in effect, membership fees. Further, the act defines the terms "solicit" and "solicitation," "charitable purpose," "income," and

"parent organization." The definition of the term "professional solicitor" is amended to exclude a person who only plans, conducts, manages, carries on or advises the organization with the solicitation of contributions. It also eliminates the exclusion for an officer or employee of a charitable organization, under the auspices of a Florida nonprofit law enforcement organization, which aids needy children.

This enactment requires that financial statements incorporate "a recognized uniform system of accounting" and that they be audited with an opinion by a certified public accountant. It allows governmental organizations to file an Auditor General's report, or a similar report, in lieu of the usual required financial statement. It changes the audited statement exception from \$10,000 to \$25,000 and requires that fund raising costs be specified. The registration fees are changed to allow a lower \$10 fee for organizations with an annual income below \$25,000, with a \$50 fee for those with an annual income of \$25,000 or more. Further, all organizations must insure that solicitors have proper identification.

This law also adds the following provisions: reporting and fee-paying procedures for local organizations which are members of parent organizations or federated fund-raising organizations; an administrative fee of \$10 for original application; a requirement that contracts with professional solicitors be in writing and be submitted to the Department for

approval; and provisions concerning filing deadlines and certificate expiration, renewal, and suspension.

Repealed are the exemptions from the registration procedure formerly allowed specifically for educational institutions, persons requesting contributions for the relief of a named individual, hospitals, veteran's organizations, volunteer firemen, ambulance associations, and nonprofit community, civic, garden, and women's clubs. Instead, this measure sets forth criteria which must be met in order for a person or organization to be exempt from registration. "Law Enforcement" is added to the list of names which cannot be used for purposes of solicitation. The restriction prohibiting organizations from spending more than 25% of their gross contributions for funding purposes is eliminated by repeal of Subsection 496.11(9), F.S.

In language that tracks, for the most part, the Solicitation of Charitable Funds Act, COMMITTEE SUBSTITUTE FOR SENATE BILL 1279 (CHAPTER 78-124) creates the "Law Enforcement Funds Act" to regulate the solicitation of funds in the name of any law enforcement body. The act requires that any organization intending to solicit contributions using words to indicate an affiliation with a law enforcement agency file a detailed registration with the Department of State. Professional solicitors and their employees must also register with the Department, pay an annual license fee of \$500 for solicitors and \$10 for employees, and post a \$10,000 surety bond. Exempted from coverage under this act are small

solicitations from fewer than 10 contributors annually, solicitations which net less than \$2,000 annually in contributions, and solicitations for the relief of a named individual who receives all contributions collected. Any claim by a solicitor of state endorsement, or other false endorsement or misrepresentation, is prohibited. A limit of 25% of the gross contributions is placed on the fee which a solicitor may charge or receive. To enforce the provisions of the act, the Department of State is given the power to investigate violations, revoke certificates of registration, institute injunctive proceedings, and request the issuance of arrest warrants. Conviction for a willful violation of the act is punishable as a third degree felony for the first offense, or as a second degree felony for any subsequent offense.

SENATE BILL 729 (CHAPTER 78-320) exempts from the \$50 registration fee imposed by the Solicitation of Charitable Funds Act all little league baseball organizations affiliated with a federally chartered parent organization.

Warranty Associations

SENATE BILL 756 (CHAPTER 78-255) amends Part II of Chapter 634, F.S., which regulates home warranty associations, to clarify the intent of the chapter so that appliance service warranties will not be regulated under it. It also creates a new Part III of Chapter 634 to regulate service warranty associations. This part provides that such associations shall be regulated by the Department of Insurance and provides

certain licensing, financial and registration requirements to assure the financial stability and honesty of these associations.

The definition of "home warranty" is amended to remove service warranty associations from regulation under this statute. A provision is also added to this definition to exempt condominium cooperatives from regulation under Part II. Definitions for the terms "insolvent" and "impaired" are added. The license of a home warranty association may be suspended if it becomes impaired or insolvent. A dissolution or liquidation of a corporation subject to the provisions of this part must take place under the supervision of the Department.

The new Part III of Chapter 634 created by this act requires service warranty associations to obtain licenses from the Department. Insurers authorized to transact property or casualty insurance are not required to be licensed in order to sell service warranties, but must otherwise comply with Part III. The qualifications for licensing are listed. Generally, in order to qualify an association must be solvent, competent, trustworthy, and comply with statutory security requirements.

Definitions are provided for two different types of warranty associations depending on their business mix. Associations which derive not more than 50% of their gross income from the sale of service warranties are defined as "warrantors." Those deriving more than 50% of their gross income from the sale of service warranties are defined as "warranty sellers."

Warranty associations are required to either post a bond, deposit or maintain securities with the Department, or file an irrevocable letter of credit from a bank located in the state. Warranty sellers, as defined, are required to provide such security in an amount of \$100,000. Warrantors are only required to provide security in the amount of \$50,000, plus an additional amount dependent upon the amount of gross service warranty premiums written.

All service warranty associations are required to maintain a funded unearned premium account equal to a minimum of 25% of gross written premiums. If an association has net assets of less than \$500,000 and it collects premiums in advance for coverage in a subsequent year, 100% of the premiums for subsequent years must be placed in a reserve account. In addition, warrantors must maintain a seven to one, and warranty sellers a five to one, ratio of gross written premiums to net assets. These provisions help to prevent associations from using current premiums to pay current losses, thus leaving no reserve with which to pay future losses.

The remainder of Part III provides for various regulatory tools similar to those contained in Part II. Provision is made for suspension and revocation of licenses, fees and premium taxes, administrative fines, Department approval of forms, various reporting and examination requirements, service of legal process, registration of service warranty association sales representatives, anti-fronting, and

Department supervision of the dissolution or liquidation of associations.

SENATE BILL 668 (CHAPTER 78-231) extensively amends Part I, Chapter 634, F.S., which regulates automobile inspection and warranty associations. The amendments greatly strengthen the financial and reporting requirements of the chapter to assure that the stability of the warranty associations is commensurate with the length of the contingent liability accepted by them, thus protecting warranty holders. Subsection 634.041(1), F.S., requires that in order for an association to be licensed it must be solvent, but does not define "solvency." This deficiency is corrected by providing a definition for "insolvent."

The enactment states certain requirements for the net assets to be possessed by a licensee. The requirements are designed to assure that by October 1, 1981, all licensed automobile warranty associations in the state will have net assets of at least \$300,000. This requirement will help to prevent unscrupulous persons from establishing associations with little or no capital and absconding with collected premiums. Definitions for net assets and related terms are provided. Warranty associations must obtain contractual liability insurance or set up an unearned premium reserve of 40% of the gross premium on each warranty issued. This should prevent the present abuse of paying current losses out of current premiums rather than establishing premium reserve.

The deposit of securities required to be made with the Department of Insurance is increased from \$50,000 to \$100,000, and the substitution of a bond in place of the deposit is abolished. This change should increase the stability of associations in the state and provide extra protection to warranty holders. The Department is empowered to require additional securities after notice and a hearing. Provisions are made to ease the transition from the higher amount of securities required, or from the bond to securities, for those warranty associations presently operating in Florida. Also, a new subsection is added to require that an association maintain a ratio of gross premiums written to net assets of ten to one, if the association's net assets fall below one million dollars. This provision will further protect warranty holders from an association's financial instability.

Finally, the law adds to Chapter 634 certain requirements on office records to be maintained by associations; a second degree misdemeanor penalty for operation without a license; contents of warranty contracts; reports to be made to the Department; registration of salesmen; and supervision by the Department of mergers, consolidations, and liquidations of associations.

Miscellaneous

SENATE BILL 175 (CHAPTER 78-16) amends the Florida Consumer Services Act (Sections 570.281-570.283, F.S.) to remove the restriction on the Department of Agriculture and

Consumer Services from acting in areas other than those delegated to it, and authorizes the Division of Consumer Services to seek settlement of consumer complaints when no other agency is directly concerned.

HOUSE BILL 1294 (CHAPTER 78-402) creates the Florida Research and Development Commission, a five-member body designated by the Commissioner of Agriculture, the Chancellor of the State University System, the Secretary of Administration, the Executive Director of the Department of Natural Resources, and the Secretary of Commerce. The Commission is empowered to establish and appoint the members of county research and development authorities and to advise the Governor, Cabinet and Legislature in the matter of public investments. The purpose of the Commission is to create and develop a research and development park, combining the resources of the State University System with private and government research.

The regulation of contracts for the sale of health studio services is strengthened by the provisions of HOUSE BILL 1933 (CHAPTER 78-419). The act shortens from 7 to 3 the number of days in which such a contract may be cancelled without penalty, but makes the cancellation effective upon mailing or delivery of the notice to the health studio. The contract must also allow cancellation if the studio goes out of business or moves its facilities more than 5 miles from the former location. Additionally, the contract must provide for cancellation upon the death or permanent disability of the

buyer. The maximum duration of health studio service contracts is set at 36 months, but they may be renewed. Before contracts can be sold for the provision of services at uncompleted facilities, the studio is required under the act to post a surety bond in the amount of \$10,000 or to furnish to the Department of Agriculture and Consumer Services other evidence of its financial responsibility. The provisions of this act do not apply to contracts entered into before July 1, 1978, or to subsequent renewals of such contracts.

COMMITTEE SUBSTITUTE FOR SENATE BILL 688 (CHAPTER 78-49) creates an exception to the Florida Human Rights Act of 1977 to permit the involuntary retirement of employees who are not protected by the Florida Age Discrimination in Employment Act (public employees other than law enforcement or firefighting personnel) on the basis of age, pursuant to a bona fide employee benefit plan, to the extent that such involuntary retirement is permitted by the federal Age Discrimination in Employment Act of 1967, (P.L. 90-202) as amended.

SENATE BILL 1357 (CHAPTER 78-375) tightens the controls on expenditures for travel and per diem in connection with performance of the promotional and other duties of the Divisions of Economic Development and Tourism of the Department of Commerce. Expenditures for entertainment are restricted to meetings with business prospects, purchasers of Florida exports, and foreign governmental dignitaries. Advancements and reimbursements for foreign travel are limited to the costs of per diem and incidental expenses. Payments for travel

expenses must be made pursuant to the provisions of Section 112.061, F.S. Operational and promotional advancements obtained for any of these expenses may not be commingled with any other funds, and any unused amounts must be refunded promptly within 5 work days after completion of the travel period.

HOUSE BILL 1981 (CHAPTER 78-276) provides that upon cancellation of, or default on, a pre-need funeral service or burial supply contract the purchaser may demand and receive a refund of the entire amount paid on the contract. Purchasers receiving public assistance may enter into irrevocable pre-need funeral and burial contracts. The Department of Insurance must examine the business of any persons writing pre-need contracts at least once every year.

SENATE BILL 625 (CHAPTER 78-148) requires that a "No Refund" sign be displayed by retail sales establishments which do not offer either a cash refund, credit refund, or exchange of merchandise. Failure of a retailer to post a sign means that a refund or exchange policy exists, and the policy must be presented in writing to the consumer upon request. Exemptions from this provision are provided for food, perishable goods, custom-made or altered goods, and goods which cannot be resold by the merchant because of any law, rule, or regulation adopted by a governmental body.

CONSERVATION AND NATURAL RESOURCES*

The 1978 legislative session concentrated its energies on refining and streamlining existing legislation in the area of conservation and natural resources, rather than in the enactment of major new legislation in the area. Perhaps the major emphasis in this segment of legislation could be summed up in the word "conservation." It has become apparent to the State of Florida that planned growth and economic development are inextricably tied to the conservation of the state's air, water, and natural resources. The 1978 legislation in this area reflects the Legislature's awareness that the effect of unbridled growth and development in the state would be the despoilation of the environment and the eventual economic destruction of the state. Pure water, clean air, energy conservation, and the management of the state's game and fish were the main conservation goals of the 1978 Legislature.

Environmental Control

In the area of excavation and beach and shore preservation, COMMITTEE SUBSTITUTE FOR SENATE BILL 925 (CHAPTER 78-257) requires the procurement of a coastal construction

*Prepared by the staff of House Bill Drafting

permit from the Department of Natural Resources for inlet sediment bypassing, excavation or maintenance dredging of inlet channels, or construction of structures (if of a solid or highly impermeable design) upon sovereignty lands of Florida, below the mean high waterline of any tidal water of the state. Application for such permits shall be submitted to the Division of Marine Resources upon such terms and conditions as set by the Department. The act authorizes the Department to direct that any sandy sediment excavated as a result of dredging for the purpose of maintaining navigable depths be used for beach nourishment; changes the term "setback line" to "control line," and specifies that the purpose of such lines is not to define the seaward limit for any structure, but to define the area in which special structural design consideration is required for protection of structures and the beach-dune system; authorizes any local government to establish coastal construction codes subject to approval by the Department; and authorizes the Department, in areas where there is no local code, to grant permits for construction or excavation seaward of the control line. The Department is also given the authority to participate in nonfederally authorized beach restoration projects in its capacity as the beach and shore preservation authority for the State of Florida; and is authorized to pay up to 100 percent of the nonfederal construction and maintenance costs of projects authorized for construction by the United States Congress, including certain project sponsor costs when

such construction and maintenance are on lands of which the state is the upland riparian owner.

Turning towards the protection of the state's air, COMMITTEE SUBSTITUTE FOR SENATE BILL 856 (CHAPTER 78-240) authorizes the board of county commissioners, of any county which is designated as a nonattainment area for air quality pursuant to state and federal law, to provide by county ordinance for countywide protection of air quality (and thereby preempt any municipal ordinance on the subject). The act grants the board the authority to act as the local implementing authority of a nonattainment plan, and to adopt, revise, and amend ordinances reasonably necessary to maintain air quality standards established pursuant to state and federal law.

SENATE BILL 1138 (CHAPTER 78-153) seeks to clarify the term "water management district" as used in Chapters 373 (Florida Water Resources Act of 1972) and 298 (Drainage and Water Management), F.S. It provides that a "water management district" or "drainage district," created pursuant to Chapter 298, F.S., shall be designated "water control district." The Division of Statutory Revision is directed to change these terms in this chapter from "water management district" to water control district, and from "drainage district" to district. SENATE BILL 695 (CHAPTER 78-65) changes the boundaries of the Southwest Florida Water Management District and the South Florida Water Management District.

Air and water pollution were dealt with by the Legislature in HOUSE BILL 1393 (CHAPTER 78-437) which

authorizes the Department of Environmental Regulation to allow the Department of Transportation to perform certain activities regulated under Chapters 253 (Land Acquisition Trust Fund) and 403 (Environmental Control), F.S. This would include activities relating to the construction of islands or the extension or addition to existing lands or islands bordering on or being in the navigable waters of this state, and the operation, construction, or expansion of any installation that may be a source of air or water pollution, upon certification by the Department of Transportation that it will meet all requirements for environmental control and protection. The act provides for investigation and enforcement and provides that, in related hearings conducted before a hearing officer of the Division of Administrative Hearings of the Department of Administration, where substantial interests will be affected, the Department of Environmental Regulation may intervene as a party, and may issue a final order adopting, rejecting, or modifying the Division's recommended order.

With respect to state health problems generated through diseases and pests, COMMITTEE SUBSTITUTE FOR SENATE BILL 373 (CHAPTER 78-98) directs the Department of Environmental Regulation to assist all governmental units charged with the control of disease carrying vectors and pests. The act provides that laws in effect with respect to water pollution operation permits shall not be deemed to prohibit the application of pesticides to waters in the state for the control of insects, aquatic weeds, or algae; provided the

application is performed pursuant to a program approved by the Department of Health and Rehabilitative Services in the case of insect control, and the Department of Natural Resources in the case of aquatic weed or algae control. The Department of Environmental Regulation is directed to enter into interagency agreements to establish the procedures for program approval for the application of such pesticides. The act also allows certain variances in permitting requirements with respect to insect control, where conditions dictate. Landowners are assured protection with respect to certain mosquito control activities.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1313 (CHAPTER 78-370) authorizes the Department of Natural Resources to acquire, by eminent domain, certain described parcels of environmentally endangered lands or recreational lands in Escambia County. Sufficient funds to carry out the purposes of this act are appropriated from the Environmentally Endangered Lands Trust Fund.

Waste Management

Recognizing that waste management has a direct effect upon the quality of environmental control in the state, the Legislature enacted several laws aimed at providing safer, more effective ways to deal with waste management.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 123 (CHAPTER 78-387) amends the Florida Resource Recovery and Management Act to provide definitions for "yard trash," "trash landfills,"

"construction and demolition debris," "Class I" and "Class II solid waste disposal areas," "initial cover," and "monitoring well." The Department of Environmental Regulation is required to encourage Class II solid waste disposal areas (facilities which receive an average of less than 50 cubic yards per day of solid waste and which receive an initial cover at least once each four days) to provide certain facilities, and to require a Class II facility to have at least one monitoring well which shall be placed adjacent to the site in the direction of groundwater flow, unless exempted by the Department. The act also directs the Department to make specific rules for solid waste disposal areas limited exclusively to yard trash, to construction and demolition debris, or to trash. The act also allows the submission of plans to construct and operate solid waste disposal areas by any person acting as a public officer and employed by a county or municipality, when said public officer states therein that the construction of the area is estimated to cost less than \$10,000, exclusive of the cost of land acquisition and equipment used in construction and maintenance.

COMMITTEE SUBSTITUTE FOR SENATE BILL 452 (CHAPTER 78-329) exempts resource recovery equipment (equipment or machinery exclusively and integrally used in the actual process of recovering material or energy resources from solid waste) from the state sales tax, and prohibits any requirement for any county or municipality to participate in a resource recovery program prior to a feasibility determination by the local

government. The act also provides for the certification of resource recovery equipment by the Department of Environmental Regulation in order to qualify for the tax exemption granted by the act.

HOUSE BILL 359 (CHAPTER 78-206) prohibits facilities for sanitary sewage disposal constructed after the effective date of this act from disposing of any wastes by deep well injection without providing for secondary waste treatment. Advanced waste treatment is also required as deemed necessary by the Department of Environmental Regulation to protect adequately the beneficial use of the receiving waters.

HOUSE BILL 1554 (CHAPTER 78-430) allows the installation of organic waste composting toilets or toilet systems under rules adopted by the Department of Health and Rehabilitative Services which are less restrictive than the law applicable to conventional systems, provided that all soil conditions, water table elevation, and other related requirements are met. The act also makes a change in dimension restrictions for lots which may be developed with private well and individual sewage disposal facilities in subdivisions of 50 or fewer lots and in subdivisions of 100 or fewer lots. Individual sewage disposal systems are to connect to public-owned or investor-owned systems within 365 days after notification that such a system is available, rather than within 100 days.

HOUSE BILL 342 (CHAPTER 78-388) increases from 3 to 5 years the period of time for which construction permits for filling land may be issued, and provides that a board of county

commissioners may grant permits for less than 5 years, depending upon the size and scope of construction.

The Florida Litter Law is the subject of HOUSE BILL 415 (CHAPTER 78-202). The act provides that where any litter is thrown or discarded from a motor vehicle, the operator of the vehicle is deemed in violation of the law. The act alters the penalty provision of the litter law to provide a noncriminal violation with a fine of \$25.00 when the litter thrown has a total weight of less than five pounds. If the violation involves litter of a total weight of five pounds or more, the violator is guilty of a misdemeanor of the 2nd degree. The act also authorizes the court to impose other civil penalties for violation of the litter law.

Energy Conservation

The Legislature enacted several laws this session relating to the conservation of the state's energy resources. HOUSE BILL 1275 (CHAPTER 78-25) sets out and clarifies the duties and responsibilities of the Department of Administration with respect to the state energy emergency contingency plan. The act provides that the Department shall analyze energy data collected and prepare long-range forecasts of energy supply and demand in coordination with the Public Service Commission which shall have the responsibility for electricity and natural gas forecasts. The act provides detailed criteria for forecasts to be published in 1980 and thereafter. In general, the act directs the Department to serve as the state's coordinator in

energy matters. It also eliminates the automatic repeal date of July 1, 1979, for the act (Chapter 74-186) which established the Energy Data Center in the Department of Administration.

Solar energy was the subject of HOUSE BILL 1219 (CHAPTER 78-309) which requires that effective January 1, 1980, all solar energy systems manufactured or sold in the state shall meet standards established by the Florida Solar Energy Center and shall display accepted results of approved performance tests in the manner prescribed by the Center. The act also provides for the creation beginning October 1, 1978, of solar easements, in writing, and includes detailed requirements for such written easements and the recording and preservation of same. Structures under construction prior to October 1, 1978, are not subject to any solar easement recorded pursuant to this act.

The management of energy resources in the state's buildings was the subject of two pieces of legislation in the 1978 session. SENATE BILL 75 (CHAPTER 78-26) provides that it is the policy of the state to operate, maintain, and renovate existing state facilities in a manner which will minimize energy consumption and to ensure that facilities leased by the state are operated to minimize energy use. The act provides that the Division of Building Construction and Property Management of the Department of General Services shall implement this policy. All state agencies are directed to submit energy data to the Division. Energy management coordinators are to be appointed by each state agency, the

Florida Public Service Commission, the Department of Military Affairs, and the Judicial Branch to advise on energy management. The act also provides for the development of a state energy management plan, including specified elements, and stipulates that the plan, with results, shall be made available to aid in improving local government energy management programs. The sum of \$50,000 is appropriated to the Department of General Services to carry out the provisions of this act.

SENATE BILL 147 (CHAPTER 78-27) provides that on and after January 1, 1979, no state agency shall initiate construction on a facility or self-contained unit of any facility, the design and construction of which incorporates or contemplates the use of an energy system other than a solar energy system, prior to approval of the Division of Building Construction and Property Management of the Department of General Services, when the Division has determined that a solar energy system is the most cost-efficient energy system for the facility or unit.

Game and Fresh Water Fish Commission

Three laws passed in the 1978 Legislative session directly affect the Game and Fresh Water Fish Commission. HOUSE BILL 1200 (CHAPTER 78-355) and SENATE BILL 804 (CHAPTER 78-238) direct the Commission to regulate motor vehicle access and traffic control on Florida's public lands to prevent damage or destruction of public lands and to protect the state's wildlife environment. These acts provide a second degree

misdemeanor penalty for damage of public land with a motor vehicle and include civil damages. The acts also require the registration of off-road vehicles. The third act dealing with the Commission, HOUSE BILL 173 (CHAPTER 78-125), provides that members of the Commission are subject to confirmation by the Senate to conform with the State Constitution.

Boating

Boating regulations were dealt with in two laws enacted during the 1978 Session. HOUSE BILL 25 (CHAPTER 78-181) provides that violations of safety equipment requirements for class A motorboats (under 16 feet), by not having one lifesaving device for each person aboard or not having one oar or paddle aboard, shall be deemed noncriminal violations punishable by a fine of \$25. If the fine is not paid within 10 days, the violator is guilty of a second degree misdemeanor. HOUSE BILL 367 (CHAPTER 78-264) provides that written leases executed by marinas in the state with boat owners, which include a provision for the nonjudicial sale of boats or vessels held for storage in the event of nonpayment of rent for a period of six months, are valid and enforceable under described conditions. The act provides that the proceeds from such a sale, which exceed the rental due and the costs of the sale, shall be deposited with the clerk of the circuit court of the county in which the sale is held, to be later returned to the owner of the boat or vessel sold upon application therefor.

Saltwater Conservation

In an effort to regulate the taking of certain types of saltwater plants and animals, SENATE BILL 403 (CHAPTER 78-56) defines the term "saltwater products" to mean any species of saltwater fish, marine plant, or echinoderm, except shells, nonliving sponges, or salted, cured, canned, or smoked seafood, and requires aliens and nonresidents to pay an annual license tax of \$25 before engaging in taking saltwater products for commercial uses. Licenses are to be issued by the Department of Natural Resources and are subject to inspection by officers of the Marine Patrol as well as the wildlife officers of the Game and Fresh Water Fish Commission. The act additionally provides that license fees shall be deposited in the Motorboat Revolving Trust Fund administered by the Department.

SENATE BILL 401 (CHAPTER 78-78) authorizes the Division of Marine Resources of the Department of Natural Resources to issue permits for the catching and possession of fish protected by law after it has been determined that such specimens are for use as stock for artificial cultivation. No such permit can be issued until the Division determines that the artificial cultivation activity complies with certain provisions of law governing aquaculture and with other specific provisions concerning leases, licenses and permits for maricultural activities with respect to each species of saltwater fish, so that the public interest in such fish stock is fully protected.

Four legislative enactments deal with the protection of specific species of saltwater life. HOUSE BILL 738 (CHAPTER

78-159) provides that the landing ashore or possession on the water by any person of any food fish that has been damaged by explosives, or the landing of headless jewfish or grouper (if the grouper is taken for commercial purposes), is prima facie evidence of a violation of the law against throwing explosives or using firearms in state waters for the purpose of killing food fish. COMMITTEE SUBSTITUTE FOR SENATE BILL 557 (CHAPTER 78-252) creates the "Florida Manatee Sanctuary Act" which declares the State of Florida as a refuge and sanctuary for the manatee, the "Florida state marine mammal." The act provides that it is a first degree misdemeanor to unlawfully annoy, molest, harass or disturb a manatee, or to hunt, pursue, collect, possess or deal with a manatee, or to attempt any such act, without a valid federal or state permit. Provision is made for the forfeiture of all weapons, traps, transportation vehicle and other paraphernalia used to illegally take or injure, or attempt to take or injure, any manatee. The act also directs the Department of Natural Resources to make rules within 120 days after July 1, 1978, for the regulation of motorboat traffic in described areas which are in manatee waters. SENATE BILL 687 (CHAPTER 78-80) prohibits any person from taking king mackerel from any waters within or without the state in any county bordering on the Atlantic Ocean except Monroe, or landing any king mackerel so taken with a gill net having a hanging depth of more than 200 meshes of 4-3/4 inch stretched mesh, and prohibits any person from setting a school of king mackerel with a net having a mesh size of less than 4-

3/4 inches. A first degree misdemeanor penalty is provided for violations. SENATE BILL 398 (CHAPTER 78-143) provides that, except when authorized by special permit by the Department of Natural Resources for the soft-shelled crab or bait trade, it is unlawful for any person to possess for sale blue crabs measuring less than 5 inches from point to point across the carapace in an amount greater than 10 percent of the total number of blue crabs in such person's possession. The act also eliminates a limitation on the size of openings in blue crab traps.

Three pieces of legislation in the 1978 Legislative session dealt with specific geographical areas of the state in relation to saltwater conservation. HOUSE BILL 2007 (CHAPTER 78-73) provided for an area closed to certain types of shrimping gear around Cedar Key. A penalty of second degree misdemeanor is provided. HOUSE BILL 1599 (CHAPTER 78-96) provides for a special 3-month oyster season (June 1 through September 1, 1978) for oysters of a certain size in a described portion of two areas of the waters of Franklin County. COMMITTEE SUBSTITUTE FOR HOUSE BILL 1951 (CHAPTER 78-404) adds Volusia County to a list of counties in which it is unlawful to set, lay out or fish any gill net, wing net or similar device unattended. The act permits the use of such nets for scientific purposes with a permit from the Department of Natural Resources. The act also specifies restricted areas and periods for using nets in St. Johns County.

Freshwater Fishing and Hunting

The management of the state's freshwater resources was the subject of HOUSE BILL 1230 (CHAPTER 78-310) which directs the Division of Fisheries of the Game and Fresh Water Fish Commission to provide for: the regulation of the promotion, marketing and quality control of freshwater organisms produced in Florida and utilized commercially; the regulation of the processing of commercial freshwater organisms on the water or on the shore; the documentation standards and statistical record requirements with respect to commercial freshwater organism catches; the regulation of aquacultural facilities; and the conduction of scientific, economic and other studies and research on all freshwater organisms produced in the state and used commercially.

Freshwater fishing licenses were the subject of two pieces of legislation which were enacted in the 1978 session. COMMITTEE SUBSTITUTE FOR HOUSE BILL 1211 (CHAPTER 78-163) provides for a special 12-month fishing license for a resident of the state at a cost of \$1 more than a regular license (which costs \$2.75) which shall expire 12 months after the date of issuance. SENATE BILL 157 (CHAPTER 78-6) provides that no fishing license shall be required for any person who has been accepted as a client by the Department of Health and Rehabilitative Services for retardation services and who is either a resident of a Sunland Center, a resident of a residential habilitation center, or a client of certain service facilities.

HOUSE BILL 220 (CHAPTER 78-189) provides for issuance by the Game and Fresh Water Fish Commission of ten separate classes of licenses for freshwater fish or frog dealers and prescribes requirements and fees therefor. The act permits the substitution of certain licenses, requires that all boats engaged in commercial fishing shall have at least one licensed commercial fisherman on board, and provides that it is unlawful for any wholesale or retail dealer to buy freshwater fish or frogs from an unlicensed person.

Hunting was the subject of SENATE BILL 624 (CHAPTER 78-147) which authorizes the Director of the Game and Fresh Water Fish Commission to issue permits to persons to hunt with a muzzle-loading gun during special seasons set by the Commission. The act provides for a \$5 fee.

COMMITTEE SUBSTITUTE FOR SENATE BILL 321 (CHAPTER 78-173) provides that it is illegal and a third degree felony to kill any Florida panther, and further provides that whoever illegally possesses for sale or sells deer or wild turkey is guilty of a third degree felony.

In order to protect the state's alligator population, as well as the citizens of the state from physical injuries, SENATE BILL 563 (CHAPTER 78-101) prohibits persons from intentionally feeding or enticing with feed any wild American alligator or American crocodile, and provides a second degree misdemeanor applied against transgressors.

Miscellaneous

In keeping with the desire of the state to preserve the citizens' interest in the environment, HOUSE BILL 643 (CHAPTER 78-70) requires the reservation of fishing rights to the people in the dedication or conveyance of water bottoms owned by the state.

Fish attractors installed by the Game and Fresh Water Fish Commission is added to those activities which are permitted under a short form application of the Department of Environmental Regulation while the installation of navigational aids is removed from this type of permitting and declared to be an exempt activity under SENATE BILL 487 (CHAPTER 78-146). The exemptions for the installation of boat ramps and the maintenance dredging of man-made canals, channels and intake and discharge structures are given additional qualifications. Also granted conditional exemption are the activities of: replacement or repair of bridges; the installation, replacement or repair of subaqueous (below the bottom) transmission and distribution lines and the construction of private seawalls. Permits required under Chapters 25214 and 25270, 1949 Laws of Florida, which create the Central and Southern Florida Flood Control District, and Chapter 61-691, which creates the Southwest Florida Water Management District, do not apply to these activities as well as any permits required under Chapters 253 and 373, F.S.

HOUSE BILL 304 (CHAPTER 78-445) provides for the appropriation of \$120,000 from the General Revenue Fund to the

Division of Recreation and Parks of the Department of Natural Resources for research, interpretation and development of Indian Key in Monroe County as a state historic landmark.

CORRECTIONS*

Major legislation in 1978 in the area of corrections, probation and parole included the creation of the Florida Youthful Offender Act and the Objective Parole Guidelines Act of 1978. Both of these measures will affect large portions of the offender population. The first was designed to "improve the chances of correction and successful return to the community of youthful offenders sentenced to imprisonment by preventing their association with older and more experienced criminals during the terms of their confinement," and to provide another sentencing alternative for the courts. The Objective Parole Guidelines Act of 1978 was created primarily for the purpose of providing "an objective means for determining and establishing parole dates for inmates".

Other legislation affecting the correctional system in Florida includes the change of the name of the Department of Offender Rehabilitation to the Department of Corrections, the increase of the maximum payment for transportation of released state inmates from \$25 to \$50, and the requirement that inmates disclose their financial assets and, if able, make payments to cover the cost of their subsistence and victim restitution.

*Prepared by staff of House Committee on Corrections, Probation/Parole

Additionally, an act was passed providing that the sentencing judge may retain jurisdiction over a felon for the first third of the maximum sentence imposed. Those inmates over whom a judge has chosen to retain jurisdiction cannot be paroled during the first third of their sentence without prior approval of the court of original jurisdiction.

These acts and others relating to corrections are described in more detail below.

Youthful Offenders

The "Florida Youthful Offender Act" was created by COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 165 (CHAPTER 78-84) to provide alternative dispositions for most offenders between the ages of 18 and 21 who are convicted of a first, second or third degree felony for the first time, and some repeat offenders. Capital or life felons are excluded from the youthful offender classification.

The act provides that youthful offenders may be sentenced by the Department of Offender Rehabilitation to community control programs as an alternative to incarceration under certain conditions. Defendants are permitted by the act to present evidence supporting their eligibility for classification as a youthful offender. Inspection of pre-sentence reports by defendants, their attorneys, and the state is allowed, except for specific confidential portions, for the purpose of seeking adjudication of defendants as youthful offenders.

Provisions are also made for time limitations (not to exceed two years nor extend beyond the 23rd birthday of the defendant) on community program placement, and for payment of cost of supervision fees by the probationers and parolees. The act requires the Department to operate separate youthful offender facilities insofar as practical. Income derived from participation of juvenile offenders in vocational education training activities may be used to pay victim restitution or to defray a portion of the cost of supervision.

Objective Parole Criteria

HOUSE BILL 936 (CHAPTER 78-417) creates the "Objective Parole Guidelines Act of 1978," modifying the general organization and procedures of the Florida Parole and Probation Commission. The Commission is required to develop and implement objective parole guidelines by January 1, 1979. These guidelines will be used for establishing presumptive parole release dates for all inmates in the custody of the Department of Offender Rehabilitation. The act provides definitions, modifies the role of the Secretary of the Department, changes the procedure for filling of vacancies on the Commission, and provides for two-member hearing examiner panels. (Implementation of hearing examination panels is to take place by January 1, 1980, or earlier as resources are provided by the Commission.) The Mutual Participation Program is continued by the act.

Procedures are provided for hearing and review of presumptive parole release dates and for establishment of effective parole release dates. The provisions relative to notice requirements, terms and conditions of parole, violation of parole and revocation of parole are modified. For example, any decision to revoke parole must "be based on a violation of a term or condition specifically enumerated in the parole release order." (Subsection 947.23(1), F.S.)

Transportation of State Inmates upon Release

SENATE BILL 299 (CHAPTER 78-14) increases the amount of money available for transportation of inmates upon release from a state correctional institution from a maximum of \$25 to a maximum of \$50, but retains the provision that the transportation furnished shall be the most economical available, utilizing a common carrier.

Department Name Change

SENATE BILL 300 (CHAPTER 78-53) provides that the name of the Department of Offender Rehabilitation shall be changed to the Department of Corrections and calls for the conformation of the Florida Statutes to this change. Obsolete statutory references to the Division of Corrections and to changes made by the Correctional Organization Act of 1975 are deleted. (See Section 20.315, F.S.)

Financial Disclosure and Subsistence Payments

HOUSE BILL 1990 (CHAPTER 78-441) creates an act

directing the Department of Offender Rehabilitation to promulgate rules requiring an inmate to disclose all earnings and assets. If able, the inmate must pay all or a fair portion of the cost of his/her subsistence, and make monetary restitution to the victim or to the guardian of the estate of the victim, according to the inmate's liability or potential liability to the victim and his dependents. The act provides that such disclosure of revenues or assets is a condition of parole eligibility.

Judicial Review of Parole Decisions

HOUSE BILL 73 (CHAPTER 78-318) provides that trial court judges may at the time of sentencing retain jurisdiction over a felon for the first third of the maximum sentence imposed. The Parole and Probation Commission must notify the sentencing court and state attorney when such an offender becomes eligible for parole. The court is to review the release order and notify the Commission within 10 days whether or not it agrees that parole appears appropriate or if it wishes to retain jurisdiction over the inmate. In the event that the court chooses to deny parole, the reasons for the denial and the evidence relied upon shall be stated. Such a decision by the court to vacate a parole release is not appealable.

Concurrent Sentences

SENATE BILL 337 (CHAPTER 78-219) gives a judge the authority to order a sentence to be served concurrently with those sentences imposed on an offender by a court of another

state or of the United States. The law also allows the Department of Offender Rehabilitation to designate the institution of the other jurisdiction as the place for reception and confinement. In the event that the confinement of an offender in the other jurisdiction terminates before the expiration of the Florida sentence, the Department is allowed to designate a place in Florida where the offender may complete his/her confinement. Such an offender is eligible for consideration for parole by the Florida Parole and Probation Commission without first being confined in Florida, if the person is otherwise eligible for parole. However, as a condition of such a parole, the parolee may not return to Florida without the approval of the Commission.

Contraband

Two acts were passed that deal with the introduction of contraband into penal facilities. HOUSE BILL 284 (CHAPTER 78-41) expands the list of contraband items for county detention facilities, making it consistent with the list of contraband for state institutions. Added to such list are written or recorded communications, currency or coins, articles of food or clothing, intoxicating beverages, drugs of any kind, including nasal inhalators, sleeping pills, barbituarates and any controlled substance. HOUSE BILL 464 (CHAPTER 78-42) clarifies what articles are considered contraband for those institutions under the supervision of the Department of Offender Rehabilitation, specifying that both written and recorded

communications and controlled substances, as defined in Subsection 893.02(3), F.S., are contraband unless authorized through regular channels. Violations of both of these contraband laws constitute felonies of the third degree.

Probationer Supervision Costs

SENATE BILL 813 (CHAPTER 78-368) increases from \$6 to \$10 the monthly payment per probationer which the Department of Offender Rehabilitation is directed to pay a court-approved public or private entity authorized to provide supervision to probationers. The act retains the requirement that in order to receive such payments the entity must collect a \$10 per month contribution from each offender under its supervision.

Gain-Time

HOUSE BILL 811 (CHAPTER 78-304) provides schedules and criteria for the use of the Department of Offender Rehabilitation in determining the amount of gain-time to be granted to inmates. The act allows the awarding of gain-time on the basis of satisfactory performance of "the work, duties, and tasks assigned," and authorizes the Department to grant additional gain-time to inmates who are particularly diligent in their work and efforts toward rehabilitation or who perform some outstanding deed.

Persons who cannot perform in a correctional work program, because of conditions of age, illness, infirmity, or confinement for reasons other than unacceptable behavior, are also allowed to receive gain-time, provided that they

demonstrate "a constructive utilization of time." The act also states that persons serving two or more concurrent sentences are to be allowed gain-time as if their sentences were a single sentence. Forfeiture of gain-time is prescribed in the event that an inmate does not perform in a satisfactory manner.

Supervision of Mandatory Conditional Releases

SENATE BILL 419 (CHAPTER 78-223) provides that any inmate who is released as a result of accumulating sufficient gain-time and extra good-time allowances will be subject to all statutes relating to persons who are released on parole. The act limits the length of time such releasees may be supervised as parolees to a period of time no longer than two years, as determined by the Parole and Probation Commission.

COURTS AND CIVIL LAW*

The 1978 laws relating to Florida Courts and Civil Law are discussed below under the following general topics: Adoption; Animals in Distress; Attachment and Garnishment; Attorney's Fees and Court Costs; Court Clerks; Courts, Justices and Judges; Evidence; Guardianship; Judicial Sales; Marriage and Dissolution of Marriage; Mechanics' Liens; Private Property; and State Attorneys.

Adoption

HOUSE BILL 628 (CHAPTER 78-190) amends the Florida Adoption Act to provide that a consent to adoption executed by the Department of Health and Rehabilitative Services, by a licensed child-placing agency, or by an appropriate order or certificate of the court, be attached to the petition for adoption and be accompanied by a family medical history containing available or readily obtainable information concerning the child and the natural parents. The Department is required to provide family medical history forms to intermediaries who intend to place a child for adoption. The family medical history information is required to be furnished,

*Prepared by the staff of Senate Legislative Services

when available, to the adoptive parents prior to finalization of the adoption and to the adopted person upon his request, at the time he reaches majority. The law assures the confidentiality of the natural parents and mandates that no specific names be included in the family medical histories. The Department, or a duly licensed public or private agency into whose care a child is placed, is required to attempt to obtain, as soon as possible, any available or readily obtainable information concerning the family medical history of the child and to keep such information on file. The Department may no longer waive the requirement that an intermediary report to the Department an intended placement of a minor for adoption with a step-parent or person not related within the third degree. The Department may obtain an injunction against future actions by an intermediary who violates the provisions of the act. The law requires court approval of fees to intermediaries prior to payment and requires an agency placing minors for adoption to be licensed by the Department. An intermediary is prohibited from giving certain counseling to a natural mother with respect to placing the child for adoption outside the state. Under the law, no person may charge or accept compensation from an intermediary for making a referral in connection with an adoption.

Animals in Distress

SENATE BILL 18 (CHAPTER 78-12) provides that no fee shall be charged for a petition which is filed with a County

Court Judge by a law enforcement officer or agent of a county or of a society or association for the prevention of cruelty to animals, which requests a hearing to determine whether the owner of an animal found neglected or cruelly treated is able to provide adequately for the animal and is fit to have custody of the animal. The new law also prohibits the sheriff from charging a fee for serving the notice required to be given to the owner of an animal, and requires that the hearing to determine whether the owner of a seized animal is able to provide adequately for the animal and is fit to have custody of the animal be set not more than 30 days from the date of the seizure rather than the present 10 days.

In addition, SENATE BILL 979 (CHAPTER 78-334) extends the immunity from civil liability provided in the Good Samaritan Act to any person, including veterinarians, who gratuitously and in good faith render emergency care or treatment to an injured animal at the scene of an emergency on or adjacent to a roadway.

Attachment and Garnishment

SENATE BILL 545 (CHAPTER 78-38) requires a writ of attachment to be issued by a judge. It permits a writ of attachment to be issued upon a motion by plaintiff when the grounds for the writ clearly appear from the specific facts shown by a verified complaint or a separate affidavit of the plaintiff and all the applicable requirements of law are met. The act also provides that after execution of a writ of

attachment, the property attached may be restored to the defendant if a bond is provided payable to the plaintiff in an amount which exceeds by one-fourth the value of the property as determined by the court or exceeds by one-fourth the amount of the claim, whichever is less. The act also permits the defendant, in lieu of having his property restored to him, to move the court for the dissolution of the writ; and such motion shall be granted unless the plaintiff proves the grounds for its issuance and a reasonable probability that the final judgment in the underlying action will be in his favor.

SENATE BILL 163 (CHAPTER 78-76) exempts the proceeds of annuity contracts issued to citizens or residents of the state from attachment, garnishment, or legal process of creditors of the beneficiary of such annuity contract, unless the annuity contract was effected for the benefit of the creditor.

HOUSE BILL 1169 (CHAPTER 78-63) authorizes a circuit court to issue a continuing writ of garnishment to enforce the order of the court to an employer for periodic payment of alimony or child support or both.

Attorney's Fees and Court Costs

HOUSE BILL 1062 (CHAPTER 78-275) requires the court to award a reasonable attorney's fee to the prevailing party in any civil action in which the court finds that there was a complete absence of a justiciable issue of law or fact raised by the losing party.

In actions for unpaid wages, courts are authorized by SENATE BILL 284 (CHAPTER 78-327) to award to the prevailing party the costs of the action and a reasonable attorney's fee.

Court Clerks

SENATE BILL 736 (CHAPTER 78-367) revises the service charges of the Clerks of the Circuit Court for making microfilm copies of public records, for writing certain papers and signing and sealing certain written papers, for indexing certain instruments recorded in the official records, for preparing affidavits of domicile, for receiving and disbursing domestic support payments, and for depositing the will of a decedent with the clerk.

HOUSE BILL 1209 (CHAPTER 78-349) provides that Clerks of the District Courts of Appeal shall be paid an annual salary fixed by law which shall be \$4,000 less than the annual salary provided for the Clerk of the Supreme Court.

Courts, Justices and Judges

HOUSE BILL 748 (CHAPTER 78-346) requires all persons seeking election or appointment as a county court judge to be a member in good standing of The Florida Bar, except that any county court judge who is actively serving and is not under suspension or disqualification is permitted to seek reelection.

SENATE BILL 1029 (CHAPTER 78-168) increases by one the number of circuit judges in the Fourth (from 22 to 23), Seventh (from 10 to 11), and Thirteenth (from 23 to 24) Judicial

Circuits, and increases by one the number of county court judges (from 8 to 9) in Palm Beach County.

Retired justices and judges assigned to active judicial service are permitted by SENATE BILL 1074 (CHAPTER 78-169) to serve up to 125 calendar days on temporary assignment rather than 100 calendar days.

The membership of the Judicial Administrative Commission was expanded by SENATE BILL 454 (CHAPTER 78-174) to include one judge of the county courts, to be appointed by the president of the Conference of County Court Judges. In addition, the duties of the Commission were expanded to include the provision of administrative services and assistance to county courts. The law also provides that county court budget requests be combined with other judiciary budgets and be presented by the Commission as one legislative budget request, or operating budget request.

Evidence

HOUSE BILL 2207 (CHAPTER 78-361) revises various provisions of the Florida Evidence Code. The new law amends the Evidence Code to:

(1) Limit the applicability of the Code to civil actions accruing, or criminal proceedings related to crimes committed, after the effective date of this Code (July 1, 1979).

(2) Change the provision of the Code which authorizes the court to take judicial notice of certain facts if such

facts were not "subject to reasonable dispute" to require that such facts be simply "not subject to dispute."

(3) Make discretionary with the court, instead of mandatory, that the jury be instructed to accept as fact matters judicially noticed.

(4) Limit the application of the statutory definition of presumption, and of the classification of rebuttable presumptions, to civil actions and proceedings.

(5) Provide that undue waste of time is no longer a ground for excluding the admission of relevant evidence, and to provide that evidence of the existence of third party benefits is not to be considered inadmissible on grounds of danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence.

(6) Delete opinion testimony as a means of making proof of character.

(7) Prohibit the admission, for purposes of impeachment, of any statements made in connection with pleas of, or offers to plead, guilty or nolo contendere.

(8) Delete a provision which made the husband-wife privilege inapplicable in a criminal proceeding involving a crime which one spouse is charged with committing against a third person while that spouse was in the course of committing a crime against the other spouse.

(9) Add practitioners of Christian Science to those clergymen with whom communication may be privileged.

(10) Create an accountant-client privilege similar to the attorney-client privilege.

(11) Provide that the holder of a privilege against the disclosure of a communication waives the privilege if he makes the communication when he does not have a reasonable expectation of privacy.

(12) Provide that the credibility of a witness may be attacked by a showing of a defect of the ability or opportunity in a witness to observe, remember, or recount the matters about which he testified, and provide that a party calling a witness may use leading questions during any examination if the witness proves adverse.

(13) Delete the provision that the credibility of a witness may be attacked or supported by evidence in the form of opinion.

(14) Provide that the credibility of any witness may be attacked by evidence that the witness has been convicted of a crime punishable by death or imprisonment in excess of 1 year, and that the granting of a pardon relating to such a crime does not render evidence of the conviction inadmissible.

(15) Require the court, upon motion of the adverse party, to order a prior statement of a witness shown, or its contents disclosed, to that witness during examination; and allow admissibility of extrinsic evidence of a prior inconsistent statement of a witness if the witness denies having made the statement.

(16) Create a provision allowing certain kinds of publications to be used in cross-examination of an expert witness if the expert witness recognizes the author or publication to be authoritative, or if the trial court finds the author or publication to be authoritative and relevant to the subject matter.

(17) Exclude from the definition of hearsay a statement which was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, if the declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement.

(18) Expand the "recorded recollection" exception to the hearsay rule to include memoranda or records offered by either party, and limit the exception to memoranda or records shown to have been made by the witness himself.

(19) Add a proviso to the "records of vital statistics" exception to the hearsay rule to prohibit that section from being construed to make admissible any other marriage of any party to any cause of action except for the purpose of impeachment.

(20) Limit the "market reports, commercial publications" exception to the hearsay rule to compilations which are admissible in the opinion of the court.

(21) Limit the "former testimony" exception to the hearsay rule to former testimony given in a civil trial when used in a retrial of that trial involving identical parties and the same facts.

(22) Repeal the provision requiring that a court take judicial notice of ordinances and municipal and county charters, the enforcement of which is within the jurisdiction of that court.

The effective date as specified in this act is January 1, 1979; however, HOUSE BILL 16-D (CHAPTER 78-379), which was passed at the special session following the regular 1978 session of the Florida Legislature, amends this measure to delay the effective date until July 1, 1979.

(Summaries of laws enacted at the 1978 Special Session are contained in a separate article in this book immediately following the Summary articles of the 1978 Regular Session.)

Guardianship

HOUSE BILL 364 (CHAPTER 78-342) provides that a county, which is required to pay fees to any examining committee or attorney involved in the adjudication of an alleged incompetent under the provisions of the Florida Guardianship Law, shall have a right of a creditor's claim against the guardianship assets for any amounts paid. A claim against such assets must be filed by the county within 90 days of the adjudication of incompetency or be thereafter barred. The court is directed to enter an order approving the reimbursement out of assets or income of the guardianship estate to a county for the payment of reasonable fees. The guardian's bond may be waived by the court upon the request of the petitioner in any guardianship

proceeding, rather than only in a voluntary guardianship proceeding.

HOUSE BILL 861 (CHAPTER 78-305) provides that when property of a ward is derived in whole or in part from benefits paid to his guardian by the Veterans' Administration, a person dependent on the ward for support must notify the Veterans' Administration and the chief attorney for the Division of Veterans' Affairs of the Department of Community Affairs at least 15 days before the hearing of the application that he has petitioned a court for an order directing the guardian to contribute to his support from the ward's property.

Judicial Sales

HOUSE BILL 2065 (CHAPTER 78-68) changes the earliest date of sale of any property under an order or judgment from 10 days after the date of the order or judgment to 20 days after such date. The new law requires that the notice of sale be published once a week for two consecutive weeks in a newspaper of general circulation published in the county where the sale is to be held. The second publication is to be at least 5 days before the sale, as opposed to the former requirement that such notice be published once at least 7 days before the sale.

Marriage and Dissolution of Marriage

HOUSE BILL 815 (CHAPTER 78-266) provides the conditions for the issuance of a marriage license to a person who is under 18 years of age. The act also provides that in counties which have less than 50,000 residents a copy of each marriage license

application must be posted at the front door of the courthouse in the county where the application was made for 3 days prior to issuance of the license. Formerly, such application was required to be posted in counties having less than 75,000 residents. The act requires as a condition precedent to the issuance of a marriage license that a certificate from a duly licensed physician be filed with the county judge or clerk of the circuit court stating that the applicant has been given an approved serological test for syphilis and has been found to be not infected, or if infected with syphilis, not to be in a stage of infection communicable to the marital partner. Such test must be made not more than 60 days prior to the date of marriage application. Formerly, a physical examination for syphilis had to be made within 30 days of the date of the application for the license.

HOUSE BILL 200 (CHAPTER 78-15) authorizes ordained clergy, in addition to regularly ordained ministers of the gospel or elders in communion with some church, to solemnize marriages. The act also recognizes as valid those marriages solemnized by any member of the clergy, or as otherwise provided by law prior to July 1, 1978.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 11 (CHAPTER 78-339) specifies certain factors which the court shall consider in determining a proper award of alimony, including but not limited to the standard of living established during the marriage, the duration of the marriage, the age and the physical and emotional condition of both parties, the financial

resources of each party, the time to acquire educational skills to enable either party to find appropriate employment, and the contribution of each party to the marriage.

HOUSE BILL 1169 (CHAPTER 78-63) authorizes a circuit court to issue a continuing writ of garnishment to enforce the order of the court to an employer for periodic payment of alimony or child support or both.

SENATE BILL 117 (CHAPTER 78-5) authorizes the court in a dissolution of marriage proceeding to award the grandparents visitation rights of minor children when the court decides it to be in the child's best interest. A court, however, may not order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation rights for the grandparents. The act also provides that none of its provisions shall be construed to require that grandparents be made parties to dissolution proceedings, or to confer legal standing as "contestants" upon grandparents. The law also provides that any court which is competent to decide child custody matters shall have jurisdiction to award the grandparents of minor children visitation rights upon the death of, or desertion by, one of the children's parents, if it is deemed by the court to be in the best interest of such children.

Mechanics' Liens

COMMITTEE SUBSTITUTE FOR SENATE BILL 1142 (CHAPTER 78-397) expands an existing exemption from most provisions of the

mechanics' lien law to include any improvement for which the contract price is \$2500 or less. The previous law provided the exemption only for an improvement to an improvement for which the contract price was \$500 or less and which was completed within 6 months from commencement. The new law also requires that the authority issuing any building permit print on the face of each application and each building permit, in capital letters, a warning as to the possible consequences of failure to comply with the mechanics' lien law, and requires the issuing authority to provide the applicant with a printed statement furnished by the Division of Consumer Services of the Department of Agriculture and Consumer Services summarizing the mechanics' lien law. If the applicant is not the person whose property is subject to attachment, he must promise to deliver the statement to that person. The issuing authority shall not be held liable in civil action for the failure of the person whose property is subject to attachment to receive or to be delivered a statement that the right, title, and interest of the person who has contracted for the improvement may be subject to attachment under the mechanics' lien law.

Private Property

COMMITTEE SUBSTITUTE FOR SENATE BILL 261 (CHAPTER 78-85) provides that any person substantially affected by a final action of any governmental officer or agency, with respect to a permit pursuant to various provisions of the Florida Statutes regulating the use of land, air, or water, may seek review

within 90 days of the rendering of such decision and request monetary damages and other relief in circuit court for a determination as to whether the agency action is an "unreasonable exercise of the state's police power constituting a taking without just compensation." If the court determines that the agency action is an unreasonable exercise of the state's police power, the matter is to be remanded to the agency, which must agree to issue the permit, or agree to modify its decision so as to avoid an unreasonable exercise of police power, or agree to pay monetary damages as determined by the court. Attorney's fees and court costs will be awarded either to the affected person or the agency, whichever prevails. The new law stipulates that review of final agency action, for the purpose of determining whether the action is in accordance with existing statutes or rules and based on competent substantial evidence, shall proceed in accordance with the Administrative Procedure Act.

SENATE BILL 285 (CHAPTER 78-315) requires that a mobile home owner who is leasing a site in a mobile home park, and who has made permanent improvements to the site which exceed \$1000 in value, shall be entitled to compensation for such improvements if the property is taken by eminent domain and the taking requires that the mobile home be relocated. The law will allow the mobile home owner to intervene in the condemnation proceeding against the park owner. Failure by such mobile home owner to intervene, however, does not constitute a waiver of the right of the mobile home owner to

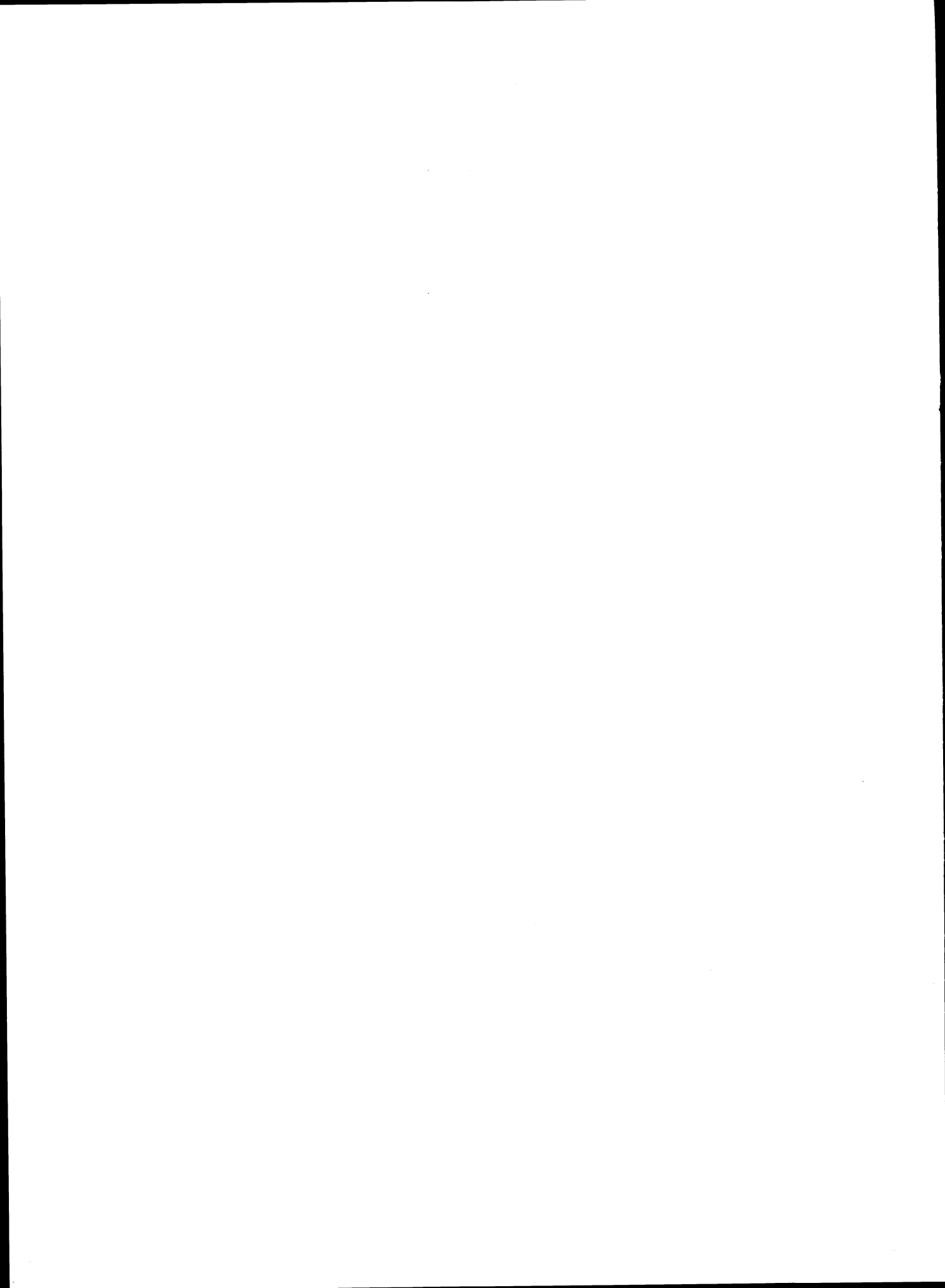
institute a separate action to recover from the park owner the compensation awarded the park owner for the permanent improvements made by the mobile home owner. The new law also provides that the form of the jury verdict shall include a separate statement as to the amount awarded for compensation for permanent improvements made by a mobile home owner; that the time and terms of surrender of any property taken by eminent domain are to be fixed by the court; and that interest, from the date of surrender of possession of property for which compensation to the owner has been secured by deposit in the registry of the court to the date of payment, is to be the same rate as provided in all circuit court judgments rather than 6 percent per annum.

State Attorneys

SENATE BILL 588 (CHAPTER 78-227) authorizes each state attorney to employ municipal or county police officers or deputy sheriffs on a full-time basis as investigators with full powers of arrest, provided such investigators are employed by the state attorney and the investigators serve on a special task force to investigate matters involving organized crime. The salary of such an investigator is to be paid by the city, county or sheriff by which the investigator is principally employed, with the consent of the county, sheriff or municipality. On or before January 1 of each year, each state attorney shall submit a report to the Legislature specifying the number of municipal police officers and sheriff's deputies

employed by him during the preceding fiscal year and give an estimate of the number of such officers and deputies to be so employed during the current fiscal year.

This act also appropriates \$54,517 from the General Revenue Fund to be used in Dade and Orange Counties for matching LEAA (Law Enforcement Assistance Administration) grants for Pre-Trial Intervention Programs.



EDUCATION*

In addition to passage of the Education Finance Program Act with significant changes in program weights assigned to the various cost categories and creation of the new program of Educational Alternatives, the 1978 Legislature passed acts relating to educational improvement projects, teacher training and certification, student assistance programs, student fees, graduation requirements, special education for exceptional students, uses of school buses, and permission for pupils to attend religious instruction away from school property for certain periods of time during the school day. Summaries of these and other measures are presented below.

Education Finance Program

CONFERENCE COMMITTEE REPORT FOR HOUSE BILL 2044 (CHAPTER 78-405) amends and repeals various sections of the School Code related to the Florida Education Finance Program and other related school programs.

Changes are made in the program weights assigned to the various program cost categories of the K-12 FEFP and a new program - Educational Alternatives is created. The act

*Prepared by the staff of the Senate Committee on Education

provides for the separation of vocational job preparatory and vocational adult supplemental programs in 1978-79, and in 1979-80, and further changes these two separations in vocational education to be classified by program disciplines. The State Board of Education is authorized to adopt rules related to class size in part-time programs and to provide for exemptions to such established maximums when the district or program dispersal would place an undue burden on the district.

A new program weight category of 2.00 in the basic programs K-12 for educational alternatives is created, and the program cost category for socially maladjusted is deleted and a cost factor for the profoundly handicapped is added. The Commissioner of Education is required to examine and evaluate procedures to be followed in the identification and placement of students in special programs including students assigned to educational alternatives, and the State Board is required to adopt rules to be followed relating to this.

Provisions are made for any school board or multi-district area, in which there are five or more visually handicapped part-time students, to be assigned three unweighted full-time equivalent students for special programs until such time as more than three full-time equivalent students are generated. The maximum unweighted full-time equivalent students to be assigned for such programs for 1978-79 is 30.

A three-year average method for determining the district cost differentials is established. This change had been

accomplished in the General Appropriations Act for the past fiscal year.

The act eliminates specific reference to certain categorical programs that have not been funded recently or that have been merged with other programs.

The district's use of state instructional materials funds are modified by increasing from 25 percent to 50 percent the amount that may be expended on materials not included in the state approved or adopted list. Students in the laboratory schools in the State University System are included the same as other K-12 pupils in participation in the state appropriations for instructional materials. The act also provides needed language to make possible the adjustments for prior year allocation of instructional materials funds based on actual number of full-time equivalent students for that year, and establishes language to provide that the cost of a new set of books and the annual rate for maintenance of books be provided in the General Appropriations Act.

The required expenditures by each program cost category in the FEFP are amended to be at least 90 percent in K-3 and 80 percent in all others, computing the specified groups on a total expenditure in the district.

Statutes relating to Safe Schools Act, educational leadership training, and certain original programs of special instructions for severely retarded children are repealed to comply with new requirements.

Capital Outlay

CONFERENCE REPORT FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 436 (CHAPTER 78-428) amends the statute relating to the state fund participation in cooperative educational facilities by two or more boards by increasing the amount from 20 percent to 50 percent of the cost of the project. It also provides that each such project must be specifically authorized in the General Appropriations Act. The amount that the state would provide in the cost of community educational facilities projects, after such projects have been authorized in the General Appropriations Act, are changed from one-third to one-half.

The Department of General Services is required to conduct a study of the Florida Public Broadcasting System and to make recommendations for new public and instructional television and radio stations with approximate costs, and make recommendations for needed repairs, renovations, and replacement equipment for existing public and instructional television and radio stations. The findings and recommendations, including estimates for reasonable growth, shall be submitted to the Legislature on or before March 15, 1979. Recommended capital outlay shall be submitted to the Department of Administration and the Commissioner of Education and may be included in the Commissioner of Education's legislative budget request for fixed capital outlay.

The law also authorizes district school boards to spend Public Education Capital Outlay and Debt Service Trust Funds,

allocated to districts previous to 1977-78, on the approved projects as defined in the amended statutes enacted in 1977.

Teacher Training Institutions

COMMITTEE SUBSTITUTE ON SENATE BILL 549 (CHAPTER 78-423) requires the Commissioner of Education to report to the State Board of Education and to the Legislature, prior to the 1980 session, the extent of implementation by Florida teacher training institutions of policies on early placement of student teachers in the classroom, comprehensive counseling services to students, and more stringent retention policies in Florida teacher training institutions. Teacher education programs which have been approved by the Department of Education must require as a prerequisite for admission that students achieve a passing score, as established by State Board of Education rule, on a nationally normed standardized college entrance examination.

The act authorizes the Department of Education to issue a certificate covering the appropriate subject or field to an applicant meeting specified requirements. The stipulations that an applicant be less than 70 years of age and free from malignant, communicable, or mental disease have been repealed.

Beginning July 1, 1980, all certificates issued shall be valid for no more than five years. Also, all applicants for initial certification must demonstrate, through a written test and other procedures adopted by the State Board, mastery of generic and specialized teaching competencies and other

criteria adopted by the State Board. As of July 1, 1981, no person shall be issued a regular teaching certificate until they have completed one year of satisfactory teaching, as defined by law and State Board rules, or a year long internship approved by the State Board.

New rules adopted by the State Board pertaining to certification shall not become effective to the exclusion of prior rules until one year after adoption. The measure requires the Commissioner to report to the Legislature regarding teacher certification by February 1, 1979.

The new act limits all certificate extensions to five years effective July 1, 1979, and requires one-half of the training or experience claimed for certificate extension to be in the field in which an individual is assigned or certified. The remaining half may be in administration, guidance, exceptional education, or basic skills education.

The law provides that vocational teachers and other teachers who qualify for certificates on the basis of nonacademic preparation are entitled to all the contractual rights and privileges granted to other instructional personnel holding equivalent certificates, including equivalent salaries.

The requirement that a specified amount of each certificate fee collected shall be kept in the Professional Practices Council Trust Fund has been repealed. Membership of the Professional Practices Council has been changed by deleting representatives of the Department of Education, public community colleges, and the State University System and adding

a middle school teacher, a seventh secondary school classroom teacher, and a middle or junior high school principal.

The \$5 per full-time equivalent student designated for inservice training of educational personnel may be spent only for the direct support of inservice training activities as prescribed by law. Districts are required to file five-year master plans for inservice educational training with the Commissioner. It is further required that the plans be updated annually by April 1.

The act defines supervisors, principals, and professional administrative assistants in public school districts as administrative personnel. The definition of a school principal has been modified to include a building principal who is the administrative head of a school or an assistant principal who is assigned limited administrative and supervisory duties within a school. The Commissioner is required to make a study of the administrator-instructional ratio in each district and report to the 1979 Legislature with recommendations.

The measure includes definitions of full-time equivalent administrative and instructional personnel for community college funding purposes, with a procedure for converting part-time personnel to full-time equivalents. Provision is made for a community college administrator-instructional ratio study with results and recommendations to be reported to the 1979 Legislature.

A school library media services program plan shall be recommended by the district superintendent, and the program shall be established in the school district.

The act contains a repealer section which deletes from law the issuance of teaching certificates by type, rank, and class; the issuance of graduate certificates; and the requirement that school boards establish and maintain libraries.

All provisions of this act take effect July 1, 1978, except those providing for elimination of types, classes and ranks of teacher certificates which shall take effect July 1, 1979.

New Programs

SENATE BILL 958 (CHAPTER 78-416) amends several sections of the school code and adds new sections pertaining to new programs as follows:

1. The statutes relating to district and school advisory councils are amended to provide that schoolwide support groups meeting all the criteria established by law or rule may function as district and school advisory committees.

2. Provisions are made to implement an appropriation for educational improvement projects. Each district school board, or each principal through the district school board, may submit proposals for implementing an educational improvement project to the Commissioner. The proposals shall be developed with the assistance of the district and school advisory council

and may include any or all of the areas relating to school management improvement, district and school advisory committee improvement, school volunteers or any other area of school improvement developing a closer working relationship between school and community. The Commissioner is authorized to approve proposals in an amount not less than \$500 nor more than \$5,000.

3. The Department is directed to establish a system of diagnostic and learning resource centers for exceptional students to assist in providing medical, physiological, psychological, educational testing and other services designed to evaluate and diagnose exceptionalities, to make referrals for necessary instruction and services, and to facilitate the provision of instruction and services to exceptional students. Deleted are the references to the original 18 such centers. Diagnostic and learning resource centers are added to the list of categorical programs, and exceptional child support services are deleted as a categorical program. Specific sections in Chapter 229, F.S., relating to the original plan for establishing and operating regional diagnostic and resource centers are repealed (effective July 1, 1979), because of new provisions in this law relating to these centers which will go into effect at that same time.

4. In addition to the coordinating unit for instructional materials for visually handicapped, instructional materials are now to be provided for students with impaired

hearing. The Appropriations Act contains funds for this additional service.

5. The definition of a teacher aide was modified to provide that an aide is a paid person, and a new definition of school volunteer was added as any unpaid person who may be appointed by the school board or its designee to assist the teacher or other members of the school staff.

6. Continued full funding is authorized until 1984, under the Florida Education Finance Program, for the Concept Six Program in Palm Beach County for extended school year and any other school program specifically authorized by the Legislature.

7. The status of the student member of the Board of Regents is changed from a non-voting to a voting member.

8. District school boards are authorized to provide instruction to students in the use of voting machines, and the county commissioners are authorized to make available voting machines to the school board for use in such instruction and in student and school elections.

9. A new program of law education is created in the public schools to be administered by the Commissioner of Education in cooperation with The Florida Bar and other organizations and agencies pursuant to rules adopted by the State Board of Education. Each district school board, or each principal through the school board, may submit a proposal for implementing and conducting the law education program to the Commissioner for approval. Priority for approval will be for

projects to implement programs of law education in the elementary grades. Each project shall include: instruction in the rights and duties of citizens under the State and Federal Constitutions and laws; inservice training for teachers, administrators, and other personnel in law education; involvement of other governmental and private organizations in resources available for law education; information concerning the number of students and teachers involved, estimated costs and the number of years for which it is to be funded; and program evaluation at the end of the project. The Commissioner shall authorize distribution of funds for approved program from funds available to the Department of Education for law education programs.

COMMITTEE SUBSTITUTE FOR SENATE BILL 296 (CHAPTER 78-415) provides for the establishment of educational alternative programs throughout the state to meet the needs of students who are disruptive or unsuccessful in a normal school environment. The act stipulates that school districts may establish one or more educational alternative programs which may operate on a full-time or part-time basis. School districts are required to coordinate the programs with other local government agencies which provide services to juveniles or have jurisdiction over them. The act provides the parents or guardian of a student placed in an educational alternative program with the right to an administrative review of actions relating to such placement in accordance with the provisions of the Florida Administrative Procedures Act.

Industry Services Advisory Council

HOUSE BILL 251 (CHAPTER 78-20) increases the membership of the Industry Services Advisory Council in the Department of Education from seven to eleven members. Participation is allowed in training programs by community college boards of trustees in addition to district school boards. The service of teachers employed in such programs as temporary employees is not to be counted toward a continuing contract and any reference to the relationship of such service to allocation of Minimum Foundation Program funds is deleted.

District School Boards

SENATE BILL 343 (CHAPTER 78-86) amends the Florida Statutes relating to the powers and duties of district school boards by authorizing the boards to operate, control, and supervise all free public schools in their respective districts, and to exercise any power for educational purposes except as otherwise provided by State Constitution or law. "Educational purposes" are defined to mean any activity or power exercised in the establishment and maintenance of courses, classes, institutions, and services adequate to meet the educational needs of all citizens of the district.

HOUSE BILL 192 (CHAPTER 78-33) authorizes each district school board to establish the form or forms of school board warrants to be signed by the chairman, or in his absence, the vice-chairman and countersigned by the superintendent for disbursement of school funds from the authorized school

depository. It provides, when authorized in writing by the payee, that the warrant may be deposited in the payee account in any financial institution which is designated in writing by the payee when such institution has authority to accept such deposits. Direct deposit of funds may be made by electronic or other medium approved by the school board. The State Board of Education is required to adopt rules prescribing minimum security measures to be implemented by any school board prior to establishing this system.

Another bill became law relating to insurance for vehicular tort liability of school boards. SENATE BILL 152 (CHAPTER 78-192) clarifies the limits of school board liability for claims arising from school bus or other vehicular accidents. By deleting any reference to liability insurance this law will enable school boards to self-insure.

School Buses

SENATE BILL 146 (CHAPTER 78-104) provides for cooperative agreements between school districts and other public agencies for the use of public school buses for public purposes, including transportation of the elderly or the handicapped. The act provides for the reimbursement to school boards for the costs associated with the use of buses for public purposes and contains safeguards for liability protection.

Such buses used for nonschool purposes, other than the transportation of the elderly or the mentally or physically

handicapped, shall not use the flashing red lights and the "School Bus" inscription on the front and rear of such buses shall be covered or concealed. Governmental units or agencies operating in accordance with this law are exempt from the statutes requiring changes in school bus color or lettering for the transportation of persons other than school children. The new measure provides additional incentives to districts for the implementation of pilot projects in transportation by increasing the state share of funds for such projects from 50 percent to 75 percent, and eliminating the requirement for concurrence of transit authorities and private carriers before a project may be implemented. The new act also provides a formula for allocating funds to school districts to pay for student transportation by general purpose transportation systems.

SENATE BILL 312 (CHAPTER 78-128) amends and updates the formula for the distribution of public school transportation funds for students in Kindergarten through grade 12 and exceptional and vocational students. The formula has been modified by updating the elements therein to more nearly represent the actual cost of providing this service based on more recent cost data. The law also changes the method of computing the mileage factor from one-way mileage in the morning to one-half the mileage of the daily round trip, both for transporting pupils from home to school and return and mileage during the school day trips between schools. The Department of Education is required to annually recompute the

formula from the latest available data and submit the findings to the Legislature prior to each annual session. It also increases from 12 to 15 cents per mile the authorized allocation for passenger cars used to transport pupils.

SENATE BILL 152 (CHAPTER 78-192) provides that district school boards are liable for tort claims arising from incidents or occurrences involving school buses or other motor vehicles owned, maintained, operated, or used by them to transport persons to the same extent and manner as the state or any of its agencies or subdivisions is liable for tort claims under present law, except that the total liability for all of such claims arising from the same incident is limited to \$5,000 multiplied by the rated seating capacity of the vehicle or \$100,000, whichever is greater. The act further authorizes school boards to pay for insurance from school board funds, and to require evidence of adequate insurance from owners of vehicles used by the school board for transportation but not owned by the board.

School Buildings - Energy Efficiency

SENATE BILL 114 (CHAPTER 78-290) provides for the inclusion of an energy performance index and an analysis of energy efficiency in the State Uniform Building Code for public school construction. The index, to be developed by the Office of Educational Facilities Construction, will specifically define the minimum elements of the life cycle cost analysis with regard to energy efficiency. In computation of the life

cycle costs the Office shall develop standards based on the best available methods of analysis, including those of the National Bureau of Standards, the Department of Housing and Urban Development and federal agencies and professional societies, and materials developed by the Department of General Services and the Office. An annual updating of standards is required.

SENATE BILL 132 (CHAPTER 78-277) requires that each district school board shall, in the design of permanent educational facilities, consider adequate windows to utilize Florida's climate for both light and ventilation in case of power failure. District school boards shall also install solar energy systems in public schools when feasible.

School Student Placement, Instruction and Graduation

HOUSE BILL 2113 (CHAPTER 78-94) establishes due process procedures relating to the evaluation and placement of exceptional students in accordance with State Board of Education rules. The act provides for review of such placement at both the local and state levels, and brings Florida law into compliance with Public Law 94-142, the "Education for All Handicapped Children Act of 1975." This measure also requires nonpublic schools or community facilities providing exceptional student services to a district on a contractual basis to meet State Board of Education standards.

HOUSE BILL 914 (CHAPTER 78-306) permits public school students in grades 9 through 12 to be excused from regular

school attendance for up to one hour per day to participate in religious instruction at a place away from school property. To be excused for this purpose the student must make application to the school and, if he has not reached the age of majority, submit notarized written consent from his parents or guardian. Religious institutions which provide instruction under provisions of this law must maintain weekly attendance records and make them available to the public school each student attends. The act stipulates that parents or the religious institution are responsible for student transportation and liability during the release time. A school principal may deny a request for release time if a student has not enrolled in sufficient courses for promotion or graduation, if his grades are insufficient for promotion or graduation, or for nonattendance.

COMMITTEE SUBSTITUTE FOR SENATE BILL 571 (CHAPTER 78-424) establishes general requirements for high school graduation including the special requirements for the graduation of exceptional students, and clarifies that district exceptional student high school graduation requirements shall be based in part on minimum standards determined in a manner prescribed by rules of the State Board of Education. Special provisions for the testing of exceptional students are included. Certain exceptional students are exempted from the regular graduation requirements and are eligible to receive a special diploma upon meeting all applicable requirements established by the district school board. The act provides for

the confidentiality of assessment instruments and redesignates "Certificates of Attendance" as "Certificates of Completion." Repealed are the provisions of Subsection 232.245(3), F.S., relating to standards for progression from secondary schools which were scheduled to begin with the 1978-79 school year and which have been superseded by the requirements of this act.

Postsecondary Student Assistance & Student Fees

HOUSE BILL 1314 (CHAPTER 78-11) specifically authorizes the Department of Education to sell the outstanding promissory notes of the Florida Insured Student Loan Program (authorized by Sections 239.70-239.76, F.S.) to the federally created Student Loan Marketing Association, "Sallie Mae". In addition, the Department is directed to take any necessary action to comply with applicable federal regulations, including provisions for a repurchase agreement.

SENATE BILL 264 (CHAPTER 78-66) opens the Florida Student Assistant Grant Trust Fund program to students who are accepted by a Florida university, college, or community college which is accredited by the Council on Postsecondary Accreditation or whose credits are acceptable for transfer to state universities. In addition, the act limits the awarding of new grants to the amount of the student's unmet need for tuition and fees rather than for educational expenses. Those grants for current recipients shall continue to be based on the educational expenses criterion.

SENATE BILL 694 (CHAPTER 78-233) authorizes the elimination of student fees which are collected from state community college and university students as security for the bond receipts used to finance the Student Loan Trust Fund. However, this may be completed only upon the determination by the Division of Bond Finance of the Department of General Services and the Commissioner of Education that the fees are no longer required as security for such revenue bonds. In this event, any funds held in escrow must be reallocated to the institution in which the fees were initially generated to be used for student loan programs. This allocation can be made only after administrative expenses have been met and a financial aid data processing system has been purchased for the State University System.

COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION 960 represents the annual fee resolution submitted by the Board of Regents pursuant to Section 240.062, F.S. The resolution sets forth the types, amounts and use of registration fees, tuition fees and course fees to be charged and collected from students enrolled in the institutions of higher learning starting with the fall quarter of 1978. A waiver of tuition for non-Florida students is authorized in an amount not to exceed \$3,170,760 per year. The total amount of registration and tuition fees is not changed. However, reference to the Student Financial Aid Trust Fund Fee is deleted, and the 35¢ per credit hour previously collected as that fee is added to

the Activity and Service Fee. Further, the following provisions are made:

1. The distribution of the fees is contingent upon the repeal or modification of the law (Sections 239.671 and 239.71, F.S.) requiring the collection of fees deposited in the Student Financial Aid Trust Fund. (SEE CHAPTER 78-233)

2. Each student government association shall be responsible for the continued maintenance of salaries and benefits of career personnel currently supported by the Activity and Service Fee, provided that no new positions shall be funded by the fees after July 1, 1978 without the mutual consent of the university administration and student government associations.

3. The universities and the student government associations must ensure equity in the funding of women's intercollegiate athletics.

4. During the 1978-79 academic year each university, with its student government association, must negotiate the propriety of the fund source of each item currently supported by the Activity and Service Fee. The findings must be reported to the Legislature by the Board of Regents prior to March 1, 1979.

5. Activity and Service Fees generated by students of a branch campus must be allocated back to the appropriate branch campus to be budgeted and expended by the branch campus student government association.

The resolution further provides that prior to submission to the Board of Regents, each proposed project which is to be funded by the Capital Improvement Trust Fund Fee or the Building Fee shall be approved by the appropriate university president and the respective student government association.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 654 (CHAPTER 78-91) repeals provisions (Subsection 240.052(4)) allowing only one 60-day deferment of registration fees per calendar year for veterans and other eligible students in the state university or community college system; and specifies that these students be given one deferral of registration and tuition fees per academic year and additional deferments each time the transmittal of their benefits is delayed due to circumstances beyond their control. Both the Board of Regents and the State Board of Education shall enforce the collection of or otherwise settle delinquent accounts. Also eliminated are the currently required application form and promissory note.

SENATE BILL 1272 (CHAPTER 78-338) provides for the waiver of public postsecondary fees for any dependent child of a deceased member of the special risk retirement class who was killed in the line of duty. To further qualify, the student must be 24 years of age or younger and must meet the regular admission criteria. This waiver of fees applies to any area vocational-technical school or any other public vocational-technical postsecondary school, community college and the State University System.

Community Colleges

Under the provisions of HOUSE BILL 2113 (CHAPTER 78-94) Sarasota County is included within the Manatee County Community College District with the board of trustees of said district remaining at five members.

SENATE BILL 216 (CHAPTER 78-3) directs the State Board of Education to adopt rules to implement the limited access personnel records law for community colleges and adds the respective community college president to those persons who may authorize the release of these records.

State Universities

HOUSE BILL 1382 (CHAPTER 78-93) establishes the C.V. Whitney Research Laboratory for Experimental Marine Biology and Medicine to be located in Flagler and St. Johns Counties on a site and in facilities owned by the University of Florida Foundation, Inc. The act specifies the purposes of the laboratory with emphasis on human nutrition and disease prevention. The University of Florida is authorized, on behalf of the laboratory, to accept funds from governmental and private sources for support and maintenance of research activities, and to lease the facility from the University of Florida Foundation, Inc. without prior approval from the Florida Department of General Services.

HOUSE BILL 1045 (CHAPTER 78-208) specifically prohibits the merger of a 4-year degree-granting institution within the

State University System with any other institution without prior legislative approval.

SENATE BILL 669 (CHAPTER 78-293) directs the Florida Board of Regents to contract for the operation and maintenance of a statewide Data Bank on Older Floridians to serve as a resource for state legislative committees and local agencies dealing with the affairs of the elderly relating to health, financial conditions, housing, education, transportation, and service needs. This contract is to be with an institution or institutions of higher learning determined to be most qualified to perform these functions.

The Data Bank will bring together all existing information and put it on computer tape to be accessed for more comprehensive planning and future developments for the aged. Functions of the Data Bank are enumerated and include provisions for wide dissemination and publication of demographic, economic, health, educational, and social information and data about the elderly in Florida.

SENATE BILL 769 (CHAPTER 78-118) gives the same statutory authority to the Florida State University Law Review as has been previously granted the University of Florida Law Review. Thus, subject to approval by the Board of Regents, the Florida State University Law Review would have the privilege of granting reprint rights for its articles and materials; could sell stock and inventories of published issues; and could retain various proceeds from publications. Moneys retained by

the Florida State University Law Review are directed to be placed in the Florida State University Law Review Trust Fund.

ELECTIONS*

In contrast with the major revision of the Florida Election Code enacted in 1977 (CHAPTER 77-175), the 1978 Legislature passed seven substantive laws providing specific changes in the areas of: qualifying dates; return of campaign contributions; exemption of judicial candidates from qualifying fees in seeking retention of office; accessibility of polling places; voter registration regulations; records of the Election Commission; political parties endorsing a candidate prior to the primary election; and the date for county school superintendents to take office.

Campaign Finances; Election Comm. Records; Voter Registration

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1699 (CHAPTER 78-403) requires that contributions received by a candidate, campaign treasurer or deputy treasurer after the date a candidate withdraws or is defeated or elected shall be returned to the contributor. A political committee is required to return contributions received after the date of the General Election. Failure or refusal to return such contributions is a violation, misdemeanor of the first degree.

*Prepared by the staff of the House Committee On Elections

Expenses may be authorized and incurred so long as there are sufficient funds on deposit to pay the full amount and all other outstanding expenses, but payment must be made upon final delivery and acceptance of goods or services. Repealed is the provision (Subsection 106.14(1) F.S.) which placed the burden upon the vendor if full payment was not made at the time the expense (expenditure) was authorized or incurred.

If two or more persons are under investigation, the act requires that the Election Commission not publicly enter an order disposing of the findings until the entire case has been determined. If the confidentiality of any case is breached, the person(s) involved may waive the confidentiality. Also, a record of all pertinent matters shall be made of all Commission proceedings in which testimony or other evidence is demanded, and a certified transcript of all testimony at the hearing shall be furnished to a witness upon request and at his own expense, rather than just a transcript of his own testimony.

The act provides that after a general election has passed, an elector whose address has changed will not be required to submit an affidavit, but will be required to notify the supervisor in writing and will obtain a new voter identification card reflecting the change. The elector whose name has changed must notify the supervisor in person in order to retain his voting privilege. If an absentee ballot request from an absent elector is made indicating a change of address, the supervisor of elections is required to send the absent elector an absentee ballot for the new precinct in which he has

his permanent place of residence and must make the necessary changes in the registration books.

The act reinstates a provision making it the duty of an elector who has changed his place of residence or his name to notify the supervisor of elections of such changes; however, there is no penalty provided if the elector fails to notify the supervisor of the change.

In each odd-numbered year the supervisor of elections in each county in Florida is required to purge the voter registration books of all electors who did not vote in any election during the preceding four year period. These names are then temporarily withdrawn from the rolls and kept on file for an indefinite period of time. Passage of SENATE BILL 640 (CHAPTER 78-102) provides that the name of any elector temporarily withdrawn from the registration books shall be removed from such books if the elector fails to respond to the notice within three years from the date of last notice mailed to him, and shall be required to re-register in order to have his name restored to the registration books.

Candidate Qualification; Polling Places and Special Elections

COMMITTEE SUBSTITUTE FOR HOUSE BILL 448 (CHAPTER 78-188) extends the time that independent candidates and minor party candidates have to submit petitions to the supervisor of elections. Current deadline is June 12th (92nd day prior to the first primary), which will remain the deadline for party candidates using the alternative method of qualifying; and the

deadline for independent and minor party candidates will now be the last day for qualifying (49th day prior to the first primary). The supervisor of elections then has 30 days to certify the signatures. All candidates, whether petitioning or not, will still be required to file qualification papers, pay required fees, and take the required candidate's oath during the time prescribed for qualifying for office.

Section 101.171, F. S. is amended to provide that polling places shall be accessible to the public on the day of the election. The provisions of this section are made applicable to the computer method of voting with the stipulation that privacy be provided while the elector votes.

The act also allows local governments to hold special elections in conjunction with the second primary election to eliminate the need for an extra local election.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1294 (CHAPTER 78-260) removes the 3 percent qualifying fee requirement for candidates seeking to qualify for retention to judicial office. Retention provisions apply only to Justices of the Supreme Court and Judges of the District Courts of Appeal under a 1976 Constitutional Amendment.

Party Endorsements

State and county executive committees of any political party or any committees of such bodies are prohibited by HOUSE BILL 975 (CHAPTER 78-1) from endorsing or opposing any candidate of its party seeking nomination in a primary

election. Individual endorsements or oppositions are not prohibited provided such endorsement in no way indicates the member's position on, or connection with, a state or county executive committee. The U. S. District Court for the Southern District of Florida has held this law to be unconstitutional, but the ruling is under appeal.

School Superintendent Terms

SENATE BILL 480 (CHAPTER 78-321) changes the term of office for the superintendent of schools in each county from the first Tuesday after the first Monday in January following the General Election to the second Tuesday after the General Election. This makes concurrent the dates when both the superintendent and school board members take office in order to provide for a quicker and easier transitional period. The terms of the present superintendents will now end in November instead of January.

1978 Second Primary Date

Due to a conflict with the Jewish holiday, Yom Kippur, which begins at sundown on October 10th, the second primary election in 1978 is moved from Tuesday, October 10 to Thursday, October 5th by SENATE BILL 837 (CHAPTER 78-239).

HEALTH AND REHABILITATIVE SERVICES*

Legislation related to health and rehabilitative services enacted during the 1978 Session includes a wide variety of measures. New or improved programs designed to respond to cancer, diseases of childhood, and other medical problems are authorized. Regulatory legislation affecting the hearing aid industry, abortion clinics, and the use and handling of radioactive materials in medicine and industry was passed. Informed consent before the use of electroconvulsive shock therapy will be required. In the area of social services, an extensive revision of statutes affecting family services was approved, and expanded programs to address the problem of spouse abuse have been authorized.

Health Care Programs

COMMITTEE SUBSTITUTE FOR SENATE BILL 169 (CHAPTER 78-171) provides for increased patient access to hospital records, establishes a statewide cancer registry program, and requires hospitals to offer tests for cervical and breast cancer to most adult female patients. Hospitals will be required to allow discharged patients or their agents to have access to original

*Prepared by Senate Committee on Health & Rehabilitative Services

records, except certain psychiatric records, and to furnish copies of records upon request. Hospitals will also be required to report information on cases of cancer to the Department of Health and Rehabilitative Services. The establishment of a confidential, statewide central registry of information on cancer cases is mandated, for use in medical research and medical education. A plan for annual follow-up on cancer patients must be submitted by the Department to the Legislature by April 1, 1979, and provision is made for the functional apportionment of any funds appropriated for the registry program. Hospitals will also be required to offer, in writing, examinations for cervical and breast cancer to any female patient 18 years of age or over unless the tests are considered contraindicated or inappropriate by the attending physician, or unless the patient has been tested within the previous twelve months.

SENATE BILL 552 (CHAPTER 78-331) mandates pilot projects to test methods of preventing chronic diseases, provides for prepaid health care demonstration projects for Medicaid patients in local health units, and provides for assistance to medically underserved communities in recruiting needed medical manpower. The Department is required to establish at least three pilot programs to test methods of chronic disease control, community health education, or a combination of the two, and to evaluate such programs. The Department is also authorized to contract with local health units to conduct prepaid care demonstration projects to serve Medicaid patients.

Local health units conducting such demonstration projects are exempted from the provisions of the Health Maintenance Organization Act (Part II, Chapter 641, F.S.). The number of demonstration projects is limited to not more than three prior to July 1, 1980. The law also requires the Department to serve as a medical manpower clearinghouse to collect and distribute current information pertaining to medical manpower needs and availability, and to contract with an outside entity to recruit health care providers to relocate in underserved areas. An appropriation of \$40,000, from the General Revenue Fund to the Department is provided.

SENATE BILL 798 (CHAPTER 78-294) mandates Medicaid coverage for the services of a certified nurse midwife. The act also provides that third party coverage for medical services is primary and shall be exhausted before Medicaid payments are made to providers of services to Medicaid recipients. Public assistance applicants or recipients are to keep the Department informed of any entitlement to third party payments for medical services, and the Department is authorized to seek the fullest recovery possible from appropriate sources of payments made on behalf of such persons. (SEE HOUSE BILL 2011, CHAPTER 78-433)

SENATE BILL 1276 (CHAPTER 78-245) provides that screening for hereditary and congenital disorders in addition to metabolic disorders of infants born in Florida may be required by rule of the Department, if the parent or guardian does not object in writing. The measure also provides for

screening of school children for scoliosis (curvature of the spine.) For these purposes the Department is granted additional powers for providing necessary laboratory test and materials; informing the public on the prevention and management of such disorders; and making available genetic studies and counseling. The act also provides for the creation of an Infant Screening Advisory Council to supply technical advice on the screening program. The provisions of this act will go into effect January 1, 1979.

COMMITTEE SUBSTITUTE FOR SENATE BILL 215 (CHAPTER 78-106) revises outdated statutes relating to programs for crippled children. The law creates the Children's Medical Services Act and provides for a Children's Medical Services Program to be administered by the Department. The program emphasizes care for needy children with chronic, crippling or potentially crippling and physically handicapping diseases. Certain individuals below 21 years of age, women with high-risk pregnancies, and, in certain circumstances, persons over 21 with long term chronic diseases, are eligible for medical services. The Department is required to determine the financial ability of recipients of services. In conducting this program, the Department is authorized to designate patient care centers; to employ medical staff; to initiate agreements with other state or local governmental programs or institutions for coordination of medical care; to appoint a director; and to conduct research. Annual reports are to be made by the Department to the Governor and the Legislature.

HOUSE BILL 1887 (CHAPTER 78-358) provides for greater involvement of the Department in the diabetes program. The act mandates establishment of a statewide surveillance and monitoring system for diabetes mellitus, and also provides that General Revenue funds may be used to help pay the costs of the diabetes program. The membership of the Diabetes Advisory Council is increased from 15 to 17 to include one representative from the Children's Medical Services Program and one professor of nutrition.

Unconventional Drug Therapy

SENATE BILL 699 (CHAPTER 78-129) prohibits hospitals and health facilities from removing the staff privileges of a physician solely because that physician prescribes or administers dimethyl sulfoxide (DMSO) to a patient upon that patient's request; and prohibits hospitals from restricting or forbidding use of the drug under these same circumstances. The act would also prohibit a physician's professional licensing board from taking disciplinary action against him for prescribing or administering DMSO. Such actions would be warranted if the substance were determined by administrative hearing of the appropriate board of medical examiners to be harmful. The physician is required to inform the patient of alternative methods of treatment and whether DMSO has been approved by the Food and Drug Administration as a treatment for the disorder for which it is being prescribed. Whereupon, the patient is required to provide a written release of liability

to the physician and facility pending administration of the drug.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1237 (CHAPTER 78-413) creates the Controlled Substances Therapeutic Research Act for research in using cannabis to treat glaucoma and the ill-effects of cancer chemotherapy under strictly controlled circumstances. The Secretary of the Department will appoint a Patient Qualification Review Board to certify patients, practitioners, and state-operated licensed pharmacies for program participation. The Secretary of the Department will procure and transfer the cannabis to certified pharmacies, and in conjunction with the Board report annually results of the program to the Governor and Legislature. The measure reclassifies cannabis in the lists of controlled substances.

Post Mortem Procedures

HOUSE BILL 935 (CHAPTER 78-34) defines autopsy and authorizes customarily removed tissues to be retained and used for evidentiary, identification, diagnostic, scientific and therapeutic purposes. The act authorizes consent for a autopsy to be given by telephone when obtaining written consent would cause undue delay.

HOUSE BILL 1042 (CHAPTER 78-191) authorizes a district medical examiner's appropriately qualified designee to remove corneal tissue for use in transplant.

HOUSE BILL 129 (CHAPTER 78-9) authorizes the physician who is last in attendance to a deceased person, in addition to

the physician in charge of the patient's care, to certify the cause of death.

Health Care Facilities

SENATE BILL 764 (CHAPTER 78-194) requires the Department to provide notice by July 15, 1978, to any health care facility project considered exempt or grandfathered under the Health Facilities and Health Services Planning Act. (Sections 381.493 - 381.497, F.S.). The act also allows any exempt or grandfathered project to reduce the number of authorized beds without prior approval by the Department. Two changes are made that are necessary for compliance with federal health planning standards: (1) Expedited consideration of applications for a certificate of need to rebuild a health care facility destroyed by fire, civil disturbance or act of God will replace automatic granting of such certificates; and, (2) A grandfather clause, exempting from certificate of need requirements certain projects for which land was acquired and preliminary plans filed prior to July 1, 1973, or ambulatory surgical center constructed or in operation by January 1, 1976, will be repealed as of July 1, 1979.

SENATE BILL 601 (CHAPTER 78-115) redefines the term "local agency" to include "municipality" and thereby permits each city to form a health facilities authority under the Health Facilities Authorities Law (Part III, Chapter 154, F.S.). This measure further provides that no certificate of need is prerequisite to the validation and issuance of

refunding or refinancing bonds issued pursuant to the Law and retroactively validates all bonds issued and proceedings held prior to this amendment.

HOUSE BILL 2101 (CHAPTER 78-314) authorizes the Shands Teaching Hospital at the University of Florida to establish a capital construction trust fund. At the end of each fiscal year, unexpended and unencumbered hospital funds, except for one month's operating reserve, will be transferred to the capital construction fund and used for projects approved by the Legislature.

Licensure and Certification of Facilities and Persons

COMMITTEE SUBSTITUTE FOR SENATE BILL 185 (CHAPTER 78-325), relating to the fitting and selling of hearing aids, adds measures to improve the standards for licensure of hearing aid dispensers and to maintain a higher standard for those already licensed, to protect the consumer, and to give the Department needed authority in order to enforce the law. After academic course work has been offered in the area of fitting, selling and servicing of hearing aids in the state for two years, the academic study shall replace stages I and II of the current apprenticeship period. Up until the two year period, the current method of apprenticeship is acceptable. The act provides for certain registration fees, qualifying examination and for imposition of administrative fines for certain causes. Continuing education is required for all licensed dispensers.

As a means of consumer protection, the law requires audiometric examinations to be conducted in approved areas unless waived in writing by the consumer, canvassing from house to house or by telephone is prohibited, and information concerning guarantees and consumer complaints is required to be provided to the consumer. So that the Department can have greater recourse when dealing with persons who are violating the law, the Department is given the authority to impose administrative fines and issue cease and desist orders. Injunctive relief is also provided. Finally, in order to assist the state in matters relating to the fitting and selling of hearing aids, a six member advisory council is created.

SENATE BILL 1220 (CHAPTER 78-382) provides that the Department shall have the authority to develop and enforce standards for the health, care, and treatment of persons obtaining services in abortion clinics. Rules may be adopted establishing minimum standards for the care of clients of an abortion clinic, the availability of aftercare services, and transportation to a licensed hospital of patients requiring emergency medical services. The act provides for annual licensure of abortion clinics and requires clinics to pay an annual license fee. Inspections shall be made of each clinic prior to licensing, and penalties for violations of the act's provisions are established.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1089 (CHAPTER 78-336) requires that adult day care centers, except those specifically exempted by this act, be licensed by the

Department. To procure this license, the applicant must submit an application and fee not exceeding \$75, furnish proof of financial ability to operate, and furnish proof of adequate liability insurance coverage. Standards for licensure and operation of facilities or centers are to be established by the Department within one year of the effective date of the legislation. An ad hoc committee is to assist the Department in formulating the rules and standards and any major revisions to them. The procedures and requirements by which the licensure shall be carried out are delineated in the law. Licensure misrepresentation is made a misdemeanor of the second degree, but centers are exempted from the licensing requirements of public food service establishments.

SENATE BILL 706 (CHAPTER 78-373) names the Department of Health and Rehabilitative Services (instead of the Department of Commerce) as the radiation protection agency in Florida, giving the Department authority to license nuclear facilities, collect fees, and enjoin unlicensed activities through the "Florida Radiation Protection Act." It is also given authority to inspect construction plans, conduct onsite inspections, and provide training programs for operators. The Governor is given the power to contract with the federal government and enter into agreements with other states regarding radiation usage. In order to protect the public health and safety, the Department can require adequate records be kept of receipt, storage, use, transfer or disposal of sources of ionizing radiation; issue emergency orders; impound materials and

require licensees to post bonds against default or abandonment and make quarterly payments to a perpetual care trust fund. Sections 290.01 - 290.19, F.S., dealing with the Florida Nuclear and Space Council as advisory to the Department of Commerce in matters pertaining to ionizing radiation are repealed.

COMMITTEE SUBSTITUTE FOR SENATE BILL 346 (CHAPTER 78-87) requires the temporary suspension of the license of a licensed physician without a hearing when the practitioner is charged by an organized medical staff (as defined) with immoral or unprofessional conduct, incompetence, negligence, willful misconduct, or the failure to conform to the standards of acceptable and prevailing medical practice in his area of expertise, and the evidence in support of the violation meets a certain standard. The law also requires a temporary suspension when such charges are to be preferred before the Board by other than an organized medical staff. A full hearing must be held within 60 days of the temporary suspension.

COMMITTEE SUBSTITUTE FOR SENATE BILL 992 (CHAPTER 78-383) requires the Department to license Certified Radiologic Technicians (CRTs). The use of x-rays on human beings is limited to diagnostic and therapeutic purposes by licensed health and medical practitioners and by CRTs under their supervision. The act establishes qualifications for CRTs, requires their examination, provides for temporary certification in some instances, and authorizes grandfathering of certain practitioners. The law exempts certain persons and

provides for applications and fees for licensing. Disciplinary procedures are established and criminal penalties are provided for violations.

SENATE BILL 512 (CHAPTER 78-292) revises Chapter 482, F.S., relating to pest control. In addition to revising outdated language and clarifying existing provisions of the law, a number of minor changes in licensing and certification requirements for pest control operators and businesses are made. A significant addition to the law is a requirement that structural pest control licensees carry certain levels of insurance coverage for bodily injury and property damage. Enforcement of pest control laws is assigned to the Office of Entomology under the Assistant Secretary for Operations of the Department. A grandfather clause exempts persons holding current pest control operator's certificates and special identification cards from additional requirements for qualification under this act.

HOUSE BILL 1508 (CHAPTER 78-356) is Sunset legislation which revises and reenacts state regulation of public swimming pools and bathing places (Chapter 514, F.S.). In addition to deleting or updating obsolete language the measure authorizes the Department to supervise safety in public swimming pool and bathing place structures and operations, as well as to sanitation and health related functions. Water recreation attractions and therapy devices such as whirlpools, not connected with medical or physical therapy establishments, are included in the definition of public swimming pools and bathing

places. The Department is authorized to issue operating permits and establish a fee schedule. Local health units are to review construction applications and plans, conduct inspections, issue permits, maintain surveillance and investigate complaints under authority delegated by the Department.

Mental Health

SENATE BILL 1098 (CHAPTER 78-197) changes the procedure for involuntary hospitalization of persons adjudicated not guilty by reason of insanity. The act provides that the committing court retains jurisdiction and must approve the release of any patient committed pursuant to an insanity verdict. It affords the right to a release hearing before the committing court to both the patient and the State Attorney. This law substantially restores Section 394.467, F.S., to its form prior to amendments made by Chapter 77-312, Laws of Florida, which were declared unconstitutional.

HOUSE BILL 2035 (CHAPTER 78-434) amends chapter 394, F.S., relating to mental health, by requiring that a medical discharge summary of the clinical record of any patient committed to, or to be returned to, the Department of Offender Rehabilitation (DOOR) from the Department of Health and Rehabilitative Services (DHRS) shall be released to the DOOR without charge upon request. The DOOR shall treat such information as confidential. Additionally, the act establishes children's residential and day treatment centers under the

DHRS. The purposes of such centers are provided, and authority is given to the Department for the development of centers and programs within limitations of appropriated funds. The measure provides for voluntary admission to centers and outlines application procedures. Children twelve years old and older may volunteer for treatment without parental consent. The law outlines procedures for involuntary admission of severely disturbed children and provides for judicial review. The enactment establishes routines for the transfer of records and patients, provides for patient discharge and sets fees for care and treatment and age limitations for admission to the centers.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1014 (CHAPTER 78-335) amends Florida's mental health laws with respect to informed patient consent for certain treatment procedures. It requires that in each case of utilization of electroconvulsive or psychosurgical procedures, prior written consent shall be obtained from the patient or his guardian. Common side effects, alternative treatment modalities, and approximate number of procedures shall be disclosed to the patient or his guardian. Before electroconvulsive therapy or psychosurgery may be administered, the patient's record shall be reviewed and the treatment agreed to in writing by one other physician as well as the attending physician.

Social Services

HOUSE BILL 2011 (CHAPTER 78-433) revises and updates Chapter 409, F.S. The act removes or corrects outdated

language and provisions, and transfers certain provisions to more appropriate locations in the statutes. The Department is identified as the state agency responsible for administration of social service funds under Titles XIX and XX of the Social Security Act. A program of emergency facilities to provide for the shelter and care of dependent children is mandated. Monthly payments for mandatory supplementation and optional supplementation are established. The Department is required to adopt rules for emergency disaster relief programs assigned it through two federal acts: The Disaster Relief Act of 1974 and the Food Stamp Act of 1977. Certain provisions which relate to social and economic services programs affected by federal law are clarified. Provisions relating to dependent children and their families are revised. The law provides that third party coverage for medical services is primary and shall be exhausted before Medicaid payments to providers are made. Medicaid coverage for the services of a nurse midwife is mandated. (SEE SENATE BILL 798, CHAPTER 78-294)

SENATE BILL 235 (CHAPTER 78-44) amends a section of the Florida Crimes Compensation Act (Chapter 960, F.S.) which authorizes emergency awards to claimants prior to action being taken on a claim under certain conditions. This amendment provides that persons receiving social security benefits are eligible for such emergency awards.

Abuse of Spouses and Children

THE COMMITTEE SUBSTITUTE FOR SENATE BILL 649 (CHAPTER

78-281) requires the Department to establish standards for certifying spouse abuse centers, to approve or reject applications for the establishment of such centers, and to disburse funding to approved centers. The Department is authorized to participate in spouse abuse research programs with other governmental agencies and medical institutions and to carry on educational programs in cooperation with public and voluntary agencies. In order for a spouse abuse center to receive state funding, it must receive 25 percent of its total funding from local sources. No center is permitted to receive more than \$50,000 in state funding. The money for funding spouse abuse centers is to be generated by a \$5 increase in the marriage license fee required by this law. All information obtained by spouse abuse centers is to be confidential. Law enforcement officers may advise persons of the existence of spouse abuse centers. An annual report by the Department to the Legislature on the spouse abuse center program is required by the act.

SENATE BILL 1176 (CHAPTER 78-322) requires the Department, upon receipt of a report that a child may have been criminally abused, to immediately and orally notify the State Attorney or the local law enforcement agency who may assist in investigation of the case. The act also requires the court to appoint a guardian ad litem for any child party to a child-abuse proceeding either from the Office of the Public Defender or, in the event of conflict of interest, on a rotating basis

from among members of the Bar who have indicated their availability to the Public Defender of each circuit.

Programs for People with Special Needs

SENATE BILL 248 (CHAPTER 78-362), relating to the subsidized adoption program for special needs children, provides that the Department may continue to pay monthly support and maintenance subsidies to the adopting parents until the 18th birthday of the child rather than for a period not to exceed three years.

SENATE BILL 628 (CHAPTER 78-333) amends several provisions of law dealing with building construction standards for accessibility by physically handicapped people. The requirements for new buildings are altered to mandate accessibility at each floor unless specifically excepted. The language of the law is changed to clarify that the specifications on accessibility apply only when accessibility is required. Several changes are made in the exceptions to the requirements on accessibility. Buildings in which facilities used by the public are accessible to the handicapped are exempted at levels where no elevators are provided. Residential two-story and three-story buildings of less than 49 units will be required to provide 25 percent of the units which are accessible. Accessory facilities in such residential buildings must also be accessible. Duplexes are exempted. A handrail exemption is provided for certain ramps. Individual modification or exemptions from these accessibility

requirements may be granted under criteria set by the Florida Board of Building Codes and Standards upon determination of unnecessary or extreme hardship and after review by a designated advisory committee.

HOUSE BILL 1927 (CHAPTER 78-359) establishes a Special Pilot Program of Interpretation Services for the Deaf in District V of the Department in close coordination with the Pinellas Vocational Technical Institute. The measure provides an appropriation of \$48,050 and specifies its manner of expenditure. A departmental evaluation of the project is required after two years for review by the Legislature to determine if such services should be continued or expanded.

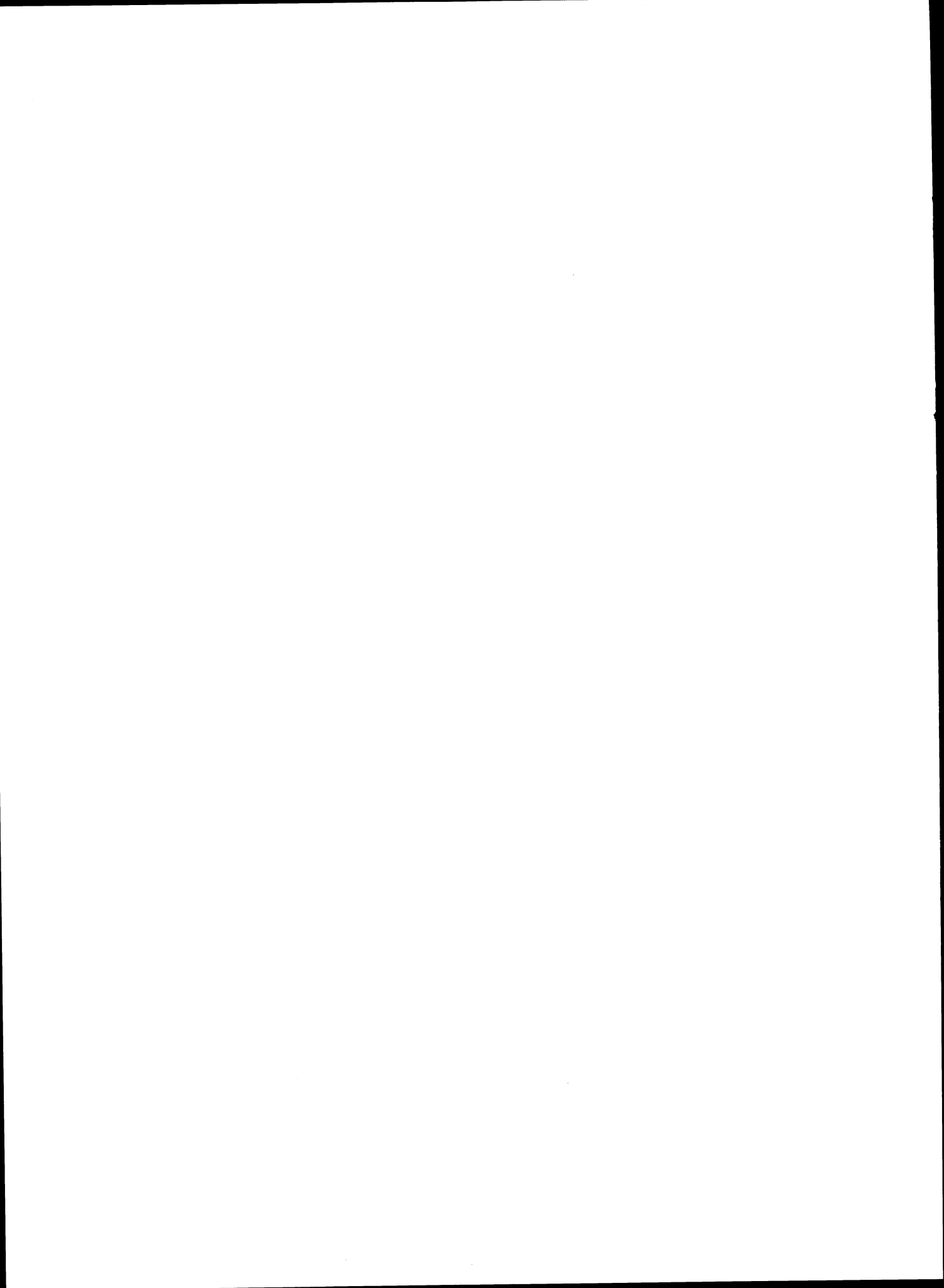
Departmental Administration

HOUSE BILL 2180 (CHAPTER 78-440) directs the Department to conduct a one-year pilot project to determine the feasibility of increasing Medicaid hospital outpatient service benefits to eligible recipients through local agency contributions. Annual maximum payments for such services will be \$500 for each recipient, with payments of the first \$100 from General Revenue and federal trust funds and the next \$400 made from local agency and federal funds. Counties, municipalities, and hospital districts will be required to contribute 50 percent in funding such services above \$100; however, the maximum amount required to be contributed by such units will be limited to the amount expended by the unit for hospital outpatient services during its latest complete fiscal

year ending before January 1, 1978. The pilot project will be evaluated by the DHRS and results reported to the Legislature. Provision is made for the withholding by the Department of Banking and Finance of any funds due a local agency which has failed to remit to the Department of Health and Rehabilitative Services within 30 days of billing. A schedule is provided for advance payment by local agencies to the DHRS, and the Secretary of the Department of Administration is to monitor the rate of expenditures and take necessary action including discontinuance of the pilot project.

SENATE BILL 609 (CHAPTER 78-332) amends several sections of Florida Statutes to require that client fee collections in various programs of the Department of Health and Rehabilitative Services shall be made in accordance with Section 402.33, F.S., relating to departmental authority to charge fees for services.

SENATE BILL 405 (CHAPTER 78-408) provides for release of records maintained by the Department to the Division of Risk Management, Department of Insurance, when such records are necessary to investigate a claim against DHRS.



INSURANCE*

The 1978 Regular Session of the Florida Legislature addressed the issue of motor vehicle insurance by enacting SENATE BILL 1308 (CHAPTER 78-374) and strenthened the anti-insurance fraud law by giving agents of the Division of Insurance Fraud of the Department of Insurance arrest powers and by expanding the funding of the Division through passage of SENATE BILL 955 (CHAPTER 78-258). The operation of the Florida Medical Malpractice Joint Underwriting Association was extended for another three years, a reporting statute was enacted for products liability insurers, and the state regulatory power over fire extinguishers and sprinkler systems was strengthened.

Insurance, Generally

SENATE BILL 49 (CHAPTER 78-35) prohibits discrimination against persons with the sickle-cell trait in the issuance of, or charges for, disability or life insurance; and in the issuance of, or charges for, hospital medical surgical, or health maintenance organization service contracts. It also prohibits all employment discrimination againt persons with the trait, and prohibits mandatory screening for the trait as a

*Prepared by the staff of the House Committee on Commerce

condition of employment, admission into state or state-chartered educational institutions, or eligibility for adoption.

SENATE BILL 223 (CHAPTER 78-248) empowers the Department of Insurance to approve special life and disability insurance policy forms providing for reduced premiums for each applicant passing a rigorous physical examination.

SENATE BILL 589 (CHAPTER 78-114) permits insurance companies to invest in bonds or other evidences of indebtedness issued by the State of Israel.

HOUSE BILL 1180 (CHAPTER 78-64) removes the requirement that insurers may only invest in building and loan and savings and loan associations to the extent that such investment is insured by the Federal Savings and Loan Insurance Corporation.

Automobile Insurance

COMMITTEE SUBSTITUTE FOR SENATE BILL 1308 (CHAPTER 78-374) was the most significant piece of automobile insurance legislation passed by the 1978 legislature.

The law, which goes into effect on January 1, 1979, expands the scope of the requirement to carry personal injury protection (PIP) insurance coverage, so that it includes all self-propelled vehicles with at least four wheels licensed for use on the highways of this state, and any trailer or semi-trailer designed for use with such vehicle, except for a mobile home. The required PIP coverage is increased from \$5,000 to \$10,000, and the maximum deductible required to be offered is

increased to \$8,000. The new tort threshold is more restrictive. In order to sue for pain and suffering, the injury must consist of: (a) significant and permanent loss of an important bodily function; (b) permanent injury within a reasonable degree of medical probability; (c) significant and permanent scarring or disfigurement; or (d) death.

The collateral source rule is expanded somewhat. In any action for personal injury or wrongful death arising out of a motor vehicle accident, the court must instruct the jury to deduct from its verdict any amounts received by the claimant from collateral sources. The law deletes the requirement that the court admit into evidence any amount paid by the claimant to secure such collateral source.

Under the provisions of the law, commercial motor vehicles would have to provide PIP benefits for accidents occurring inside the State of Florida. If a commercial motor vehicle is involved in an accident, any insurer providing PIP protection on a private passenger vehicle, which has paid benefits to a pedestrian or occupant of the commercial vehicle as a result of the accident, would have a right of reimbursement for PIP benefits from the commercial carrier.

The Department of Insurance is directed to review rates for all motor vehicles and order a new rate schedule if rates are found to be excessive, inadequate or unfairly discriminatory. The review would commence within 30 days after January 1, 1980. The law creates Section 627.343, F.S., which requires the Department to establish a uniform statewide

reporting system to classify risks for the purpose of evaluating rates and premiums, and for the purpose of evaluating competition and availability of motor vehicle insurance in the voluntary market. The classification may differentiate between groups and territories if the difference in losses and expenses can be demonstrated. Each insurer is required to file certain information on each risk classification with the Department on an annual basis. The Department may promulgate rules to require insurers to report their loss and expense experience by risk classification. Section 627.342, F.S., regarding risk classification reporting is repealed. Subsection 627.735(2), F.S., which currently provides that motor vehicle liability insurance policies are deemed to satisfy the financial responsibility laws of other states, is also repealed.

SENATE BILL 392 (CHAPTER 78-31) amends the motor vehicle insurance cancellation law by redefining "nonpayment of premium" to include failure to maintain membership in an organization if such membership is a condition precedent to insurance coverage and if such organization does not constitute a fictitious grouping in violation of Section 626.973, F.S.

SENATE BILL 68 (CHAPTER 78-75) prohibits an insurer from considering a person's on-the-job driving record while employed by a local transit system when setting rates for or renewing any personal auto liability policy.

SENATE BILL 245 (CHAPTER 78-50) provides that the experience of a person while operating a vehicle or train as a

public conveyance on fixed rails, or acting as crew member of such train, shall not be a factor in setting such person's motor vehicle liability insurance rates, or in cancelling or non-renewing such personal motor vehicle liability insurance.

HOUSE BILL 405 (CHAPTER 78-377) amends Subparagraph 626.9541(15)(c)5, F.S., so that an insured who is involved in an automobile accident need only show that he was not convicted of a moving traffic violation in connection with the accident to avoid a surcharge on his automobile insurance premium.

Another bill became law relating to insurance for vehicular tort liability of school boards. SENATE BILL 152 (CHAPTER 78-192) clarifies the limits of school board liability for claims arising from school bus or other vehicular accidents. By deleting any reference to liability insurance this law will enable school boards to self-insure.

Medical Malpractice

SENATE BILL 481 (CHAPTER 78-47) extends the operation of the Florida Medical Malpractice Joint Underwriting Association by three years, or until July 1, 1981. Subsection 627.351(7), F.S., formerly provided that the Association would expire three years from the date of its adoption by the Department of Insurance. The Association would therefore have expired on July 1, 1978. If this had been permitted to happen a significant number of physicians, other health care professionals, and hospitals would have been left without medical malpractice coverage.

This act removes the Insurance Commissioner from the Board of Governors of the Florida Medical Malpractice Joint Underwriting Association/Florida Patient's Compensation Fund, thus eliminating a possible conflict of interest since the Insurance Commissioner is responsible for reviewing rate proposals made by the Board of Governors. It also provides a method whereby the Board of Governors will certify to the Department of Health and Rehabilitative Services whether each hospital in the state is in compliance with the financial responsibility requirements. Without the proper certification DHRS cannot issue or renew a hospital license.

The act deletes the requirement that fund moneys be invested for periods of less than three years, which will enable the fund to make more profitable investments. The definition of ambulatory surgical center has been amended to conform with the licensing definition of such centers which is contained in Chapter 395, F.S.

A provision was included in the original 1975 law (Chapter 75-9) allowing hospitals whose coverage had been terminated during the Legislative Session to request back-dated coverage from the Florida Medical Malpractice Joint Underwriting Association after the implementation of the law on July 1, 1975. This 1978 act deletes this provision since it is no longer necessary. Finally, this new act clarifies a number of terms including "other medical facility," "base fees," "additional fees," "refunds" and "assessments."

SENATE BILL 486 (CHAPTER 78-113) provides for the inclusion of podiatrists on the list of physicians who may serve on medical liability mediation panels.

Insurance Fraud

SENATE BILL 955 (CHAPTER 78-258) amends Subsection 20.13(4), F.S., to change the name of the Division of Fraudulent Claims of the Department of Insurance to the Division of Insurance Fraud, and conforms references to the Division in Section 626.989, F.S. The act provides that insurance fraud investigators may not be subpoenaed to testify in civil actions about matters of which they have knowledge pursuant to a pending Division fraud investigation. The Division's investigators are given the power to make arrests for criminal violations of the Insurance Code. Investigators will not, however, be empowered to carry firearms or other weapons in the performance of their duties. The act provides that the Division shall be funded by an assessment on all fire and casualty insurers in the state, rather than by an assessment on motor vehicle insurers as provided by the 1977 law (Chapter 77-468).

Subsections (8) and (9) of Section 627.7375, F.S., are amended to include within their "anti-running" prohibition the soliciting of personal injury protection benefits claims. The act also amends Section 627.7375(9), F.S., which prohibits soliciting by attorneys, to specify that the provisions of this section do not prohibit advertising by attorneys which is

permitted by the Code of Professional Responsibility as promulgated by the Florida Supreme Court.

Products Liability

SENATE BILL 500 (CHAPTER 78-224) creates Section 624.433, F.S., which requires insurers writing products liability insurance to make an annual report to the Department of Insurance. Stated generally, this report must include information on premiums written, earned and unearned; paid claims; incurred claims; closed claims; loss reserves; reserves for claims incurred but not reported; losses paid as percentages of amount reserved for losses; investment and underwriting gain or loss; actual expenses; and claims and settlement information. The Department is required to summarize this information in its annual report.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1190 (CHAPTER 78-418) makes a technical change in Section 95.031, F.S., to make it clear that products liability actions must be begun within 12 years of the date of delivery of the product to the original purchaser, or within 12 years of the date of commission of the alleged fraud. It also provides that no product liability insurer can be joined as a party defendant unless the insurer intends to raise a policy or coverage defense. Each product liability insurer which may be liable in an action filed with the court is required to file a sworn statement which must disclose the name of the insurer and each insured, the limits

of liability coverage, and any policy or coverage defenses available to the insurer.

After a verdict is rendered, or if the case is tried without a jury, after final judgment, the insurer may be joined as a party and judgment may be entered based upon the sworn statement. The rules of discovery are available under this section to discover the existence of liability insurance and its provisions.

State Fire Marshal

SENATE BILL 754 (CHAPTER 78-149) requires insurers to release information, upon request, to the State Fire Marshal or his agent with respect to any fire loss. Insurers must notify the Fire Marshal when the insurer suspects that the loss was due to incendiary means. Insurers who release information to the Fire Marshal under this law shall not be liable for damages in a civil action or subject to criminal prosecution for any oral or written statement, in the absence of fraud or malice. The State Fire Marshal is required to keep specified records concerning fire investigations confidential until the investigation is complete; exemptions to such confidentiality may be made under certain conditions. The effective date of this act is delayed until January 1, 1979.

SENATE BILL 311 (CHAPTER 78-141) revises and reenacts certain provisions of Chapter 633, F.S., relating to fire extinguishers and sprinkler systems. Pursuant to this chapter, the Division of State Fire Marshal, Department of Insurance,

issues four classes of fire extinguisher servicing licenses and permits to businesses and technicians. This law eliminates class D licenses and the corresponding class 4 permits. The prerequisites for the initial issuance of business licenses are: (a) payment of the fee; (b) registration of a corporate or fictitious name; (c) inspection by the Division; (d) submission of evidence of liability insurance coverage; and (e) successful completion of the permit examination and training course prescribed or approved by the State Fire Marshal. The new act requires current licensees and permittees to complete continuing education courses established or approved by the State Fire Marshal prior to license renewal on January 1, 1981.

The prerequisites for issuance of permits to technicians are: (a) payment of the fee; (b) completion of a course of study; (c) passage of a written and practical examination. Licensed plumbers are no longer exempt from certification requirements to work on fire sprinkler systems. The use of inverting water-type fire extinguishers will be phased-out over a five-year period of time (by July 1, 1983). The sale, offer to sell, or gift of any toxic or poisonous vaporizing liquid fire extinguisher or any fire extinguisher which lacks a permanent serial number is unlawful. The Division of State Fire Marshal, instead of a private testing service, must administer the sprinkler certification examination. Certificate holders who can produce before July 1, 1979, satisfactory evidence of having been actively engaged in this occupation prior to June 30, 1978, will not be required to take

and pass such an examination. All others shall be required to do so before July 1, 1980, in order to renew such certificate.

Finally, the act makes it unlawful and a first degree misdemeanor to intentionally or willfully render a fire extinguisher system inoperative; obliterate the serial number for purposes of falsifying certain records; improperly service, recharge, repair, test, or inspect a fire extinguisher or system; use the permit number of another person; hold a permit and allow another to use the permit number; or use or permit the use of a license by other than the individual or organization to whom issued. The penalty for stealing a fire extinguisher is eliminated.

Disability Insurance

HOUSE BILL 777 (CHAPTER 78-385) provides that individual disability insurance policies and group disability insurance contracts covering hospital or medical expenses shall provide that, if a person's coverage under such policy ceases because of the termination of the person's eligibility for coverage, prior to his becoming eligible for medicare or medicaid benefits, the person shall be entitled to have issued to him a policy of disability insurance, either individual or family. The policy may not be in an amount in excess of the amount of disability insurance which ceased because of such termination, and must be at a premium rate applicable to the age of the person and the class of risk to which he belongs. It may exclude any condition excluded by the prior policy, and it may

be reduced by the amount of any benefits paid for the same sickness or injury under the prior policy. The conversion to the new policy must be effectuated in such a way as to result in continuous coverage. The act is to become effective January 1, 1979.

Hospitalization insurance for county officers and employees may now be provided as a result of the passage of HOUSE BILL 1501 (CHAPTER 78-267).

LAW ENFORCEMENT AND CRIMINAL JUSTICE*

Activity of the 1978 Legislature in the area of law enforcement and criminal justice resulted in enactments dealing with crimes against minors, creation of the advisory Council on Criminal Justice, revisions of the schedule of controlled substances in the Florida Comprehensive Drug Abuse Prevention and Control Act, and a general reworking of statutes concerning judicial treatment of minors designated as the "Juvenile Justice Act." The definitions of several offenses are refined and new crimes are established.

Criminal Justice Planning and Administration

COMMITTEE SUBSTITUTE FOR HOUSE BILL 2004 (CHAPTER 78-420) creates the "Florida Criminal Justice Council Act" which provides for the Florida Council on Criminal Justice within the Executive Branch of government. The Council shall act in an advisory capacity to the Governor, Legislature, Florida Supreme Court and the Bureau of Criminal Justice Assistance (formerly the Bureau of Criminal Justice Planning and Assistance) of the Department of Administration in the performance of the Bureau's responsibilities, among which are: (1) To serve as the state

*Prepared by the staff of the House Committee on Criminal Justice

planning agency required by federal acts including the Omnibus Crime and Control and Safe Streets Act of 1968 and the Juvenile Justice and Delinquency Prevention Act of 1974; (2) To advise and assist the Governor in developing policies, plans and programs for improving the coordination, administration and effectiveness of the Florida criminal justice system; and (3) To prepare a state comprehensive criminal justice plan on behalf of the Governor. The Council is to report annually to the Governor and Legislature on its work during the preceding fiscal year by each December 31st.

The Speaker of the House and President of the Senate are to appoint advisory committees (utilizing legislators and legislative staff to the fullest) to review and comment on the state comprehensive plan within 45 days of receipt of such plan from the Governor. Since the Council will not be named until February 15, 1979, the Governor's Commission on Criminal Justice Standards and Goals, renamed the Florida Council on Criminal Justice, is to act in an advisory capacity to the Governor concerning the activities of the Bureau of Criminal Justice Assistance. Staggered terms of two, three and four years are designated for Council members.

Statutes relating to the disbursement of trust funds for block grant matching by the state are amended to identify the Juvenile Justice and Delinquency Act of 1974 as a source of such funds and to permit disbursement for administration of the funds, or for providing technical assistance to local governments for meeting criminal justice program planning

requirements. Shortfalls in the LEAA program or planning funds may not be met by disbursements from the trust fund without specific legislative appropriation.

Controlled substances listed in schedules I through V of the Florida Comprehensive Drug Abuse Prevention and Control Act (Chapter 893, F.S.) are conformed to the latest federal controlled substances list by SENATE BILL 782 (CHAPTER 78-195).

SENATE BILL 235 (CHAPTER 78-44) adds an alternative prerequisite for emergency awards to claimants under the Florida Crimes Compensation Act to the existing one of undue hardship because of delayed payment, by providing that claimants who receive social security benefits may qualify for such awards.

The Juvenile Justice Act

The following summary on COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 119 (CHAPTER 78-414) which reorganizes and amends Chapter 39, F.S. (Proceedings Relating to Juveniles), to create the "Florida Juvenile Justice Act," is an edited version of the summary prepared by the staff of the Senate Committee on Judiciary-Criminal.

The chapter is divided into three parts: Part I, General Provisions; Part II, Juvenile Delinquency Cases; and Part III, Dependency Cases. The stated purposes of the chapter are altered to reflect recognition of the value of applying sanctions appropriate to the juvenile's offense as well as attempting to rehabilitate the juvenile. Emphasis is placed on

preserving and strengthening the child's family ties and removing him from parental custody only as a last resort for the protection of the public. The prosecution and disposition of young offenders is to be handled with discretion and findings are to be based on facts offered at constitutionally fair hearings. Additional definitions are provided and all definitions are placed in alphabetical order. The term "ungovernable child" is dropped.

Statutes relating to juveniles alleged to have committed violations of law are designated as Part II, Juvenile Delinquency Cases; and the Community Arbitration Program, enacted in 1977, is included in this part. Jurisdiction provisions mandate a transfer and certification to adult proceedings upon the filing of an Information by the state attorney in certain cases. When a juvenile has once been waived pursuant to a waiver hearing for criminal prosecution and has been found guilty of an offense, he shall thereafter be handled as if he were an adult for any subsequent offense. If a juvenile is tried as an adult, and is convicted, disposition shall be pursuant to a new subsection, which provides for a disposition hearing with criteria similar to a waiver hearing. Jurisdiction in a delinquency case pursuant to Chapter 39, F.S., may be retained by a court until the juvenile is 19 rather than until 21 as under present law. Twenty-one, instead of 14 days are allowed for the seeking of a grand jury indictment.

The taking of fingerprints or photographs of certain juveniles is discretionary in this act, not mandatory as in current law. Fingerprint and photograph records received by the Department of Criminal Law Enforcement must be purged in the same manner as other criminal history information, not as in present law when the juvenile reaches 21. The act allows law enforcement to use juvenile photographs for purposes of criminal identification.

A court order is required to detain a juvenile for violation of a community control program (probation) for longer than 48 hours. Police diversion is statutorily authorized. A detention hearing must be held within 48 hours, excluding Sundays and holidays. A judge, and not an intake officer, may order a juvenile to a jail. An adjudicatory hearing must be commenced within 21 days where a juvenile is detained. An extension of 15 days may be granted by the court for good cause.

The intake officer no longer determines legal sufficiency of a complaint, only whether the complaint is complete and what recommendation to the state attorney for further action is appropriate. If incomplete, the complaint must be returned for additional information. Existing authority is expanded to allow the state attorney to file an Information where the case warrants adult sanction and the juvenile is 16 or 17 years old. The case may be transferred upon motion of the child to adjudicatory proceedings under Chapter 39, F.S. if it is shown that the juvenile has not twice

previously committed a delinquent act, one of which is considered a felony.

Language pertaining to uncontested petitions for delinquency places certain functions in the hands of the state attorney rather than the intake officer. The mandatory dismissal of a delinquency petition not filed within 45 days from complaint referral date is provided unless extended a maximum of 15 days by the court. The right to a speedy trial within 90 days is established as contained in Rule 8.180 of the Florida Rules of Juvenile Procedure.

An exception for medical emergencies has been made to the 24 hour appearance hearing requirement following service of summons. Language has been added requiring that a judge state the reasons for issuing a summons to take a child into custody. The right to legal counsel is given a child at all stages in delinquency proceedings.

The medical examination and treatment provisions are amended to tie in the procedures and services available under the Baker Act (Part I, Chapter 394, F.S.) and laws regarding retarded children (Chapter 393, F.S.). The Department of Health and Rehabilitative Services is given the authority to authorize medical care for the juvenile if he has no parent or guardian. If such parent or guardian is not willing to authorize the care, the Department may in certain circumstances do so. Sterilization is expressly not authorized and immunity from civil liability for rendering treatment or care is provided.

Language has been added to reflect grants of rights to juveniles in adjudicatory hearings as stated in recent case law: rights of discovery, fundamentally fair hearings, evidentiary proof beyond a reasonable doubt in delinquency hearings, opportunity to introduce evidence and cross-examine witnesses, protection against self-incrimination and illegal seizure. Under the criteria which are considered at a waiver hearing, the judge must give greater weight to previous felony or multiple delinquent acts in reviewing history of a prior adjudication. A judge is also required to set forth with specificity his reasons for transferring the juvenile for adult proceedings. The order is reviewable on appeal.

The Department is required to make the predisposition report available to the juvenile and the state attorney upon the report's completion. The court is required to issue a notice of disposition hearing to the victim and the parents (and to subpoena parents, if necessary) so that they may attend and comment upon the penalty and rehabilitation phases of the disposition. A judge is required to consider criteria similar to those considered at a waiver hearing and to set forth with specificity his reasons for certain dispositions.

Court ordered placement of a juvenile in a community control program, which must include a penalty and a rehabilitation program, replaces probation. The act authorizes the establishment in each judicial circuit of Community Control Program Councils to advise the court of the rehabilitation alternatives available for juveniles within such circuits. The

law provides for additional dispositional alternatives in adjudications of delinquency. The court may require the juvenile to attend a traffic school, pay a traffic fine, render a public service, and work in a community work project. The court may set a determinate term of commitment to the Department facilities, which must not exceed the maximum term of imprisonment which an adult serves for the same offense. A procedure for a request to reduce the term of commitment is also provided by motion to the court within 60 days of disposition. Adjudication of guilt with a classification as a "youthful offender" is added and a new subsection is created to set forth procedures, guidelines, and criteria for disposition of any juvenile prosecuted as an adult. An escape from a juvenile facility for delinquency cases is made a third degree felony.

The time for preserving juvenile court records in delinquency cases is reduced from 10 to 5 years after the last entry was made or until the juvenile reaches 19, whichever date comes last. Language is added to allow the court to send records of juvenile traffic offenders to the Department of Highway Safety and Motor Vehicles. Permission is also granted to law enforcement agencies, the Department of Health and Rehabilitative Services and its designees and the Department of Offender Rehabilitation to inspect and copy any official record. Any information received is now confidential, not privileged.

Sections 39.40 through 39.412, F.S., are designated as Part III of Chapter 39, "Dependency Cases." Some procedural matters which are addressed by the Rules of Juvenile Procedure are deleted and language is added making Chapter 39 dependency procedures and requirements comply with those of other relevant sections of the statutes and with accepted practices. Additional delinquent acts which are excepted from the definition of "juvenile traffic offenses" are provided. Conditions are prescribed under which a traffic court may waive jurisdiction and transfer a case to a circuit court. The length of time which a state, county or municipal superintendent, warden or jailer may detain a delinquent child suspected of having committed a delinquent act, violated parole or escaped a Department of Health and Rehabilitative Services facility is reduced from 10 days to 48 hours. A judge may direct longer detention by special order for stated reasons. Such reasons are appealable.

The Interstate Compact on Juveniles is designated Part IV of Chapter 39, F.S.

Clarification of Legislative Intent

In an effort to clarify legislative intent in defining the crime of theft, COMMITTEE SUBSTITUTE FOR HOUSE BILL 1068 (CHAPTER 78-348) makes the knowing, obtaining or use of the property of another part of the definition. The law further provides that every petit theft judgment must be written, signed by the judge, and recorded by the clerk of the circuit

court. Each guilty judgment is to bear the fingerprints of the convicted person certified in writing as such by the judge and the original or certified copy will be admissible in courts of the state as prima facie evidence of fingerprints of such person.

Minimum penalties are provided for a second or subsequent conviction of retail theft, and alternative punishment of public service is permitted. Circumstances are described in which a peace officer, merchant or merchant's employee may take a retail theft suspect into custody without being civilly liable. Resistance to a peace officer on the part of a suspect subsequently found guilty is made a misdemeanor of the first degree, unless the suspect did not know, or have reason to know, the identity of the apprehender.

SENATE BILL 1348 (CHAPTER 78-200) directs that terms excluded from the definition of "explosive" in Section 790.001, F.S., are not to be excluded when the word is used in the definition of "firearm" which appears in the same statutory section. This amendment is in response to the decision of a Dade County circuit judge's recent ruling that "a pistol cannot be a firearm as defined by Florida law."

New Crimes Defined

The "Florida Computer Crimes Act," Chapter 815, F.S., is created by HOUSE BILL 1305 (CHAPTER 78-92) reflecting the Legislature's awareness of the alarming growth of this type of crime concurrent with the recent mushrooming utilization of

computers by society. Three categories of offenses are established: (1) Offenses against intellectual property defined as the willful, knowing and unauthorized modification, destruction or disclosure of data, programs or supporting documentation; (2) Offenses against computer equipment or supplies defined as the willful, knowing and unauthorized modification, destruction, taking, injuring or damaging of computer equipment or supplies; and (3) Offenses against computer users defined as the willful, knowing and unauthorized accessing of any computer, computer system or computer network or the denial of access to an authorized user.

Classification of the offense is correlated to purpose of the offense or resultant damages in certain circumstances. The Act does not preclude the operation of other provisions of Florida criminal law.

COMMITTEE SUBSTITUTE FOR SENATE BILL 988 (CHAPTER 78-427) defines the crime of trespass upon the grounds of the Florida State Fair Authority or other fair or exposition allowed under Section 616.15, F.S. This trespass is declared to be a misdemeanor of the second degree and peace officers are protected from civil or criminal liability in arrests made on or off the premises if the officer has probable cause to believe trespass has been committed.

The crime of "organized fraud" is defined by HOUSE BILL 1487 (CHAPTER 78-210) to mean a scheme or operation based on fraud or misrepresentation whereby a person obtains property

valued at \$50,000 or more from five or more victims. Punishment for a felony of the first degree is directed.

Law Enforcement Officers: Employment and Rights

The language specifying conditions under which a person may be temporarily employed as a police officer without first having completed an approved police training program is clarified in SENATE BILL 1169 (CHAPTER 78-259) to permit an employing agency to hire a person currently enrolled in an approved program. Such temporary employment is limited to 180 consecutive days and is not renewable or transferable.

Under the provisions of SENATE BILL 448 (CHAPTER 78-291) a law enforcement officer may seek an injunction against his employing agency for failure to comply with statutes according him certain rights.

Additional powers are given the Police Standards and Training Commission to: (1) Make and enter into contracts and agreements with other entities necessary to the performance of its duties or the execution of its powers; and (2) Accept monetary donations to be administered through a trust fund for any of its purposes and functions. Finally, the Commission, is granted authority to contract for training programs or facilities with state community colleges or universities and to approve the selection of law enforcement officers to receive this free training.

Under the provisions of SENATE BILL 614 (CHAPTER 78-116) parole and probation supervisors, and parole and probation

officers employed by the Department of Offender Rehabilitation are included among law enforcement officers it is unlawful to resist with or without violence when said officer is attempting the lawful execution of any legal duty.

Investigation and Apprehension Procedures

COMMITTEE SUBSTITUTE FOR HOUSE BILL 320 (CHAPTER 78-376) permits an officer, employee or agent of a communication common carrier to supply information, facilities or technical assistance to an investigative or law enforcement officer who has statutory authority to intercept wire or oral communications. The law further permits an employee of a licensed ambulance service, a fire station, a public utility or other entity with published emergency telephone numbers to intercept and record incoming wire communications on such numbers. An applicant may request that an intercept order direct a communication common carrier, landlord, custodian or other person to provide assistance for which compensation is to be made at the prevailing rates. Legislative authorization for intercept is added as a defense to civil or criminal action.

Two laws each provide additional grounds for the issuance of a warrant to search a private dwelling. HOUSE BILL 624 (CHAPTER 78-126) permits issuance if the dwelling is being used for the unlawful sale, possession or purchase of wildlife or if freshwater fish are being illegally kept in it. If laws concerning cruelty to animals are being or have been violated, HOUSE BILL 583 (CHAPTER 78-345) allows search of the dwelling

during the daylight hours only unless the judge issuing the warrant permits otherwise upon showing of probable cause, and property related to the offense may be taken from the dwelling or from persons using or owning the property.

SENATE BILL 193 (CHAPTER 78-246) defines "fresh pursuit" in the context of arrest outside jurisdiction by a state, county or municipal officer. Officers making such arrests are to have the same authority to arrest and hold as officers making other than an arrest in fresh pursuit. The procedure to be followed by the arresting officer in fresh pursuit circumstances is established and the employing agency is made liable for the officer's acts. Pension, retirement and workmen's compensation benefits of the officer are protected.

Under the provisions of SENATE BILL 414 (CHAPTER 78-29), upon the request of the Department of Insurance, a law enforcement agency is required to furnish the Department information on any criminal charge made against an applicant seeking license or renewal as bail bondsman or runner and the final disposition of such charge.

Crimes Against Minors

SENATE BILL 250 (CHAPTER 78-326) creates the second degree felony offense for knowingly bringing or causing to be brought into the state or sending or causing to be sent out of the state for sale or distribution any photograph, motion picture, exhibition, show, representation or other presentation which, in whole or in part, depicts sexual conduct, sexual

excitement, or sadomasochistic abuse involving a minor. Possession of three or more copies of such material is made prima facie evidence of intent to sell, lend, give away, distribute, transmit or transmute.

Statutes relating to child labor are amended to make the production of such material a second degree felony. Aiding, abetting, counseling, hiring, or procuring a minor for these purposes is included within the definition of child abuse or mistreatment; and the terms "sadomasochistic abuse," "sexual conduct," and "sexual excitement," are defined for purposes of the child labor (Part I, Chapter 450, F.S.) and child abuse (Sections 827.01-827.07, F.S.) laws.

SENATE BILL 186 (CHAPTER 78-172) creates two categories of public nuisances: Any place whatever visited by persons for the purpose of unlawfully purchasing or viewing any obscene material or performance as defined in Chapter 847, F.S., or used for the illegal keeping, selling or delivering of such material or performance; or secondly, the knowing exhibition by any drive-in theater owner or employee of any motion picture, slide or other exhibit depicting nudity harmful to minors if visible outside the theater.

The open display in public retail establishments of printed materials depicting nudity harmful to minors is barred by HOUSE BILL 571 (CHAPTER 78-273). Display not within convenient reach of minors is permitted behind opaque covering which conceals the nudity. The term "nudity" and the phrase "harmful to minors" are defined.

HOUSE BILL 38 (CHAPTER 78-45) amends current law prohibiting the procurement for prostitution of "unmarried females" under 16 years of age, to change the term to "persons" under the age of 16 years.

Regulation of Gambling

The definition of "bookmaking" is expanded and penalties for engaging in the activity are made more severe by COMMITTEE SUBSTITUTE FOR SENATE BILL 101 (CHAPTER 78-36). Any person convicted of bookmaking may not have adjudication of guilt suspended, deferred or withheld for initial or subsequent convictions. Pari-mutuel wagering on dogs, horses or jai alai are exempted from operation of this law.

The law providing penalties for bookmaking on the grounds of pari-mutuel permitholders is transfered to Chapter 550, F.S. (Dogracing and Horseracing), and the penalties are increased. Rather than making it the responsibility of the permitholder to investigate suspected bookmakers and eject those in fact making book, the new language requires the permitholder to report suspects to the appropriate law enforcement agency. Failure to do so is grounds for revocation of license. Permittees are required to post warnings against bookmaking on their premises. The penalty for failure to so do is a \$500 fine. Persons who make wagers for others gratuitously through legal betting windows are exempted. Prosecutions filed and pending at the time of passage of the law are exempted from operation of the law.

HOUSE BILL 182 (CHAPTER 78-21) permits the holding of bingo or guest games on county or municipal property when the appropriate governing authority has authorized such use by resolution or ordinance.

Possession of an unused antique slot machine (one made prior to January 1, 1941) is declared a defense against prosecution for violation of statutes prohibiting the sale, purchase, use, possession or manufacture of coin-operated or gambling devices by HOUSE BILL 224 (CHAPTER 78-22).

Miscellaneous Offenses

Whoever breaks down or damages a fence belonging to or enclosing land not his own or causes such a fence to be broken down or damaged is guilty of a first degree misdemeanor under provisions of COMMITTEE SUBSTITUTE FOR SENATE BILL 824 (CHAPTER 78-256).

SENATE BILL 516 (CHAPTER 78-17) amends the law to bar the discharge of a firearm on or over the right-of-way of any paved public road, highway or street or over any occupied premises. Public roads or properties expressly approved for hunting by the Game and Fresh Water Fish Commission or Division of Forestry are exempted.

SENATE BILL 1345 (CHAPTER 78-262) makes the use or receipt of direct benefits from the use of utility, cable television service or community antenna line service unlawful if the recipient knows, or could be reasonably expected to

know, that the benefits are the result of tampering with the equipment of such businesses to avoid payment.

COMMITTEE SUBSTITUTE FOR SENATE BILL 956 (CHAPTER 78-295) increases the penalty for any employing unit or agent thereof, who makes a false statement or representation or who knowingly fails to disclose a material fact in order to prevent or reduce the payment of unemployment compensation benefits, or in order to avoid or reduce unit contributions, or in order to escape operation of the law. The penalty of second degree misdemeanor is retained for failure to furnish reports, permit the inspection and copying of records, keep and maintain records, or make required payments. For purposes of contribution rates based on benefit experience, additional restrictions are placed on two or more employers who are parties to a change in legal identity or form of a business.

Public Defender and Witness Compensation in Criminal Cases

Special Assistant Public Defenders are to be compensated in the same amount as well as the same manner as counsel fees are paid in capital cases, according to COMMITTEE SUBSTITUTE FOR HOUSE BILLS 518, 590, 591 AND 893 (CHAPTER 78-344), which also sets out a schedule of maximum fees for appointed attorneys in capital cases and Special Assistant Public Defenders.

SENATE BILL 498 (CHAPTER 78-175) entitles witnesses in criminal cases to per diem and travel expenses at the same rate given state employees when the witnesses reside in another

\county more than 50 miles from the site of the trial. These allowances are to be paid at the discretion of the court in lieu of any other witness fee.

LOCAL GOVERNMENT*

Legislative enactments from the 1978 session reflect the consideration of a broad range of local government-related subject matter. The issue of state mandates was highlighted by the passage of the much debated COMMITTEE SUBSTITUTE FOR HOUSE BILLS 691 AND 839 (CHAPTER 78-274). Two significant acts reforming county budgeting and several other measures dealing with local fiscal management point to perhaps the most productive area of locally relevant legislative output this year. Housing was also a major issue given considerable attention by the 1978 Legislature.

State Mandates

The issue of state mandates (requiring local government to offer and finance a service or facility) has been for years a major source of intergovernmental friction. Several bills were introduced into the 1978 session on this subject, and ultimately the COMMITTEE SUBSTITUTE FOR HOUSE BILLS 691 AND 839 (CHAPTER 78-274) was enacted into law. It requires that, where the Legislature mandates a new program or an increased level of service in an existing area, the Legislature must either

*Prepared by the staff of the House Committee on Community Affairs

reimburse local government for the cost or provide an alternative revenue source to fund it. Such reimbursement is also required when the Legislature grants exemptions to the local tax base.

The Legislature may partially finance a mandate which it finds is fulfilling both state and local objectives or, if funding is not to be provided, the reason must be clearly spelled out in the legislation. While it is true that one Legislature may not bind a future Legislature, the passage of this act represents a recognition and a policy statement by the 1978 Legislature that the state-local fiscal relationship needs to be carefully evaluated before adding to local financial burdens. Future Legislatures cannot help but be sensitive to the issue of state mandates as a result of this law.

County Budgets

In keeping with the recent legislative trend to equip local governments with modern management tools, two important enactments of the 1978 session relate to county budgeting. HOUSE BILL 378 (CHAPTER 78-157) made several technical and procedural changes in Chapter 129, F.S., and was the first major effort to rewrite this law since 1951. The revisions provide for an accrual basis of accounting and bring that chapter into agreement with current generally accepted accounting principles. Another measure, HOUSE BILL 467 (CHAPTER 78-303) allows each board of county commissioners to appoint a county budget officer to prepare the annual budget.

The sheriff, the clerk of the circuit court and/or county comptroller, and the supervisor of elections are required to submit by June 1st of each year a tentative budget for their respective offices. The act also requires that county budget officers, rather than county auditors, shall participate in the preparation of the county annual budget. This law should have the effect of pinpointing responsibility for budget preparation. A county not wishing to designate a budget officer will continue to have the budget prepared by the clerk of the circuit court.

Fiscal Management

Several other measures became law which deal with local financial issues. Local agencies will now be able to deposit funds directly into the accounts of the beneficiary as a result of the passage of HOUSE BILL 2116 (CHAPTER 78-406). Known as the "Direct Deposit of Public Funds Act," this law will bring local governments into the electronic age of banking, eliminating the need for always processing paper warrants. Under the provisions of this act all public agencies are authorized to withdraw, pay, or disburse all public funds in their control by direct deposit to the account of the person entitled to receive such funds. Amendments are made to statutory laws relating to county funds and county hospital funds to provide for such direct deposits. Not only will this law help save time and administrative expense, it will also be

a useful tool for local governments pursuing an active policy of investing idle funds.

Double taxation, a constant source of intergovernmental conflict, was also the subject of legislation enacted in 1978. HOUSE BILL 1194 (CHAPTER 78-132) requires the county to break out its budget on the basis of countywide and non-countywide revenues and expenditures. With this information local officials will be able to make more informed decisions on how to equitably fund their service delivery programs. The effective date of this act is January 1, 1979.

Special assessments were at issue in two bills which became law this year. SENATE BILL 475 (CHAPTER 78-330) allows municipalities to issue special assessment bonds at a discount and to allow for the prepayment of special assessments. It is anticipated that this law will improve the marketability of special assessment bond issues. HOUSE BILL 1958 (CHAPTER 78-360) also became law and would authorize the use of special assessment bonds by municipalities to finance off-street parking facilities.

Another law, SENATE BILL 890 (CHAPTER 78-120) clarifies the Industrial Development Financing Act by authorizing the use of county revenue bonds for financing certain pollution-control, water, sewerage, or solid-waste disposal facilities if the owner or user of the project maintains either his principal place of business, or the project funded, within the county issuing the bonds.

A change in the certified millage process will go into effect on January 1, 1979, under the provisions of COMMITTEE SUBSTITUTE FOR SENATE BILL 590 (CHAPTER 78-228), which requires that all local taxing authorities base their certified millage on 98% of current year taxable values, rather than the 95% previously used. Essentially this change reduces the allowable growth in local budgets from 5% to 2% before they must place a notice of tax increase in the newspaper.

SENATE BILL 1194 (CHAPTER 78-198) authorizes a municipality, which exercises its power of eminent domain outside its corporate boundaries for the accomplishment of public works, to finance such projects in the same manner as it is presently authorized to finance a like project within its corporate boundaries.

Air Quality

Several counties in Florida have received "non-attainment" designations from the federal Environment Protection Agency under the federal Clean Air Act. Non-charter counties had no way to guarantee the effectiveness of their ordinances in municipalities. COMMITTEE SUBSTITUTE FOR SENATE BILL 856 (CHAPTER 78-240) addresses this problem by granting counties designated as non-attainment areas the authority to enact ordinances providing for county-wide air quality programs adopted pursuant to state and federal law, and preempts municipalities from enacting such ordinances.

Housing

The broad issue of housing was the subject of several laws enacted during the 1978 session. HOUSE BILL 54 (CHAPTER 78-89) creates the "Florida Housing Finance Authority Law" and authorizes the creation of local housing finance authorities in counties where a need exists. These authorities are empowered to issue revenue bonds and use the proceeds to purchase mortgages or make loans to lending institutions. These monies must then be "recycled" into more housing mortgages by the lending institution.

Existing housing authorities also received legislative attention this year. HOUSE BILL 1998 (CHAPTER 78-165) revises Chapter 421, F.S., the "Housing Authorities Law," to enable housing authorities to use their property as collateral, to issue bonds at a discount and to exceed the state's 7.5% interest rate cap to the extent that the federal government subsidizes its bonds. The authorities are also authorized to negotiate privately for the sale of bonds, but only after public bids have been taken, and provided that the private sale shall not be less favorable than the best public bid. The act provides that the fiscal year of a housing authority shall be the fiscal year established by the federal government; that an authority shall accept any person as a tenant in a housing project according to guidelines established by the United States Department of Housing and Urban Development or other federal agencies; and that the Department of Health and Rehabilitative Services shall not consider as income for aid to

families with dependent children assistance received by recipients from public housing authorities. Several procedural changes were also made, with the most important being the new authority granted local governments to enter into interlocal agreements with housing authorities. Previously, a local government had to create its own housing authority if it wanted to involve itself in housing programs.

HOUSE BILL 1649 (CHAPTER 78-446) repeals Section 421.53, F.S., which requires referendum approval prior to construction of any housing project undertaken by a Pinellas County housing authority. The Florida Supreme Court in Housing Authority of the City of St. Petersburg v. City of St. Petersburg (287 So.2d 307, 1974) has declared the section to be unconstitutional as a special law enacted without notice or a referendum.

Condominiums

Although nominally related to all kinds of recreation districts, SENATE BILL 803 (CHAPTER 78-237) was primarily considered for its potential impact on condominium owners as an innovative response to the problem of lengthy, escalating land and recreational leases. This act authorizes cities and counties to create a recreational district by ordinance (approved by vote of the electors of the district), which district would be empowered to buy up recreational and land leases from developers with the proceeds from the sale of district bonds. The district would be a dependent district; that is, the governing body of the city or county which creates

it would be its governing body. However, a district advisory board may be appointed to advise on matters of relevance to the district. It is anticipated that this act will allow for reductions to condominium owners in the cost of their recreational facilities. The referendum for its creation may be avoided if a majority of electors in a proposed district petition the city or county government for its creation. The act is not limited only to condominiums and cooperatives. In fact, such a district could be created for a neighborhood park or for any other recreation-related purpose.

Also related to condominiums is COMMITTEE SUBSTITUTE FOR HOUSE BILL 307 (CHAPTER 78-340) which makes several procedural and technical changes in Chapter 718, F.S. This law requires officers of some condominium associations to be bonded and an annual detailed breakout of the association's budget. It also exempts associations created prior to 1977 from the requirement that they be incorporated. An authorization to purchase land and/or recreational leases is also granted condominium associations. Annual fees to the Division of Florida Land Sales and Condominiums of the Department of Business Regulation are reduced and several other regulatory provisions relating to condominiums are included in this act.

SENATE BILL 303 (CHAPTER 78-328) amends chapter 718, F.S. (The Condominium Act), to state requirements which must be met in order to provide "time-share units" and "time-share estates." "Time-share estate" is defined to mean any interest in a unit under which the exclusive right of use, possession,

or occupancy of the unit circulates among the various owners of time-share estates in such unit in accordance with a fixed time schedule on a periodically recurring basis for a period of time established by such schedule; and "time-share unit" means a unit in which time-share estates have been created. The act provides: certain regulations pertaining to content and provisions of the condominium declaration; that each owner of a time-share estate is jointly liable for assessments and other charges levied against the unit; for disclosure prior to sale of time-share estates in units; and that the prospectus or offering circular filed with the Division of Florida Land Sales and Condominiums of the Department of Business Regulation shall contain a statement relative to time-share estates. The provisions of this act do not take effect until August 1, 1979.

Two enactments of the 1978 session relate to mobile homes. A change in the Florida Mobile Home Landlord and Tenant Act, COMMITTEE SUBSTITUTE FOR HOUSE BILL 456 (CHAPTER 78-311), allows mobile home owners to place "for sale" signs on their mobile homes. Under the provisions of HOUSE BILL 233 (CHAPTER 78-69), totally and permanently disabled veterans are exempted from local licensing or permitting fees for making certain necessary improvements on their mobile home residences.

Miscellaneous

The annual population estimates translate into revenue sharing dollars, thus their accuracy is important to local governments. HOUSE BILL 1426 (CHAPTER 78-209) changes from

July 1 to April 1 the annual date by which population estimates of local governmental units shall be determined. Such population counts are determined by the Department of Administration and certified to the Department of Revenue for the annual revenue-sharing calculation. The act is effective January 1, 1979.

The charter for the Florida Advisory Council on Intergovernmental Relations (ACIR) was amended by SENATE BILL 954 (CHAPTER 78-241). The changes were primarily to clarify the law, to provide that the ACIR's chairman shall be chosen from among its legislative members, and that at least semiannual meetings be held at the call of the chairman.

Another law relates to the state's Community Service Trust Fund, a program of financial assistance to local governments for human resource development programs. HOUSE BILL 339 (CHAPTER 78-384) contains several administrative and technical amendments to this program, including a clarification of the definition of eligible programs and an authorization for federally recognized Indian tribes to participate in the fund.

City and county quadricentennial commissions are abolished by the passage of SENATE BILL 52 (CHAPTER 78-13), and their property and assets shall be transferred to the governing body of the city or county for which it was created.

As a result of the passage of SENATE BILL 74 (CHAPTER 78-19) another prerequisite is added to the municipal annexation law. Before annexing begins, a municipality must file with the county commission a copy of the report required

by Section 171.042, F.S. Another law SENATE BILL 839 (CHAPTER 78-119), extends the boundary lines of Broward County to include certain property now situated in Dade County. This transfer to Broward County will be effective on October 1, 1978.

Hospitalization insurance for county officers and employees may now be provided as a result of the passage of HOUSE BILL 1501 (CHAPTER 78-267). Another bill became law relating to insurance for vehicular tort liability of school boards. SENATE BILL 152 (CHAPTER 78-192) clarifies the limits of school board liability for claims arising from school bus or other vehicular accidents. By deleting any reference to liability insurance this law will enable school boards to self-insure.

The clerks of the circuit court are now required to keep separate records on buried gas pipelines under the provisions of SENATE BILL 901 (CHAPTER 78-82). This law further provides that if permits are held more than 30 days prior to excavation, the excavator must give additional notice to the property owner at least 48 hours and not more than five days prior to excavation.

The responsibility of local governments in the area of administering electrical standards is addressed by enactment of SENATE BILL 1020 (CHAPTER 78-62) which adopts the current versions of certain electrical standards in Florida and deletes certain regulations relating to emergency lighting from the list of adopted standards.

One of the provisions of Chapter 76-254 is the conveyance of 10 acres of state-owned land to the Guidance Center of Hernando County with a proviso that the parcel will revert to the state if the Center utilizes the land so as to cause a voluntary or involuntary encumbrance. HOUSE BILL 2154 (CHAPTER 78-447) repeals this proviso.

MOTOR VEHICLES & TRANSPORTATION*

Of the legislation passed in 1978 in the area of motor vehicles and transportation, the more important issues were: a more clearly defined state policy in the development of public transportation systems; the registration of "mopeds" and the licensing of moped operators; the creation of a sixth road district for the Department of Transportation; the transfer to DOT of the state responsibility for the inspection of railroad tracks and related equipment; requirements for the establishment of metropolitan planning organizations for transportation planning in urbanized areas; the repeal of the state requirement for the registration of aircraft; a strengthening of the procedures for dealing with the surrender of driver licenses in cancellation, suspension, or revocation cases; and changes in regulations dealing with registration of motor vehicles and issuance of license plates.

Public Transportation Operations

The state's policy on public surface transportation was more specifically defined with the passage of the "Florida Public Transit Act," SENATE BILL 953 (CHAPTER 78-283). The

*Prepared by the staff of the Senate Committee on Transportation

intent of the act is to detail the role of the Department of Transportation in developing the surface transit element of an effective multimodal transportation system in the state. The Department is to provide the overall leadership and direction for public transit programs. In order to adequately provide for these type programs, a statewide plan based on 5-year and 20-year needs is to be developed. Such a plan is to incorporate, where practical, transit plans that have been adopted by local and regional planning agencies.

It shall be the duty of the Department to develop and administer standards concerning the management, performance and safety of governmentally owned public transit systems. Such standards are to be developed jointly with representatives of affected transit systems.

The Department is required to study public transit problems and to provide technical and financial assistance to local governments and may also provide assistance through the lease of department-owned vehicles to public agencies for periods of limited duration.

The Department may initiate new transit services where a public need exists as determined by the transportation planning process, provided no other appropriate governmental jurisdiction exists and service cannot be reasonably furnished by a governmentally owned or privately owned public transit provider.

When emergency transit service is required and is not available through the private or public transit sectors, the

Department shall provide the service for a period not to exceed two years.

The Department is also given the authority to administer federal and state ridesharing programs and the associated funds that are apportioned to the state. Vehicles used in such programs are not subject to regulation under Chapter 323 (Motor Carriers; Freight Forwarding Act) or Chapter 350 (Public Service Commission), F.S., provided adequate insurance requirements are established based on passenger capacity.

The DOT must prepare a 5-year public transit construction and implementation plan which is to be included in the Department's 5-year construction plan, and the construction and implementation plan must be consistent with the statewide and local transit plans developed through the comprehensive transportation planning process. The Department shall request funds for public transit on the basis of funding required for the construction and implementation plan.

Unless authorized by the Legislature, the Department is prohibited from entering into any agreement or contract for any public transit project which would result in the ultimate expenditure or commitment of state funds in excess of five million dollars. Any funds in excess of five million dollars must be provided from a source other than the State Transportation Trust Fund unless the Legislature authorizes otherwise.

Each transit project that will result in a state expenditure of \$500,000 or more must be identified in the

appropriations request. No state funds shall be allocated or expended for operation deficits of public transit projects, with the exception of operation deficits for specifically approved service development projects. Service development projects, which have a maximum duration of 24 months, must be individually identified in the appropriation request and the funds requested for these projects must be separated into capital and operating expense categories.

Projects eligible for state participation may be funded by the Department as follows: (a) up to 50 percent of the non-federal share of the costs of a capital project provided that Department participation may not exceed 12 1/2 percent of the federal participation in federally assisted projects; (b) up to 100 percent of the cost of projects statewide in scope or which involve more than one county where no appropriate local jurisdiction exists; (c) up to 50 percent of the net costs of service development projects that are local in scope and up to 100 percent of such type projects that have a statewide scope.

Any county chartered under Section 6(e), Article VIII, of the State Constitution, constructing a fixed guideway public transit project, which requires the relocation of utilities approved by the federal agency as being eligible for federal matching funds, shall pay at least 50 percent of the non-federal share of the relocation cost after deducting any enhancement in the new facility and any salvage value of the old. The balance of the non-federal share shall be paid by the utility.

The Department of Transportation is given the responsibility for implementing the state's role in railroad safety inspections under COMMITTEE SUBSTITUTE FOR SENATE BILL 671 (CHAPTER 78-88). Beginning October 1, 1978, the Department is to make rules, hire inspectors, and may assess penalties up to \$5,000. State railroad inspectors must attain the necessary Federal Railroad Administration qualifications and are intended to supplement the F.R.A. efforts. This function had previously been assigned to the Public Service Commission.

Transportation Projects

Restrictions are placed upon the Department of Transportation in the area of revenue-producing transportation projects in SENATE BILL 1274 (CHAPTER 78-286). The Department may use available primary gas tax funds for the preparation of preliminary engineering plans and cost estimates which must be completed prior to the issuance of bonds on revenue-producing projects. The Department shall be reimbursed for the costs incurred in such preparation from the bond sale proceeds.

The Department is prohibited from using or pledging the primary gas tax on any revenue-producing transportation project without legislative approval. If the state bonds to finance such a project include a covenant to complete by the Department from the primary gas tax, then the bonds may not be sold until the Department develops cost estimates based on current information available after approval of the final environmental impact statement and concludes that sufficient funds are

available to construct the project excluding proceeds of the primary gas tax.

The scope of a revenue-producing project, which contains a covenant to complete from the proceeds of the primary gas tax, may not be expanded without legislative approval. Contingency funds in the construction trust fund for any such project shall not be used for other purposes until completion of the project. An exception to such prohibition is allowed if the proceedings authorizing such bonds allow the expenditure and the DOT certifies to the Department of Administration that the contingency funds are not needed to complete the project. The Department of Administration must approve the DOT's certification in writing.

Lease-purchase agreements for these type projects must contain provisions for the expeditious repayment of all costs incurred by the Department as a result of the covenant. The agreement shall require such repayment from excess tolls or second gas tax proceeds not required for debt service and reserve deposits. It shall further provide for the annual reimbursement of all operating and maintenance costs from either tolls or local monies or both, to the extent legally available.

Revenue-producing projects approved by the Legislature prior to the effective date of this act are exempted from these provisions.

As a result of SENATE BILL 1128 (CHAPTER 78-284), the Department of Transportation, in the construction and

reconstruction of the Florida Keys bridges, shall pay the costs of relocating and replacing water supply facilities in kind up to an amount equal to federal funds received by Florida and available for that purpose, or may pay these costs up to an amount equal to federal non-transportation funds received by Florida and utilized for state highway projects.

Contracts for the construction, repair, or maintenance of public bridges are exempted from apprentice and trainee employment requirements by virtue of HOUSE BILL 1781 (CHAPTER 78-313).

SENATE BILL 735 (CHAPTER 78-316) provides that information, submitted by persons wishing to qualify as bidders on DOT construction contracts in excess of \$100,000, shall be confidential and exempt from the provisions of Subsection 119.07(1), F.S. (Public Records Law). The act further provides that when the contract price for a construction project is \$25,000 or less, a security, in the form of a cashier's check, bank money order, certified check or postal money order, may be given in lieu of a performance bond.

SENATE BILL 859 (CHAPTER 78-282) authorizes the DOT to negotiate with those persons actually displaced by a federally assisted transportation project and who were furnished replacement housing by the Department. The Department may negotiate to sell the property to these persons at the fair market value or the value of the Department's investment, whichever is lower. If the property is conveyed to others, the Department must receive the fair market value.

Transportation Districts

HOUSE BILL 122 (CHAPTER 78-90) amends Chapter 334, F.S., the "Florida Transportation Code; Highway Administration," to create a sixth transportation district. The act provides that after July 1, 1979, Dade and Monroe Counties shall be included in a new district. All other counties will remain in the district to which they are currently assigned. The Department of Transportation is directed to employ a district engineer and to use existing personnel to the maximum extent possible in staffing the new district.

Local Government Roadway Administration

Implementation of the functional reclassification of roads (CHAPTER 77-165) caused some concern locally which is addressed by two 1978 acts. SENATE BILL 1131 (CHAPTER 78-285) clarifies the operation and maintenance responsibility of a county for county roads extending into and through any incorporated area. Such responsibility is limited to the roadbed, curbs, culverts, drains, and other drainage appurtenances. It does not include sidewalks or other similar ways. The act ties tort liability to the jurisdiction having operation and maintenance responsibility. SENATE BILL 1234 (CHAPTER 78-398) eases the requirement that all design, construction and maintenance for a project comply with minimum roadway standards established by the DOT. The act requires only "substantial conformance" with those standards.

Outdoor Advertising

Under the provisions of SENATE BILL 277 (CHAPTER 78-138), the Department of Transportation has to act on applications for permits for advertising structures within 30 days of the receipt of the application. If persons holding licenses and permits for outdoor advertising purposes fail to renew the licenses or permits by the due date, the Department shall send notices of the overdue fees. Payment will be required within 30 days of the receipt of the notice and a 10 percent delinquency fee will be assessed. A service fee of \$1 will be required for each replacement permit tag. Any applications for permits received after September 30th must include the required fee for the last quarter of the current year and the fee for the entire succeeding year. An owner of a licensed or unlicensed outdoor advertising structure or sign valued at \$100 or more, which is constructed, maintained, or displayed in violation of the provisions of Chapter 479, F.S., and which bears the name of the owner, shall be given written notice of the alleged violation by the Department. The owner shall then have 30 days after the receipt of the notice to show that the sign or structure is not in violation. Counties and municipalities shall still have the right to establish outdoor advertising or sign ordinances.

SENATE BILL 212 (CHAPTER 78-8) defines "motorist services directional signs" as those signs, displays and devices that provide directional information about goods and services to the traveling public. Such signs must have been

lawfully erected on or before May 6, 1976, and must continue to provide directional information. If a community, local government, a specific region or area of the state, or other governmental agency feels that its interests will be substantially affected by the removal of these type signs, it may submit a declaration, petition, or ordinance to the Division of Tourism of the Department of Commerce. The Division shall forward the declaration, resolution or finding, together with any available supportive information and its certification that a hardship would result in the affected area, to the Department of Transportation. In turn, the declaration or petition shall be transmitted to the United States Secretary of Transportation for approval.

If approved, those motorist services directional signs may remain adjacent to the interstate and federal-aid highway systems.

Motor Vehicle Titles, Registration and License Plates

In the area of motor vehicle titles, tags, and registration, COMMITTEE SUBSTITUTE FOR SENATE BILL 508 (CHAPTER 78-225) provided a number of changes. The time period in which a purchaser of a motor vehicle has to apply for a title is lengthened from 10 to 20 days, conforming to the duration of a temporary tag. The transfer of a license plate from a disposed of vehicle to a new vehicle is not to be considered a new registration and the application for transfer need not be accompanied by proof of insurance. A notarized affidavit is

acceptable proof of insurance to allow issuance of a registration. The act provides the method in which a licensed motor vehicle dealer applies for a registration and, if the notarized affidavit is sent, the dealer is not liable for inadequate, insufficient or false statements made in the affidavit. Penalty provisions are conformed to include falsifying the affidavit, and to prohibit knowingly permitting someone to submit false proof of insurance. No proof of insurance is required when applying for a temporary tag.

HOUSE BILL 829 (CHAPTER 78-412) amends Chapters 319, 320, and 817 as they relate to motor vehicle titles. It also amends Chapter 335 relating to roadside advertising. The act requires the title of a rebuilt motor vehicle to indicate that it is rebuilt, and provides other safeguards intended to reduce the profitability of various schemes for auto theft. Motor vehicle title applicants must submit sworn statements verifying the motor and serial numbers of vehicles previously registered in other states. Salvage and parts dealers must keep records of their used parts and must notify the Department of Highway Safety and Motor Vehicles when a vehicle is a "total loss." Any law enforcement officer is entitled to inspect establishments dealing in used or salvaged parts. Penalties are upgraded for violations of the provisions of this act. Transit shelters are exempted from the restrictions on roadside right-of-way advertising insofar as they do not endanger life or property or conflict with federal law, regulations or safety standards.

HOUSE BILL 663 (CHAPTER 78-183) makes it unlawful to knowingly issue a false statement concerning a vehicle odometer reading or to knowingly bring into the state a vehicle whose odometer has been illegally altered. The penalty for intentionally violating these provisions is changed from a misdemeanor to a third degree felony.

Motor vehicle dealers who violate any of these provisions or who fail to furnish an odometer disclosure statement to a customer are subject to the denial, suspension, or revocation of their licenses.

At the annual vehicle inspection, the odometer reading, the previous year's certificate number, the vehicle identification number, and the name of the owner must be recorded and made a part of the vehicle inspection records for 24 months.

SENATE BILL 244 (CHAPTER 78-217) directs the Department of Highway Safety and Motor Vehicles to issue 20-day temporary tags to owners who wish to sell their cars when such cars are not currently licensed. The owner must attest by affidavit that his only intention is to demonstrate the vehicle for the purpose of a casual sale. The temporary tag fee is \$1 and is valid for 20 days. When purchased through the county tax collector, a \$1 service charge must be paid, as well.

Members of the Seminole and Miccosukee Indian Tribes are the beneficiaries of an additional 610 free license plates under the provisions of SENATE BILL 670 (CHAPTER 78-232). The total allocation is increased from 640 to 1,250 tags. The

Miccosukee Tribe, previously included as a band of Indians within the Seminole Tribe, is given status as a separate tribe. The total allocation may be increased by 10 percent annually upon request and certification of need by the tribal councils.

Beginning on January 1, 1979, an owner of a motor vehicle, except mobile homes, that was not used during periods for which it was not registered may avoid paying registration fees for those periods under SENATE BILL 199 (CHAPTER 78-216). The owner must certify that the vehicle remained in "dead storage" for the entire time for which the exemption is being claimed.

Tax collectors are exempted from liability for issuing motor vehicle tags to persons who do not maintain adequate personal injury protection insurance or financial responsibility insurance by HOUSE BILL 1343 (CHAPTER 78-186). This act also enables certain automobile owners to obtain refunds for unused portions of their vehicle registration.

No part of a Florida license plate may be covered by any unauthorized object under the provisions of SENATE BILL 364 (CHAPTER 78-55). Prior to the passage of this act, which is effective July 1, 1978, it was unlawful to deface or permit the obscuration of a Florida plate. The act buttresses the state policy that license plates shall be easy to read for identification purposes and that nothing shall be placed upon the face of such plates unless permitted by law or by rule or regulation of a governmental agency.

SENATE BILL 124 (CHAPTER 78-213) requires U. S. Senators, Congressmen and State Legislators who have been issued a prestige license plate to apply for a replacement tag within 30 days after leaving the elective office. Failure to apply or to continue displaying the prestige plate is punishable as a misdemeanor of the second degree.

SENATE BILL 416 (CHAPTER 78-363) provides that ancient vehicles (at least 35 years old) which have been issued permanent "horseless carriage" license plates, shall be exempt from safety equipment inspection requirements. Applications for registration of antique automobiles, antique trucks or a vehicle which qualifies as a horseless carriage shall contain the engine number and the years and model of the engine. The engine of the vehicle must be at least 20 years of age in order to qualify as an antique automobile or truck, or 35 years or more to qualify as a horseless carriage (ancient motor vehicle).

The act also requires that at least one county-operated inspection station be open on Saturday, and permits closing of such station on one week-day. Counties with a population of 25,000 or fewer persons or those having privately run inspection stations are exempt from these provisions.

Mobile Home and Moped Regulations

SENATE BILL 362 (CHAPTER 78-221) redefines "mobile homes" and defines the terms "length," "length of a mobile home," and "width of a mobile home" to conform to federal

regulations. Advertising or other communications which refer to mobile homes in terms of length and width are required to conform to the new definitions so as to not confuse the public. Penalty provisions are expanded to include inspectors (in addition to manufacturers and dealers) and allow for punishment under Title VI of the National Mobile Home Construction Safety Standard Act. This act also authorizes the Department of Highway Safety and Motor Vehicles upon the issuance of a certificate of title for a mobile home upon which no identification or serial number is affixed or ascertainable, to assign and have affixed to the mobile home an identification number.

Mobile homes taxed as real property and recreational vehicles attached to the land will be issued mobile home registration stickers in lieu of metal plates beginning October 1, 1978. HOUSE BILL 854 (CHAPTER 78-207) provides that the stickers are to be affixed to the window closest to the street providing access to the home when the vehicle is affixed to the land; and prescribes display of license plate or sticker when the vehicle is being moved over the highway. There is no change in the fee structure. The law also requires nonresidents having mobile homes or recreational vehicles situated in Florida more than six consecutive months to purchase a Florida tag.

Under HOUSE BILL 261 (CHAPTER 78-353), mopeds must comply with all federal safety standards, and an operator must possess a valid driver's license. A license tag with the word

"MOPED" on it will be issued to moped owners upon the payment of a one-time \$5 registration fee. The tags will be available January 1, 1979. This act is intended to aid police in locating the owners of stolen mopeds that are recovered. Mopeds continue to be barred from bike trails and footpaths.

Drivers' Licenses

SENATE BILL 220 (CHAPTER 78-394) amends various sections of Chapter 322, F.S., relating to drivers' licenses: A definition is provided for "driver's license" and for "resident"; the qualifications for director of the Division of Drivers' Licenses of the Department of Highway Safety and Motor Vehicles is changed by deleting the requirement that he must be a member of the uniform division of the Florida Highway Patrol and that his pay be equivalent to that of a major; spouses and dependent children of non-residents are required to obtain a Florida driver's license when such non-resident is so required; certain requirements are provided for issuance of a chauffeur's license; the age limit for obtaining identification cards from driver license offices is lowered from 15 to 12 years of age; certain additional information is required to be included in applications for license or instruction permits; documents establishing age are required to be certified; the provision for application for multiple drivers' licenses is eliminated; and liability for negligence of minors is placed upon the person who signed the application of such minor, with

provisions made for procedure to obtain action for release from further liability.

Other changes provided by this act include provisions for examination of applicants and for reexamination of all drivers; for powers and duties of driver's license examiners; for regulation concerning the issuance, cancellation, suspension and reinstatement of licenses; for issuance of temporary driving permits or restricted licenses; and maintaining of records of all licenses. The authority of the Department to suspend or revoke licenses, when the records show conviction of a violation which resulted in an accident causing death or personal injury of another or of property damage in excess of \$50, is changed to require that such property damage be in excess of \$500. Local governments are prohibited from issuing drivers' licenses to any person licensed as an operator, chauffeur, or restricted operator. Repealed are certain provisions relating to: the content of identification cards; the appointment of subagents of the Department for sale and issuance of drivers' licenses; and to the value of certain points assigned for traffic violations. Penalties are provided for violations of certain provisions of Chapter 322, F.S.

Under COMMITTEE SUBSTITUTE FOR SENATE BILL 108 (CHAPTER 78-83), an uninsured driver who is involved in an accident resulting in bodily injury, death or property damage exceeding \$500 will have his license suspended regardless of whether or not a judgment has been entered against him. Persons owning uninsured vehicles involved in such accidents will have all of

their registrations suspended. However, the act provides that where an uninsured car was legally parked at the scene of the accident or where the uninsured driver is the only one injured, no penalty shall attach. The time period in which accident report forms must be forwarded by investigating law enforcement officers to the Department of Highway Safety and Motor Vehicles is changed from 10 days to 24 hours.

HOUSE BILL 161 (CHAPTER 78-204) directs the court to require incompetent drivers to surrender their motor vehicle operator's license to the court; the court is to forward the license, together with a record of the incompetency adjudication, to the Department of Highway Safety and Motor Vehicles. This act also gives the courts discretion to order the Department to revoke or suspend driver licenses when the licensee has been convicted of a serious traffic offense.

The Department of Highway Safety and Motor Vehicles is presently authorized to suspend the license of an operator or chauffeur without a preliminary hearing when the licensee has been convicted of a traffic law violation resulting in death or personal injury of another or property damage of more than \$50. SENATE BILL 567 (CHAPTER 78-226) raises that property damage threshold to \$100. [SENATE BILL 220 (CHAPTER 78-394) passed subsequently, further increased the threshold to \$500.] The act also requires the deduction of three points from the point total of any driver suspended for the first time under the point system, if the person has complied with all the other

requirements of Chapter 322, F.S., and has had his/her driving privilege reinstated.

HOUSE BILL 724 (CHAPTER 78-37) amends Chapter 322, F.S., which relates to driver licenses, prescribing the procedure for notification of driver license cancellations, suspensions or revocations, and requires some tax collectors to assist in enforcement by refusing to register a vehicle until such time as the registration applicant has surrendered his license to the Department of Highway Safety and Motor Vehicles. The act provides that after October 1, 1978, notice of Department orders shall be by personal delivery or certified mail. An affidavit by the Department employee mailing such notice shall be adequate proof; orders sent by mail will become effective 20 days after mailing and the suspension or revocation period shall run from date of surrender of license. Tax collectors having access through the Department's data center to those files are prohibited from issuing tags for vehicles belonging to a driver whose license is under Department order when that driver has not surrendered his license to the Department.

Under the provisions of SENATE BILL 517 (CHAPTER 78-48), persons cited for driving while not in possession of their driver license or vehicle registration may not be penalized if they produce their license or registration before the time of his court or hearing appearance. For convenience, the court clerk is authorized to dismiss such cases prior to the hearing date.

SENATE BILL 172 (CHAPTER 78-105) enables any person 12 years of age or older who does not have a valid driver's license to receive an identification card upon application to and payment of \$3 to the Department of Highway Safety and Motor Vehicles.

Safety Inspections

Under the provisions of SENATE BILL 408 (CHAPTER 78-111), when a motor vehicle fails inspection and the necessary part(s) cannot be obtained and installed within 30 days, the owner is given additional time (up to 90 days) for reinspection. The authorized inspection receipt and a dated copy of the order form for the necessary part operates as a temporary inspection permit.

Under SENATE BILL 439 (CHAPTER 78-112), a duly authorized representative of a vehicle owner may be penalized for causing or knowingly permitting to be driven or moved on any highway, any vehicle which is so unsafe as to endanger any person or property. A law enforcement officer may require immediate repairs or discontinued use if the vehicle presents an "unduly hazardous operating condition." Even if such a condition does not exist, but the vehicle has equipment defects involving tailpipes, mufflers, windshield wipers, or marginally worn tires, it must be repaired within 48 hours, excluding Sunday.

Miscellaneous Regulations

SENATE BILL 15 (CHAPTER 78-74) repeals the statutory

provisions which require the licensing and regulation of pilots and aircraft and the registration of aircraft in Florida. The repealed provisions were redundant because of F.A.A. requirements. The law also includes occasional or isolated sales of certain aircraft in the four percent sales tax now imposed on such sales of boats and motor vehicles.

SENATE BILL 621 (CHAPTER 78-280) adjusts noise level standards for various types of motor vehicles. The sound level limit requirement for motorcycles is lowered and compliance dates extended to allow manufacturers more time to meet the standards. Compliance dates for vehicles with a gross weight above 10,000 pounds and other motor-driven cycles and motor vehicles are also postponed in order to conform to the EPA's final rule for such vehicles. In addition, the act authorizes the Department of Environmental Regulation to administer a sound level meter loan program for local enforcement agencies.

SENATE BILL 433 (CHAPTER 78-144) authorizes the Department of Highway Safety and Motor Vehicles, with the approval of the Department of Banking and Finance, to purchase a schedule position bond for its bonded employee-officers, instead of the more expensive and cumbersome individual bonds. The bonds protect individual performance and fidelity in the positions and amounts listed on the bond certificate.

SENATE BILL 227 (CHAPTER 78-52) provides an exclusion for taxicabs from the requirement that all motor vehicles carrying passengers for hire, and other vehicles, stop at all railroad crossings. In addition, where a traffic control

signal, sign, or a police officer directs traffic to proceed, no stop is required. Any school bus carrying any school child is required to stop under all circumstances unless directed to proceed by a police officer. Present law prohibits parking a vehicle within 50 feet of a railroad crossing. This act allows the Department of Transportation to establish a different distance when circumstances require.

HOUSE BILL 276 (CHAPTER 78-271) grants an exemption to Subsection 316.295(2), F.S., regulating motor vehicle window glass. Under this act, after July 1, 1978, vehicles used to transport sufferers of sun-sensitive diseases may be equipped with side and rear window glass having a total solar reflectance greater than 35 percent of the visible light range. Before placing such glass (or screen) in a vehicle, the owner must obtain a physician's statement verifying the nature of the sufferer's illness and must apply to the Florida Highway Patrol for the exemption and the window stickers to be displayed on each exempted window.

PROFESSIONAL AND OCCUPATIONAL REGULATION*

The thrust of 1978 legislation on the overseeing of the practice of certain professions and occupations by the state is the enactment of laws meeting the requirements of the "Regulatory Reform Act of 1976," also known as Florida's "Sunset Law" (Section 11.61, F.S.). Other laws which did not provide for complete "revival and readoption" of regulatory chapters in the statutes amend provisions on the qualifications and licensure of applicants and the scheduling and disposition of fees. The remaining enactments deal with specific practices in given occupations.

Implementation of the Sunset Law

The Regulatory Reform Act of 1976, CHAPTER 76-168, requires periodic legislative review of state regulatory functions. Accordingly, the statutes relating to five occupations were examined, revised and reenacted. These five occupations are barbering, cosmetology, massage, marine piloting and naturopathy. Certain common provisions appear in most of these regulatory reform enactments:

*Prepared by staff of House Committee on Regulated Industries/Licensing

The regulatory board's membership is increased to admit lay persons and member accountability to the Governor is stated with grounds for removal set out;

A practice commission is created as the rulemaking body for the occupation, to consist of the Secretary of the Department of Professional and Occupational Regulation and the membership of the board;

Examining and licensing powers are transferred from the board to the Department;

All regulatory fees collected by the Department for the occupation is to be paid into the Professional and Occupational Regulatory Trust Fund of the Department, rather than into a separate fund for the board;

The Department is directed to supply all necessary legal and investigative services to the board;

A procedure is described for the bringing of a complaint against a licensee and for the disposition of such complaint;

Civil proceedings and a civil penalty is authorized for violations of the law;

Current licensees are granted a grace period or delay in the application and fee requirements of the new law.

To identify the particular provisions of each of these laws, interested persons should examine the following cited acts.

Present Chapter 476, F.S., authorizing state regulation of barbering, is replaced by the "Florida Barbers' Act," SENATE BILL 1233 (CHAPTER 78-155).

Chapter 477, F.S., the "Florida Cosmetology Law," is revived and readopted as a whole through enactment of SENATE BILL 564 (CHAPTER 78-253) until January 1, 1979, at which time the new provisions take effect. SENATE BILL 11-D (CHAPTER 78-429) corrects a technical defect in the effective date of CHAPTER 78-253.

HOUSE BILL 2183 (CHAPTER 78-436) replaces in toto the current "Massage Practice Act" (Chapter 480, F.S.).

Chapter 310, F.S., which provides for state regulation of marine pilots is revived and readopted as amended by SENATE BILL 310 (CHAPTER 78-140). Unique provisions are: The State Board of Pilot Commissioners is required to supply each pilot with a written report of its actions within fourteen days after each meeting; the list of ports from which pilot Board members are to be appointed is altered; the maximum number of pilots allocated each port is increased and the Board is directed to fix the number according to supply and demand and the public interest; and the order of preference requirement for filling pilot vacancies is stricken.

Although the Board retains rulemaking power, the Secretary of the Department of Professional and Occupational Regulation is permitted to seek administrative determination of the invalidity of any rule or proposed rule. The Department is to hire a person knowledgeable in piloting upon annual recommendation of the Board to act on the Department's behalf in matters of examination and investigation and in the selection of legal counsel qualified in admiralty law. If the

Board's recommendation is rejected it must continue to make recommendations until one is accepted, otherwise, the post is declared vacant at year's end.

The Board is to establish the percentage not to exceed two percent of gross amount of pilotage earned to be levied by the Department and deposited in the Professional and Occupational Regulation Trust Fund; and to fix the pilotage rates at each port by order following an administrative hearing held at the port affected, unless all parties agree to another location. Notice of the place of hearing is to be through a newspaper of general circulation in the affected area, or by mail if advance notice of Board proceedings has been requested. The publication and mailing of notice must occur two weeks prior to the hearing.

The law regulating naturopathy (Chapter 462, F.S.) is amended by SENATE BILL 309 (CHAPTER 78-139) to permit the State Board of Naturopathic Examiners to fix the license renewal fee for practitioners annually in an amount not to exceed \$50, to be paid when the application for renewal is filed on or before May 1st of each year. Moreover, the practitioner must supply the Board with evidence of fulfilling the necessary annual educational requirements. Additional grounds are provided for the revocation of a license: a felony committed while practicing naturopathy or a felony which relates to the licensed authority of a practitioner. This act also revives and readopts all other existing provisions of Chapter 462, F.S. to comply with the Florida Sunset Law.

Professional Advertising

HOUSE BILL 29 (CHAPTER 78-156) permits licensed optometrists to advertise fees for routine professional services and prices for ophthalmic materials. The Florida State Board of Optometry is required to adopt rules for such advertising within guidelines provided in this act. Any business arrangement whereby an optometrist would derive profits or benefits from advertising or promoting ophthalmic services or goods is declared unlawful.

HOUSE BILL 2037 (CHAPTER 78-439) permits certain types of advertising by dentists which would not be cause for suspension or revocation of license, and specifies the kind of information which may be advertised under rules which are to be promulgated by the Florida State Board of Dentistry. The content of professional announcements is prescribed. False and misleading statements or claims as defined in this act are prohibited.

Construction Industry Licensing Board

SENATE BILL 368 (CHAPTER 78-142) requires any funds over \$30,000 left in the Florida Construction Industry Licensing Board's trust fund at the end of each biennial licensing period be transferred to the Department of Education for allocation as follows: One-half to finance graduate level building construction research projects in a Florida university; and the remainder, earmarked for such projects or continuing education programs, be prorated according to the number of enrolled

building construction students among all accredited universities and community colleges in the state which offer approved courses in building construction. Repealed is the current statute which directs unexpended certification and registration fee funds be paid into the General Revenue Fund at the end of each fiscal year. (SEE SENATE BILL 786, CHAPTER 78-236, BELOW.)

Specialty contractors are required to pay an initial application fee of \$40 for registration without examination by the Florida Construction Industry Licensing Board through SENATE BILL 786 (CHAPTER 78-236), which also directs uncommitted and unexpended funds of the Board derived from certification or registration fees be paid into the General Revenue Fund at the end of each biennial licensing period rather than at the end of each fiscal year. (SEE SENATE BILL 368, CHAPTER 78-142, ABOVE.)

Professional Engineers and Land Surveyors

HOUSE BILL 386 (CHAPTER 78-272) alters the size, composition and powers of the Florida State Board of Professional Engineers and Land Surveyors and raises the limitation on various fees levied by the Board. One Board member is designated to be a lay person. Engineering and land surveying committees are created within the Board with Board members belonging to the appropriate committee, and the public member serving as a member of both committees.

The Board is granted power to suspend or refuse to renew any certificate of registration and may exercise rulemaking and disciplinary powers by a two-thirds vote only. No officer of the Board is granted ex-officio relief from voting.

The term "responsible charge" for purposes of law regulating land surveyors is defined to mean direct control and personal supervision of land surveying work. The Board is authorized to adopt and enforce rules of professional conduct and technical standards in the field of land surveying.

An expired certificate of registration or certificate of authorization for corporate practitioners becomes null and void after two years, but may be reissued at the discretion of the Board upon payment of a delinquent fee of \$20. The individual registrant must also pay the annual renewal fee. The fee for granting a corporation or partnership a certificate of authorization is set at \$65, \$50 of which is nonrefundable should the certificate be denied.

Fraud or deceit in the practice of his profession or violation of the land boundary statutes and the Condominium and Cooperative Acts are added as grounds for suspending or revoking a certificate of registration.

SENATE BILL 1310 (CHAPTER 78-410) provides that full-time employees of corporations whose practice of professional engineering is limited to design, fabrication or servicing of manufactured products for their employer are exempted from statutes regulating professional engineering as are full-time employees of public utilities subject to regulation by the

Florida Public Service Commission, Federal Energy Regulatory Commission or Federal Communication System.

Osteopathic Physicians

A new category of persons exempt from the operation of Chapter 459, F.S., regulating osteopathic physicians, is created by HOUSE BILL 1837 (CHAPTER 78-212): Students practicing as externs under the direct supervision of licensed osteopathic physicians in a program approved by the State Board of Osteopathic Medical Examiners.

The terms of the Board members are increased from three to four years and provisions are set out for the transition. Applicants for licensure may take the required examination in whole or in part no more than three times without completing a postgraduate course of study approved by the Board. Terms and a fee for licensure by endorsement are stipulated to include osteopathic physicians who have passed examination for admission to the United States Air Force medical corps. The burden of proof is removed from the applicant in proceedings before the Board to determine qualification for licensure. The granting of limited licenses by the Board to osteopathic physicians licensed to practice in other states is made permissive rather than mandatory.

The licensing period is changed from annual to biennial beginning December 31, 1979, and the fee ceiling and the education requirement is made to conform to a 24 month period. A proviso is added requiring at least 30 of the 50 hours of the

refresher training and postgraduate study to relate to the practice of osteopathic medicine or be under osteopathic auspices. Members of the Commissioned Corps of the U. S. Public Health Service are included in those which the Board may exempt from all or any portion of the educational requirements or from payment of the biennial license renewal fee.

The "executive director," rather than the chairman and secretary of the Board, is to approve expenditure vouchers. The triennial \$500 fee requirement for Board certification and renewal of each osteopathic physician assistant program is repealed.

New language is added requiring any osteopathic physician administering a drug treatment program to report at six-month intervals to the Board the patient's name, type of illness and the drugs involved. A list of these patients is to be given to the State Board of Pharmacy and the Federal Drug Enforcement Administration. Prescriptions used in such programs must be filled at the patient's pharmacy of choice. Osteopathic hospitals are required to report to the Board all disciplinary actions against a staff member or other physician within 60 days and such reports are to be considered confidential except for Board proceedings. Any Board action does not preclude separate action by a hospital, health care facility or professional society.

Pharmacists

HOUSE BILL 281 (CHAPTER 78-205) describes the procedure

by which a licensed pharmacist may fill a prescription on file at another pharmacy, and specifies the duties of the pharmacist in such other pharmacy. Corrective action is required in the event the requesting pharmacist does not fill the prescription, but any drug listed in the Florida Comprehensive Drug Abuse Prevention and Control Act (Chapter 893, F.S.) may not be dispensed in this manner.

Physical and Occupational Therapists

Acupuncture, with stipulations, is included in the definition of "physical therapy" for purposes of the Physical Therapy Practice Act (Chapter 486, F.S.) in SENATE BILL 155 (CHAPTER 78-278).

The law provides that the Council on Postsecondary Accreditation and the U.S. Commissioner of Education be recognizing authorities for agencies which approve the physical therapy course which is prerequisite to registration as a physical therapist. This educational requirement may also be satisfied by completion in a foreign country of a physical therapy program which has been approved by a agency deemed appropriate by the Division of Physical Therapy of the State Board of Medical Examiners, in addition to passing a Board examination.

Rather than paying a fixed fee at the time of application for licensing, applicants for physical therapist or physical therapy assistant must pay an amount not to exceed \$75 which the Board is to determine annually. Identical fee

requirements are provided for those who wish to be licensed by endorsement (without examination).

The annual registration fee remains at \$10 for therapists, but is increased from \$5 to \$7.50 for assistants. Failure to pay this fee by December 31st of any year, requires the licensee to pay a delinquency fee of \$7.50 for therapists and \$5 for assistants and all other lapsed fees before reinstatement. The certificate of a registrant which is not reinstated within three years is automatically cancelled. Then reinstatement or renewal may be accomplished only by making application with the appropriate fee and passing a licensing examination.

The statutory provision (Section 486.131, F.S.) granting the Department of Health and Rehabilitative Services exclusive regulatory authority for the Physical Therapy Practice Act is repealed; and the statutes which permit professional and occupational examinations to be administered under certain circumstances in the language of foreign applicants is made applicable to the act.

Work under the supervision of an occupational therapist is made part of the definition of "occupational therapy assistant" in SENATE BILL 70 (CHAPTER 78-18). The law also increases from two to four years the practical experience alternative to meeting educational requirements prerequisite to examination as an occupational therapist. The State Board of Medical Examiners is authorized to issue a nonrenewable temporary permit to practice occupational therapy to an

applicant who has not passed an examination and is not qualified to be licensed by endorsement, but is otherwise qualified. Current enrollees in the occupational therapy assistant program in Florida are exempted from the act.

Real Estate Brokers, Salesmen and Land Sales

SENATE BILL 1251 (CHAPTER 78-244) defines real estate "school permit holder," "school chief administrative person" and "school instructor" and specifies the educational requirements for each of these positions which must be met within one year of the effective date of this act. Advertising prohibitions for the schools are set out. Any person operating such a school upon the effective date of the act is exempted from the statutory requirements for these schools, but must register as a real estate broker.

HOUSE BILL 1330 (CHAPTER 78-164) establishes a fee of \$12 per annum for real estate broker-salesman registrants effective January 1, 1979.

The meaning of the terms "employ," "employment," "employer," and "employee," when used in the Real Estate License Law (Chapter 475, F.S.) and pursuant rules, include an independent contractor relationship between broker and salesman when such relationship is intended, according to SENATE BILL 681 (CHAPTER 78-366). A single registrant renewal fee of \$25 is established for nonactive salesmen and brokers applying within a certain time frame. Expiration of certificate of

registration upon change of address is made to apply to real estate schools and instructors employed in same.

Registration fees for branch offices required of registrants under the Real Estate License Law are made annual. Registrants are directed to follow certain procedures when in doubt as to what person is entitled to the accounting and delivery of escrowed property, or when conflicting demands are made on the property. If the escape procedures are followed and the resulting order or judgment obeyed, no administrative complaint may be filed against the registrant. Failure to inform the Florida Real Estate Commission within 30 days of pleading guilty to, or nolo contendere to, or being convicted of certain felonies is made one of the enumerated grounds for suspending a registration for up to ten years. Applicants for a permit to teach in a real estate school must pass an examination as an instructor or be a real estate broker.

"Convictions" is defined for purposes of the Florida Uniform Land Sales Practices Law (Chapter 478, F.S.). The financial statements which a subdivider must supply the Division of Land Sales and Condominiums of the Department of Business Regulation, unless waived, have to be audited by a certified public accountant registered in any one of the several states. The conditions under which the audited statements may be waived and the waiver extended are set out, and the Division is required to establish waiver criteria. The fee schedule for each registration of subdivided lands is restructured and most fees are increased. New fee categories

are added for filing material change, alteration or modification of an offering and for release of assurances established for improvements. The exemption for court ordered sales from the Law is deleted and the basis for other exemptions are clarified.

Under the provisions of SENATE BILL 171 (CHAPTER 78-214) any real estate broker or salesman who attempts to negotiate a rental or furnish information to a prospective tenant for a fee is obligated to supply the prospect with a contract or receipt requiring a 75 percent refund of the fee if the rental is not obtained. Moreover, if the information is not current or accurate in all important respects, a full refund must be made if demanded by the prospective tenant within 30 days of the day on which the broker or salesman contracted his services. The contract or receipt must conform to guidelines offered by the Florida Real Estate Commission for disclosure of material information, and the Commission may adopt guidelines for the form of the contract or receipt. Violation of any of these provisions by any person is made a first degree misdemeanor and a broker or salesman may also have his registration suspended or revoked.

SENATE BILL 196 (CHAPTER 78-215) provides that one resident manager and one nonresident manager employed by a registered real estate broker or owner to manage an apartment complex, are excluded from the definitions of "real estate broker" and "real estate salesman" for licensing and registration purposes.

SENATE BILL 721 (CHAPTER 78-117) permits a broker to place funds entrusted to him in escrow or in a trust or escrow account with a savings and loan association located and doing business in Florida.

Embalmers

SENATE BILL 881 (CHAPTER 78-151) requires that applicants for licensure as an embalmer shall have taken and passed, within the previous four years, an examination administered by the Conference of Funeral Service Examining Boards. Moreover, this act enables the State Board of Funeral Directors and Embalmers to grant a license by reciprocity to applicants meeting Florida standards, upon written application accompanied by an examination fee of \$100.

THE JOURNAL OF THE
ROYAL ANTHROPOLOGICAL INSTITUTE
OF GREAT BRITAIN AND IRELAND
PUBLISHED BY THE INSTITUTE
OF GREAT BRITAIN AND IRELAND
VOLUME 100
PART 1
1970

PUBLIC OFFICERS AND EMPLOYEES*

The lion's share of legislation affecting public officers and employees in the 1978 session relates to statutory refinements in the area of retirement to assure the actuarial soundness of public employee retirement systems.

In other legislation affecting public officers and employees, the Department of Criminal Law Enforcement exemptions from certain career service provisions are abolished, paid administrative leave is granted to state employees representing the United States in international athletic competition, and provisions governing the veterans' preferences in government employment are broadened.

Retirement

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1140 AND 2093 (CHAPTER 78-308) redefines the term "special risk member" for the purposes of the Florida Retirement System, effective October 1, 1978, to include only law enforcement officers, firefighters, or correctional officers designated by the Division of Retirement as meeting criteria specified for each type of officer in an effort to assure that such persons are

*Prepared by the staff of Senate Legislative Services

performing work that is physically demanding or arduous, or that requires extraordinary agility and mental acuity, and such persons may be unable to enjoy a full career and retirement benefits due to age diminishing physical and mental faculties so that such individuals become a risk to the health and safety of themselves and others. The retirement credit for such members is reduced from 3 to 2 percent of average monthly compensation for each year of service earned on or after October 1, 1978.

"Average final compensation" is redefined for purposes of computing retirement benefits under the Florida Retirement System to mean the average annual compensation of the 5 best years of the last 10 years of creditable service or, if requested by the member, the 5 best years of the member's total years of creditable service. The compulsory participation provisions of Subsection 121.051(1), F.S., are limited in their application, beginning July 1, 1979, so as not to require participation in the Florida Retirement System by a member of an existing system who is reemployed following a break in service, provided such member leaves his contribution on deposit with the existing system. The Florida Retirement System is reopened for a 2-month period (September 1, 1978 - November 30, 1978) to certain members of existing systems who have been members since December 1, 1970, and such members transferring from the Teachers' Retirement System are allowed to retain rights to survivor benefits under Chapter 238, F.S., for a limited period of time. The Elected State Officers'

Class is also reopened for the period October 1, 1978 - December 31, 1978. The employer's contribution for legislator members of the class is increased to 10.57 percent of the member's gross compensation, and the contribution for other members listed in Paragraph 121.052(4)(b), F.S., is increased to 16.78 percent.

The one percent employee contribution to the Florida Retirement System for funding the 30-year retirement provision is eliminated. The rate of employer contribution to the system for regular members is reduced to 9.10 percent, and the rate for special risk members is increased to 13.95 percent. A procedure for the payment of employer contributions is provided, which procedure assesses a delinquent fee for late payment. The act provides a method for computing actuarial equivalency for members becoming eligible to retire who have accumulated the maximum benefit of 100 percent of average final compensation and who elect to continue in active service. Any employee of a school district or community college who is a regular member of the Florida Retirement System is allowed to retire after 30 years of creditable service, regardless of age.

SENATE BILL 14 (CHAPTER 78-170), the "Florida Protection of Public Employee Retirement Benefits Act," requires actuarial review of each retirement system or plan for public employees at least every 3 years and prior to the adoption of any increase in benefits. Such review must be certified, made available for inspection by members, and filed with the Division of Retirement. Minimum requirements are established

with respect to prompt depositing of contributions, funding of costs, and amortization of unfunded liability. Basic benefits are limited to 100 percent of the member's compensation, on which benefits are based, when added to any social security benefit actually received, excluding payments for accumulated leave and compensatory time. Receipt of benefits by persons receiving benefits from other systems based upon the same service, excluding social security, is prohibited. The act requires each system to provide members with a written plan description and have one administrator and at least one fiduciary; renders void any instrument purporting to relieve a fiduciary from liability; authorizes the purchase of insurance to cover possible fiduciary liability; allows certain suits affecting the system; and provides procedure for disputed benefit claims. The measure prohibits subsequent special laws or general laws of local application in conflict with the requirements of the act.

The minimum monthly benefits guaranteed to retired members of state-supported retirement systems, which members are over 65 years of age and have 10 years or more of creditable service, are increased by COMMITTEE SUBSTITUTE FOR SENATE BILL 470 (CHAPTER 78-364). The minimum monthly benefit for such members who retired under a plan including social security benefits is raised to \$8.50 times the total number of years of creditable service; \$10.50 times such number for members retired under a plan not including social security but who are receiving social security from another source; and

\$12.50 times such number, adjusted by the actuarial factor, for members retired under a plan and not eligible to receive social security. There is a minimum provision for certain surviving spouses who are not entitled to social security benefits. Some classes of minimum benefits are not available to members retiring after June 30, 1978. Beginning July 1, 1979, minimum benefits will be adjusted annually in accordance with the change in the average cost-of-living index, but such adjustment cannot exceed 3 percent annually. A continuing annual appropriation is provided to fund the increase in the minimum benefits and cost-of-living adjustments.

SENATE BILL 308 (CHAPTER 78-108) qualifies existing provisions governing the Florida Retirement System, State and County Officers and Employees' Retirement System, Judicial Retirement System, Teachers' Retirement System, and the Highway Patrol Pension Trust Fund for purposes of bringing such systems in compliance with requirements of the U. S. Internal Revenue Code. The qualifying language relates to the declared purposes of preventing diversion of retirement funds, use of forfeitures to increase benefits, forfeiting of accrued benefits, and benefits in excess of the maximum allowed by law.

SENATE BILL 178 (CHAPTER 78-279) permits members of the State and County Officers and Employees' Retirement System who were entitled as seasonal state employees to purchase credit in such system for time during which such members were employed out-of-state, but who previously failed to claim such credit within the time required, to purchase such credit prior to July

1, 1979, provided that such service is not claimed in any other retirement system.

Career Service and Other State Employees

Exemptions from career service provisions relating to suspensions, dismissals, reductions in pay, demotions, and layoffs, currently applicable to employees of the Department of Criminal Law Enforcement, are abolished by SENATE BILL 208 (CHAPTER 78-247). Only the exemption relating to transfers is retained in Section 110.051, F.S.

HOUSE BILL 669 (CHAPTER 78-2) grants administrative leave without loss of pay or benefits to any state employee who is a member of the United States team in world, Pan American, or Olympic athletic competition for the purpose of preparing for and engaging in such competition. Such paid leave is limited to 30 calendar days a year but is not to exceed the period of the official training camp and competition combined.

Firemen

SENATE BILL 154 (CHAPTER 78-7) extends from 180 days to 1 year the specified time within which death must result from injury in order to qualify for firemen's death benefits.

Veterans

SENATE BILL 539 (CHAPTER 78-372) amends provisions which give employment and promotion preferences to veterans and their spouses by the state or any of its political subdivisions. The scope of such provisions is expanded to include a veteran of

any war who served on active duty for 181 consecutive days or more, or served at least 180 consecutive days since January 31, 1955, and who served part of such duty during a wartime era before being honorably discharged. For a merit-type system, it requires the awarding of preference points on promotion examinations to spouses of specified veterans and authorizes the awarding of points for the first promotion after employment. The act grants a secondary employment and appointment preference to the unremarried widow or widower of a veteran who died of a service-connected disability, which widow or widower is seeking a noncompetitive or non-exempt position. A report must be filed with the Division of Veterans' Affairs of the Department of Community Affairs when a preferred veteran or applicant is not hired for such a position due to the employment of a nonpreferred applicant, and failure to file such a report is prima facie evidence of violation of the provision. The bill deletes provisions placing a time limitation on complaints of violation of preference requirements and specifies that penalties apply to appointed officers of the state and its subdivisions. The act specifically limits its applicability to exclude retired military personnel from provisions granting a point preference in employment.

HOUSE BILL 241 (CHAPTER 78-10) provides a definition of "veteran" for use throughout the Florida Statutes.

STATE GOVERNMENT*

State government is an area which encompasses a wide variety of subject matters, agencies and functions.

The 1978 Legislature expressed its concern in this area by passing acts on various subjects including administrative procedures, cultural affairs, financial and budgeting matters, governmental reorganization, historic preservation, state purchasing, state agencies, state holidays and commemorative days, public buildings, and several other acts.

Administrative Procedures

After three years of failure, the Legislature finally passed the massive reviser-type bill ridding the Florida Statutes of procedural language replaced by the 1974 Administrative Procedure Act (Chapter 74-310). Over 500 pages in length, HOUSE BILL 1075 (CHAPTER 78-95) removes obsolete language relating to rulemaking, agency hearings and judicial review; however, the act makes few changes in Chapter 120, F.S., itself.

SENATE BILL 860 (CHAPTER 78-425) makes a number of changes in Chapter 120, notably by lessening the requirements

*Prepared by the staff of the House Committee on Governmental Operations

for Economic Impact Statements (EIS) for rules. The act reduces the elements of an EIS, removes the standard of "professionally accepted methodology," and establishes a one-year cutoff for challenging a rule based upon an invalid EIS. It also extends the definition of "recommended order," presently limited to hearing officers, to include presiding officers other than an agency head or member thereof, which includes officers of the Public Service Commission, Department of Health and Rehabilitative Services, Unemployment Compensation, Highway Safety and educational units. The act also finalizes, in a limited fashion, the one-year exemption granted in 1977 to the Comptroller in bank charter hearings. Over 20 other Administrative Procedure Act changes are in the law, most of a technical or minor nature.

SENATE BILL 209 (CHAPTER 78-28) removes the apprehension of the Department of Corrections that prisoners could tie up the penal system by abusing the APA. Prisoners will still be allowed to submit written statements concerning rules of the Department, but will not be considered parties (and hence will have no standing) for purposes of hearings under Section 120.57, F.S. County representatives of significant numbers of consumers in the county are included in the definition of "party" for the purposes of the APA.

Finally, HOUSE BILL 1035 (CHAPTER 78-162) removes the little-noticed exemption from the APA granted the Joint Underwriting Association in 1977 concerning determination of rate revisions or hearings thereon.

Cultural Affairs

SENATE BILL 301 (CHAPTER 78-218) provides that there be appropriated from the General Revenue Fund to the Division of Cultural Affairs of the Department of State the sum of \$1,100,000 to be used by the Division in its grants-in-aid program.

SENATE BILL 635 (CHAPTER 78-254) more clearly defines where objects of art of the John and Mable Ringling Museum of Art may be temporarily loaned. Following criteria set by present law, this act permits loans to be made on a local, state, national and international basis.

Financial and Budgetary Matters

SENATE BILL 327 (CHAPTER 78-54) changes the date by which departments must submit financial statements to the State Treasurer from the 10th to the 20th of each month.

SENATE BILL 399 (CHAPTER 78-251) provides rulemaking authority to the Board of Trustees of the Internal Improvement Trust Fund for the purpose of assessing and collecting reasonable fees commensurate to the actual cost of disclaimers, easements, exchanges, gifts, leases, releases, or sales of any interest in state lands and for reproduction of documents. This clarifies the authority of the Board to assess and collect fees for goods and services.

SENATE BILL 836 (CHAPTER 78-396) allows the Department of Agriculture and Consumer Services to advance funds to certain career service employees whose duties require the

purchase of official state samples for state examination. These funds, advanced on a monthly basis, shall be used only to purchase samples.

HOUSE BILL 1426 (CHAPTER 78-209) requires the Department of Administration to produce population estimates of local governmental units and annexed areas as of April 1, each year, instead of July 1. These population estimates are the basis for the Department of Revenue's revenue-sharing calculations.

HOUSE BILL 1245 (CHAPTER 78-350) establishes the composition of the State-Federal Relations Trust Fund at the end of each fiscal year (June 30th) and provides for the disposition of any excess monies. The Fund, created within the Department of Administration to pay for the operations of a state-federal relations office in the nation's capitol, is to consist of an amount certified as required by statutory provisions relating to undisbursed appropriations, plus 25 percent of appropriations to the Fund for the current fiscal year. Excess funds must be placed in the unallocated category of the General Revenue Fund.

HOUSE BILL 1532 (CHAPTER 78-352) relates to financial matters of state agencies. It provides that if a warrant in payment of an invoice is not mailed by a state agency within 45 days of receipt of the invoice and receipt, inspection, and approval of the goods or services, agencies shall be liable to vendors for interest of 1 percent per month on outstanding balances, in addition to the amount of the invoice. The act also permits the Comptroller to delegate certain state agencies

the authority to accept applications for refund of moneys claimed.

HOUSE BILL 2116 (CHAPTER 78-406), the "Direct Deposit of Public Funds Act," authorizes governmental units to deposit public funds directly to the accounts of persons entitled to receive them, who are in turn required to designate in writing the lawfully authorized financial institution into which such deposits will be made. This act also authorizes local governments duly authorized to do so to transfer funds for investment by electronic transfer, and conforms existing statutory language with respect to county funds and county hospital funds.

Governmental Reorganization

Two state departments are reorganized in 1978, one being split in two. SENATE BILL 1240 (CHAPTER 78-201) creates a new Department of Labor and Employment Security, into which is transferred most of the Department of Commerce. The new department will include the Divisions of Labor, Employment Security, and Administrative Services; and Commissions on Public Employees Relations, Industrial Relations, and Unemployment Appeals. The Department of Commerce will retain only the Divisions of Tourism and Economic Development; the Board of Review within the Department is renamed the "Unemployment Appeals Commission"; and there is created within the Division of Economic Development the "Economic Development Advisory Council." No new powers or duties are added in the

act, but the existing ones are transferred with the division transfers effected in the departmental reorganization. An appropriation of \$71,510 is made to the Department of Commerce and three positions and \$8,000 to the Department of Labor and Employment Security.

The Department of Revenue is internally reorganized by HOUSE BILL 1629 (CHAPTER 78-390). Previously there existed the Division of Corporate, Estate and Intangible Tax, Division of Sales and Use Tax, and Division of Miscellaneous Tax. Each separately handled assessments, collection, administration and planning. Under this new act the first two above-named divisions are restructured and designated as the Division of Audits, and Division of Collection and Enforcement; and the Division of Miscellaneous Tax was abolished. The Auditor General proposed this reorganization along functional lines in February of this year, and the Department agreed. The functions of all divisions, including the responsibilities of continuing Divisions of Administration and Ad Valorem Tax are specified in the act which mandates that the reorganization and restructuring of the Department shall be completed by June 30, 1979.

HOUSE BILL 847 (CHAPTER 78-347) renames the Florida Department of Criminal Law Enforcement as the Florida Department of Law Enforcement; the Division of Law Enforcement as the Division of Criminal Investigation; and the Inspections Bureau as the Operational Services Bureau. The name changes have no effect on the powers or duties of the agency.

HOUSE BILL 170 (CHAPTER 78-131) reorganizes the Department of Business Regulation by: (a) abolishing the Board of Business Regulation and creating a secretary as head of the Department; (b) establishes the Divisions of Pari-mutuel Wagering, Hotels and Restaurants, Florida Land Sales and Condonimiums, Alcoholic Beverages and Tobacco, and General Regulation, and provides for the appointment of above division directors; and (c) creates the Florida Pari-mutuel Commission and specifies members, powers and duties.

SENATE BILL 1137 (CHAPTER 78-297) changes the name of the Commission on the Spanish-speaking Populace of Florida in the Department of Community Affairs to the Florida State Commission on Hispanic Affairs, provides that the Commission may procure information and assistance from certain governmental agencies, and provides for non-compliance.

Historic Preservation

HOUSE BILL 1571 (CHAPTER 78-357) modifies the qualifications, membership and terms of the Historic Preservation Project Review Council of the Division of Archives, History and Records Management of the Department of State. It provides that the Council shall consist of six members to be appointed by the Governor and the State Historic Preservation Officer. Duties of the Council were also modified and extended. The act gives the Division the authority to administer a program of grants-in-aid for historic preservation projects. It creates the Historic Preservation Trust Fund

within the Division and authorizes racetracks and frontons to conduct an additional charity day for the benefit of the Fund.

COMMITTEE SUBSTITUTE FOR SENATE BILL 678 (CHAPTER 78-127) directs the Division of Building Construction and Property Management of the Department of General Services to restore and preserve the Florida Historic Capitol to its authentic 1902 form. In carrying out the restoration and preservation provisions, the Division is to consult with the Division of Archives, History and Records Management of the Department of State and with the Historic Tallahassee Preservation Board of Trustees. It provides for the rerouting of Monroe Street to provide additional park space in front of the restoration. The sum of \$7,039,440 is appropriated from the General Revenue Fund for the restoration and preservation.

SENATE BILL 1363 (CHAPTER 78-371) amends Chapter 78-127 (above) to provide that the rerouting of Monroe Street, to be effected in conjunction with the Historic Capitol restoration, will be approximately 0.25 miles and to move the centerline of Monroe Street at its intersection with Apalachee Parkway approximately 100 feet east of its present location. An appropriation of \$7,039,440 is made to the Department of General Services for restoration and preservation of the Historic Capitol.

State Purchasing

HOUSE BILL 18 (CHAPTER 78-4) prohibits the purchase of any professional or technical service by any state agency,

except the Legislature, unless the purchase is evidenced by a written agreement embodying all provisions and conditions of the transaction. This agreement must be executed prior to the rendering of any service, unless the agency head certifies that a valid emergency exists. Contracts in existence on the effective date of this act are exempt from the provisions of this act.

SENATE BILL 323 (CHAPTER 78-109) changes from \$1,000 to \$2,500 the purchase price of commodities which may be procured without competitive bids. This greatly reduces the paperwork of state agencies and is not expected to have a significant adverse effect on prices paid by the state for commodities.

SENATE BILL 426 (CHAPTER 78-145) allows state agencies to purchase printing out of state if only one in-state bid is received or if no in-state printer can produce the needed printing. With the exception of these circumstances, Florida's printing preference law is preserved.

HOUSE BILL 1570 (CHAPTER 78-389), with respect to state contracts let pursuant to competitive bidding (relating to public buildings and educational facilities), prohibits contractors from removing or replacing subcontractors listed in the bid subsequent to the lists being made public at the bid opening, unless good cause is shown.

State Agencies

HOUSE BILL 718 (CHAPTER 78-184) directs the Division of Economic Development of the Department of Commerce to annually

recommend to the Governor and Legislature desirable measures for removing any barriers or restrictions on commerce and to provide an annual report by January 15th including these recommendations. The Division is directed to prepare a list for submission to the Governor and Legislature by February 15th annually, identifying new companies locating in the state, existing companies expanding operations in the state, companies moving operations out of the state, companies halting operations for bankruptcy or other reasons, and companies of 100 employees or more involved in layoffs of at least 15 percent of their full-time employees. The act also creates the Economic Development Advisory Committee whose duty is to prepare a plan for implementing the intent of economic development legislation for submission to the Legislature and Division of Economic Development annually by November 1st.

All state agencies are now authorized to recruit, train and accept volunteers, under HOUSE BILL 5 (CHAPTER 78-263). The act provides for the status of such volunteers; the responsibilities of departments and agencies in utilizing such services; authorization for certain expenses and benefits; and for certain departmental and agency reports and information concerning such volunteer service.

The authority of the Attorney General to issue written opinions concerning official duties was extended to requests by members of the Legislature under SENATE BILL 61 (CHAPTER 78-399).

HOUSE BILL 1991 (CHAPTER 78-438) created the "Central and South American and Caribbean Trade and Development Commission," within the Department of Commerce, and provides for its membership and functions which shall include developing and maintaining friendly contact with officials and employees of nations in the mentioned areas.

HOUSE BILL 1275 (CHAPTER 78-25) makes permanent the authority for the Energy Data Center in the Department of Administration, which was to expire July 1, 1979. The act also provides for certain functions by the Department consistent with the state energy policy.

COMMITTEE SUBSTITUTE FOR SENATE BILL 22 (CHAPTER 78-323) is entitled the "Sundown Act." The act provides for automatic repeal of boards, committees, councils and commissions adjunct to executive agencies which were created by statute. These groups are divided into two categories - those which have held no official meetings since January 1, 1975, and those which have met after that date. Such named entities which have failed to meet since 1975 are repealed effective October 1, 1979; those that have held official meetings subsequent to the deadline are repealed effective October 1, 1981.

All councils subject to the 1981 repeal date will be reviewed by the Legislature two years prior to their repeal (1979) to determine which, if any, should be reestablished in the public interest. Any reestablishment shall be for a period not to exceed six years. In addition, any new board, council, committee or commission adjunct to an executive agency created

by statute shall not be established for a period longer than six years at which time it shall undergo legislative review.

This act is declared to be supplemental to Chapter 76-168 (Section 11.61, F.S.), the Regulatory Reform Act, and the Select Joint Committee appointed pursuant to said Act is to establish criteria and procedures for the review required under the provisions of the "Sundown Act."

State Holidays; Commemorative Days; State Symbols

SENATE BILL 692 (CHAPTER 78-30) designates January 15, the birthday of civil rights leader Martin Luther King, Jr., of each year as a state holiday. As a legal holiday that date will be observed throughout the state. It is not, however, a paid holiday.

The Legislature recognized the contributions of another civil rights activist in SENATE BILL 1202 (CHAPTER 78-298). That measure provides that February 15 of each year shall be observed as a legal holiday to commemorate the birthday of Susan B. Anthony and her struggle for civil and political equality for women.

HOUSE BILL 57 (CHAPTER 78-203) establishes the third Friday of each May as "Teacher's Day," empowering the Governor to annually issue a proclamation calling for public schools and citizens of the state to observe the occasion in honor of those responsible for the education and training of Florida's youth.

HOUSE BILL 617 (CHAPTER 78-46) designates May 15 of each year as "Law Enforcement Memorial Day," and permits the

Governor to declare it a day of mourning throughout the state for those law enforcement officers who have given their lives in the performance of service to the citizens of this state.

The Legislature made "Glenn Glitter" the official state litter control symbol by enactment of SENATE BILL 1119 (CHAPTER 78-296). "Glenn," also the official litter control trademark of the Florida Federation of Garden Glubs, Inc., joins the mockingbird, orange blossom, and sabal palm among others, as state symbols.

Public Buildings

SENATE BILL 75 (CHAPTER 78-26) declares that it shall be the policy of the state to operate, maintain and renovate state facilities in a manner so as to minimize energy use. To further this goal, the Division of Building Construction and Management of the Department of General Services, with the assistance of the Department of Administration, is ordered to develop and implement a state energy management plan for state agencies occupying state-owned or leased buildings. Each state agency is to appoint an energy management coordinator to advise the agency head on matters relating to energy consumption and to cooperate with the Division in implementing and determining the effectiveness of the state energy management plan. The sum of \$50,000 is appropriated to the Department of General Services to implement this act.

SENATE BILL 780 (CHAPTER 78-235) establishes statewide handicapped accessibility requirements for passenger elevators

in new buildings frequented by the general public. The requirements follow the standards for accessibility to the handicapped set by the National Elevator Industry, Inc., with exceptions providing for Braille markings indicating controls, floor access, and door jams; and a handrail on one wall; and in some cases, requirements relating to emergency evacuation. These requirements supersede all other state laws and regulations and may not be modified by municipal or county ordinance.

HOUSE BILL 2137 (CHAPTER 78-166) transfers from the Department of General Services to using agencies several areas of responsibility with respect to leases for private sector space. The act requires competitive bids for all leases of 2,000 square feet or more, simplifies ownership disclosure requirements of Section 255.249, F.S., simplifies approval of extensions of existing leases, and prohibits any agency from entering into more than one lease for space in the same privately owned facility within any 12-month period except upon solicitation of competitive bids. It provides that the costs of all modifications or renovations made for the purpose of bringing lease property into compliance with fire safety standards shall be borne by the lessor. If any agency head certifies that any lease for less than 2,000 square feet complies with applicable criteria and fire safety standards, and is in the best interest of the state, the approval of that lease by the Division of Building Construction and Property Maintenance, Department of General Services, is not required.

SENATE BILL 147 (CHAPTER 78-27) requires that after January 1, 1979, state agencies receive the approval of the Division of Building Construction and Property Management before initiating construction on any facility or self-contained unit thereof which incorporates or contemplates the use of an energy system other than a solar energy system, when the life-cycle cost analysis prepared by the Division under Section 255.254, F.S., reveals that the solar energy system is the most cost-efficient.

Legislature

HOUSE BILL 268 (CHAPTER 78-302) requires the publication of notice of special or local legislation in some newspaper circulation throughout the county or counties where the matter to be affected by the legislation is situated.

HOUSE BILL 1138 (CHAPTER 78-307) requires advance published notice of any relief act which provides for the payment of the claim from the municipal revenue sharing trust fund prior to introduction in the manner presently provided for special and local legislation. The act provides that the notice shall state the name of the claimant, the nature of the injury or loss for which the claim is made, and the amount of the claim against the affected municipality's revenue sharing trust fund.

HOUSE BILL 1621 (CHAPTER 78-268) creates Section 11.045, F.S., to require that persons engaging in legislative lobbying register with a joint legislative office disclosing specified

information including any business relationship with legislators; and disclose semiannually amounts spent for lobbying activities. It further provides for investigations of complaints against lobbyists by legislative committee; for recommendation and imposition of penalties by the Legislature; and that such information relating to lobbying be open to public inspection.

SENATE BILL 1003 (CHAPTER 78-121) changes from \$1,000 to \$2,500 the purchase price of commodities which may be procured without competitive bids by the Joint Legislative Management Committee. It also deletes the requirement of newspaper advertising of bids on all purchases in excess of \$2,000.

Miscellaneous and General

HOUSE BILL 2154 (CHAPTER 78-447) repeals the current provision of law relating to the restriction on a 10-acre grant to the Guidance Center of Hernando County, which provides that in the event of any voluntary or involuntary encumbrance resulting from the use of the land, the property shall revert back to the state.

SENATE BILL 770 (CHAPTER 78-81) provides that all registration and circulation records of public libraries shall be confidential information. Any information of such records may be divulged only in accordance with proper judicial order. Divulging of any such information in any other manner is a second degree misdemeanor.

SENATE BILL 862 (CHAPTER 78-150) relates to the disposition of personal property found by employees of a governmental agency during the course of their official duties. It vests title of property found by public employees in the governmental entity, rather than the employee, if unclaimed within 6 months of the find. It provides for the sale and/or destruction of such property in civil and non-civil proceedings.

SENATE BILL 651 (CHAPTER 78-365) provides that when an action is filed against a board or commission of a state or local agency to enforce the "Sunshine Law," and the court finds that the agency violated said law, or when an agency appeals such a finding and the finding is upheld, reasonable attorney's fees shall be assessed against the agency. The act provides that the fees may be assessed against the individual members of the board or commission unless the board or commission has followed its attorney's advice; and that fees may be assessed against the individual filing the action if it was filed in bad faith or was frivolous. Reimbursement of attorney's fees is provided for members of the boards or commissions who are acquitted of a charge of violation of the "Sunshine Law." The holding of public meetings is prohibited in any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status, or to which public access is unreasonably restricted.

TAXATION*

No major tax programs have been enacted by the 1978 Legislature during its regular session. Additional exemptions are granted to the sales tax, and reduced assessment of property on which a solar energy system is installed would be granted, subject to a constitutional amendment. A limitation on the municipal public service tax on fuel oil is imposed. The distribution of proceeds of the phosphate severance tax is revised, and new trust funds are created to carry out reclamation and research programs in that area.

However, the bulk of the tax legislation deals with administrative provisions, and various revisions and reforms have been enacted, particularly in the areas of ad valorem taxation, the Homestead Property Tax Deferral Act, and cigarette tax. The duties and privileges of dealers who collect the sales tax and cigarette tax are affected by several laws, as are the duties of tax collectors and property appraisers and the Department of Revenue.

Sales and Use Tax

A varied assortment of sales tax exemptions were granted

*Prepared by the staff of House Bill Drafting

by the Legislature this year. SENATE BILL 228 (CHAPTER 78-249) and HOUSE BILL 237 (CHAPTER 78-270) provide exemptions which will benefit veterans' organizations; the former exempts the sale of artificial commemorative flowers by nationally chartered veterans' organizations, and the latter exempts the sale or lease of tangible personal property to state headquarters for veteran organizations which are exempt from federal income tax under the Internal Revenue Code, provided such articles are used in veteran organization activities. In the area of agriculture and livestock, SENATE BILL 339 (CHAPTER 78-77) exempts liquefied petroleum gas and other fuel used to heat a structure in which started pullets or broilers are raised, and HOUSE BILL 532 (CHAPTER 78-411) expands the exemption for feeds for raising livestock on farms to include feeds for race horses and other horses not used for agricultural purposes.

Additionally, SENATE BILL 269 (CHAPTER 78-107) specifies that when space is subleased to a convention or industry trade show, in a publicly or privately owned convention hall or auditorium, the prime lease is subject to tax and the sublease is exempt. COMMITTEE SUBSTITUTE FOR SENATE BILL 452 (CHAPTER 78-329) exempts resource recovery equipment (equipment or machinery exclusively and integrally used in the actual process of recovering material or energy resources from solid waste), which is owned and operated by or on behalf of any county or municipality certified by the Department of Environmental Regulation, from the state sales tax; and prohibits any requirement for any county or municipality to participate in a

resource recovery program prior to a feasibility determination by the local government. The act also provides for the certification of resource recovery equipment by the Department of Environmental Regulation in order to qualify for the tax exemption granted by the act.

Other exemptions from the sales tax include that granted by SENATE BILL 615 (CHAPTER 78-176) for the sale of prepared meals delivered by a nonprofit volunteer organization to handicapped, elderly or indigent persons at their place of residence. The definition of "educational institutions" entitled to tax exemption for tangible personal property purchased or leased for nonprofit educational purposes is expanded by SENATE BILL 351 (CHAPTER 78-220) to include private nonprofit corporations which raise funds for Florida colleges and universities. This act also provides a tax exemption for dues, membership fees and admission charges imposed by nonprofit sponsoring organizations or community or recreational facilities, if the organization or facility qualifies for tax exemption under the Internal Revenue Code. SENATE BILL 276 (CHAPTER 78-250) redefines the term "admissions" for purposes of the tax thereon to exclude admission charges for certain musical, theatrical, artistic, scientific and historical exhibitions and performances when such charges are made by organizations which receive contributions which are deemed "charitable" under the Internal Revenue Code.

Two acts deal with the partial exemption for vessels engaged in interstate or foreign commerce. SENATE BILL 294

(CHAPTER 78-67) specifies that items appropriate to carry out the purposes for which a vessel is designed or equipped, and which are purchased for use on board such vessel, shall be deemed to be parts of the vessel and thus qualified for the partial exemption. The act also requires that in order to qualify for the exemption a purchaser must sign an affidavit stating that the items purchased will be used exclusively for exempt purposes and describing the extent of the exemption, and provides for application of existing penalties for furnishing a false affidavit to evade taxes. SENATE BILL 676 (CHAPTER 78-59) provides clarifying language with respect to this exemption and the status of previous amendments to the law which provides the exemption.

Dealers who collect the sales tax were affected by two legislative acts. SENATE BILL 676 (CHAPTER 78-59), mentioned above, allows the Department of Revenue to authorize certain dealers to make a quarterly (rather than a monthly) return and payment of tax revenues if the tax remitted for the preceding quarter did not exceed \$100, or a semiannual return and payment if the tax remitted for the preceding half year did not exceed \$200. The act specifies that the penalty for failure to make a return or pay the proper tax, which is imposed on a percentage basis, shall not be less than \$5, and provides that any person who fraudulently issues any statement or certificate claiming a tax exemption, for the purpose of evading tax, is liable for the tax plus a penalty of 100 percent of the tax, and is subject to a fine and punishment for a conviction of

misdemeanor of the second degree. The dealer's registration fee is increased from \$1 to \$5. The act also provides that a dealer may take credit or obtain a refund for tax paid on repossessed goods within 12 months of repossession, rather than in the manner provided for credits for tax paid on returned goods. In this same area, HOUSE BILL 476 (CHAPTER 78-23) provides that when a dealer has paid the sales tax on accounts which are found to be worthless, he may take a credit or obtain a refund within 12 months after the debt is charged off, for federal income tax purposes. Former law allowed only a credit, and required that it be taken in the return for the period during which the debt was so charged off.

Tax Administration Generally

Under the provisions of SENATE BILL 276 (CHAPTER 78-250) the Department of Revenue is directed to accept tax returns for sales tax and the tax on motor fuels and special fuels, which are normally due on the 20th day of the month, if they are postmarked on the next succeeding workday after that day, when the 20th day is a Saturday, Sunday, or federal or state legal holiday. HOUSE BILL 775 (CHAPTER 78-160) prohibits the disclosure of federal tax information obtained under the Internal Revenue Code, except in accordance with judicial order or as provided by law for state tax law administration, and provides a first degree misdemeanor penalty for violation. SENATE BILL 676 (CHAPTER 78-59) grants to the executive director of the Department of Revenue and his designated

assistants the authority to serve subpoenas issued by the state attorney relating to investigations concerning taxes under the Department's jurisdiction.

Ad Valorem Tax Administration

HOUSE BILL 875 (CHAPTER 78-32) revises and clarifies various administrative provisions. It provides that refunds ordered by a court, and refunds which do not result from changes made in assessed value on a certified tax roll, shall be made directly by the tax collector without the need for Department of Revenue order or taxing authority approval. It specifies that refund claims shall be made in accordance with departmental rule, and that no refund may be granted if claim is not made within 4 years of January 1 of the tax year for which the taxes were paid. The act provides for calculation of interest with respect to tax collections, sales and liens on a monthly basis, and specifies that certificate holders shall draw no interest during the time the 3 percent minimum charge for taxes redeemed prior to sale of a tax certificate is in effect. Delinquent personal property taxes are to be advertised within 45 days after they become delinquent, rather than on or before April 25, under another provision of the act. The law also directs that land available for taxes and not sold shall escheat to the county in which it is located, rather than to the Board of Trustees of the Internal Improvement Trust Fund. Finally, the act provides that tax notices need not be

mailed and extensions need not be made on the tax roll if the amount of taxes is less than \$5, rather than \$1.

COMMITTEE SUBSTITUTE FOR SENATE BILL 590 (CHAPTER 78-228) directs the property appraisers, in calculating the millage rate to be certified to the various taxing authorities, to use 98 percent of the taxable value within that authority's jurisdiction, rather than 95 percent.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 959 (CHAPTER 78-185) provides that, with respect to applications for ad valorem tax exemption, special assessment classification, or returns, the date of an official United States Postal Service postmark shall be considered the date of filing, and, when the deadline for filing falls on a Saturday, Sunday, or legal holiday, it shall be extended through the next working day. This act also adds a restriction to provisions which allow local officers to use forms other than those prescribed by the Department of Revenue for ad valorem tax administration, by specifying that the substantive content of such forms may not be at variance with the departmentally prescribed form. SENATE BILL 591 (CHAPTER 78-193) provides that aerial photographs and nonproperty ownership maps furnished to the property appraisers by the Department of Revenue shall be furnished upon request of a property appraiser or, in any event, at least once every 3 years.

Ad Valorem Tax Assessment

The assessment of inventory and of railroad property is

affected by HOUSE BILL 16 (CHAPTER 78-269). The act provides that the "average value" of inventory for assessment purposes shall reflect the average periodic amount of inventories physically on hand, and that fuels used in the production of electricity shall be considered goods in the process of manufacture and thus taxed at the reduced rate of 1 percent of just valuation. It also requires the Department of Revenue to submit county railroad property assessments to the county property appraisers no later than June 1, and allows the property appraiser to use the prior year's value for millage certification purposes if the Department has not completed its assessment by that date.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 360 (CHAPTER 78-354) deals with the assessment of outdoor recreational and park lands and of property on which a solar energy system has been installed. The act extends provisions which allow assessment of outdoor recreational or park lands based on use of such lands, to include environmentally endangered lands which are so designated by formal resolution of the county governing board. In order to qualify for this assessment, the owner must convey development rights of the land to the county governing board or the Board of Trustees of the Internal Improvement Trust Fund, or covenant that the land shall be subject to specific conservation restrictions, in a manner similar to present provisions relating to outdoor recreational and park lands. For any lands to obtain the full benefit of classified use assessment, the covenant or conveyance must be for a period of

at least 10 years. A change in the use of land so assessed requires a written reconveyance or release by the board with which the conveyance or covenant was originally made, and payment of all deferred tax liability by the owner within 90 days of approval of the reconveyance or release by the board. The act specifies that, in order to be considered outdoor recreational or park land, land must be open to the general public. It also directs the property appraisers to report to the Department of Revenue the just value and the classified use value of property assessed as environmentally endangered land separately from property assessed as outdoor recreational or park land. The act repeals provisions which direct the property appraiser to consider any moratorium imposed by a governmental body which restricts the ability of a taxpayer to develop his property and which allow the taxpayer to petition the property appraisal adjustment board for relief.

Taxpayers who install a state certified solar energy system on their property for water heating, space heating, cooling, or any other application which would otherwise require conventional energy, would also be entitled to a reduced assessment under this act. The assessed value of such property is to be reduced by the amount by which the assessed value with the solar energy system installed exceeds the value at which the property would be assessed had a conventional system been installed. The taxpayer must file a written claim to such assessment and the property appraiser may require evidence to establish the claim.

Both the assessment of environmentally endangered land on the basis of use, and the reduced assessment of property on which a solar energy system is installed, require a constitutional amendment. However, there will be no amendment relating to environmentally endangered lands on the November, 1978 ballot. The amendment relating to solar energy systems is part of the revision proposed by the Constitution Revision Commission, and the effectiveness of that part of the act is contingent upon approval of that amendment by the electors in November.

Homestead and Ad Valorem Tax Exemption

COMMITTEE SUBSTITUTE FOR SENATE BILL 71 (CHAPTER 78-324) provides that a person whose possessory right in real property is based upon an instrument granting him a beneficial interest for his life shall be considered to have equitable title to the real estate and, if he is otherwise qualified, he shall be entitled to homestead tax exemption, regardless of whether the interest was created prior or subsequent to the effective date of this act.

HOUSE BILL 874 (CHAPTER 78-161) clarifies language and procedures under the Homestead Property Tax Deferral Act, enacted last year, which will take effect December 31, 1978, and specifies that deferral of taxes shall begin with taxes assessed for 1978. The act provides that capital gains shall not be excluded from consideration as part of the taxpayer's income. It specifies that application for tax deferral be made

before January 31 following the year in which taxes are assessed, rather than the preceding December 31. It allows the tax collector 30 days after filing to consider an application, instead of requiring consideration during the month of filing, and allows 30 rather than 15 days after filing for the tax collector to send the applicant a notice of disapproval. The act allows for filing of proceedings by the tax collector or other lienholder, in addition to the applicant, upon disapproval of an application by the Property Appraisal Adjustment Board. It specifies that the loss payable clause of required insurance shall be to the tax collector, rather than to the governing body of the issuer.

The act also requires that the tax collector notify the property appraiser of those parcels for which taxes are deferred. It provides restrictions with respect to bids that may be accepted by the tax collector for sale of deferred payment tax certificates. It clarifies language with regard to change in ownership of tax-deferred property, and relieves the property appraiser of the duty to notify the tax collector of a failure to maintain required insurance on tax-deferred property.

Intangible Personal Property Tax

HOUSE BILL 650 (CHAPTER 78-43) provides that whenever a tax execution levied for delinquent intangible personal property taxes becomes void due to the expiration of a statute of limitations or otherwise, the Department of Revenue or any

tax collector or other appropriate officer is authorized to cancel the same of record upon the request of any interested person.

Judicial review of intangible personal property taxes or penalties is the subject of SENATE BILL 655 (CHAPTER 78-79). The act extends provisions which require the complainant, as a prerequisite to such review, to pay to the Department of Revenue or tender into court the amount of taxes assessed, including penalties, or file a bond conditioned on such payment, to require that the payment or bond also include any interest.

Corporate Income Tax

SENATE BILL 655 (CHAPTER 78-79), discussed above, imposes a similar prerequisite, with respect to judicial review of corporate income taxes, as that required with respect to intangible personal property taxes. It requires the complainant to pay to the department or tender into court the amount of the assessment complained of, including penalties and interest, or file a bond conditioned on such payment.

SENATE BILL 658 (CHAPTER 78-230) provides that in computing "adjusted federal income" for purposes of the corporate income tax, for taxable years beginning after December 31, 1976, there shall be allowed as a deduction the amount of wages and salaries paid or incurred within the state for the taxable year for which no deduction is allowed pursuant

to Section 280C of the Internal Revenue Code, relating to credit for employment of certain new employees.

SENATE BILL 656 (CHAPTER 78-58) supplies the annual update of the definition of the United States Internal Revenue Code for corporate income tax purposes; and makes effective under the Florida Income Tax Code all amendments to the Internal Revenue Code made between January 1, 1977, and January 1, 1978, to the same extent as if such amendments had been adopted by the Florida Legislature.

Municipal Public Service Tax

SENATE BILL 775 (CHAPTER 78-400) limits the municipal public service tax on fuel oil to no more than 4 cents per gallon, and specifies that for municipalities levying less than the maximum rate allowable, the maximum tax on fuel oil shall bear the same proportion to 4 cents as the tax rate actually levied bears to the maximum allowable rate.

Cigarette Tax

HOUSE BILL 1507 (CHAPTER 78-351) specifies that provisions of the cigarette tax law relating to dealer's permits and revocation thereof shall not be repealed July 1, 1978, as scheduled under the Regulatory Reform Act of 1976. The act updates these provisions, deleting obsolete and repetitive language, and conforming them to the Administrative Procedure Act. It also provides that an applicant for a permit must file one set of fingerprints, rather than two, on forms provided by the Division of Alcoholic Beverages and Tobacco of

the Department of Business Regulation. It grants to the Division and its designated employees the power to examine the business and books of permittees and to administer oaths and issue subpoenas, and provides for enforcement of such powers and for payment of attendance and mileage fees for witnesses.

The discount allowed to cigarette dealers as compensation for services in affixing stamps and accounting for taxes is the subject of HOUSE BILL 2096 (CHAPTER 78-442). In lieu of the former 2 9/10 percent discount on up to 2 million stamps, and 2 percent discount thereafter, the act provides a uniform discount of 2 percent, and provides that the discount be computed on the basis of 21 cents per pack, rather than 15 cents tax per pack. It prohibits discounts to dealers, vendors or distributors who sell or deal in any form of candy which resembles cigarettes, cigars, or drug paraphernalia. The act also authorizes an agent to purchase stamps by furnishing an irrevocable letter of credit or unconditional guaranty contract (in addition to executing bond) in an amount of 110 percent of his estimated tax liability for 30 days, and specifies that these forms of payment in lieu of cash on delivery shall not preclude supplemental purchases for cash.

Phosphate Severance Tax

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1370 (CHAPTER 78-136) revises the distribution of the phosphate severance tax. It terminates distribution to the Land Reclamation Trust Fund, and creates the Nonmandatory Land Reclamation Trust Fund and

the Phosphate Research Trust Fund. Until July 1, 1983, these two new funds will receive 20 percent and 5 percent of the proceeds of the tax respectively, in place of the 25 percent allocation to the Land Reclamation Trust Fund. Effective July 1, 1983, the tax rate is reduced from 10 percent to 8 percent, with 93.75 percent allocated to the General Revenue Fund and 6.25 percent to the Phosphate Research Trust Fund. Beginning April 1, 1980, and annually thereafter, the Executive Director of the Department of Natural Resources is required to report to the Governor, the President of the Senate, and the Speaker of the House as to the sufficiency of the Nonmandatory Land Reclamation Trust Fund. The act also provides for investment of interest earned on funds in the trust funds.

Refunds from taxes paid, based on the severance of phosphate before July 1, 1978, are to be paid from the Land Reclamation Trust Fund for as long as funds remain available, and provisions which impose a completion holdback with respect to the Fund are deleted.

Provisions which created the Phosphate Land Reclamation Study Commission are repealed (Subsection 211.32(3)(m), F.S.), and a Land Use Advisory Committee is created. The Committee is directed to evaluate lands mined or disturbed by the severance of phosphate rock prior to July 1, 1975, which are unreclaimed and not subject to mandatory reclamation, and to develop a general reclamation plan for such lands. Its report is to be furnished to the Department of Natural Resources by July 1, 1979. Upon receipt of the report, the Department is to adopt

by rule a master reclamation plan, after conducting on-site inspection of such unreclaimed lands. The plan will identify lands which meet specific reclamation criteria and will provide guidelines for approval of reclamation plans.

Costs of reclamation programs, accomplished in accordance with approved programs and consistent with master plan guidelines, may be reimbursed from the Nonmandatory Land Reclamation Trust Fund. Money from the Fund may also be used by the Department to purchase land included in the master plan when the landowner is unable or unwilling to restore the land. If a sale price cannot be agreed upon, the Department may exercise the power of eminent domain. The Department is to restore such land, with costs paid by the Trust Fund, and to sell the land after reclamation, with the proceeds payable to the Trust Fund.

Finally, the act creates the Florida Institute of Phosphate Research, headed by a 3-member board appointed by the Governor. The Institute is to administer the Phosphate Research Trust Fund, which is to be used to finance the Institute's programs. These programs include: environmental studies; study of reclamation alternatives; study of phosphatic clay disposal and utilization; establishment of more efficient mining and processing methods; publicizing its research and holding public hearings; and provision of laboratory facilities.

1978 SPECIAL SESSION*

Immediately following the 1978 Regular Session of the Legislature, the Governor called the Legislature into special session for the sole and exclusive purpose of enacting legislation for the protection of the state's lands. The session was to begin Wednesday, June 7, and adjourn Friday, June 9. On June 8 the Governor issued an amended proclamation which expanded the call to the consideration of legislation relating to:

- (1) Protection of the state's lands.
- (2) Items in the General Appropriations Act which are contingent upon the passage of additional legislation.
- (3) Creation of a five-member appointive Public Service Commission.
- (4) Amendments to the state sales and gasoline taxes under Chapters 206 and 212, F.S., and the municipal public service tax under Chapter 166, F.S.
- (5) Placing a consumer on professional and occupational boards.
- (6) State comprehensive planning and coastal zone management.

*Prepared by the staff of House Bill Drafting

(7) Workmen's compensation.

(8) Amendments to the Florida Evidence Code.

(9) Amendments to Chapter 400, F.S., relating to nursing homes and related facilities.

The Legislature passed 12 bills within the call of the Governor and 5 bills outside the call. Those in the latter category relate to county boundaries, cemetery companies, eminent domain, state licenses and cosmetology. The Governor subsequently vetoed a bill relating to the administration and funding of school food and nutrition programs, and the state licenses measure. The 15 bills which became law are summarized under appropriate headings below.

Commerce

Of the two acts addressed by the Legislature under this general heading, the one which received the most attention was SENATE BILL 3-D (CHAPTER 78-300) relating to workmen's compensation. The act makes a wide variety of changes to the law, the cumulative effect of which is intended to reduce the cost of workmen's compensation. Private employers with less than three employees need not provide workmen's compensation for their employees. Certain volunteers are also exempted from the workmen's compensation law. Fellow employees are granted the same immunities from liability enjoyed by an employer, subject to certain exceptions. Weekly compensation, except for the initial week, is to be paid by check and must be adjusted to the nearest dollar.

Medical practitioners are required to furnish the Division of Labor of the Department of Commerce, and either the self-insured employer or the carrier, with a sworn statement declaring the injury report to be truthful and the treatment and services provided to have been reasonable and necessary. The Division is required to adopt schedules of maximum charges for hospital treatment and services payable through workmen's compensation benefits, and is authorized to investigate hospitals and medical practitioners to determine compliance with the schedules. Offenders are to receive no payment for services provided and will be liable for the return of any fees collected.

The method of determining the amount of compensation for unscheduled permanent partial disabilities is changed so as to base the amount of compensation upon the percentage of disability. The Division of Employment Security is permitted to release unemployment information relating to an employee. Benefits for permanent total disability are required to be reduced by the amount of unemployment compensation the injured employee receives. The time allowed an employer to give notice of injury or death to the carrier is reduced from 10 to 7 days. The penalty imposed for the late payment of compensation is increased and the penalty is required to be paid directly to the employee. A judge of industrial claims is not required to approve any award for a lump sum payment when he determines the award to be in excess of the workmen's compensation benefits to which the employee is entitled. Final approval of a lump sum

settlement agreement is to be effected without hearing by entry of an order within 7 days of the filing of a joint petition and stipulation, unless the judge decides otherwise.

Claims for diminution of wage-earning capacity shall not mature for 90 days after the employee has reached maximum medical improvement. A judge of industrial claims is prohibited from awarding compensation for physical impairment which is greater than the greatest disability given the employee by a physician, unless the parties otherwise stipulate. Specific factors are provided upon which an award for diminution of wage-earning capacity may be determined. Each judge of industrial claims or the Industrial Relations Commission is to report each case unresolved within 30 days of final hearing or 180 days of filing of an application for review to the Bureau of Workmen's Compensation, Division of Labor, Department of Commerce, on a form provided by the Bureau giving specific information. The Bureau is to make an annual compilation of these reports for submission to the Governor, Secretary of Commerce, the Legislature, The Florida Bar, and the Appellate District Judicial Nominating Commissions.

Employees are required to pay 25 percent of the attorney's fees on claims for benefits other than medical benefits unless the employer or carrier is proved to have handled the claim in a negligent, arbitrary, or capricious manner. In such cases the employer or carrier shall pay all of the attorney's fee. The penalty for fraud involving a compensation claim is elevated to a felony and extensive fraud

provisions are added. Specific penalties are provided for fraudulent activities by medical practitioners, hospitals, and attorneys.

Workmen's compensation insurance carriers are required to offer employers an 80/20 coinsurance provision for up to \$5,000 in medical benefits. Industrial Relations Commissioners and judges of industrial claims are subject to the Florida Supreme Court's Code of Judicial Conduct and are to be selected initially by the Governor from a list of at least three persons submitted by the appropriate Appellate District Judicial Nominating Commission. Carriers who offer to secure employment for injured employees are exempted from regulation as private employment agencies. The failure of the Special Disability Trust Fund to serve notice of its acceptance of a claim within 120 days of receipt thereof constitutes a denial of the claim. Self-insurance pool agreements are permitted to provide for coinsurance agreements between the pool and the employer and to provide deductible provisions.

The Division of Labor is required to analyze injury reports and furnish reports to employers, insurers, and self-insurers. Any claimant is permitted to authorize the release of otherwise confidential work records maintained by an employer. The Department of Insurance is required to commence a review of the rates of all workmen's compensation insurers in March, 1980. Insurers are permitted to include deductible provisions in their rate filings. A Workmen's Compensation Administrator is created within the Department of Insurance to

monitor the practice of workmen's compensation carriers through reports containing specific information which must be supplied by such carriers. The Department is authorized to reject a part of a rate filing if it does not meet applicable requirements, and to approve the remainder of the filing. An interim joint legislative committee is created with a \$150,000 appropriation to study workmen's compensation and issue a report in March, 1979.

The Legislature also revised the law relating to cemetery companies in its enactment of HOUSE BILL 7-D (CHAPTER 78-407). A 30-day delay in the effective date of an order suspending or revoking a cemetery company's license is removed. The appointment of an administrator by a circuit court for the property and operation of a cemetery company is authorized. The Department of Banking and Finance is authorized to issue cease and desist orders to such companies. In any civil action not brought by the Department which results from a violation of provisions regulating cemetery companies, the court is authorized to award attorney's fees and costs to the prevailing party. The owners, officers, or directors of a cemetery company may be held personally liable for the misuse of income from the company's care and maintenance trust fund. The Department is authorized to seek an injunction and to assess a fine for any violation of a cease and desist order. Any political subdivision of the state may maintain an abandoned cemetery and may initiate legal action to recover costs if maintenance has been provided for a year or more. Every

licensed cemetery company is permitted to perform specified functions. The amount of funds in a care and maintenance trust fund which may be deposited in a bank or savings and loan association is restricted. Circumstances are provided for the refund of moneys from a trust fund or trust account. The Department is authorized to examine the records of a company at the depository where the funds are on deposit. The criminal penalty for the failure of a cemetery company to make required contributions to the trust fund is removed. Language is prescribed for the notice which must be recorded in public records of the appropriate county prior to the issuance of a license. A third degree felony penalty is provided for officers or directors of a company who fail to make required contributions or who unlawfully withdraw funds, make certain false reports, or violate the cemetery act. Bonding provisions for cemetery companies are repealed.

Conservation and Natural Resources

The Legislature was initially called into special session to deal with the Governor's concern over the state's title to sovereignty lands. A package of three bills which addressed this concern in divergent ways was enacted. SENATE BILL 4-D (CHAPTER 78-288) exempts from marketable record title provisions state title to lands beneath navigable waters acquired by virtue of the state's sovereignty. SENATE BILL 5-D (CHAPTER 78-289) exempts from the statutes of limitations any cause of action on behalf of the state for conversion of

property severed from, for trespass upon, or for any unauthorized use or invasion of state-owned lands, including sovereignty lands. This exemption from the statutes of limitations expires July 1, 1980. SENATE BILL 6-D (CHAPTER 78-301) creates a State Lands Study Committee to study the alienation of state lands by sale or conveyance. The Committee is required to submit a report to the Governor and Legislature by March 1, 1979. An appropriation of \$25,000 is provided.

The Legislature also enacted SENATE BILL 2-D (CHAPTER 78-287) relating to the State Comprehensive Plan. The Plan is defined as the policies and goals prepared by the Division of State Planning of the Department of Administration and is declared to be advisory only. The Plan is to be subjected to a continuous revision process by the Department utilizing studies, reports and plans from other agencies and all levels of government. The implementation of the Plan by an executive agency is limited to that authorized by law. Provisions which would have put the Plan into effect after the 1978 regular session are repealed, as is the authority of the Department to establish a schedule for the adoption of plans. The law also creates the Florida Coastal Management Act of 1978 and directs the Department of Environmental Regulation to apply for federal funds under the Federal Coastal Zone Management Act of 1972. The Department is designated as the lead agency for purposes of the federal act. The Department's application is required to be limited to program policies that reference existing statutes and rules. A procedure is provided for federal consistency

review. Consistency review is restricted to a review of a particular project's conformity to the state's coastal management program. Certain units of local government are required to develop coastal zone protection elements for the Comprehensive Plan. The coastal management program and coastal zone atlases submitted to the Legislature by the Department in 1978 are expressly rejected.

Courts and Civil Law

HOUSE BILL 16-D (CHAPTER 78-379) extends from January 1, 1979, to July 1, 1979, the effective date of the Evidence Code as enacted in 1976 and amended during the 1978 regular session. HOUSE BILL 11-D (CHAPTER 78-422) adds regional water supply authorities and port or aviation authorities to the list of entities authorized to take possession and title to land in advance of final judgment in eminent domain proceedings.

Education

HOUSE BILL 24-D (CHAPTER 78-432) was enacted to implement a line item appropriation in the General Appropriations Act of 1978. The Department of Education is required to consider the advice of school food service personnel in administering the comprehensive health education program for school children in kindergarten and grades 1 through 12. Instruction in nutrition education is required to be included in the program. Additional requirements are set out for the proposals to be submitted to the Commissioner by the district school boards and principals as assistance in

preparing a state plan. The Department is required to monitor and evaluate local programs funded by the state and to evaluate the comprehensive program. A report of the evaluation with appropriate recommendations must be submitted by March 1st of each year to the Legislature. Comprehensive health education is redesignated as general rather than transitional for funding purposes.

Health and Rehabilitative Services

HOUSE BILL 23-D (CHAPTER 78-393) delays until January 1, 1979, the promulgation of rules by the Department of Health and Rehabilitative Services for the evaluation of nursing homes. The rating of nursing homes is reduced from five to two categories. The requirement that a nursing home's rating be included in its advertising and that it be posted outside the facility are removed. Also removed are provisions which provided that after March, 1979, the level of state vendor payments to nursing homes would relate to their respective ratings. District nursing home ombudsmen committees are permitted to enter nursing homes, with or without prior notice, and to review Medicaid patients' personal property and money accounts, pursuant to an investigation regarding a specific complaint or problem.

Local Government

HOUSE BILL 4-D (CHAPTER 78-421) amends the legal description of Clay County to include certain land

inadvertently omitted from the legal description of the county in the 1976 revision of the boundaries.

Professional and Occupational Regulation

HOUSE BILL 21-D (CHAPTER 78-431) adds one lay member to every examining and licensing board under the Department of Professional and Occupational Regulation. The Governor shall appoint the lay members. SENATE BILL 11-D (CHAPTER 78-429) corrects a technical defect in Chapter 78-253 reviving and readopting the cosmetology law until January 1, 1979.

State Government

SENATE BILL 7-D (CHAPTER 78-426) expands the membership of the Florida Public Service Commission from three to five members and provides that they will be appointed by the Governor, subject to Senate confirmation, rather than be elected. The terms of office will be 6 years rather than 4 years, if a constitutional amendment authorizing the extended term is adopted at the 1978 General Election. Procedures are provided whereby the entire Commission, or as few as two commissioners, may be assigned to a particular proceeding. A nine-member Florida Public Service Commission Nominating Council is created to nominate persons to the Governor for appointment to the Commission.

Former commissioners are prohibited from appearing before the Commission to represent persons regulated by it for 2 years after terminating their service on the Commission. Former employees are restricted from representing such persons

with respect to any matter pending at the time of their termination if they participated in the matter.

Taxation

SENATE BILL 1-D (CHAPTER 78-299) exempts from the sales and use tax herbicides and industrial machinery and equipment for use in new manufacturing plants. Industrial machinery and equipment for use in expanding manufacturing operations are also exempted from sales and use taxes in excess of \$100,000 per year. The exemptions do not apply to: machinery or equipment purchased or used by electric utility companies, communications companies, solid minerals severance, mining or processing operations, oil or gas exploration, productions operations, printing or publishing, public lodging or food service establishments, or firms which do not produce for sale items of tangible personal property. Also exempted from the tax are items of tangible personal property sold or leased to the state headquarters for veteran organizations (as defined). The sale of aircraft to an air carrier based in Florida and regulated by the Public Service Commission is exempted, as are purchases of boiler fuels used in industrial manufacturing, processing, compounding, or production in the state. The sale of flyable aircraft by a manufacturer to certain purchasers who are not residents of Florida shall be taxable at a rate equal to the sales tax of the state in which the aircraft will be domiciled, up to 4 percent, subject to specified conditions and exceptions. Penalties are provided if the aircraft is used in

Florida within 6 months of purchase, in violation of the intent of the law. A 10 percent dealer collection allowance for such sales is provided. A tax exemption is added for the sale or use by a dealer of special fuel consumed by a power take-off, in turning an industrial concrete mixer drum mounted on a motor vehicle, if the power unit has no separate fuel tank or power source.

The levy and collection of a municipal public service tax on the first 50 kilowatt hours of electricity per month purchased for residential use is prohibited beginning October 1, 1978. This tax exemption must be passed on to a tenant. The revenue loss to a utility from this exemption is required to be deducted from the sales tax the utility owes the state, and shall be remitted to the municipality. At the option of the local taxing authority, the municipal public service tax may be levied on a physical unit basis and procedures are provided for the shifting of the tax rate and tax base.

For purposes of the imposition of the franchise tax on banks and savings associations, the term "bank" is redefined to include any banking association or corporation organized or operated under the laws of a foreign country if it is also operating in Florida pursuant to state law relating to international banking corporations. The Department of Administration is directed to submit reports to the Legislature with respect to employment positions in the state, additional value of capital outlay, and projected growth in employment and capital outlay.

LIST OF SESSION LAW
CHAPTER NUMBERS

with
SUMMARY PAGE REFERENCES

78-1	-----	122	78-51	-----	22
78-2	-----	228	78-52	-----	206
78-3	-----	116	78-53	-----	73
78-4	-----	237	78-54	-----	232
78-5	-----	90	78-55	-----	198
78-6	-----	18, 66	78-56	-----	18, 63
78-7	-----	228	78-57	-----	6
78-8	-----	194	78-58	-----	18, 259
78-9	-----	129	78-59	-----	18, 250, 251
78-10	-----	229	78-60	-----	7
78-11	-----	112	78-61	-----	7
78-12	-----	79	78-62	-----	184
78-13	-----	183	78-63	-----	81, 90
78-14	-----	73	78-64	-----	144
78-15	-----	89	78-65	-----	54
78-16	-----	48	78-66	-----	112
78-17	-----	171	78-67	-----	18, 250
78-18	-----	218	78-68	-----	88
78-19	-----	183	78-69	-----	19, 182
78-20	-----	106	78-70	-----	68
78-21	-----	171	78-71	-----	5
78-22	-----	171	78-72	-----	10
78-23	-----	18, 251	78-73	-----	65
78-24	-----	2	78-74	-----	17, 205
78-25	-----	59, 240	78-75	-----	146
78-26	-----	16, 60, 242	78-76	-----	81
78-27	-----	61, 244	78-77	-----	18, 248
78-28	-----	231	78-78	-----	63
78-29	-----	168	78-79	-----	18, 258
78-30	-----	241	78-80	-----	64
78-31	-----	146	78-81	-----	245
78-32	-----	17, 252	78-82	-----	184
78-33	-----	106	78-83	-----	15, 202
78-34	-----	129	78-84	-----	71
78-35	-----	143	78-85	-----	91
78-36	-----	170	78-86	-----	106
78-37	-----	204	78-87	-----	134
78-38	-----	80	78-88	-----	15, 190
78-39	-----	17, 31	78-89	-----	179
78-40	-----	34	78-90	-----	193
78-41	-----	75	78-91	-----	115
78-42	-----	75	78-92	-----	164
78-43	-----	257	78-93	-----	116
78-44	-----	138, 157	78-94	-----	110, 116
78-45	-----	170	78-95	-----	230
78-46	-----	241	78-96	-----	65
78-47	-----	147	78-97	-----	6
78-48	-----	204	78-98	-----	55
78-49	-----	50	78-99	-----	7, 18
78-50	-----	146	78-100	-----	8, 18

List of Session Law Chapters
with Summary Page References - Continued

78-101	----	67	78-151	----	18, 222
78-102	----	121	78-152	----	33
78-103	----	17, 27	78-153	----	54
78-104	----	107	78-154	----	4
78-105	----	17, 205	78-155	----	15, 18, 209
78-106	----	127	78-156	----	212
78-107	----	17, 248	78-157	----	28, 175
78-108	----	227	78-158	----	2
78-109	----	238	78-159	----	64
78-110	----	19, 34	78-160	----	251
78-111	----	205	78-161	----	256
78-112	----	205	78-162	----	231
78-113	----	149	78-163	----	19, 66
78-114	----	144	78-164	----	19, 219
78-115	----	130	78-165	----	179, 193
78-116	----	166	78-166	----	243
78-117	----	222	78-167	----	17, 30
78-118	----	117	78-168	----	82
78-119	----	184	78-169	----	83
78-120	----	177	78-170	----	225
78-121	----	245	78-171	----	124
78-122	----	19, 26	78-172	----	169
78-123	----	36	78-173	----	67
78-124	----	43	78-174	----	83
78-125	----	62	78-175	----	172
78-126	----	167	78-176	----	18, 249
78-127	----	16, 237	78-177	----	34
78-128	----	108	78-178	----	26
78-129	----	128	78-179	----	2, 18
78-130	----	17, 31	78-180	----	3
78-131	----	236	78-181	----	62
78-132	----	177	78-182	----	37
78-133	----	17, 28	78-183	----	197
78-134	----	17, 28	78-184	----	238
78-135	----	17, 27	78-185	----	253
78-136	----	260	78-186	----	15, 17, 60, 198
78-137	----	23	78-187	----	17
78-138	----	18, 194	78-188	----	121
78-139	----	18, 211	78-189	----	19, 67
78-140	----	210	78-190	----	78
78-141	----	151	78-191	----	129
78-142	----	18, 212, 213	78-192	----	107, 109, 147, 184
78-143	----	65	78-193	----	17, 253
78-144	----	206	78-194	----	130
78-145	----	238	78-195	----	157
78-146	----	68	78-196	----	2
78-147	----	18, 67	78-197	----	136
78-148	----	51	78-198	----	178
78-149	----	151	78-199	----	4, 18
78-150	----	246	78-200	----	164

List of Session Law Chapters
with Summary Page References - Continued

78-201	-----	16, 234	78-251	-----	18, 232
78-202	-----	59	78-252	-----	64
78-203	-----	241	78-253	-----	18, 210, 273
78-204	-----	203	78-254	-----	15, 232
78-205	-----	216	78-255	-----	44
78-206	-----	58	78-256	-----	171
78-207	-----	200	78-257	-----	52
78-208	-----	116	78-258	-----	15, 143, 149
78-209	-----	182, 233	78-259	-----	166
78-210	-----	165	78-260	-----	122
78-211	-----	37	78-261	-----	5
78-212	-----	19, 215	78-262	-----	171
78-213	-----	17, 199	78-263	-----	239
78-214	-----	221	78-264	-----	62
78-215	-----	18, 221	78-265	-----	9
78-216	-----	17, 198	78-266	-----	88
78-217	-----	17, 197	78-267	-----	154, 184
78-218	-----	16, 232	78-268	-----	244
78-219	-----	74	78-269	-----	17, 254
78-220	-----	18, 249	78-270	-----	18, 248
78-221	-----	199	78-271	-----	207
78-222	-----	38	78-272	-----	18, 213
78-223	-----	77	78-273	-----	169
78-224	-----	150	78-274	-----	174
78-225	-----	195	78-275	-----	81
78-226	-----	203	78-276	-----	51
78-227	-----	16, 93	78-277	-----	110
78-228	-----	17, 178, 253	78-278	-----	18, 217
78-229	-----	41	78-279	-----	227
78-230	-----	18, 258	78-280	-----	206
78-231	-----	47	78-281	-----	15, 18, 139
78-232	-----	17, 197	78-282	-----	192
78-233	-----	19, 113, 114	78-283	-----	186
78-234	-----	18, 35	78-284	-----	191
78-235	-----	242	78-285	-----	193
78-236	-----	18, 213	78-286	-----	190
78-237	-----	25, 180	78-287	-----	15, 270
78-238	-----	61	78-288	-----	269
78-239	-----	123	78-289	-----	269
78-240	-----	54, 178	78-290	-----	109
78-241	-----	15, 183	78-291	-----	166
78-242	-----	37	78-292	-----	135
78-243	-----	17, 29	78-293	-----	15, 117
78-244	-----	219	78-294	-----	126, 138
78-245	-----	126	78-295	-----	172
78-246	-----	168	78-296	-----	242
78-247	-----	228	78-297	-----	236
78-248	-----	144	78-298	-----	241
78-249	-----	17, 248	78-299	-----	18, 274
78-250	-----	17, 249, 251	78-300	-----	16, 264

List of Session Law Chapters
with Summary Page References - Continued

78-301	----	16, 270	78-351	----	259
78-302	----	244	78-352	----	233
78-303	----	175	78-353	----	17, 200
78-304	----	76	78-354	----	17, 254
78-305	----	88	78-355	----	19, 61
78-306	----	110	78-356	----	135
78-307	----	244	78-357	----	236
78-308	----	15, 16, 223	78-358	----	128
78-309	----	60	78-359	----	16, 141
78-310	----	66	78-360	----	19, 177
78-311	----	182	78-361	----	83
78-312	----	37	78-362	----	140
78-313	----	192	78-363	----	17, 199
78-314	----	131	78-364	----	15, 226
78-315	----	92	78-365	----	246
78-316	----	192	78-366	----	18, 219
78-317	----	33	78-367	----	19, 82
78-318	----	74	78-368	----	76
78-319	----	17, 29	78-369	----	18, 40
78-320	----	18, 44	78-370	----	16, 56
78-321	----	123	78-371	----	237
78-322	----	139	78-372	----	228
78-323	----	240	78-373	----	18, 133
78-324	----	17, 256	78-374	----	143, 144
78-325	----	18, 131	78-375	----	50
78-326	----	168	78-376	----	167
78-327	----	82	78-377	----	147
78-328	----	24, 181	78-378	----	23
78-329	----	18, 57, 248	78-379	----	87, 271
78-330	----	17, 177	78-380	----	17, 29
78-331	----	16, 125	78-381	----	17, 29
78-332	----	18, 142	78-382	----	18, 132
78-333	----	140	78-383	----	18, 134
78-334	----	80	78-384	----	183
78-335	----	137	78-385	----	153
78-336	----	18, 132	78-386	----	40
78-337	----	17, 31	78-387	----	56
78-338	----	115	78-388	----	58
78-339	----	89	78-389	----	238
78-340	----	18, 25, 181	78-390	----	235
78-341	----	1	78-391	----	17, 30
78-342	----	87	78-392	----	8
78-343	----	19, 27	78-393	----	272
78-344	----	172	78-394	----	201, 203
78-345	----	167	78-395	----	6
78-346	----	82	78-396	----	232
78-347	----	235	78-397	----	90
78-348	----	163	78-398	----	193
78-349	----	82	78-399	----	239
78-350	----	19, 233	78-400	----	259

List of Session Law Chapters
with Summary Page References - Continued

78-401	----	12
78-402	----	49
78-403	----	119
78-404	----	65
78-405	----	95
78-406	----	19, 176, 234
78-407	----	268
78-408	----	142
78-409	----	3
78-410	----	214
78-411	----	18, 248
78-412	----	196
78-413	----	15, 129
78-414	----	157
78-415	----	105
78-416	----	102
78-417	----	72
78-418	----	150
78-419	----	49
78-420	----	155
78-421	----	272
78-422	----	271
78-423	----	99
78-424	----	111
78-425	----	230
78-426	----	273
78-427	----	165
78-428	----	98
78-429	----	210, 273
78-430	----	58
78-431	----	273
78-432	----	271
78-433	----	126, 137
78-434	----	136
78-435	----	38
78-436	----	19, 210
78-437	----	54
78-438	----	15, 240
78-439	----	212
78-440	----	141
78-441	----	73
78-442	----	19, 260
78-443	----	28
78-445	----	16, 68
78-446	----	180
78-447	----	185, 245

SUBJECT INDEX
(General Bills Enacted in 1978)*

<u>Subject</u>	<u>Bill No. (Chapter)</u>
ABANDONED OR UNCLAIMED PROPERTY	
Personal property, criminal proceedings/found, public agency employee; titleholder . . . . .	.S862(78-150)
ABORTION	
Clinics; licensing, regulation, penalties . . . . .	.S1220(78-382)
ABUSE OF CHILDREN See: CHILD ABUSE	
ACCIDENTS See: Specific Subject	
ACTIONS See: Specific Subject	
ADMINISTRATION, DEPT. OF	
Criminal Justice Assistance, Bureau of. . . . .	.H2004(78-420)
Energy emergency contingency plan; reports, etc. . . . .	.H1275(78-25)
Florida Retirement System . . . . .	.H1140(78-308)
Legislative report; economic impact/tax exemptions . . . . .	.S1-D(78-299)
Population determination, revenue sharing; date . . . . .	.H1426(78-209)
Retirement benefits; recomputation . . . . .	.S470(78-364)
State comprehensive plan; preparation/revision . . . . .	.S2-D(78-287)
State-Federal Relations Trust Fund; money dispositions . . . . .	.H1245(78-350)
ADMINISTRATIVE PROCEDURE ACT	
Banks/savings & loan assns.; hearing officer duty. . . . .	.S860(78-425)
Cease & desist orders; cemetery companies. . . . .	.H7-D(78-407)
Citrus Commission orders. . . . .	.S703(78-60)
Consumer representative; participation. . . . .	.S209(78-28)
Educational alternative programs; placement review . . . . .	.S296(78-415)
Environmental permit hearings; investigations . . . . .	.H1393(78-437)
Exceptional students; placement. . . . .	.H2113(78-94)
Joint electric power projects; impact statements . . . . .	.S860(78-425)
Joint Underwriting Association; auto rate revisions/hearings . . . . .	.H1035(78-162)
Judicial review; permits, private property rights . . . . .	.S261(78-85)
Law revision . . . . .	.H1075(78-95)
Parole . . . . .	.H936(78-417)
Party definition expanded; prisoner nonconsideration. . . . .	.S209(78-28)
Rules	
Emergency rules; time schedules . . . . .	.S860(78-425)
Parole revocation hearings; notice. . . . .	.S860(78-425)
Prisoner input, DOR rules; written statements. . . . .	.S209(78-28)
Proposed rules; public inspection & copying . . . . .	.S860(78-425)
School boards; judicial review . . . . .	.S860(78-425)
Securities regulation . . . . .	.H2118(78-435)
State university rules; administrative code exemption. . . . .	.S860(78-425)
ADMISSION TAX See: TAXATION	
ADOPTION	
Children's medical services program; eligibility . . . . .	.S215(78-106)

(Continued)

*Index also includes vetoed general bills which are not summarized. No proposed Constitutional Amendments (Joint Resolutions) were adopted by the 1978 Legislature. See Session Law Chapter Number listing for Summary page number references.

ADOPTION

(Continued)

Intermediary violating law; placing restrictions . . .H628(78-190)
Medical records, family; supplied adopting parents .H628(78-190)
Sickle-cell screening prohibitedS49(78-35)
Special needs child; HRS support/maintenance age . .S248(78-362)

ADULT DAY-CARE CENTERS See: DAY-CARE CENTERS

AD VALOREM TAXES See: TAXATION

ADVERTISING

Citrus fruit.H2053(78-392)
Dentists; restrictions; announcement card mailings.H2037(78-439)
Mobile homes, "For Sale" signsH456(78-311)
Motorist services directional signs; retentionS212(78-8)
Nursing homes; ratings.H23-D(78-393)
Optometric fees/products; restrictions; rules, etc. .H29(78-156)
Outdoor Advertisers

Licenses; delinquent fee/violations; abatement. .S277(78-138)
Motorist services directional signs; retention. . .S212(78-8)
Transit shelters.H829(78-412)
Real estate schoolsS1251(78-244)
Transit sheltersH829(78-412)

ADVISORY BOARDS, COMMISSIONS, COUNCILS

AbolishedS22(78-323)
Agricultural Advisory Council
Foliage plant/grape grower memberH1025(78-24)
Veterinarian member.S1080(78-196)
Animal Industry Technical Council; veterinarian member
S1080(78-196)
Cosmetology Bd./2 lay members.S564(78-253)
Cosmetology Practice Commission.S564(78-253)
Criminal Justice Council.H2004(78-420)
Diabetes Advisory CouncilH1887(78-358)
Economic Development Advisory CouncilS1240(78-201)
Endangered Plant Advisory Council.H1139(78-72)
Engineers & Land Surveyors Board; lay memberH386(78-272)
Hearing Aid Advisory CouncilS185(78-325)
Hispanic Affairs CommissionS1137(78-297)
Human Rights Advocacy Comm., State; appointment. . .H572(Vetoed)
Industry Services Advisory Council.H251(78-20)
Infant Screening Advisory CouncilS1276(78-245)
Intergovernmental Relations Advisory CouncilS954(78-241)
Land Use Advisory CommitteeH1370(78-136)
Legislative review.S22(78-323)
Pari-Mutuel CommissionH170(78-131)
Patient Qualification Review Board.H1237(78-413)
Pilot Commissioners Board.S310(78-140)
Research & Development CommissionH1294(78-402)

AGED PERSONS

Crimes compensation; emergency awardsS235(78-44)
Data Bank on Older Floridians; establishedS669(78-293)
Day care centers; licensing, fees, inspections. . .S1089(78-336)
Employment discrimination; clarification.S688(78-49)
Homestead exemption See: HOMESTEAD EXEMPTION

AGRICULTURE & CONSUMER SERVICES, DEPT. OF

Administrative procedureH1075(78-95)
Agricultural Advisory Council

(Continued)

See Session Law Chapter list for Summary page references

AGRICULTURE & CONSUMER SERVICES, DEPT. OF
(Continued)

Foliage plant/grape grower member	H1025 (78-24)
Veterinarian member.	S1080 (78-196)
Animal Industry Technical Council; veterinarian member	S1080 (78-196)
Antifreeze; inspect, sample, analyze formulas	S1295 (78-199)
Bromeliad plants; transport/sell; prosecution.	H1139 (78-72)
Citrus fruit dealers; bond requirements.	S385 (78-100)
Consumer Protection	
Antifreeze regulation.	S1295 (78-199)
Court enforcement actions	S812 (78-179)
Health studio services	H1933 (78-419)
Pork, imported; prohibition; exceptions.	H733 (78-71)
Settlement of complaints	S175 (78-16)
Treated fence posts; regulation	S812 (78-179)
Dairy cattle, TB/brucellosis diseased; owner payment.	S406 (78-57)
Endangered plants; duties re protection.	H1139 (78-72)
Fence post, treated; regulation Consumer Serv. Div.	S812 (78-179)
Forest fire hazard areas; railroad rights-of-way	H410 (78-158)
Horse show, sale, exhibition; commission appt'd. re violation/ investigations.	S410 (78-395)
Inspections; travel/camping trailers, motor homes.	S983 (78-180)
Marketing orders; eliminates authority re issuance	H358 (78-341)
Pesticides; regulation.	S1200 (78-154)
Pork, imported; prohibition; exceptions	H733 (78-71)
Samples for examination; advance funds authorized.	S836 (78-396)
Soil & Water Conserv. Council; members increased.	S1315 (78-261)
State Fair Authority; membership/meetings	S1146 (78-409)
AGRICULTURE & HORTICULTURE	
See also: AGRICULTURE & CONSUMER SERVICES, DEPT. OF	
Citrus Fruit	
Advertising; Dept. of Citrus	H2053 (78-392)
Dealers; bond requirements.	S385 (78-100)
Freeze damaged fruit; frozen concentrated products.	S703 (78-60)
Grapefruit; maturity standards	S704 (78-61)
Non-Florida products; equalizing excise tax.	S384 (78-99)
Foliage plant growers; Agricultural Advisory Council	H1025 (78-24)
Grape growers; Agricultural Advisory Council	H1025 (78-24)
Herbicides; sales tax exemption.	S1-D (78-299)
Marketing orders, agricultural products.	H358 (78-341)
Native plants, preservation.	H1139 (78-72)
Pesticides, licensing	S1200 (78-154)
AIR & WATER POLLUTION See: ENVIRONMENTAL CONTROL/PROTECTION;	
ENVIRONMENTAL REGULATION, DEPT. OF	
AIRCRAFT	
Regulation/registration/pilot licensing; law repeal.	S15 (78-74)
Sales tax.	S15 (78-74)
ALCOHOLIC BEVERAGES & LIQUORS	
Airport licenses, special; transfer prohibited	H300 (Vetoed)
American supply; interstate/foreign shipment.	H2079 (78-135)
Bars See: BARS	
Brands or labels, withdrawal; regulation.	H2079 (78-135)
Discount in usual course of business, etc.	S1071 (78-133)

(Continued)

See Session Law Chapter list for Summary page references

ALCOHOLIC BEVERAGES & LIQUORS

(Continued)

Licenses

Airport, special; transfer prohibitedH300 (Vetoed)
Horse breeders associations; restrictionsS493 (78-103)
Three-month fee on or after July 1.H300 (Vetoed)
Wine or beer vendors; two licenses.S758 (78-187)
Minors, furnish unknowingly; immunity; exception. .S1070 (78-134)
Restaurants; seating capacity & min. size. . . .H300 (Vetoed)
Suppliers, liquor/wine; registration procedures .H2079 (78-135)
Warehouses, bonded; operation, tax payments . . .S1073 (Vetoed)
Wine/beer vendors; two licenses.S758 (78-187)

ALIMONY See: DISSOLUTION OF MARRIAGE

ALLIGATORS/CROCODILES

Feeding/enticing intentionally; prohibitedS563 (78-101)

ANIMALS & ANIMAL INDUSTRY

Cruelty to Animals

Hearings/petitions/feesS18 (78-12)
Search warrants; issuance re law violations . . .H583 (78-345)
Dairy cows, TB/brucellosis diseased; owner payment. .S406 (78-57)

Horses

Sale/exhibition/show; commission appt'd. re violations. . .
.S410 (78-395)
Sale of thoroughbreds; veterinary inspections. . .S180 (78-97)
Soring; prior show/sales/exhibitions; penalty . .S410 (78-395)
Injured, emergency care; liability immunity. . . .S979 (78-334)
Manatee, aquatic animals; protectionS557 (78-252)
Panther, Fla.; killing illegalS321 (78-173)
Pork, imported; prohibition; exceptionsH733 (78-71)

ANNEXATION

Municipalities; reports, filing prior proceedings. . .S74 (78-19)

ANTIQUE VEHICLES See: MOTOR VEHICLES, License Plates, etc.

APPOINTMENTS

Governor

Business Regulation SecretaryH170 (78-131)
Central & S. American, Caribbean Trade & Devel. Comm. . . .
.H1991 (78-438)
Criminal Justice CouncilH2004 (78-420)
Hispanic Affairs Commission.S1137 (78-297)
Historic Preservation Project Review Council . .H1571 (78-357)
Human Rights Advocacy Committee, Statewide. . .H572 (Vetoed)
Massage Board.H2183 (78-436)
Metropolitan Planning Organizations.S1250 (Vetoed)
Pari-Mutuel Commission.H170 (78-131)
Professional & Occupational Reg. Dept./lay member
.H21-D (78-431)
Psychology Examiners Board/public member. . . .S354 (Vetoed)
Public Service Commission/commissionersS7-D (78-426)
State Lands Study CommitteeS6-D (78-301)

Legislature

Advisory Bds./Commissions/Councils/Joint Committee. . . .
.S22 (78-323)
Central & S. American, Caribbean Trade & Devel. Comm. . . .
.H1991 (78-438)
Criminal Justice CouncilH2004 (78-420)
Public Service Commission Nominating Council. . .S7-D (78-426)

(Continued)

See Session Law Chapter list for Summary page references

PPPOINTMENTS

(Continued)

State Lands Study Committee	S6-D (78-301)
APPRENTICESHIP	
Employment contracts; bridge maintenance/construction; exemption	H1781 (78-313)
APPROPRIATIONS	
Appropriations Act.	S1100 (78-401)
Aquatic Plant Research & Control Center.	H742 (78-265)
Capitol Bldg. restoration, 1902 form .S678 (78-127), S1363 (78-371)	
Commerce Dept. Reorganization	S1240 (78-201)
Constitution Revision Comm./Legislature; proposal pamphlet	H720 (Vetoed)
Cultural Affairs Div./grants-in-aid program.	S301 (78-218)
Energy management plan; development & implementation .S75 (78-26)	
General Appropriations Act.	S1100 (78-401)
Health & Rehabilitative Services Dept.	
Deaf interpretation services pilot program . . .H1927 (78-359)	
Medicaid 1-yr. pilot program re outpatient hospital services	H2180 (78-440)
Prepaid health services/pilot program	S552 (78-331)
Indian Key; research, development & preservation . .H304 (78-445)	
Labor & Employment Security Dept./reorganization. .S1240 (78-201)	
Natural Res. Dept/endangered, rec lands (Escambia) .S1313 (78-370)	
Professional & Occupational Reg. Trust Fd/piloting .S310 (78-140)	
Retirement benefits; cost-of-living adjustments. . .S470 (78-364)	
State Attorney's Office/Pretrial Intervention Prog. (Dade, Orange)	S588 (78-227)
State Lands Study Committee.	S6-D (78-301)
Workmen's compensation	S3-D (78-300)
AQUATIC PLANT RESEARCH & CONTROL CENTER	
Created University of Florida.	H742 (78-265)
AREAS OF CRITICAL CONCERN	
Land seaward of setback requirements; purchase criteria.	S925 (78-257)
ARRESTS	
Fresh pursuit; sheriffs/deputies/police.	S193 (78-246)
Parole & probation officers, resisting; prohibited .S614 (78-116)	
ART	
Ringling Museum; loan of art to public buildings . .S635 (78-254)	
ASSESSMENT TAX See: TAXATION	
ATHLETICS	
Little league baseball organizations; registration exemption	S729 (78-320)
State employees; participation in events; leave time .H669 (78-2)	
ATTACHMENT, WRITS OF	
Affidavits, verified; issuance by judge; dissolution.S545 (78-38)	
ATTORNEY GENERAL	
Opinions re legislators' official duties; issuance. .S61 (78-399)	
ATTORNEYS-AT-LAW	
Frivolous court actions; fees	H1062 (78-275)
Private property; landowner's grievances; fees. . . .S261 (78-85)	
Public defender assistants, fees	H518 (78-344)
Wages, unpaid; successful litigant; fees	S284 (78-327)
AUDIOLOGY/AUDIOLOGISTS	
Hearing aids, fitting/selling; registration/qualifications	

(Continued)

See Session Law Chapter list for Summary page references

AUDIOLOGY/AUDIOLOGISTS
(Continued)

-S185 (78-325)
- AUTOPSY**
 - Telephone permission certain instances.H935 (78-34)
- BAIL**
 - Bondsmen/runners; criminal charges, notice Insurance Dept.S414 (78-29)
- BAKER ACT**
 - See also: MENTAL HEALTH; HEALTH & REHABILITATIVE SERVICES DEPT.
 - Florida Juvenile Justice Act; juvenile delinquency .S119 (78-414)
 - Psychosurgical/electroconvulsive therapy; restrictionsS1014 (78-335)
- BANDS/ORCHESTRAS**
 - Entertainers, independent contractors; live entertainment.H2109 (78-443)
- BANKING & FINANCE, DEPT. OF**
 - Credit Union Guaranty Corporation Act; revision . .S1222 (78-123)
 - Financial records/correspondence; destroy/reproduce.S789 (78-177)
 - Invoices, mailed/payment in 45 days; interest rates.H1532 (78-352)
 - Mortgages See: MORTGAGES
 - Orders/declaratory statement/rule; licensee immunityS962 (78-242)
 - Securities Act; duties reH2118 (78-435)
- BANKS & TRUST COMPANIES**
 - Examinations; commencement date.S963 (78-152)
 - Housing Finance Authority loans.H54 (78-89)
 - Loans exceeding 36 months; 18% interest per annum. .H187 (78-182)
 - Mortgages See: MORTGAGES
 - Records/files; period of preservation/destruction. .S963 (78-152)
 - Second mortgage loans; 75% appraised value allowed .H187 (78-182)
 - Trust serv. office established; successor fiduciary.S871 (78-317)
- BARBERS/BARBER SHOPS**
 - Barbers Act; licensing/regulations, etc..S1233 (78-155)
- BARS**
 - Entertainers, independent contractorsH2109 (78-443)
- BEACHES**
 - Inlet excavations, use re beach nourishment.S925 (78-257)
 - Seawalls, installation; exemption certain permits. .S487 (78-146)
 - Setback lines/control lines; excavations, etc. . . .S925 (78-257)
- BICYCLES**
 - See also: MOPEDS
 - Trails; operation of mopeds on prohibited.H261 (78-353)
- BIDS, COMPETITIVE**
 - Joint Legis. Mgmt. Committee, purchases of \$2,500 .S1003 (78-121)
 - Printing See: PRINTING & PRINTERS
 - Purchases, excess of \$2500; competitive bids required.S323 (78-109)
 - State contractsH1570 (78-389)
- BILLBOARDS** See: ADVERTISING
- BINGO & GUEST GAMES**
 - Location; municipal/county property certain instances.H182 (78-21)
- BLIND PERSONS**
 - See also: DISABLED PERSONS

(Continued)

See Session Law Chapter list for Summary page references

BLIND PERSONS
(Continued)

- Elevators; accessibility requirements.S780(78-235)
- Homestead exemption See: HOMESTEAD EXEMPTION
- BOATS & BOATING**
 - See also: VESSELS
 - Nonjudicial sales of boats/vessels held for storage.H367(78-264)
 - Safety regulation violations; noncriminalH25(78-181)
 - Sales/repairs; removal from State; tax exemption . . .S15(78-74)
- BONDS**
 - Housing Finance Authority; revenue bondsH54(78-89)
 - Industrial development, county; issuanceS890(78-120)
 - Municipal improvements; sale, discount criteria. . .S475(78-330)
 - Transportation projectsS1274(78-286)
- BONDSMEN & RUNNERS** See: BAIL
- BOOKMAKING** See: RACING
- BREVARD COUNTY**
 - Water bottoms, Mosquito Lagoon/Indian River; fishing rights. . .
.H643(78-70)
- BROWARD COUNTY**
 - Boundaries extended.S839(78-119)
- BUDGETS**
 - Counties
 - Budget system revision.H378(78-157)
 - Officers; position created by ordinance; duties .H467(78-303)
 - Officers; submission of budget before June 1st. .H467(78-303)
 - Revenues/expenses; countywide/noncountywide. . .H1194(78-132)
- BUILDINGS & BUILDING CODES**
 - See also: PUBLIC BUILDINGS
 - Energy-saving renovations re minimizing energy use . .S75(78-26)
 - Handicapped persons; accessibility, living units . .S628(78-333)
 - New construction, public bldgs.; solar energy systems.
.S147(78-27)
 - Permits, Mechanics Lien Law provided applicants . .S1142(78-397)
- BURGLARY**
 - See also: THEFT
 - Cable T.V. fixtures/utilities; tamper/alter/injure; penalty. . .
.S1345(78-262)
 - Petit theft judgments, written; fingerprints, etc..H1068(78-348)
 - Shoplifting, jail term, second convictionH1068(78-348)
- BUSES, SCHOOL** See: SCHOOLS
- BUSINESS**
 - See also: RETAILERS; Specific Business
 - Burglary See: BURGLARY
 - Companies moving, halting, expanding, locating, employee
layoffs, etc.; reports.H718(78-184)
 - License applications; owners/managers, current list .S387(78-51)
 - Refund policy; notice reS625(78-148)
 - Research & Development Commission; created.H1294(78-402)
 - Theft See: THEFT
- BUSINESS REGULATION, DEPT. OF**
 - Board of Business Reg. abolished; Dept. reorganization
.H170(78-131)
 - Elevators, handicapped persons; accessibility requirements . . .
.S780(78-235)
 - License applications; owners/managers, current list .S387(78-51)

See Session Law Chapter list for Summary page references

CABINET

State buildings, new construction; solar energy sys..S147 (78-27)

CABLE TELEVISION See: TELEVISION

CANCER

Cytologic/breast exam; 18-yr-old females; records. .S169 (78-171)

Marijuana therapeutic research program.H1237 (78-413)

Patient treatment; statewide registry.S169 (78-171)

CANDIDATES See: ELECTIONS

CANNABIS See: MARIJUANA

CAPITOL BUILDING

Lobby; plaque dedicated Sen. WeissenbornS678 (78-127),S1363 (78-371)

Old Capitol; restoration, 1902 form. .S678 (78-127),S1363 (78-371)

CAREER SERVICE SYSTEM

Law enforcement officers; dismissal/suspension/layoff;
applicabilityS208 (78-247)

Per diem & travel expenses See: PER DIEM & TRAVEL EXPENSES

CEMETERIES

Establishment; certain filing fees increasedS851 (78-369)

Law revisionH7-D (78-407)

Preneed burial contracts.H1981 (78-276)

CHARITABLE ORGANIZATIONS See: NONPROFIT CORPORATIONS/

ORGANIZATIONS

CHILD ABUSE

Public guardian ad litem.S1176 (78-322)

Reports to State Attorney/law enforcement agencies.S1176 (78-322)

CHILDREN See: MINORS

CHURCHES See: RELIGIOUS ORGANIZATIONS

CIGARETTES

Distributing agents; law readopted.H1507 (78-351)

Stamps, uniform discounts; payment, etc..H2096 (78-442)

Tax permits & forms; subpoena issuance, etc.. . . .H1507 (78-351)

CITRUS

Citrus Cash Bond Account; deposits; paymentsS385 (78-100)

Commodity advertising/merchandising/publicity . . .H2053 (78-392)

Concentrated products; freeze-damaged fruit, use. . .S703 (78-60)

Dealers' bond, amount; certificates of deposit, use.S385 (78-100)

Grapefruit; maturity standards.S704 (78-61)

Taxable citrus products defined; tax equalized. . . .S384 (78-99)

CIVIL PROCEDURE

See also: COURTS

Frivolous actions; attorney fees.H1062 (78-275)

CLAIMS BILLS See: RELIEF BILLS

CLAY COUNTY

Boundary amendments.H4-D (78-421)

CLERKS OF COURTS

Circuit Courts

Driver, no license/registration certificate; production,
later dateS517 (78-48)

Gas pipeline files; maintenance.S901 (78-82)

Microfilming public records; service charges. . .S736 (78-367)

District courts of appeal; clerks, salariesH1209 (78-349)

Wills, decedents; service charge removedS736 (78-367)

CLINICAL LABORATORY LAW

Medical negligence exempt re services free medical clinics . .

(Continued)

See Session Law Chapter list for Summary page references

CLINICAL LABORATORY LAW
(Continued)

-H400 (Vetoed)
- COASTAL ZONE MANAGEMENT
 - Coastal Management ActS2-D (78-287)
 - Construction control lines; inlet sediment bypassing, beach nourishment; excavations, etc.S925 (78-257)
 - Seawalls, installation; exemption certain permits. .S487 (78-146)
- COCKTAIL LOUNGES See: BARS
- COMMERCE See: COMMERCE, DEPT. OF; Specific Subject
- COMMERCE, DEPT. OF
 - Central & So. American, Caribbean Trade & Devel. Comm.H1991 (78-438)
 - Labor & Employment Security Dept. createdS1240 (78-201)
 - Reorganization.S1240 (78-201)
 - Unemployment compensation See: UNEMPLOYMENT COMPENSATION
 - Workmen's Compensation See: WORKMEN'S COMPENSATION
- COMMERCIAL CODE
 - Collateral, security int.; debtor's equity; prioritiesS417 (78-222)
- COMMUNICATIONS
 - Ambulance/firestations/911 emergency sys.; interception.H320 (78-376)
 - Automated telephone solicitation systems; use prohibitedS806 (78-178)
 - Computer crimes.H1305 (78-92)
 - Interception; court order re authorization; nonliabilityH320 (78-376)
 - Telephone/telegraph used illegally; law officer dutyS806 (78-178)
- COMMUNITY AFFAIRS, DEPT. OF
 - Hispanic Affairs CommissionS1137 (78-297)
- COMMUNITY COLLEGES
 - Administrative/instructional personnel defined . . .S549 (78-423)
 - Employee records; limited accessS216 (78-3)
 - Financial aid recipients; fee defermentH654 (78-91)
 - Group insurance, retired employees.H35 (Vetoed)
 - Industry services training program.H251 (78-20)
 - Manatee County Com. College Dist; Sarasota Co. included.H2113 (78-94)
 - Police officers' dependents; student fees waived. .S1272 (78-338)
 - Student fees; reallocation to generating institutions.S694 (78-233)
 - Veteran benefits; tuition/registration fee deferment.H654 (78-91)
- COMMUNITY SERVICES See: Specific Subject
- COMPREHENSIVE PLANNING
 - Energy resources, conservation element; inclusion. .H1275 (78-25)
 - State lands; preparation/revision.S2-D (78-287)
- COMPUTERS See: DATA SYSTEMS
- CONCURRENT RESOLUTIONS
 - Student registration/tuition fees; type/use/amountS960
- CONDEMNATION PROCEEDINGS See: EMINENT DOMAIN
- CONDOMINIUMS & COOPERATIVES
 - Associations
 - Annual fee, resident unit reduced to \$.50H307 (78-340)
 - Arbitrations; hearing officers, employment. . . .H307 (78-340)

(Continued)

See Session Law Chapter list for Summary page references

CONDOMINIUMS & COOPERATIVES
(Continued)

- Fee, annual; payment, Land Sales Div.; reevaluationH307 (78-340)
- Group operated singles, for financ. purposes. . .H307 (78-340)
- Management/mainte./operation agreements; written.H307 (78-340)
- Officers, bonding; payment by associationH307 (78-340)
- Recreational leases/lands; purchase authority . .H307 (78-340)
- Bylaws; common expenses, contents of annual budget .H307 (78-340)
- Declarations, amendments; documents/funds, etc.. .H307 (78-340)
- Leases, governmental entities; exceptions. . . .H307 (78-340)
- Recreation districtsS803 (78-237)
- Regulations generally.H307 (78-340)
- Sales by unit owners; info/documents provided. . .H307 (78-340)
- Time-share estate/unit; creation restrictions. . .S303 (78-328)
- Warranty programs, duration; insuring companies. .H307 (78-340)
- CONFIDENTIAL OR PRIVILEGED INFORMATION**
- Fires, info re; disposition State Fire Marshal . .S754 (78-149)
- Library registration/circulation records, certain .S770 (78-81)
- Transportation contracts; bidding infoS735 (78-316)
- CONSERVATION & NATURAL RESOURCES See: ENVIRONMENTAL CONTROL/**
- PROTECTION; ENVIRONMENTAL REGULATION, DEPT. OF; NATURAL**
- RESOURCES, DEPT. OF; Specific Subject**
- CONSTITUTION REVISION COMMISSION**
- Pamphlet of proposals; distribution.H720 (Vetoed)
- CONSTITUTIONAL AMENDMENTS**
- Pamphlet of proposals; distribution.H720 (Vetoed)
- CONSTRUCTION INDUSTRY**
- Contractors, specialty; registration fees, etc.. .S786 (78-236)
- Licensing Bd. surplus funds; distribution re industry-related
research/education.S368 (78-142)
- State contracts; bids; subcontractors, substitution.H1570 (78-389)
- CONSUMER FINANCE**
- Banking/Finance Dept. orders/declaratory statements/rules;
licensees acting under; liability immunity.S962 (78-242)
- CONSUMER PROTECTION**
- Consumer complaints; settlement by Consumer Div.. .S175 (78-16)
- DMSO (dimethyl sulfoxide) administration, etc. . .S699 (78-129)
- Home warranties.S756 (78-255)
- Pork, imported; prohibition; exceptionsH733 (78-71)
- Products liability actions; mfg./seller; liability; negligence
allocation; statute of limitations . . .H1190 (78-418)
- Solicitations; law enforcement used re prohibited.S647 (78-229), S1279 (78-124)
- CONTRACTORS See: CONSTRUCTION INDUSTRY**
- COOPERATIVE APARTMENTS See: CONDOMINIUMS & COOPERATIVES**
- CORPORATE INCOME TAX**
- Adjusted federal income; wages, salaries, deductionsS658 (78-230)
- Internal Revenue Code redefinedS656 (78-58)
- New job credit; deduction allowed.S658 (78-230)
- CORPORATIONS**
- Engineers designing/fabricating product; exempt professional
engineer provisions.S1310 (78-410)
- Nonprofit See: NONPROFIT CORPORATIONS/ORGANIZATIONS

See Session Law Chapter list for Summary page references

CORRECTIONAL OFFICERS See: LAW ENFORCEMENT OFFICERS
CORRECTIONS See: CORRECTIONS, DEPT. OF; OFFENDER REHABILITATION
DEPT. OF; PAROLE & PROBATION; PENAL & CORRECTIONAL INSTITUTIONS
CORRECTIONS, DEPARTMENT OF
Offender Rehabilitation Dept. name changeS300 (78-53)
COSMETOLOGY/COSMETOLOGISTS
Correcting technical defect in Chapter 78-253 . . .S11-D (78-429)
Law revision/readoption.S564 (78-253)
COUNTIES
See also: LOCAL GOVERNMENT
Air quality protection; municipal ord. preemption. .S856 (78-240)
Budgets
Officers; position created by ordinance; duties .H467 (78-303)
Submission dateH467 (78-303)
System revisionH378 (78-157)
Coastal construction zoning & building codes; establish. . . .
.S925 (78-257)
Depository withdrawals; forms; electronic transfers.
.H2116 (78-406)
Health services, prepaid; demonstration projects .S552 (78-331)
Hospitalization, outpatient; participation. . . .H2180 (78-440)
Industrial devel., county funds; maintained in county.
.S890 (78-120)
Jails See: JAILS
Laws re programs/services affecting political subdivisions;
money provisionH691 (78-274)
Local health units, prepaid; demonstration projects.S552 (78-331)
Metropolitan planning orgs.; created.S1250 (Vetoed)
Motor Fuel Tax See: TAXATION
Per diem & travel expenses See: PER DIEM & TRAVEL EXPENSES
Quadricentennial comms. abolished; exceptions. . . .S52 (78-13)
Recreation districts; creation, referendumS803 (78-237)
Roads, construction; uniform minimum standards for design. . . .
.S1234 (78-398)
School Board See: SCHOOLS
Solid waste disposal systems; application, approval.H123 (78-387)
Special districts/recreation districtsS803 (78-237)
Taxation See: TAXATION
Transit systems/service; local communities, development.
.S953 (78-283)
COURTS
Acquittal for insanity; disposition of person . . .S1098 (78-197)
Animal cruelty hearings, petitions, feesS18 (78-12)
Bail See: BAIL
Child abuse cases; guardian ad litem, appointment .S1176 (78-322)
Concurrent sentences, other states/U.S. courts; parole
.S337 (78-219)
Dissolution of Marriage See: DISSOLUTION OF MARRIAGE
District courts of appeal; clerks, salariesH1209 (78-349)
Eminent domain, property surrender; time & terms .S285 (78-315)
Evidence Code abolishedH1043 (Vetoed)
Evidence Code; law revisionH2207 (78-361)
Frivolous lawsuits; attorney feesH1062 (78-275)
Incompetent drivers; license return H.S.& M.V. Dept.
.H161 (78-204)

(Continued)

See Session Law Chapter list for Summary page references

COURTS

(Continued)

- Insanity hearing; acquittal, disposition of person.S1098(78-197)
- Intercepted communications; court order re authorizationH320(78-376)
- Juvenile offenders; law revisionS165(78-84),S119(78-414)
- Juveniles, criminal indictments/prosecuted as adult.S119(78-414),S165(78-84)
- Mandatory sentencingH150(Vetoed)
- Petit theft judgments, written; fingerprints, etc..H1068(78-348)
- Private property, land use; grievances re permits . .S261(78-85)
- Products liability actions; mfgr./seller; liability; negligence allocation; statute of limitationsH1190(78-418)
- Sentencing law revision.H150(Vetoed)
- CRABS See: SALTWATER FISHING/PRODUCTS
- CREDIT UNIONS
 - Credit Union Guaranty Corporation Act; revision . .S1222(78-123)
- CRIMES & PENALTIES
 - Automated/computer telephone solicitationsS806(78-178)
 - Bockmaking.S101(78-36)
 - Cable TV fixtures; tamper/alter/injure; penalty . .S1345(78-262)
 - Computer crimes; penaltiesH1305(78-92)
 - Computerized telephone solicitationsS806(78-178)
 - Deer or wild turkey; law violations; penalty increase.S321(78-173)
 - Federal tax info.; disclosure prohibitedH775(78-160)
 - Fences, breaking or injuringS824(78-256)
 - Food fish/jewfish/grouper; explosive used re captureH738(78-159)
 - Fraud, organized.H1487(78-210)
 - Hit & run drivers; limitation re prosecutionH150(Vetoed)
 - Hunting laws re deer/wild turkey; penalties increased.S321(78-173)
 - Litter Law violations; decriminalizationH415(78-202)
 - Motor vehicle fraud; serial number removal, etc. . .H829(78-412)
 - Obscenity
 - Literature, displayH571(78-273)
 - Materials or performancesS186(78-172)
 - Materials/productions involving minors; sell, bring, send, distribute.S250(78-326)
 - Panther, killingS321(78-173)
 - Sentencing law revision.H150(Vetoed)
 - ShopliftingH1068(78-348)
 - Trespass/theft/destruction of fences, etc.S824(78-256)
 - Utilities; tamper/alter/injure; penaltyS1345(78-262)
- CRIMES COMPENSATION ACT
 - Emergency awards, Social Security recipients. . . .S235(78-44)
- CRIMINAL LAW ENFORCEMENT, DEPT. OF
 - Criminal Justice Council; establishmentH2004(78-420)
 - Employees; suspension, dismissal, pay reduction. . .S208(78-247)
 - Renamed Law Enforcement Dept.; bureaus/divisions redesignatedH847(78-347)
- CRIMINAL PROCEDURE
 - Evidence Code abolishedH1043(Vetoed)
 - Evidence Code; law revisionH2207(78-361)
 - Indigents, capital cases; public defender assistants, fees . . .

(Continued)

See Session Law Chapter list for Summary page references

CRIMINAL PROCEDURE
(Continued)

Products liability actions; mfr./seller; liability; negligence allocation; statute of limitation.	H518 (78-344)
CULTURAL AFFAIRS, DIVISION OF	
Grants-in-aid program; funds	S301 (78-218)
DADE COUNTY	
Pretrial Intervention Programs; funds.	S588 (78-227)
DATA SYSTEMS	
Computer crimes.	H1305 (78-92)
Energy data center, automatic repealer eliminated.	H1275 (78-25)
Older Floridians Data Bank	S669 (78-293)
University financial aid data processing system.	S694 (78-233)
DAY-CARE CENTERS	
Adult day-care centers; licensing, inspections.	S1089 (78-336)
Children's residential/day treatment centers.	H2035 (78-434)
DEAD PERSONS	
Death registration, physician last in attendance	H129 (78-9)
DEAF PERSONS	
Interpretation services; pilot program established.	H1927 (78-359)
DENTISTS/DENTISTRY	
Advertising, restrictions; announcement card mailing	H2037 (78-439)
DIABETES	
Program; Advisory Council, etc.	H1887 (78-358)
DIMETHYL SULFOXIDE (DMSO)	
Administration; nonliability, physician/hospital	S699 (78-129)
DISABLED PERSONS	
Buildings, accessibility; living unit defined.	S628 (78-333)
Elevators; accessibility requirements.	S780 (78-235)
Homestead exemption See: HOMESTEAD EXEMPTION	
Licenses See: Specific Subject	
Transportation by school bus	S146 (78-104)
Veterans; mobile home improvements; license fee exempt	H233 (78-69)
DISCLOSURE	
Federal tax info.; disclosure prohibited	H775 (78-160)
Housing Finance Authority members.	H54 (78-89)
Patent records; copies furnished; charges	S169 (78-171)
Prisoners, income	H1990 (78-441)
Securities transactions	H2118 (78-435)
Solicitations using law enforcement name.	S1279 (78-124)
Time share estates in contracts/brochures re condominiums.	S303 (78-328)
DISCRIMINATION	
Employment practices; involuntary retirement; exceptions	S688 (78-49)
Public meeting location/facilities; prohibited	S651 (78-365)
Sickle-cell trait; screening re employment/insurance	S49 (78-35)
DISSOLUTION OF MARRIAGE	
Alimony	
Awards; court determination factors.	H11 (78-339)
Garnishment, continuing writ.	H1169 (78-63)
Grandparents visitation rights re grandchildren.	S117 (78-5)

See Session Law Chapter list for Summary page references

DISTRICT COURTS OF APPEAL

Clerks, qualifications & salaryH1209 (78-349)

DOCUMENTARY EXCISE TAX See: TAXATION

DOGRACING See: RACING

DRAINAGE DISTRICTS See: WATER MANAGEMENT DISTRICTS

DREDGE & FILL See: INTERNAL IMPROVEMENT TRUST FUND

DRIVERS' LICENSES

See also: MOTOR VEHICLES

Cancel/suspend/revoke, notices; failure to receive. .H724 (78-37)

Convictions, serious offenses; revocation.H161 (78-204)

Examiners, designation; regulatory authorityS220 (78-394)

I.D. cards, persons 12 yrs. & over. . .S172 (78-105), S220 (78-394)

Incompetent drivers; return to H.S. & M.V. Dept. . .H161 (78-204)

Law revisionS220 (78-394)

Moped operators.H261 (78-353)

Nonpossession violation; dismissal provisionsS517 (78-48)

Out-of-state; surrender, H.S. & M.V. Dept.S220 (78-394)

Suspension, property damage increased; point deductionS567 (78-226)

Uninsured drivers; certain accidents, license suspended.S108 (78-83)

DRUG ABUSE

Marijuana See: MARIJUANA

Prescriptions on file, other pharmacy; filling . . .H281 (78-205)

Schedules/standards, regulations; revisionS782 (78-195)

Smuggling, correctional facilities; prohibitedH464 (78-42), H284 (78-41)

DRUGS, PRESCRIPTION See: PHARMACISTS/PHARMACIES

DRUGSTORES See: PHARMACISTS/PHARMACIES

EASEMENTS

Solar easements; creationH1219 (78-309)

ECONOMIC DEVELOPMENT

Companies moving, halting, expanding, locating, employee

layoffs, etc.; reports.H718 (78-184)

Industrial development, county funds; maintained in countyS890 (78-120)

Research & Development Commission; created.H1294 (78-402)

EDUCATION

See also: SCHOOLS

Advisory committees, schools; establishment.S958 (78-416)

Alternative education programsH2044 (78-405), S296 (78-415)

Construction Industry Licensing Bd. surplus funds; research/ed.

programs established.S368 (78-142)

Cooperative facilities; fund allocation; project approval.S436 (78-428)

Council on Postsecondary Accreditation in lieu of Southern

Association of Colleges & Secondary Schools.S264 (78-66)

Diagnostic & learning resource cens. established . .S958 (78-416)

Diplomas

Certificates, attendance/differentiated; awarding date.S571 (78-424)

Equivalency; equal status, college/univ. entry. .S958 (78-416)

Education funds, past yr.; allocation certain proj.s.S436 (78-428)

Exceptional Students

(Continued)

See Session Law Chapter list for Summary page references

EDUCATION

(Continued)

Diagnostic & learning resource centers. . . . .	.S958 (78-416)
Graduation standards; assessment tests; requirements. . . . .	.S571 (78-424)
Handicapped students; cost factor. . . . .	.H2044 (78-405)
Special instruction services, nonpublic schools/community facilities. . . . .	.H2113 (78-94)
Special programs, cost factors. . . . .	.H2044 (78-405)
Visually handicapped; special programs. . . . .	.H2044 (78-405)
Facilities, coop. development/use; state participation. . . . .	.S436 (78-428)
Food & nutrition programs, schools; administration funding. . . . .	.S12-D (Vetoed)
Functional literacy examinations. . . . .	.S571 (78-424)
Graduation standards; beginning '78-'79 school year. . . . .	.S571 (78-424)
Handicapped persons; special program operations. . . . .	.H2044 (78-405)
Hearing impaired students; specialized ed. materials. . . . .	.S958 (78-416)
Industry services training program. . . . .	.H251 (78-20)
Inservice education training programs; 5-yr. master plan. . . . .	.S549 (78-423)
Instructional/Administrative Personnel	
Aides defined. . . . .	.S958 (78-416)
Certificates; training progs.; exams; issuance/renewals. . . . .	.S549 (78-423)
Competency requirements. . . . .	.S549 (78-423)
Principals; definition modified. . . . .	.S549 (78-423)
Ratio studies. . . . .	.S549 (78-423)
Sick leave pools. . . . .	.S415 (Vetoed)
Supervisor, nonschool-based employee. . . . .	.S549 (78-423)
Teacher aide defined. . . . .	.S958 (78-416)
Teachers Day proclaimed. . . . .	.H57 (78-203)
Volunteers defined. . . . .	.S958 (78-416)
Instructional materials; allocation re students. . . . .	.H2044 (78-405)
Law education program, public school. . . . .	.S958 (78-416)
Library media services program established. . . . .	.S549 (78-423)
Literacy examinations re graduation. . . . .	.S571 (78-424)
Nutrition instruction, inclusion in comprehensive health education program. . . . .	.H24-D (78-432)
Occupational specialists; certification; salaries. . . . .	.S549 (78-423)
Police officers' dependents; student fees waived. . . . .	.S1272 (78-338)
Principal See: Instructional/Administrative Personnel, this head	
Professional Practices Council; membership changed. . . . .	.S549 (78-423)
Public Broadcasting System; study by General Serv. Dept. . . . .	.S436 (78-428)
Route mileage, determination re per student cost, etc. . . . .	.S312 (78-128)
Safe School Act; law repealed. . . . .	.H2044 (78-405)
School calendar programs; funding for modification. . . . .	.S958 (78-416)
School Construction	
Design re light/ventilation; solar energy systems. . . . .	.S132 (78-277)
Energy performance index; life-cycle cost analyses. . . . .	.S114 (78-290)

(Continued)

See Session Law Chapter list for Summary page references

EDUCATION

(Continued)

- Fund limitation by Ed. Comm. removed.S436 (78-428)
- School volunteers defined.S958 (78-416)
- Screening for scoliosis, public school children . .S1276 (78-245)
- Sick leave pools; policies/standards established . .S415 (Vetoed)
- Students
 - Alternative education programs. . .H2044 (78-405), S296 (78-415)
 - Disruptive; alternative ed programsS296 (78-415), H2044 (78-405)
 - Fees; reallocation to generating institutions . .S694 (78-233)
 - Financial aid recipients; fee deferment.H654 (78-91)
 - Full-time/full-time equivalency; defined re hrs. per yr. . . .S958 (78-416)
 - Functional literacy examinations.S571 (78-424)
 - Grants; institution accreditation requirement. . .S264 (78-66)
 - Laboratory schools, state university systems . .H2044 (78-405)
 - Loan notes; sale Fed. Student Loan Mkting. Assn..H1314 (78-11)
 - Records, disruptive students; info. exchanges, law enforcement agencies, etc..S296 (78-415)
 - Transportation funds; method of allocation/formula.S146 (78-104), S312 (78-128)
 - University; registration/tuition fees; types/amounts/uses, approval.S960
 - Veteran benefits; tuition/registr. fee deferment .H654 (78-91)
- Teachers See: Instructional/Admin. Personnel, this head
- Transportation of students.S146 (78-104), S312 (78-128)
- University financial aid data processing system. . .S694 (78-233)
- Vocational instructors; certification.S549 (78-423)
- Voting machine instruction; authorization.S958 (78-416)
- EDUCATION, DEPT. OF
 - Administrator-instructor ratio, study.S549 (78-423)
 - Capital outlay projects, budgetingS436 (78-428)
 - Construction; energy efficiency standards.S114 (78-290)
 - Construction industry; research/education programs .S368 (78-142)
 - Education finance program; cost factorsH2044 (78-405)
 - Educational alternative programs . . .H2044 (78-405), S296 (78-415)
 - Exceptional students; diagnostic & learning resource centersS958 (78-416)
 - Health education program.H24-D (78-432)
 - Health examination, scoliosisS1276 (78-245)
 - Hearing-impaired children; instructional programs. .S958 (78-416)
 - Industry Services Advisory Council.H251 (78-20)
 - School transportation; funding formulaS312 (78-128)
 - Student Financial Aid Trust FundS694 (78-233)
 - Student loan notesH1314 (78-11)
 - Teachers; certification/trainingS549 (78-423)
 - Testing materials; confidentialityS571 (78-424)
- EDUCATION, STATE BOARD OF
 - Educational alternative programs; eligibility rules.S296 (78-415)
 - Personnel records, community colleges.S216 (78-3)
 - Professional Practices CouncilS549 (78-423)
 - School funds disbursement; direct depositH192 (78-33)
 - School performance standardsS571 (78-424)
 - Teachers; certification/trainingS549 (78-423)
- ELDERLY PERSONS See: AGED PERSONS

See Session Law Chapter list for Summary page references

ELECTIONS

Candidates

Ballot pamphlet; candidates/proposed constitution amendments,
etc; mailing.H720 (Vetoed)

Contributions received after election; returns .H1699 (78-403)

Independents/minor parties; petition filing deadline.

.H448 (78-188)

Commission; investigation/case dispositionsH1699 (78-403)

Elections Division

Advisory opinions; issuance.H1699 (78-403)

Constitution revision, pamphlet; preparation. . .H720 (Vetoed)

Executive Committee; endorsement restrictions. . . .H975 (78-1)

Judicial officers, retained; qualifying fees. . . .S1294 (78-260)

Political committees; endorsement restrictions . . .H975 (78-1)

Polling place location; accessibility, privacy . .H448 (78-188)

Registration

Books; removal of voter's name.S640 (78-102)

Change of name; affidavit.H1699 (78-403)

Residence change by absentee ballot request. . .H1699 (78-403)

Second primary election; October 5, 1978S837 (78-239)

Special elections required by local law; holding time.

.H448 (78-188)

Superintendents of schools; term date changed. . .S480 (78-321)

Supervisors; elector's residence change; notice . .H1699 (78-403)

ELECTRICAL CONTRACTORS

Adoption of current versions of electrical standards

.S1020 (78-62)

WarrantiesS756 (78-255)

ELECTRIC POWER

Adoption of current versions of electrical standards

.S1020 (78-62)

Joint electric power projs.; impact statements . .S860 (78-425)

ELEVATORS

Handicapped persons; accessibility requirements. . .S780 (78-235)

EMINENT DOMAIN

Mobile home owners; award/compensation determination

.S285 (78-315)

Municipal public works.S1194 (78-198)

Property, surrender; time & terms fixed by court . .S285 (78-315)

Water supply/port/aviation authorities; possession rights.

.H11-D (78-422)

EMPLOYERS & EMPLOYEES

Employment practices; involuntary retirement; exceptions

.S688 (78-49)

Sickle-cell screening re employment prohibited . . .S49 (78-35)

Veterans/spouses; preferential treatmentS539 (78-372)

ENDANGERED SPECIES

Manatee, protection.S557 (78-252)

Panther, Fla.; killing illegalS321 (78-173)

ENERGY CONSERVATION

Energy emergency contingency plan; report/forecast .H1275 (78-25)

Energy management plan; development & implementation .S75 (78-26)

ENGINEERS & LAND SURVEYORS

Board; lay member.H386 (78-272)

Corporation engineers; exemption re professional engineer

(Continued)

See Session Law Chapter list for Summary page references

ENGINEERS & LAND SURVEYORS

(Continued)

provisions	S1310 (78-410)
Law revision	H386 (78-272)
ENVIRONMENTAL CONTROL/PROTECTION	
Countywide air quality protection; preemptions, etc.	S856 (78-240)
Navigational aids/bridge repairs/fish attractors	S487 (78-146)
Pesticide application provisions modified	S373 (78-98)
Seawalls, installation; exemption certain permits.	S487 (78-146)
ENVIRONMENTAL REGULATION, DEPT. OF	
County-wide air quality protection; preemptions.	S856 (78-240)
Disease carrying pests; pesticide application	S373 (78-98)
Energy conservation; reports; forecasts, etc..	H1275 (78-25)
Navigational aids/bridge repairs/fish attractors	S487 (78-146)
Noise level limits; compliance criteria.	S621 (78-280)
Permits	
Islands, construction/extension/addition; D.O.T. duties	H1393 (78-437)
Land fill; time increased to 5 yrs.; exception.	H342 (78-388)
Navigational aids/bridge repairs/transmission lines, seawalls installation/fish attractors; exemption	S487 (78-146)
Pesticide application.	S373 (78-98)
Private property, land use; limitations/restrictions.	S261 (78-85)
Seawalls, installation; exemption certain permits	S487 (78-146)
Solid waste disposal; construction/demolition debris.	H123 (78-387)
Resource recovery & mgmt. programs, local; feasibility	S452 (78-329)
Sewage disposal; deep well injections, counties; prohibited.	H359 (78-206)
Solid waste disposal systems; duties re establishing	H123 (78-387)
State land & coastal zone management; duties	S2-D (78-287)
ESCAMPIA COUNTY	
Land acquisition by Dept. of Natural Resources for recreation.	S1313 (78-370)
EVIDENCE CODE	
Abolished	H1043 (Vetoed)
Effective date.	H16-D (78-379)
Law revision; effective date, etc..	H2207 (78-361)
EXAMINING & LICENSING BDS. See: PROFESSIONAL & OCCUPATIONAL REGULATION, DEPT. OF	
EXCISE TAX ON DOCUMENTS See: TAXATION	
EXPLOSIVES	
Limitations re firearm definition	S1348 (78-200)
EYES	
Corneal removal by medical examiner/designee.	H1042 (78-191)
FAIRS & EXPOSITIONS	
Horse soring; prior show/sales/exhibitions; penalties.	S410 (78-395)
Horse/thoroughbred, sale; veterinary inspections.	S180 (78-97)
State Fair Authority grounds; trespassing defined.	S988 (78-427)
State Fair Authority, membership; quarterly meetings	

(Continued)

See Session Law Chapter list for Summary page references

FAIRS & EXPOSITIONS

(Continued)

-S1146 (78-409)
- FARMS/FARM PRODUCTS**
 - Fence post, treated; preservation, marking, regs.. .S812 (78-179)
 - Fences, breaking or injuring; penalties.S824 (78-256)
- FELONS/FELONIES**
 - Concurrent sentences, other states/U.S. courts; paroleS337 (78-219)
 - Murderers/robbers/felonies involving firearms; parole jurisdiction retained by judges.H73 (78-318)
- FINANCIAL RESPONSIBILITY** See: Motor Vehicles under **INSURANCE**
- FINE ARTS** See: **ART**
- FINGERPRINTING**
 - Petit theft judgments, written; fingerprints, etc..H1068 (78-348)
- FIREARMS** See: **WEAPONS & FIREARMS**
- FIRE MARSHAL** See: **STATE FIRE MARSHAL**
- FIREMEN**
 - Death benefits; eligibility period extended.S154 (78-7)
 - Firefighting equipment; approval changedS445 (Vetoed)
 - Pension benefits; discrimination prohibited.S445 (Vetoed)
 - Pension fund disbursements, municipalities; money limits deletedS445 (Vetoed)
 - Volunteer firefighters/firefighters defined.S445 (Vetoed)
- FIRE PREVENTION & CONTROL**
 - Fire extinguishers; law revisionS311 (78-141)
 - Licenses/permits; educational requirements, etc. . .S311 (78-141)
 - Railroad rights-of-wayH410 (78-158)
 - Reviving/readopting certain laws re.S311 (78-141)
- FISH & FISHING**
 - See also: **GAME & FRESH WATER FISH COMMISSION; SALTWATER FISHING/PRODUCTS**
 - Freshwater organisms; preservation, fundsH1230 (78-310)
 - Licenses
 - Commercial fishing; licensed person on board. . .H220 (78-189)
 - Exotic/nonindigenous fish dealersH220 (78-189)
 - Freshwater fish or frog dealers; 10 licenses. . .H220 (78-189)
 - Issuance; 12-month period, additional cost . . .H1211 (78-163)
 - Retarded persons; fee exemptionS157 (78-6)
 - Special fishing licenses; 12-month period. . . .H1211 (78-163)
 - Tropical fish; dealer licenses.H220 (78-189)
 - Search warrants; issuance re illegal sales/purchasesH624 (78-126)
 - Water bottoms, Mosquito Lagoon, Indian River. . . .H643 (78-70)
- FLAGLER COUNTY**
 - Marine Biology & Medicine Research Lab, ExperimentalH1382 (78-93)
- FLAMEPROOFING/FIRE-RETARDING** See: **FIRE PREVENTION & CONTROL**
- FOOD & NUTRITION**
 - Pork, imported; prohibition; exceptionsH733 (78-71)
 - School programs See: **SCHOOLS**
- FOOD SERVICE ESTABLISHMENTS**
 - Nonprofit civic orgs.; license exemption, short-term basisH485 (78-343)
- FOREIGN**
 - Persons completing certain courses of study; licensing

(Continued)

See Session Law Chapter list for Summary page references

FOREIGN

(Continued)

-H26-D(Vetoed)
- FRANKLIN COUNTY**
 - Oysters; special 3-month season.H1599 (78-96)
- FRAUD/FRAUDULENT PRACTICES**
 - Computer fraudH1305 (78-92)
 - Organized fraud defined; penalties.H1487 (78-210)
 - Securities transactions; misleading practices . . .H2118 (78-435)
- FRESHWATER FISHING** See: **FISH & FISHING; GAME & FRESH WATER**
- FISH COMMISSION**
- FUNERAL ESTABLISHMENTS**
 - Embalmers; examinations; licenses; reciprocity . . .S881 (78-151)
 - Preneed funeral service/burial supply contracts . .H1981 (78-276)
- GAMBLING**
 - Antique slot machines; defense re possession. . . .H224 (78-22)
 - Bingo See: **BINGO & GUEST GAMES**
 - Bookmaking; penalties; warning; track employees dutiesS101 (78-36)
- GAME & FRESH WATER FISH COMMISSION**
 - See also: **FISH & FISHING**
 - Alligators/Crocodiles See: **ALLIGATORS/CROCODILES**
 - Commission member appointees; Senate confirmation. .H173 (78-125)
 - Exotic/nonindigenous fishing; dealer licenses. . . .H220 (78-189)
 - Freshwater fish or frog dealers; 10 licensesH220 (78-189)
 - Freshwater organisms; preservation, fundsH1230 (78-310)
 - Hunting laws re deer/wild turkey; penalties increased.S321 (78-173)
 - Motor vehicles; regulation on public landsH1200 (78-355), S804 (78-238)
 - Search warrants; issuance re illegal sales/purchasesH624 (78-126)
 - Tropical fish; dealer licensesH220 (78-189)
- GARNISHMENT**
 - Alimony; continuing writ of garnishment.H1169 (78-63)
- GASOLINE & OIL**
 - Pipelines, underground; records, clerk/Circuit Court.S901 (78-82)
- GENERAL APPROPRIATIONS ACT** See: **APPROPRIATIONS**
- GENERAL SERVICES, DEPT. OF**
 - Capitol restoration, 1902 form; dutiesS678 (78-127), S1363 (78-371)
 - Energy management plan; development & implementation .S75 (78-26)
 - Leasing private bldgs. less than 2,000 ft.; exemption.H2137 (78-166)
 - Public Broadcasting System; study performed.S436 (78-428)
 - State bldgs., new construction; energy systems; life cycle cost analyses, etc.S147 (78-27)
- GOVERNMENTAL REORGANIZATION**
 - Agricultural Advisory Council**
 - Foliage plant/grape grower memberH1025 (78-24)
 - Veterinarian member.S1080 (78-196)
 - Aquatic Plant Research/Control Cen. created U of F .H742 (78-265)
 - Board of Business Reg. abolished; Dept. reorganizationH170 (78-131)
 - Boards/committees/commissions/councils; law repeal. .S22 (78-323)
 - Business Regulation Secretary created.H170 (78-131)

(Continued)

See Session Law Chapter list for Summary page references

GOVERNMENTAL REORGANIZATION

(Continued)

Cancer registry, statewide; established.S169 (78-171)
 Central & So. American, Caribbean Trade & Devel. Comm. created
 Commerce Dept.H1991 (78-438)
 City/county quadricentennial comms. abolished; exceptions. . . .
S52 (78-13)
 Criminal Justice Council; establishmentH2004 (78-420)
 Criminal Law Enforcement Dept. renamed Law Enforcement Dept.;
 bureaus/divisions redesignated.H847 (78-347)
 Energy management plan established General Servs. Dept..
S75 (78-26)
 Entomology Office, duties re pest control operations
S512 (78-292)
 Fraudulent Claims Div. renamed Insurance Fraud Div..S955 (78-258)
 Health facils. authority; creation by municipalities
S601 (78-115)
 Hispanic Affairs Comm. created Community Affs. Dept.
S1137 (78-297)
 Housing Finance Authority created by local ordinance .H54 (78-89)
 Joint Underwriting Association; Insurance Commissioner removed
 Board of GovernorsS481 (78-47)
 Judicial Adminis. Comm.; county court judge member .S454 (78-174)
 Labor & Employment Security Dept. createdS1240 (78-201)
 Lobbyist Joint Legislative Office established . . .H1621 (78-268)
 Offender Rehab. Dept. name changed to Corrections Dept..
S300 (78-53)
 Pari-Mutuel Commission createdH170 (78-131)
 Phosphate Research Institute, createdH1370 (78-136)
 Railroad safety; duties transferred to D.O.T.S671 (78-88)
 Research & Development Commission; created.H1294 (78-402)
 Revenue Dept. reorganization.H1629 (78-390)
 Southern Assn. of Colleges & Secondary Schools changed to
 Council on Postsecondary Accreditation . . .S264 (78-66)
 Spanish Speaking Populace Comm. renamed Hispanic Affairs Comm.
S1137 (78-297)
 Toll facilities; PSC administration transferred to D.O.T.. . . .
H506 (78-378)
 Unemployment Bd. of Review/Unemployment Appeals Comm
S1240 (78-201)

GOVERNOR

Appointments See: APPOINTMENTS

Reports

Banking & Finance Dept./sales of securities. . .H2118 (78-435)
 Central & So. American, Caribbean Trade & Devel. Comm.. . . .
H1991 (78-438)
 Criminal Justice CouncilH2004 (78-420)
 Economic Development Div./companies locating, moving,
 halting, expanding operations; employee layoffs
H718 (78-184)
 Health & Rehabilitative Services Dept.
 Children's medical services programsS215 (78-106)
 Marijuana therapeutic research program. . . .H1237 (78-413)
 Intergovernmental Relations Advisory Council. . .S954 (78-241)
 Land Use Advisory Ccmmittee.H1370 (78-136)
 Pari-Mutuel Commission.H170 (78-131)

(Continued)

See Session Law Chapter list for Summary page references

(Continued)

Research & Development Commission.	H1294 (78-402)
State Lands Study Committee	S6-D (78-301)
State bldgs., new construction; solar energy systems.	S147 (78-27)
GRANDPARENTS	
Grandchildren visitation rights.	S117 (78-5)
GUARDIANS & WARDS	
Child abuse proceedings; guardian ad litem mandatory	S1176 (78-322)
Incompetents, property adjudications; fees; liens.	H364 (78-342)
Wards, dependents; petition for support; notice to VA.	H861 (78-305)
HANDICAPPED PERSONS See: DISABLED PERSONS	
HEALTH	
Health care, pilot progs.; clients; guidelines; fees	S552 (78-331)
Studio service contracts; cancellations; trust accts.	H1933 (78-419)
HEALTH & REHABILITATIVE SERVICES, DEPT. OF	
Abortion See: ABORTION	
Adoption See: ADOPTION	
Cancer patients; treatment; statewide registry program	S169 (78-171)
Child abuse See: CHILD ABUSE	
Children's medical services program; duties.	S215 (78-106)
Children's residential/day treatment centers; established.	H2035 (78-434)
Claims against HRS; investigation by Risk Mgmt. Div., Dept. of Insurance	S405 (78-408)
Clinical Laboratory Law See: CLINICAL LABORATORY LAW	
Community control programs, juvenile offenders	S165 (78-84), S119 (78-414)
Crippled children, indigent; treatment, fees	S609 (78-332)
Deaf interpretation services, pilot program; duties.	H1927 (78-359)
Dependent children; emergency shelters/foster homes, etc.	H2011 (78-433)
Diabetes mellitus, program; advisory council, etc.	H1887 (78-358)
Emergency disaster relief program; administration	H2011 (78-433)
Health Care Facilities	
Authority; creation by municipalities	S601 (78-115)
Certificates of need; determination/exemptions.	S764 (78-194)
Health facilities authority; creation by municipalities.	S601 (78-115)
Health services, prepaid; demonstration projects	S552 (78-331)
Health studio serv. contracts; 3-day cancellation	H1933 (78-419)
Hearing aids; registration/qualifications, fees.	S185 (78-325)
Hospital escrow accounts; review, etc.	S481 (78-47)
Hospitalization, outpatient; participation.	H2180 (78-440)
Human Rights Advocacy Comm., Statewide; appt. change, restrictions.	H572 (Vetoed)
Human rights matters before Committee; disclosure restrictions	H572 (Vetoed)
Infants; screening, metabolic/hereditary/congenital disorders	S1276 (78-245)

(Continued)

See Session Law Chapter list for Summary page references

HEALTH & REHABILITATIVE SERVICES, DEPT. OF

(Continued)

Insanity hearing; acquittal, disposition of person.S1098(78-197)
Local health units; swimming pools; inspection. . .H1508(78-356)
Marijuana therapeutic research prog. re cancer. . .H1237(78-413)
Medicaid
 Hospitalization, outpatient; participation . . .H2180(78-440)
 Medical services; 3rd-party coverageH2011(78-433)
 Midwifery, certified nurses; 3rd-party coverage .S798(78-294)
Mental health; shock treatments, restriction re use.
 S1014(78-335)
Occupational therapists, assistants; licensing; permits.
 S70(78-18)
Parole & probation officers, resisting arrest. . . .S614(78-116)
Pest control operators, enforcement dutiesS512(78-292)
Radiation protection; surveillance duties.S706(78-373)
Radiologic technologists; exams, certificates; duties.
 S992(78-383)
Reorganization; editorial revision/updates. . . .H2011(78-433)
Special needs child; support/maintenance 'til age 18
 S248(78-362)
Spouse abuse; duties & functionsS649(78-281)
Swimming pools/bathing places; duties re inspection.
 H1508(78-356)
Youthful offender community control programs
 S165(78-84),S119(78-414)

HEALTH UNITS

Medical Malpractice See: MEDICAL MALPRACTICE
Outpatient servs., medicaid recipients; pilot program.
 H2180(78-440)
Prepaid health services, demonstration projects. . .S552(78-331)
Swimming pools/bathing places; inspectionH1508(78-356)

HEARING AIDS

Fitting & selling; registrations/qualifications/fees
 S185(78-325)

HERNANDO COUNTY

Guidance Center; restriction, 10-acre grant; law repealed.
 H2154(78-447)

HIGHWAY SAFETY & MOTOR VEHICLES, DEPT. OF

See also: DRIVERS' LICENSES; MOTOR VEHICLES; TRAFFIC CONTROL
Accident reports.S108(78-83)
Administrative procedureH1075(78-95)
Driver Licenses See also: DRIVERS' LICENSES
 Issuance/regulationS220(78-394)
 Suspension/revocation. .H724(78-37),H161(78-204),S567(78-226)
Financial responsibility enforcement, accidents . . .S108(78-83)
Highway Patrol; bond, schedule position; purchase for certain
 personsS433(78-144)
Identification cards, persons 12 yrs. & over
 S172(78-105),S220(78-394)
Inspection, Motor Vehicles
 Defect correction time limit.S408(78-111)
 RecordsH663(78-183)
Junked, rebuilt vehiclesH829(78-412)
License Plates See also: License Plates under MOTOR VEHICLES
 Prestige.S124(78-213)

(Continued)

See Session Law Chapter list for Summary page references

HIGHWAY SAFETY & MOTOR VEHICLES, DEPT. OF
(Continued)

Seminole/Miccosukee Indians . . . . .	.S670 (78-232)
Temporary tags. . . . .	.S244 (78-217)
Mobile homes. . . . .	.H854 (78-207), .S362 (78-221)
Motor vehicle noise limits; enforcement. . . . .	.S621 (78-280)
Registration fee, stored vehicle . . . . .	.S199 (78-216)
Retirement See: RETIREMENT	
HILLSBOROUGH COUNTY	
Fair Authority, 6 members; quarterly meetings, etc. . . . .	.S1146 (78-409)
HISTORIC PRESERVATION	
Historic Preservation Project Review Council. . . . .	.H1571 (78-357)
Old Capitol; restoration, 1902 form. .S678 (78-127), .S1363 (78-371)	
HOLIDAYS	
Law Enforcement Memorial Day/May 15 . . . . .	.H617 (78-46)
Martin Luther King, Jr.'s birthday. . . . .	.S692 (78-30)
Susan B. Anthony's birthday . . . . .	.S1202 (78-298)
Teacher's Day proclaimed. . . . .	.H57 (78-203)
HOMESTEAD EXEMPTION	
Equitable/beneficial property interests; exemption. .S71 (78-324)	
Homestead property tax deferral. . . . .	.H874 (78-161)
Property held in trust. . . . .	.S71 (78-324)
Totally/permanently disabled; certified 2 licensed physicians. . . . .	.S1185 (Vetoed)
Trust property. . . . .	.S71 (78-324)
HOME WARRANTY ASSOCIATIONS	
Licensing; net worth determinations, etc. . . . .	.S756 (78-255)
HORSE RACING See: RACING	
HORTICULTURE See: PLANTS & PLANT INDUSTRY	
HOSPITALS	
Cancer patients; treatment; statewide registry program . . . . .	.S169 (78-171)
Certificates of Need	
Authority, creation by municipalities . . . . .	.S601 (78-115)
Determination/exemption . . . . .	.S764 (78-194)
Cytologic & breast exams; 18-yr-old females; records . . . . .	.S169 (78-171)
DMSO (dimethyl sulfoxide) administration, etc. . . . .	.S699 (78-129)
Escrow accounts; review by H.R.S. . . . .	.S481 (78-47)
Insurance See: INSURANCE	
Malpractice See: MEDICAL MALPRACTICE	
Patient records; copies furnished; charges . . . . .	.S169 (78-171)
Physicians, misconduct or negligence; license suspensions. . . . .	.S346 (78-87)
HOTELS See: PUBLIC LODGING	
HOUSING	
Authorities; vacancy/biennial audits/sale, debentures/interest rate, etc. . . . .	.H1998 (78-165)
Condominiums. . . . .	.S303 (78-328), .H307 (78-340)
Handicapped persons; building accessibility standards. . . . .	.S628 (78-333)
Home warranties; sale/inspection of property . . . . .	.S756 (78-255)
Homestead property; tax deferral . . . . .	.H874 (78-161)
Housing finance authority; created by local ordinance. .H54 (78-89)	
Investment funds; county housing finance authorities .H54 (78-89)	

(Continued)

See Session Law Chapter list for Summary page references

HOUSING

(Continued)

Land, replacement housing; Dept. of Transportation .S859 (78-282)
 Mobile homes See: MOBILE HOMES
 Pinellas County Housing Authority referenda; law repealed. . . .
H1649 (78-446)
 Public housing authorities.H1998 (78-165)
 Public service tax; residential exemption.S1-D (78-299)
 Taxation See: TAXATION

HOUSING AUTHORITIES

Regulation.H1998 (78-165)

HOUSING FINANCE AUTHORITIES

County; investment fundsH54 (78-89)

HUMAN RIGHTS

Employment practices; involuntary retirement; exceptions
S688 (78-49)
 Human Rights Advocacy Comm., Statewide; appt. change,
 restrictions.H572 (Vetoed)
 Human rights matters before Committee; disclosure restrictions.
H572 (Vetoed)

HUNTING

Deer/wild turkey; law violations; penalties increased.
S321 (78-173)
 Muzzle-loading guns; permitsS624 (78-147)
 Panther; killing illegalS321 (78-173)

IDENTIFICATION CARDS

Issued persons 12 yrs. or older; Highway Safety & Motor Vehicles
 Dept.S172 (78-105), S220 (78-394)

IMPACT

See also: ADMINISTRATIVE PROCEDURE ACT
 Joint electric power projects; economic impact statements. . . .
S860 (78-425)
 Local government prog./services; economic impact statement . . .
H691 (78-274)

INDIANS

Community service programs re financial assistance .H339 (78-384)
 Miccosukee Tribe; 1250 free license platesS670 (78-232)

INDIGENTS

Capital cases, public defender assistants; fees, payment
H518 (78-344)
 Crippled children; treatment, fees/collections . . .S609 (78-332)
 Medicaid; midwifery, certified nurse services. . . .S798 (78-294)

INDUSTRIAL DEVELOPMENT See: ECONOMIC DEVELOPMENT

INDUSTRIAL SAVINGS BANKS

Loans, exceeding 36-mo. period; disc. 18% per annum.H187 (78-182)
 Second mortgage loans; 75% of appraised value allowed.
H187 (78-182)

INFANTS

Screening metabolic/hereditary/congenital disorders.
S1276 (78-245)

INSURANCE

See also: INSURANCE, DEPT. OF
 Annuity contracts; certain exempt from legal process.S163 (78-76)
 Blanket disability ins.; conversion, individual/family
H777 (78-385)
 Counties; hospitalization coverage; insurance contracts.

(Continued)

See Session Law Chapter list for Summary page references

INSURANCE

(Continued)

.H1501(78-267)
 Disability Insurance
 Conversion to individual/family coverage.H777(78-385)
 Crippled children; coverageS215(78-106)
 Sickle-cell trait, persons afflicted withS49(78-35)
 Fire insurance losses, claims, crimes; report Fire Marshal . . .
 S754(78-149)
 Fraud investigators; arrest powers, etc.S955(78-258)
 Fraudulent Claims Div. renamed Insurance Fraud Div..S955(78-258)
 Grcup Insurance
 Community college employees.H35(Vetoed)
 Conversion to individual/family coverage.H777(78-385)
 Home warranty associationsS756(78-255)
 Hospitalization coverage, county officers/employees.
 H1501(78-267)
 Insurance Fraud Div.; duties re criminal history info, FBI/FDCLE
 S955(78-258)
 Insurer investments; state/fed. loan associations. H1180(78-64)
 Israel bonds/evidences of indebtedness; investment .S589(78-114)
 Life Insurance
 Reduced premiums, persons passing rigorous physical exam. . .
 S223(78-248)
 Sickle-cell trait, persons afflicted withS49(78-35)
 Medical Malpractice See: MEDICAL MALPRACTICE
 Motor Vehicles
 Buses/commercial vehicles, accidents involving operators;
 rate-setting/cancellations prohibited
 S68(78-75),S245(78-50)
 Buses, liability insurance; school bd. duties . .S152(78-192)
 Collateral sources paid claimant; admission, evidence
 S1308(78-374)
 Commercial vehicles, accidents involving operators;
 rate-setting/cancellation prohibited.
 S68(78-75),S245(78-50)
 Commercial vehicles; PIP payments, etcS1308(78-374)
 Nonpayment of premium redefined re org. membership.
 S392(78-31)
 Pain/suffering/mental anguish; limitation on damages.
 S1308(78-374)
 Personal Injury Protection
 Coverage amount increased from \$5,000 to \$10,000
 S1308(78-374)
 Deductibles, \$6,000, \$8,000S1308(78-374)
 Temporary tag buyers exempt.S508(78-225)
 Premiums; nonpayment redefined, organization membership . . .
 S392(78-31)
 Rate hearing/revision; Admin. Procedure Act compliance. . . .
 H1035(78-162)
 School buses, liability insurance; school bd. duties.
 S152(78-192)
 Traffic violations; cancel/renewal refusal/premium increase
 prohibited.H405(78-377)
 Train/vehicle operators, accidents involving; rate-setting
 or cancellations prohibited . . .S68(78-75),S245(78-50)

(Continued)

See Session Law Chapter list for Summary page references

INSURANCE

(Continued)

- Uniform statewide reporting re risk classification.S1308 (78-374)
- Uninsured motorists; pain/suffering coverage . .S1308 (78-374)
- Products liability policies; info summaries.S500 (78-224), H1190 (78-418)
- Risk management; claims against H.R.S, investigation, etc. . . .S405 (78-408)
- Sickle-cell discrimination re disability/life insurance.S49 (78-35)
- INSURANCE, DEPT. OF.**
 - See also: INSURANCE
 - Bail bondsmen/runners; criminal charge/disposition/notice. . . .S414 (78-29)
 - Insurer investments; state/fed. loan associations. H1180 (78-64)
 - Joint Underwriting Assn.; Commissioner removed Bd. of GovernorsS481 (78-47)
 - Life/disability ins.; persons passing rigorous physical exam . . .S223 (78-248)
 - Municipal Firefighters Pension Trust Fund; duties. S445 (Vetoed)
 - Products liability; info summaries/reportsS500 (78-224), H1190 (78-418)
 - Rate review; insurer notification, new schedules. S1308 (78-374)
 - Risk Mgmt. investigating claims against HRS; releases.S405 (78-408)
 - Uniform statewide reporting re risk classification.S1308 (78-374)
- INTANGIBLE PERSONAL PROPERTY TAX See: TAXATION**
- INTEREST**
 - FHA loans; usurious contracts/unlawful rates, prohibitedH1645 (78-211)
 - Industrial savings banks; 18% per annum simple interest, certain loansH187 (78-182)
 - Mobile homes titled as motor vehiclesH1206 (78-312)
 - VA loans; usurious contracts/unlawful rates, prohibited.H1645 (78-211)
- INTERNAL IMPROVEMENT TRUST FUND**
 - Islands, construction/extension/addition; D.O.T. duties.H1393 (78-437)
 - Lands
 - Actions involving interest; rules re fee assessment or collection.S399 (78-251)
 - Fill permits; time increased to 5 yrs.; exceptionH342 (78-388)
 - Marine repairs, permit exemptions.S487 (78-146)
 - Submerged lands; exempt marketable record title provisions . . .S4-D (78-288)
 - Water bottoms, Mosquito Lagoon, Indian River, etc; fishing . . .H643 (78-70)
- INVENTORY TAX See: TAXATION**
- ISLANDS**
 - Construction/extension/addition; permits, D.O.T. duties.H1393 (78-437)
- ISRAEL, STATE OF**
 - Insurers; bonds/evidences of indebtedness; investment.S589 (78-114)

See Session Law Chapter list for Summary page references

JAI ALAI FRONTONS See: RACING

JAILS

Contraband articles/communications; smuggling prohibitedH464 (78-42)
Drugs, marijuana, etc.; taking/smuggling prohibited .H284 (78-41)

JUDGES & JUSTICES

Attachment, writs of; issuance; dissolution hearings.S545 (78-38)
County court judges; 5-yr. Fla. Bar member; exception.H748 (78-346)
Elections See: ELECTIONS
Judicial Administrative Comm.; county court judge memberS454 (78-174)
Murderers/robbers/felonies involving firearms; parole
jurisdiction retained byH73 (78-318)
Retirees; temporary assignments, cal. days increasedS1074 (78-169)
Retirement See: RETIREMENT

JUDGMENTS

Annuity contracts; certain exempt from legal process.S163 (78-76)
Judicial sales; notification; procedure.H2065 (78-68)
Petit theft judgments, written; fingerprints, etc..H1068 (78-348)
Products liability actions; installment payments. .H1190 (78-418)

JUDICIAL CIRCUITS

4th, Cir. Judges; additional.S1029 (78-168)
7th, Cir. Judges; additional.S1029 (78-168)
13th, Cir. Judges; additionalS1029 (78-168)

JUNK DEALERS/JUNKYARDS

Motor vehs., junk/salvage; recordkeeping; inspectionH829 (78-412)

JUVENILES See: MINORS

LABOR & EMPLOYMENT SECURITY, DEPT. OF

CreatedS1240 (78-201)

LABOR/LABOR ORGANIZATIONS

Employment contracts; bridge maintenance/constr.. .H1781 (78-313)

LANDLORD & TENANT

Apartments, luxury; rent controlS827 (Vetoed)

LANDS

Comprehensive plan, preparation/revisionS2-D (78-287)
Environmentally endangered See: AREAS OF CRITICAL CONCERN
Fill permits; time increased to 5 yrs.; exception. .H342 (78-388)
Invasion/unauthorized use; limitations of actions, exempt.S5-D (78-289)
Phosphate-depleted lands; reclamation plan, development.H1370 (78-136)
Plant indicators; determination, landward extent of watersS373 (78-98)
Private property landowners' rights; restrictions . .S261 (78-85)
State Lands Study Committee; createdS6-D (78-301)
State-owned; actions involving interest; rules re fee
assessment/collectionS399 (78-251)
Submerged lands; exempt marketable record title provision.S4-D (78-288)
Survey & engineer law revisionH386 (78-272)

LAND SALES PRACTICES LAW

Advertising signs/offers/convictions, definitions. .S681 (78-366)

(Continued)

See Session Law Chapter list for Summary page references

AND SALES PRACTICES LAW

(Continued)

Law revision . . . . .	.S681(78-366)
Solicitations, foreign countries, etc. . . . .	.S681(78-366)
Subdivisions	
Financial statements/books/records/submissions. .S681(78-366)	
Road maintenance condition; certain exemptions. .S681(78-366)	
Septic tanks, location 50/100 lot subdivisions .H1554(78-430)	
LAND SURVEYORS See: ENGINEERS & LAND SURVEYORS	
LAW ENFORCEMENT & CRIMINAL JUSTICE See: COURTS; CRIMES &	
PENALTIES; CRIMINAL LAW ENFORCEMENT, DEPT. OF; CRIMINAL	
PROCEDURE; LAW ENFORCEMENT OFFICERS; Specific Subject	
LAW ENFORCEMENT, DEPT. OF	
Created; bureaus/divisions redesignated. . . . .	.H847(78-347)
LAW ENFORCEMENT OFFICERS	
See also: POLICE OFFICERS	
Civil rights . . . . .	.S448(78-291)
Dismissals, suspensions, layoffs, pay reduction, etc. . . . .	.S208(78-247)
Fresh pursuit; arrest outside of jurisdiction. . . . .	.S193(78-246)
Parole & probation officers, resisting arrest. . . . .	.S614(78-116)
Solicitation of funds in name of law enforcement body prohibited	
. . . . .	.S1279(78-124), S647(78-229)
Telephone/telegraph, used illegally; law officer's duty. . . . .	.S806(78-178)
LEGAL AFFAIRS, DEPT. OF	
Opinions re Legislators' official duties. . . . .	.S61(78-399)
LEGISLATURE	
Advisory boards/councils/commissions; legislative review . . . . .	.S22(78-323)
Appointments See: APPOINTMENTS	
Attorney General opinions re official duties. . . . .	.S61(78-399)
Committees	
Joint Advisory Board/Council/Commission; review Committee . . . . .	.S22(78-323)
Joint Legislative Mgmt. Comm.; bids, purchases \$2500. . . . .	.S1003(78-121)
Constitutional amendments; pamphlet of proposals . . . . .	.H720(Vetoed)
Game & Fresh Water Fish Commission; confirmation by Senate . . . . .	.H173(78-125)
General or special laws; legislative consideration re economic	
consideration, economic impact. . . . .	.H691(78-274)
Intergovernmental Relations Advisory Council; chairman, legis.	
member. . . . .	.S954(78-241)
Lobbyists; regulation by Joint Legis. Office. . . . .	.H1621(78-268)
Notices of special/local legislation; circulation. . . . .	.H268(78-302)
Official duties; Attorney General Opinions. . . . .	.S61(78-399)
Relief acts; notice of legislation. . . . .	.H1138(78-307)
Reports	
Administration Dept./growth, employment, capital investments	
. . . . .	.S1-D(78-299)
Advisory Boards/Commissions/Councils; Joint Committee . . . . .	.S22(78-323)
Agriculture & Con. Servs. Dept./Endangered plants . . . . .	.H1139(78-72)
Aquatic Plant Research & Control Center . . . . .	.H742(78-265)

(Continued)

See Session Law Chapter list for Summary page references

LEGISLATURE
(Continued)

- Central & So. American, Caribbean Trade & Devel. Comm.H1991(78-438)
- Criminal Justice CouncilH2004(78-420)
- Economic Development Div./companies locating, moving, halt-
ing/expanding operations; employee layoffs.H718(78-184)
- Education Commissioner
 - School administrator/instructional personnel ratio study .
.S549(78-423)
 - Teacher competency re certificates/internships, etc. . . .
.S549(78-423)
- Education Dept./comprehensive health education program. . . .
.H24-D(78-432)
- Health & Rehabilitative Services Dept.
 - Cancer patients/follow-up reports.S169(78-171)
 - Children's medical services programsS215(78-106)
 - Health services, prepaid; evaluation report. .S552(78-331)
 - Marijuana therapeutic research program. . . .H1237(78-413)
 - Medicaid 1-yr. pilot program re outpatient hospital
servicesH2180(78-440)
 - Spouse abuse/status in FloridaS649(78-281)
- Historic Preservation Project Review Council . .H1571(78-357)
- Intergovernmental Relations Advisory Council. . .S954(78-241)
- Land Use Advisory Committee.H1370(78-136)
- Pari-Mutuel Commission.H170(78-131)
- Research & Development Commission.H1294(78-402)
- State agencies/volunteer recruitment & training . .H5(78-263)
- State Lands Study CommitteeS6-D(78-301)
- Retirement See: RETIREMENT
- Shands Teaching Hospital, certain constr.; approval.
.H2101(78-314)
- LIBRARIES, PUBLIC**
 - Registration/circulation records; confidentiality . .S770(78-81)
 - School library media service establishedS549(78-423)
- LICENSES & LICENSE TAXES** See: PROFESSIONAL & OCCUPATIONAL
REGULATION, DEPT. OF; Specific Subject
- LIENS**
 - See also: MECHANICS LIENS
 - Boats; nonjudicial sale.H367(78-264)
- LIMITATIONS OF ACTIONS**
 - Products liability actions.H1190(78-418)
 - State-owned lands; unauthorized use/invasion, exemption.
.S5-D(78-289)
- LITTER LAW**
 - Decriminalization.H415(78-202)
 - Glen Glitter/official state symbol, litter control.S1119(78-296)
- LIVESTOCK** See: ANIMALS & ANIMAL INDUSTRY
- LOBBYING/LOBBYISTS**
 - Joint Legis. Office; duties re regis./records, etc.
.H1621(78-268)
- LOCAL GOVERNMENT**
 - See also: COUNTIES; MUNICIPALITIES
 - Air quality protection; preemption, municipal ordinances
.S856(78-240)
 - Budget officer; position created by ordinance; duties.

(Continued)

See Session Law Chapter list for Summary page references

LOCAL GOVERNMENT
(Continued)

Budget system revision	H467 (78-303)
Budgets; submission date	H378 (78-157)
Coastal management; participation.	H467 (78-303)
General laws re local programs/services; legislative consideration re economic impact.	S2-D (78-287)
Housing Finance Authority; creation by ordinance	H691 (78-274)
Legislative programs/servs.; money provision	H54 (78-89)
Metropolitan planning orgs., created.	H691 (78-274)
Motor Fuel Tax See: TAXATION	S1250 (Vetoed)
Per diem & travel expenses See: PER DIEM & TRAVEL EXPENSES	
Quadricentennial comms. abolished; exceptions.	
Relief acts; notice of legislation.	S52 (78-13)
Resource recovery programs; feasibility determination.	H1138 (78-307)
Roads, construction; uniform minimum standards for design.	
Solid waste disposal systems; application, approval.	S452 (78-329)
Taxation See: TAXATION	S1234 (78-398)
Transit systems/service; local communities, development.	
MANATEE	S953 (78-283)
Protection	
MANATEE COUNTY	S557 (78-252)
Community College District; Sarasota County included	
MARIJUANA	H2113 (78-94)
Smuggling in correctional facilities prohibited.	
Therapeutic research prog. re cancer treatment.	H284 (78-41), H464 (78-42)
MARKETABLE RECORD TITLES	H1237 (78-413)
Lands beneath navigable waters; exemption.	
MARRIAGE	S4-D (78-288)
Licenses	
Applications; posting courthouse door, pop. bracket	
Fees increased; use re spouse abuse centers	H815 (78-266)
Issuance; males under 18/females under 16	S649 (78-281)
Serological testing; 60 days prior to application	H815 (78-266)
Rabbis or Cantors; solemnization.	H815 (78-266)
MASSAGE	H200 (78-15)
Readopting & reviving Massage Practice Law.	
Reflexology practice.	H2183 (78-436)
MECHANICS LIENS	
Building permits, issuance; explanatory statements.	S1142 (78-397)
Notice of commencement; filing; liens, etc.	S1142 (78-397)
MEDICAID See: HEALTH & REHABILITATIVE SERVICES, DEPT OF.	
MEDICAL EXAMINERS	
Occupational therapists, temporary permits; issuance	S70 (78-18)
Physical therapists; registration, fees, etc.	S155 (78-278)
Physicians, misconduct/negligence; license suspension.	
MEDICAL MALPRACTICE	S346 (78-87)

(Continued)

See Session Law Chapter list for Summary page references

MEDICAL MALPRACTICE

(Continued)

Free clinics; medical negligence exemptionH400 (Vetoed)
Joint underwriting plan; termination date extended. .S481 (78-47)
Mediation panels; podiatrist member.S486 (78-113)
Physicians, misconduct or negligence; license suspension
.S346 (78-87)

MENTAL HEALTH

Children's residential/day treatment centers; established. . . .
.H2035 (78-434)
Clinical records; release to D.O.R. without charge.H2035 (78-434)
Psychosurgical/electroconvulsive procedures; restrictions. . . .
.S1014 (78-335)
Treatments, shock; restriction re useS1014 (78-335)

MENTAL RETARDATION See: RETARDED PERSONS

MERCHANDISE

Refund policy; notice reS625 (78-148)

MIDWIFERY

Medicaid, certified nurse; third-party coverage. . .S798 (78-294)

MILLAGE See: TAXATION

MINORS

Alcoholic beverages See: ALCOHOLIC BEVERAGES & LIQUORS

Children's medical services program.S215 (78-106)
Crippled children, indigent; treatment, feesS609 (78-332)
Grandparents' visitation rights.S117 (78-5)
I.D. cards, persons 12 yrs. & over. . .S172 (78-105), S220 (78-394)
Infants See: INFANTS

Juveniles, Judicial Treatment

Community control programs.S165 (78-84), S119 (78-414)
Criminal indictments/prosecutions; tried as adult
.S119 (78-414), S165 (78-84)
Fingerprint, photograph & custody provisions revised.
.S119 (78-414)
Law revision.S119 (78-414), S165 (78-84)
Mutual participation programs; participation . . .S165 (78-84)
Records; expunction, sealing, access.S165 (78-84), S119 (78-414)
Traffic offenses considered delinquent acts . . .S119 (78-414)

Obscenity See: OBSCENITY

Sterilization prohibited; exceptionsS119 (78-414)

Youthful Offender ActS165 (78-84)

MOBILE HOMES

Condemnation proceedings; comp/award determinations.S285 (78-315)
"For Sale" signs; placing allowed.H456 (78-311)
Identification numbers; assign & affix to certain. .S362 (78-221)
Insurance See: INSURANCE
Interest/finance charge limitations; exceptions . .H1206 (78-312)
Length & width determinations re fed. standards. . .S362 (78-221)
License plate display changed; stickers, mailing . .H854 (78-207)
Veterans; improvements; license/permit fee prohibited.
.H233 (78-69)
Width & length determinations re fed. standards. . .S362 (78-221)

MONROE COUNTY

Indian Key; research, development/preservation; funds.
.H304 (78-445)

MOPEDS

See also: BICYCLES

(Continued)

See Session Law Chapter list for Summary page references

(Continued)

Bicycle trails; operation on prohibited.H261(78-353)
 Registration/licensing; operator's licensing; license tags . . .
H261(78-353)

MORTGAGES

Second mortgage loans; 75% of appraised value allowed.
H187(78-182)

MOSQUITO CONTROL DISTRICTS

Pesticide application, D.E.R. responsibility.S373(78-98)

MOTELS See: PUBLIC LODGING

MOTOR CARRIERS See: PUBLIC SERVICE COMMISSION

MOTORCYCLES

Noise level limits; compliance dates; loan programs.S621(78-280)

MOTOR FUEL TAX See: TAXATION

MOTOR HOMES See: MOBILE HOMES

MOTOR VEHICLES

See also: DRIVERS' LICENSES; HIGHWAY SAFETY & MOTOR VEHICLES,
 DEPT. OF; TRAFFIC CONTROL

Accidents See: Accidents under TRAFFIC CONTROL

Automobile warranty/inspection assns.; licenses, etc..
S668(78-231)

Dead storage vehicles; registration fee exempt . . .S199(78-216)

Driver, no registration certif.; production later date
S517(78-48)

Drivers' licenses See: DRIVERS' LICENSES

Dune buggies/off-road vehicles; regulations.
S804(78-238),H1200(78-355)

Inspections, Safety Equipment

Ancient vehicles exemptS416(78-363)

County-operated; open on Saturday/close one weekday
S416(78-363)

Defective parts, order; 30-day period extension .S408(78-111)

Rebuilt vehicles; general regulationsH829(78-412)

Insurance See: Motor Vehicles under INSURANCE

License Plates; Registrations, etc.

Antique vehicles; engine no./age/model included .S416(78-363)

Applications for registration; forms changed. . .S508(78-225)

Dead storage vehicles; registration fee exempt. .S199(78-216)

Demonstration vehicles; temporary tags.S244(78-217)

Driver, no license/registration certif.; production later
 dateS517(78-48)

Face changes/additions prohibited; exceptions. . .S364(78-55)

Miccosukee Indian Tribe; 1250 free license plates
S670(78-232)

Off-road vehicles; maximum fee. . .H1200(78-355),S804(78-238)

Personal injury protection/financial responsibility;
 verificationH1343(78-186)

Prestige plate former Legislator/Congressman, replacing . . .
S124(78-213)

Rebuilt vehicles; general regulationsH829(78-412)

Refund for unused portion.H1343(78-186)

Registration suspension; instances increased . . .S108(78-83)

Temporary tags, demonstration vehicles.S244(78-217)

Temporary tags; registration restrictionsS508(78-225)

Transfer of license plates; no new registration .S508(78-225)

(Continued)

See Session Law Chapter list for Summary page references

MOTOR VEHICLES

(Continued)

- Mobile Homes See: MOBILE HOMES
- Motor Homes See: MOBILE HOMES
- Motorcycles; noise level limits.S621(78-280)
- Motorist services directional signs; retentionS212(78-8)
- No Fault Insurance See: Motor Vehicles under INSURANCE
- Noise level limits; compliance dates; loan programs.S621(78-280)
- Odometers, tampering with; false reports; prohibitedH663(78-183)
- Personal injury protection See: Motor Vehicles under INSURANCE
- Rebuilt vehicles; general regulations.H829(78-412)
- Reflective window glass, medical necessity; allowabilityH276(78-271)
- Registrations See: License Plates; Registrations, this Head
- Sales Tax See: Sales Tax under TAXATION
- Stored vehicles; registration fee exemptS199(78-216)
- Truck-tractors See: TRUCKS/TRUCK-TRACTORS
- Unsafe vehicles; operation unlawful.S439(78-112)

MUNICIPALITIES

- See also: COUNTIES; LOCAL GOVERNMENT
- Annexation; reports, filing prior to proceedings . . .S74(78-19)
- Bingo games held municipal/county property.H182(78-21)
- Bonds, special assessment; sale, discount criteria .S475(78-330)
- Coastal construction zoning & building codes, establish.S925(78-257)
- Health facilities authority; creation.S601(78-115)
- Insurance See: INSURANCE
- Legislative programs/servs.; money provisionH691(78-274)
- Metropolitan planning crgs., created.S1250(Vetoed)
- Parking facility, off-street; special assessments .H1958(78-360)
- Public Service Tax See: TAXATION
- Public works projects; eminent domain; financing. .S1194(78-198)
- Quadricentennial comms. abolished; exceptions. . . .S52(78-13)
- Recreation districts; creationS803(78-237)
- Solid waste disposal systems; application, approval.H123(78-387)
- Taxation See: TAXATION
- Transit systems/service; local communities, development.S953(78-283)
- Warranty/inspection associations; licensing, etc.. .S668(78-231)
- Zoning See: ZONING

MUSICIANS See: BANDS/ORCHESTRAS

NATURAL RESOURCES, DEPT. OF

- Beach restoration programs, nonfederal; participation.S925(78-257)
- Boat safety regulations, decriminalization; enforcement.H25(78-181)
- Coastal control lines; inlet sediment bypassing, beach nourishment; excavations, etc..S925(78-257)
- Environmental control See: ENVIRONMENTAL REGULATION, DEPT. OF
- Manatee, aquatic animals; protectionS557(78-252)
- Phosphate-depleted lands; reclamation plan, development.H1370(78-136)
- Recreational land purchases (Escambia)S1313(78-370)

NATUROPATHY

- License to practice; renewals, revival & readoption.S309(78-139)

See Session Law Chapter list for Summary page references

NEGLIGENCE

Medical service at free clinics; negligence exemption.
H400 (Vetoed)

NEWSPAPERS

Notices of special/local legislation; publication. .H268 (78-302)
 Relief acts; notice of legislation requiredH1138 (78-307)

NOISE ABATEMENT

Motor vehicles/motorcyclesS621 (78-280)

NONPROFIT CORPORATIONS/ORGANIZATIONS

Little league baseball orgs.; registration exemption
S729 (78-320)
 Meals to indigent/elderly; sales tax exemption . . .S615 (78-176)
 Service contracts, consumers; home warranty exemption.
S756 (78-255)
 Solicitation of funds in name of law enforcement body;
 prohibited.S1279 (78-124), S647 (78-229)
 Solicitations revisionS647 (78-229)

NUISANCES

Obscenity; performances/materials; sold/viewed/delivered
S186 (78-172)
 Outdoor sign violations; abatementS277 (78-138)

NURSING HOMES

Complaints of substandard care, investigation; evaluation;
 hearingsH23-D (78-393)
 Medicaid patients' personal property & money accounts; review. .
H23-D (78-393)
 Records; copies furnished; chargesS169 (78-171)

OBSCENITY

Drive-in movies visible, street/public place; prohibited
S186 (78-172)
 Literature/Materials
 Display accessible to minors; prohibited.H571 (78-273)
 Minors involved; sell/bring/send/distribute; prohibited . . .
S250 (78-326)
 Performances; prohibited.S186 (78-172)

OCCUPATIONAL THERAPISTS

Assistants; license examination time period; permits .S70 (78-18)

OFFENDER REHABILITATION, DEPT OF.

See also: PENAL & CORRECTIONAL INSTITUTIONS

Juvenile offenders; law revision; duties, etc.. . . .S165 (78-84)
 Mental patients, clinical records; release, no charge.
H2035 (78-434)
 Mutual participation program; development; rules . .H936 (78-417)
 Name changed to Department of CorrectionsS300 (78-53)
 Parole & probation officers, resisting; prohibited .S614 (78-116)
 Prisoners See also: PENAL & CORRECTIONAL INSTITUTIONS

Gain-time allowed prisoners serving 2/more sentences; program
 participation formula; limitations.H811 (78-304)
 Gain-time deductions/good-time allowance; parole status . . .
S419 (78-223)
 Income, disclosure; subsistence paymentsH1990 (78-441)
 Mandatory sentencing.H150 (Vetoed)
 Supervision & rehab. cost increase, certain probationers. . .
S813 (78-368)
 Transportation money, releasees; amount increased.S299 (78-14)

(Continued)

See Session Law Chapter list for Summary page references

OFFENDER REHABILITATION, DEPT. OF.

(Continued)

- Reception center, persons serving concurrent sentencesS337(78-219)
- Secretary, role revision re Parole & Probation Comm.H936(78-417)
- Youthful offender community control programsS165(78-84),S119(78-414)
- OPTOMETRY/OPTOMETRISTS**
 - Advertising; price/credit terms/discounts, certain products.H29(78-156)
- ORANGE COUNTY**
 - Pretrial Intervention Programs; funds.S588(78-227)
- ORCHESTRAS** See: **BANDS/ORCHESTRAS**
- OSTEOPATHS**
 - Law revision.H1837(78-212)
- OUTDOOR ADVERTISING** See: **ADVERTISING**
- OYSTERS** See: **SALTWATER FISHING/PRODUCTS**
- PALM BEACH COUNTY**
 - Concept Six Program; fundingS958(78-416)
 - County court judge; additional.S1029(78-168)
 - Health services, demonstration projectS552(78-331)
- PAP SMEARS**
 - 18-year-olds admitted to hospitalsS169(78-171)
- PARI-MUTUEL WAGERING** See: **RACING**
- PARKING**
 - Municipal off-street parking facils.; special assessments.H1958(78-360)
 - Railroad crossings, distance set by D.O.T.S227(78-52)
- PARKS**
 - Recreation districts; created county/municipality. .S803(78-237)
 - Recreational land purchase (Escambia County); Natural Resources Dept.S1313(78-370)
- PAROLE & PROBATION**
 - Commission reorganization 7/1/78H936(78-417)
 - Felons; retention of jurisdiction by judgesH73(78-318)
 - Hearing examiner panels established.H936(78-417)
 - Mutual participation program; development; rules . .H936(78-417)
 - Objective parole guidelines 1/1/79H936(78-417)
 - Parole & probation officers, resisting; prohibited .S614(78-116)
 - Pilot program re parole.H936(78-417)
 - Prisoners, concurrent sentences; parole condition. .S337(78-219)
 - Prisoners, gain-time deductions/good-time allowance; parole status.S419(78-223)
 - Release dates, presumptive; periodic guideline review.H936(78-417)
 - Supervision & rehab. cost increase, certain probationersS813(78-368)
- PENAL & CORRECTIONAL INSTITUTIONS**
 - See also: **OFFENDER REHABILITATION, DEPT. OF**
 - Contraband articles/communications; smuggling prohibitedH464(78-42),
H284(78-41)
 - Parole See: **PAROLE & PROBATION**
 - Prisoners
 - Administrative procedure; nonconsideration as party

(Continued)

See Session Law Chapter list for Summary page references

PENAL & CORRECTIONAL INSTITUTIONS

(Continued)

Gain-time allowed prisoners, 2/more sentences; program participation formula; limitations. . . . .	.S209 (78-28)
Gain-time deduction/good-time allowance; parole status. . . . .	.H811 (78-304)
Income, disclosure; subsistence payments . . . . .	.S419 (78-223)
Transportation money, releasees; amount increased. . . . .	.H1990 (78-441)
PER DIEM & TRAVEL EXPENSES	
Entertainment expenses; restrictions. . . . .	.S299 (78-14)
Promotional advancements/reimbursements; guidelines. . . . .	.S1357 (78-375)
Travel, foreign countries . . . . .	.S1357 (78-375)
Volunteers . . . . .	.H5 (78-263)
Witnesses See: WITNESSES	
PERSONAL PROPERTY	
Criminal proceedings; county title vestment. . . . .	.S862 (78-150)
Public agency employee, found by; title vestment . . . . .	.S862 (78-150)
PEST CONTROL	
Insecticide, Fungicide & Rodenticide Act, Federal, conformance; licenses; records, etc. . . . .	.S1200 (78-154)
Operators, licensing/qualifications/insurance/fees . . . . .	.S512 (78-292)
Pesticides, application to waters; provisions modified . . . . .	.S373 (78-98)
Termite/wood-destroying organisms; inspection reports. . . . .	.S512 (78-292)
PHARMACISTS/PHARMACIES	
Prescriptions on file with another pharmacy; filling . . . . .	.H281 (78-205)
PHOSPHATE ROCK See: SOLID MINERALS	
PHYSICAL THERAPY	
Law revision re registration, state/foreign countries. . . . .	.S155 (78-278)
PHYSICIANS & SURGEONS	
Autopsies See: AUTOPSY	
Death registrations. . . . .	.H129 (78-9)
DMSO (dimethyl sulfoxide) administration, etc. . . . .	.S699 (78-129)
Malpractice See: MEDICAL MALPRACTICE	
Misconduct or negligence; temporary license suspension . . . . .	.S346 (78-87)
Patient records; copies furnished, charges . . . . .	.S169 (78-171)
PILOTS	
Aircraft pilots, licensing; law repealed . . . . .	.S15 (78-74)
Licensing, Bd. membership; revival & readoption Ch. 310. . . . .	.S310 (78-140)
PINELLAS COUNTY	
Housing authorities referenda; law repealed . . . . .	.H1649 (78-446)
PLANTS & PLANT INDUSTRY	
Bromeliad plants; transport/sell; prosecution. . . . .	.H1139 (78-72)
Endangered plant list; preparation . . . . .	.H1139 (78-72)
PODIATRISTS/PODIATRY	
Medical mediation panels; members. . . . .	.S486 (78-113)
POLICE OFFICERS	
See also: LAW ENFORCEMENT OFFICERS	
Civil rights . . . . .	.S448 (78-291)

(Continued)

See Session Law Chapter list for Summary page references

POLICE OFFICERS

(Continued)

Employment without certificate of compliance. . . .S1169 (78-259)
 Fresh pursuit; arrest outside of jurisdiction. . . .S193 (78-246)
 Retirement See: RETIREMENT
 Standards & Training Comm.; duties re training/certificate
 revocation/donations. . . .S448 (78-291)

POLLUTION CONTROL See: ENVIRONMENTAL REGULATION, DEPT. OF;
 ENVIRONMENTAL CONTROL/PROTECTION

POPULAR NAMES

Administrative Procedure Act (Revision). . . .H1075 (78-95)
 Alternative Education Programs . . .S296 (78-415), H2044 (78-405)
 Antifreeze Act. . . .S1295 (78-199)
 Appropriations Act. . . .S1100 (78-401)
 Arthritic Drug (DMSO/dimethyl sulfoxide) . . .S699 (78-129)
 Barbers Act . . .S1233 (78-155)
 Cemetery Act . . .H7-D (78-407)
 Children's Medical Services Act. . . .S215 (78-106)
 Coastal Management Act . . .S2-D (78-287)
 Commerce Department Reorganization Bill . . .S1240 (78-201)
 Computer Crimes Act. . . .H1305 (78-92)
 Computerized Telephone . . .S806 (78-178)
 Controlled Substance Therapeutic Research Act . .H1237 (78-413)
 Cosmetology Act. . . .S564 (78-253)
 Credit Union Guaranty Corporation Act . . .S1222 (78-123)
 Criminal Justice Council Act. . . .H2004 (78-420)
 Criminal Penalties/Sentencing. . . .H150 (Vetoed)
 Dimethyl Sulfoxide (DMSO)/Arthritic Drug . . .S699 (78-129)
 Direct Deposit of Public Funds Act. . . .H2116 (78-406)
 Evidence Code . . .H16-D (78-379)
 Fence Post, Treated; Act . . .S812 (78-179)
 Glen Glitter/official symbol for litter control .S1119 (78-296)
 Good Samaritan Act (Animals) . . .S979 (78-334)
 Hearing Aid Bill . . .S185 (78-325)
 Homestead Property Tax Deferral Act. . . .H874 (78-161)
 Housing Finance Authority Law. . . .H54 (78-89), H1998 (78-165)
 Industrial Tax Relief Act. . . .S1-D (78-299)
 Juvenile Justice Act . . .S119 (78-414)
 King Mackerel Bill. . . .S687 (78-80)
 Law Enforcement Funds Act . . .S1279 (78-124)
 Manatee Sanctuary Act. . . .S557 (78-252)
 Meals-On-Wheels/sales tax exemption. . . .S615 (78-176)
 Objective Parole Guidelines Act. . . .H936 (78-417)
 Osteopathy Law Revision . . .H1837 (78-212)
 Private Property Rights Bill. . . .S261 (78-85)
 Protection of Public Employee Retirement Benefits Act. . . .S14 (78-170)
 Public Transit Act . . .S953 (78-283)
 Radiation Protection Act . . .S706 (78-373)
 Retirement Benefits Act (Public Employees) . . .S14 (78-170)
 Revenue Department Reorganization . . .H1629 (78-390)
 Savings Association Act . . .S492 (78-40)
 Securities Act. . . .H2118 (78-435)
 Sentencing Reform Act. . . .H150 (Vetoed)
 Shoplifting Bill. . . .H1068 (78-348)
 Spouse Abuse . . .S649 (78-281)

(Continued)

See Session Law Chapter list for Summary page references

POPULAR NAMES

(Continued)

- State Agency Dispute Settlement Act.H141 (Vetoed)
- Sundown Act (Advisory boards/commissions/councils) . .S22 (78-323)
- Voluntarism/volunteersH5 (78-263)
- Youthful Offender ActS165 (78-84)
- PORNOGRAPHY See: OBSCENITY**
- PRESCRIPTION DRUGS See: PHARMACISTS/PHARMACIES**
- PRINTING & PRINTERS**
 - Out-of-state, in-state plant bidder; allowable . . .S426 (78-145)
- PRISONERS See: OFFENDER REHABILITATION DEPT.; PENAL & CORREC-**
TIONAL INSTITUTIONS; PAROLE & PROBATION
- PRIVATE EMPLOYMENT AGENCIES**
 - Fee refunds; time period changed.S1147 (78-122)
- PRIVATE PROPERTY**
 - Fences, breaking or injuring; penalties.S824 (78-256)
 - Rights re land use restrictions; limitations. . . .S261 (78-85)
- PROBATE**
 - Guardianship property, incompetents; fees; liens . .H364 (78-342)
 - Wills of decedents, deposits; service charge removedS736 (78-367)
- PRODUCTS LIABILITY**
 - Actions; statute of application re certain products.H1190 (78-418)
 - Insurance See: INSURANCE, DEPT. OF
 - Manufacturer/seller; liability; negligence allocation; statute
of limitationsH1190 (78-418)
- PROFESSIONAL & OCCUPATIONAL REGULATION, DEPT. OF**
 - Barbering; licensing/regulationS1233 (78-155)
 - Construction Industry Licensing Board
 - Registration feesS786 (78-236)
 - Surplus fundsS368 (78-142)
 - Cosmetology; licensing/regulation. . .S564 (78-253), S11-D (78-429)
 - Dentists; advertisingH2037 (78-439)
 - Engineers; license exemptionsS1310 (78-410)
 - Examining & licensing boards, lay member appointed.H21-D (78-431)
 - Foreigners, licensing; study courses required . . .H26-D (Vetoed)
 - Funeral directors & embalmers; licensingS881 (78-151)
 - Land surveyors; licensing/regulationH386 (78-272)
 - Lay member, regulatory boardsH21-D (78-431)
 - Marine pilots; licensing/regulation.S310 (78-140)
 - Massage practice; licensing/regulation.H2183 (78-436)
 - Medical Examiners, Board of; dimethyl sulfoxide. . .S699 (78-129)
 - Naturopathy Law; revival & readoption.S309 (78-139)
 - Occupational therapists; licensingS70 (78-18)
 - Optometry; advertising.H29 (78-156)
 - Osteopathic Medical Examiners, Board of; dimethyl sulfoxide. . .S699 (78-129)
 - Osteopathic physicians; licensing/regulation. . . .H1837 (78-212)
 - Pharmacists; prescriptions from other pharmacies . .H281 (78-205)
 - Physical therapists; licensing/regulation.S155 (78-278)
 - Professional & Occupational Regulation Trust Fund.S310 (78-140), S1233 (78-155)
 - Professional Engineers & Land Surveyors, Board of. .H386 (78-272)
 - Real Estate Brokers, Salesmen
 - DefinitionsS196 (78-215)

(Continued)

See Session Law Chapter list for Summary page references

PROFESSIONAL & OCCUPATIONAL REGULATION, DEPT. OF
(Continued)

- Escrow, trust accountsS721(78-117),S681(78-366)
- Licensing/regulation.H1330(78-164),S681(78-366)
- Rental transactionsS171(78-214)
- Real estate schools; licensing/regulation.S1251(78-244),S681(78-366)
- Ship pilots; licensing/regulation.S310(78-140)
- PROFESSIONAL/TECHNICAL SERVICES**
 - Purchasing by State; conditions, agreements, billing. .H18(78-4)
 - State contracts; bids; subcontractors, substitution.H1570(78-389)
- PROPERTY APPRAISERS** See: **TAXATION**
- PROSTITUTION**
 - Procurement of males/females under 16 yrs. oldH38(78-45)
- PSYCHOLOGY/PSYCHOLOGISTS**
 - Clinical/industrial/counseling/school psychology . .S354(Vetoed)
 - Examiners Bd.; public memberS354(Vetoed)
- PUBLIC BROADCASTING SYSTEM**
 - General Service Dept. study.S436(78-428)
- PUBLIC BUILDINGS**
 - See also: **BUILDINGS & BUILDING CODES**
 - Designations See: Specific Subject or Building
 - Energy-saving renovations re minimizing energy use . .S75(78-26)
 - Handicapped persons; accessibility; living unit defined.S628(78-333)
 - Leasing private bldgs. less than 2,000 ft.; exemption.H2137(78-166)
 - New construction, solar energy system; life cycle costs.S147(78-27)
- PUBLIC DEFENDERS**
 - Assistants, capital cases; fees, payment method. . .H518(78-344)
- PUBLIC FUNDS**
 - Deposits, outside State Treasury.S327(78-54)
 - Direct deposit by electronic/other medium; procedures.H2116(78-406)
 - Investment, savings & loan associations.S367(78-110)
 - Revenue sharing, population countH1426(78-209)
 - State-Federal Relations Trust Fund; surplus funds .H1245(78-350)
- PUBLIC LODGING**
 - Apartments, luxury; rent controlS827(Vetoed)
 - Handicapped persons; accessibility; living units . .S628(78-333)
- PUBLIC MEETINGS** See: **SUNSHINE LAW**
- PUBLIC OFFICERS & EMPLOYEES** See: **STATE OFFICERS & EMPLOYEES;**
Specific Subject
- PUBLIC RECORDS**
 - Community college employees; limited access.S216(78-3)
 - Libraries, public; law exemption.S770(78-81)
- PUBLIC SERVICE COMMISSION**
 - See also: **PUBLIC UTILITIES**
 - Cable T.V. fixtures; tamper/alter/injure; penalty .S1345(78-262)
 - Commissioners increased to 5; appointment.S7-D(78-426)
 - Electric Utilities
 - Rate adjustments; filing Clerk, Circuit Court. . .S80(78-137)
 - Tamper/alter/injure; penaltyS1345(78-262)
 - Engineers regulated by PSC; prof. engineer exemption

(Continued)

See Session Law Chapter list for Summary page references

PUBLIC SERVICE COMMISSION
(Continued)

-S1310 (78-410)
- Gas utilities, rate adjustments; filing Clerk, Circuit CourtS80 (78-137)
-S80 (78-137)
- Railroad safety jurisdiction; authority removed.S671 (78-88)
- Rate adjustments; orders filed Clerk, Circuit Court .S80 (78-137)
- Telephone/Telegraph
 - Illegal use; disconnection.S806 (78-178)
 - Rate adjustments; filing Clerk, Circuit Court. . .S80 (78-137)
- Toll facilities; administration transferred to D.O.T.H506 (78-378)
-H506 (78-378)
- PUBLIC UTILITIES**
 - See also: PUBLIC SERVICE COMMISSION
 - Cable T.V. fixtures; tamper/alter/injure; penalty .S1345 (78-262)
 - Electric Utilities
 - Rate adjustments; filing Clerk, Circuit Court. . .S80 (78-137)
 - Tamper/alter/injure; penaltyS1345 (78-262)
 - Engineers regulated by PSC; prof. engineer exemptionS1310 (78-410)
 -S1310 (78-410)
 - Gas utilities, rate adjustments; filing Clerk, Circuit Court . . .S80 (78-137)
 -S80 (78-137)
 - Motor Carriers See: PUBLIC SERVICE COMMISSION
 - Rate adjustments; orders mailed Clerk, Circuit Court.S80 (78-137)
 - Relocation or removal expense; D.O.T. payment. . . .S953 (78-283)
 - Telephone/Telegraph
 - Illegal use; disconnection.S806 (78-178)
 - Rate adjustments; filing Clerk, Circuit Court. . .S80 (78-137)
- PUBLIC WORKS PROJECTS** See: CONSTRUCTION INDUSTRY
- PURCHASING**
 - Competitive bids
 - Joint Legis. Mgmt. Committee; purchases \$2500. .S1003 (78-121)
 - Purchases excess of \$2500S323 (78-109)
 - State contracts.H1570 (78-389)
 - Invoices, mailed/payment in 45 days; interest rates.H1532 (78-352)
 -H1532 (78-352)
- QUADRICENTENNIAL COMMISSIONS**
 - Abolished; property transfer to county or municipality;
 - exceptions.S552 (78-331)
- RACING**
 - Bookmaking; penalty; warnings; track employees duties.S101 (78-36)
 -S101 (78-36)
 - Breaks tax, breeder awards paid from; bal. deposited GRFS1347 (78-130)
 -S1347 (78-130)
 - Charity Days, Additional
 - Broward County Community College Foundation, Inc.S876 (78-381)
 -S876 (78-381)
 - Daytona Beach Community College (Volusia). . . .H1334 (78-319)
 - Historic Preservation Project Council.H1571 (78-357)
 - Dogracing periods; permitholder's choice.H1334 (78-319)
 - Fla.-bred horses, breeder awards; expiration date . .S719 (78-39)
 - Harness racing trust fund; disbursement Fla. Standardbred Breeders Assn., etc.S1092 (78-337)
 - Horses, sales/shows/exhibitions See: ANIMALS & ANIMAL INDUSTRY
 - Jai alai frontons; starting/ending playing time; 12 games per eveningS340 (78-380)

(Continued)

See Session Law Chapter list for Summary page references

RACING

(Continued)

Pari-Mutuels

- Commission; appointment; dutiesH170 (78-131)
- Permit transfers; investigations, applicant chargeable.H2041 (78-391)
- Purse pools; deductions to horsemen's assn.; audits, etc.H2151 (78-167)
- Stallion/breeder awards; expiration date.S719 (78-39)
- Tax assessments See: TAXATION
- Totalisators; licensing requirements.S1120 (78-243)

RADIOLOGIC TECHNOLOGY

- Exams, certificates; rules & regs. re practitioners.S992 (78-383)
- Radiation protection; HRS surveillance, duties . . .S706 (78-373)

RAILROADS

- Crossing; buses/vehicles hauling flammable substances; stops required; taxicabs excluded.S227 (78-52)
- Rights-of-way; maintenance re fire hazard areas. . .H410 (78-158)
- Tracks, supportive rolling stock; D.O.T. safety inspections. . .S671 (78-88)

REAL ESTATE & REAL PROPERTY

- Mortgages See: MORTGAGES
- Time-share estates/units, condominiumsS303 (78-328)

REAL ESTATE BROKERS & SALESMEN

- Apartment complex resident/nonresident managers/owners; exempt real estate broker/salesman definition. . .S196 (78-215)
- Escrow funds, real estate; deposits savings assocs..S721 (78-117)
- Financial statements, audits, etc.S681 (78-366)
- Independent contract relationship; branch offices, annual registration.S681 (78-366)
- Registrant renewals, nonactive salesman/broker . . .S681 (78-366)
- Registration fee, broker-salesman; separate . . .H1330 (78-164)
- Rental info; contracts/receipts, forms; refunds; penalty . . .S171 (78-214)
- Schools, address change; fees.S681 (78-366)
- Schools, chief administrators/instructors; educational requirements; permits.S1251 (78-244)

RECREATION & PARKS, DIVISION OF

- Indian Key; research, development/preservation; funds.H304 (78-445)

RECREATIONAL VEHICLES See: TRUCKS/TRUCK-TRACTORS

REGENTS, BOARD OF

- See also: STATE UNIVERSITIES
- Construction Industry Licensing Bd. surplus funds; research/ed. programs established.S368 (78-142)
- Insurance See: INSURANCE
- Merger, universities.H1045 (78-208)
- Older Americans; data bank, maintenance.S669 (78-293)
- Per diem & travel See: PER DIEM & TRAVEL EXPENSES
- Students

Fees

- Payment deferral.H654 (78-91)
- Reallocation to generating institutions. . . .S694 (78-233)
- Registration/tuition fees; types/amounts/uses, approval. . .S960
- Loan notes; sale, Fed. Student Loan Mkting. Assn.

(Continued)

See Session Law Chapter list for Summary page references

REGENTS, BOARD OF
(Continued)

-H1314 (78-11)
- Member; right to voteS958 (78-416)
- REGULATORY REFORM**
 - Bath houses/swimming pools, public; law readoption.H1508 (78-356)
 - Cigarette distributing agents; law readopted. . . .H1507 (78-351)
 - Cosmetology.S564 (78-253), S11-D (78-429)
 - Fire extinguishers & systems; inspection/installing, etc.S311 (78-141)
 - Masseurs & Masseuses.H2183 (78-436)
 - Naturopathy.S309 (78-139)
 - PilotsS310 (78-140)
- RELIEF BILLS**
 - Notice of legislation required.H1138 (78-307)
- RELIGIOUS ORGANIZATIONS**
 - Religious instruction; public school absence allowedH914 (78-306)
- RENTALS**
 - Apartments, luxury; rent controlS827 (Vetoed)
 - Rental negotiations; contract/receipt, forms; refunds.S171 (78-214)
- RESEARCH DEVELOPMENT COMMISSION**
 - Created re solicitation of industry & business. . . .H1294 (78-402)
- RESOURCE RECOVERY & MANAGEMENT** See: SOLID WASTES
- RESTAURANTS** See: FOOD SERVICE ESTABLISHMENTS
- RETAILERS**
 - See also: BUSINESS
 - Burglary See: BURGLARY
 - Refund policy; notice reS625 (78-148)
 - Theft See: THEFT
- RETAIL INSTALLMENT SALES**
 - Mobile homes; exemption re M.V. Sales Finance Act .H1206 (78-312)
- RETARDED PERSONS**
 - Fishing licenses; fee exemption.S157 (78-6)
- RETIREMENT**
 - Average final comp./5 best yrs. of last 10 yrs. service.H1140 (78-308)
 - Beneficiaries/surviving spouse; minimum benefits, eligibility; exceptions.S470 (78-364)
 - Constitutional provisions re governmental retirement systems; implementationS14 (78-170)
 - Elected State Officers Class; transfer.H1140 (78-308)
 - Fund diversion; forfeitures, etc.; use prohibited. .S308 (78-108)
 - Involuntary retirement, basis of age; exceptions. . .S688 (78-49)
 - Judges, retired; temporary assignments, time period.S1074 (78-169)
 - Minimum benefits; formula re determinationS470 (78-364)
 - Noncompulsory participation after service break . .H1140 (78-308)
 - Out-of-state credit; purchase, limitationsS178 (78-279)
 - Protection of public employee benefits.S14 (78-170)
 - Recomputation of benefits; cost-of-living adjustments.S470 (78-364)
 - Reopened, certain membersH1140 (78-308)
 - Retirees, benefit increase; recomputation.S470 (78-364)
 - Seasonal State employees; purchase credit, specified time. . . .

(Continued)

See Session Law Chapter list for Summary page references

RETIREMENT

(Continued)

Social Security/retirement, contributions; late payment.S178(78-279)
H1140(78-308)
 Special/local laws prohibitedS14(78-170)
 Special Risk Members
 Contributions changed; employer amountH1140(78-308)
 Correctional insts., superintendents; participationH1140(78-308)
 Correctional officers; designation as.H1140(78-308)
 55-yr.-olds; eligibility requirements.H1140(78-308)
 Firefighters; designation asH1140(78-308)
 Law enforcement officers; designation asH1140(78-308)
 Redefined; contribution/refund; service credit, etc..H1140(78-308)
 State/county/municipal/special districts; applicability.S14(78-170)
 Teachers
 Beneficiaries/surviving spouse; min. benefits, eligibility;
 exceptions.S470(78-364)
 55-yr.-olds; retirement 8/1/78H1140(78-308)
 FRS reopened; extend survivor benefitsH1140(78-308)
 Retirees, recomputation of benefitsS470(78-364)
 30-yr. retirement.H1140(78-308)
 Trust fund benefits; use re diversion prohibited . .S308(78-108)
 REVENUE BONDS See: BONDS
 REVENUE, DEPT. OF
 Ad valorem taxes.H875(78-32),H959(78-185),S591(78-193)
 Filing deadlines; motor fuel, sales taxes.S276(78-250)
 Intangible personal property tax; void tax executions.H650(78-43)
 Property appraisers; photographs/maps; furnishing. .S591(78-193)
 Railroad property assessmentsH16(78-269)
 Reorganization.H1629(78-390)
 Sales tax; administrationS676(78-59)
 Subpoenas, tax investigationsS676(78-59)
 Tax refunds.S1-D(78-299)
 REVENUE SHARING
 Population determination, revenue sharing; date . .H1426(78-209)
 RINGLING MUSEUM OF ART, JOHN AND MABLE
 Loan of art works to certain public buildings. . . .S635(78-254)
 ROADS & BRIDGES
 Highway construction/maintenance contracts; securityS735(78-316)
 Keys Bridges, construction/reconstruction; utilities relocation
 S1128(78-284)
 ST. JOHNS COUNTY
 Marine Biology & Medicine Research Lab, ExperimentalH1382(78-93)
 Seine, net/trammel net; illegal possession; restrictionsH1951(78-404)
 SALES TAX See: Sales Tax under TAXATION
 SALTWATER FISHING/PRODUCTS
 See also: FISH & FISHING
 Artificial cultivation; permit re catching/possession.

(Continued)

See Session Law Chapter list for Summary page references

SALTWATER FISHING/PRODUCTS
(Continued)

-S401(78-78)
- Blue crabs, trap size; take/possess, restrictions. .S398(78-143)
- Explosives; use re capture of foodfish/jewfish/grouperH738(78-159)
-S401(78-78)
- Fish protected by law; possess/catch re artificial cultivationS401(78-78)
-S687(78-80)
- Gill netting King Mackerel; hanging depth restriction.S687(78-80)
-S687(78-80)
- Jewfish/grouper, damaged by explosives; penalty. . .H738(78-159)
- King Mackerel; gill netting, hanging depth restrictionS687(78-80)
-S687(78-80)
- License fees; deposit Motorboat Revolving Trust Fund.S403(78-56)
- Manatee; protection.S557(78-252)
- Oysters; special 3-month season (Franklin)H1599(78-96)
- Saltwater products redefined; license for taking. . .S403(78-56)
- Seines & nets/trammel nets; illegal possession; restricted areas
(St. Johns, Volusia)H1951(78-404)
- Shrimp, Cedar Key; closed area, boundariesH2007(78-73)
- SARASOTA COUNTY**
- Manatee County Community College Dist.; inclusion. .H2113(78-94)
- SAVINGS & LOAN ASSOCIATIONS**
- Board meetings; financial statements, etc..S492(78-40)
- Escrow funds, real estate; deposits.S721(78-117)
- Federal stock assn., conversion capital stock assn..S720(78-234)
- Insurers; investment limitation removed.H1180(78-64)
- Loans exceeding 36 months; 18% interest per annum. .H187(78-182)
- Real estate loans, less than \$100,000; int. payment .S492(78-40)
- Second mortgage loans; 75% of appraised value allowed.H187(78-182)
-H187(78-182)
- State money, investment state/fed. loan assoc.. . .S367(78-110)
- SCHOOLS**
- See also: EDUCATION
- Administrative personnel redefinedS549(78-423)
- Advisory committees; establishment criteria.S958(78-416)
- Alternative education programsS296(78-415), H2044(78-405)
- Buses; use re elderly/physically/mentally disabled .S146(78-104)
- Calendar programs beyond experimental period; funding.S958(78-416)
-S958(78-416)
- Community educational facilities; funding procedure.S436(78-428)
- Construction of Facilities**
- Cooperative educational facilities; development/useS436(78-428)
-S436(78-428)
- Design re light/ventilation; solar energy systemsS132(78-277)
-S132(78-277)
- Energy performance index; life-cycle cost analyses.S114(78-290)
-S114(78-290)
- Diagnostic & learning resource cens. established . .S958(78-416)
- Diplomas**
- Certificates, attendance/differentiated; awarding date.S571(78-424)
-S571(78-424)
- Equivalency; equal status, college/univ. entry. .S958(78-416)
- Exceptional Students**
- Diagnostic & learning resource centers; establishmentS958(78-416)
-S958(78-416)

(Continued)

See Session Law Chapter list for Summary page references

SCHOOLS

(Continued)

Graduation standards; assessment tests.S571(78-424)
 Handicapped students; cost factor.H2044(78-405)
 Special instruction services, nonpublic schools/community
 facilities.H2113(78-94)
 Visually handicapped; special programsH2044(78-405)
 Facilities construction; energy performance index. .S114(78-290)
 Facilities, cooperative devel. & use; state participation. . .
S436(78-428)
 Food & nutrition programs; administration of funds
S12-D(Vetoed)
 Graduation standards; beginning '78-'79 school year.S571(78-424)
 Handicapped persons; special program operations . .H2044(78-405)
 Hearing impaired students; specialized ed. materials
S958(78-416)
 Industry services training program.H251(78-20)
 Inservice educational training programs; 5-yr. master plan . . .
S549(78-423)
 Instructional materials; allocation re students . .H2044(78-405)
 Instructional personnel See: Teachers, this head
 Insurance See: INSURANCE
 Law education program.S958(78-416)
 Liability insurance for tort claims re school buses.S152(78-192)
 Library media services program establishedS549(78-423)
 Millage See: TAXATION
 Motor Fuel Tax See: TAXATION
 Nutrition instruction programs; food service personnel inclusion
H24-D(78-432)
 Occupational specialists; certification.S549(78-423)
 Principal; definition modifiedS549(78-423)
 Professional Practices Council; membership changed .S549(78-423)
 Religious instruction, attendance; absence allowed .H914(78-306)
 Retirement See: RETIREMENT
 Route mileage, determination re per student cost, etc.
S312(78-128)
 Safe Schools Act; law repealed.H2044(78-405)
 School boards
 Fund disbursement, school depository; forms. . . .H192(78-33)
 Home rule power.S343(78-86)
 Liability insurance, school busesS152(78-192)
 Screening for scoliosis, public schoolchildren. . .S1276(78-245)
 Sick leave pools; policies/standards established . .S415(Vetoed)
 Students
 Disruptive; alternative ed. programs.
S296(78-415), H2044(78-405)
 Full-time/full-time equivalency; defined re hrs. per yr. . . .
S958(78-416)
 Functional literacy examinations.S571(78-424)
 Hearing impaired; specialized ed. materials . . .S958(78-416)
 Laboratory school, state university systems. . .H2044(78-405)
 Records, disruptive students; info. exchanges, law
 enforcement agencies, etc.S296(78-415)
 Religious instruction, attendance; absence allowed.
H914(78-306)
 Scoliosis screening, public schoolchildren . . .S1276(78-245)

(Continued)

See Session Law Chapter list for Summary page references

SCHOOLS

(Continued)

- Transportation funds; method of allocation.S146(78-104), S312(78-128)
- Superintendents of schools; term date changed. . . .S480(78-321)
- Supervisor, nonschool-based employee, etc.S549(78-423)
- Teachers
 - Aides definedS958(78-416)
 - Certificates; training progs.; exams; issuance/renewalsS549(78-423)
 - Education programs; certification; internship . .S549(78-423)
 - Sick leave pools.S415(Vetoed)
 - Teachers Day proclaimed.H57(78-203)
 - Volunteers defined.S958(78-416)
- Transportation of students; allocation/formulaS146(78-104), S312(78-128)
- Vocational instructors; certification.S549(78-423)
- Volunteers; qualifications & training.S958(78-416)
- Voting machine instruction; authorization.S958(78-416)
- SEARCH WARRANTS
 - Animal cruelty; issuance; limitations.H583(78-345)
 - Freshwater fish/wildlife, sold unlawfully; issuance.H624(78-126)
- SECONDHAND DEALERS See: JUNK DEALERS/JUNKYARDS
- SECRETARY OF STATE See: STATE, DEPARTMENT OF
- SECURITIES
 - Securities transactions; disclosure; registration, etc..H2118(78-435)
- SENTENCES
 - Concurrent; other states/U.S. courts; parole conditionS337(78-219)
 - Gain-time allowed prisoners serving 2/more sentences; program participation formula; limitations.H811(78-304)
 - Law revision re imprisonment terms; gain-time; parole.H811(78-304)
 - Mandatory sentencing; law revisionH150(Vetoed)
- SEPTIC TANKS
 - Location; 50/100 lot subdivisionsH1554(78-430)
 - Organic waste composting toilet; procedure re installationH1554(78-430)
- SERVICE OF PROCESS
 - Animal cruelty hearings.S18(78-12)
- SEWAGE DISPOSAL FACILITIES
 - Solid wastes See: SOLID WASTES
 - Spoil deposits; certain requirements modifiedS373(78-98)
 - Wastes, deep well injections certain counties; prohibited.H359(78-206)
- SHERIFFS
 - Animal cruelty hearings; process service fee exempt. .S18(78-12)
 - Fresh pursuit; arrest outside of jurisdiction. . . .S193(78-246)
 - Personal property, criminal proceedings; retention; approval . . .S862(78-150)
- SHOPLIFTING See: THEFT
- SHRIMP See: SALTWATER FISHING/PRODUCTS
- SICKLE-CELL DISEASE
 - Insurance/education/employment/adoption screening prohibited . . .S49(78-35)

See Session Law Chapter list for Summary page references

SOIL & WATER CONSERVATION COUNCIL

Membership increased.S1315 (78-261)

SOLAR ENERGY

Easements; creationH1219 (78-309)

School construction; solar systems, installation . .S132 (78-277)

State buildings, new construction; use.S147 (78-27)

Systems; ad val tax assessmentH360 (78-354)

Systems mfg./sale; standards of Fla. Solar Energy Center. . .

.H1219 (78-309)

Water heating systems; ad val tax assessmentH360 (78-354)

SOLICITATION

Automated telephone solicitation systems; use prohibited . . .

.S806 (78-178)

Charitable organizations; general revisionS647 (78-229)

Land sale by phone; preconditions prescribed . . .S681 (78-366)

Law Enforcement Funds ActS1279 (78-124)

Law enforcement, use re soliciting prohibited.

.S647 (78-229), S1279 (78-124)

Telephone automated/computerized solicitation system; use

prohibited.S806 (78-178)

SOLID MINERALS

Phosphate rock excise tax reduced, 1983; trust funds

.H1370 (78-136)

SOLID WASTES

Collection service, private; requirement prohibited.S452 (78-329)

County/municipality participation; feasibility option.

.S452 (78-329)

Disposal systems; construction plans; permits. . . .H123 (78-387)

Resource recovery equip.; certification re tax exemption . . .

.S452 (78-329)

Sewage disposal See: SEWAGE DISPOSAL FACILITIES

SOVEREIGNTY LANDS See: LANDS

SPECIAL & LOCAL ACTS

General or special laws; legislative consideration re economic
impact.H691 (78-274)

Notices of legislation; publication requirements . .H268 (78-302)

Relief acts; notice of publication requiredH1138 (78-307)

Retirement, public employees; laws conflicting prohibited. . .

.S14 (78-170)

SPECIAL SESSION ACTS (1978) See: Specific Subject

SPOUSE ABUSE

Marriage license fees increased; use of funds re centers

.S649 (78-281)

Prevention, care, treatment, etc..S649 (78-281)

STATE AGENCIES

Departmental funds, clearing accounts/revolving funds; statement
date changedS327 (78-54)

Interagency disputes; actions, approval conditions .H141 (Vetoed)

Invoices, mailed/payment in 45 days; interest rates.

.H1532 (78-352)

Leasing private bldgs. less than 2,000 ft.; exemption.

.H2137 (78-166)

Professional/technical services; purchasing, procedures.

.H18 (78-4)

Purchases, excess of \$2500; competitive bids required.

(Continued)

See Session Law Chapter list for Summary page references

STATE AGENCIES
(Continued)

- Volunteers; recruitment & trainingS323(78-109)
- State ATTORNEYS
 - Police officers, deputy sheriffs; employment as special investigatorsS588(78-227)
- STATE, DEPARTMENT OF
 - Charitable organizations; solicitations.S647(78-229), S1279(78-124)
 - Corporations See: CORPORATIONS
 - Cultural Affairs Div.; grants-in-aid programS301(78-218)
 - Historic Preservation Project Review Council. . . .H1571(78-357)
- STATE FAIR AUTHORITY See: FAIRS & EXPOSITIONS
- STATE FIRE MARSHAL
 - Fire losses, claims, crimes; investigationS754(78-149)
 - Fire prevention & control; law revision re duties. .S311(78-141)
 - Records re investigations, disposition; confidentialS754(78-149)
- STATE GOVERNMENT See: GOVERNMENTAL REORGANIZATION; STATE AGENCIES; STATE OF FLORIDA; Specific Subject
- STATE OF FLORIDA
 - Constitution Revision Com. See: CONSTITUTION REVISION COMMISSION
 - Departmental funds, clearing accounts/revolving funds; statement date changedS327(78-54)
 - Glen Glitter/official litter control symbolS1119(78-296)
 - Holidays See: HOLIDAYS
 - Interagency disputes; actions, approval conditions .H141(Vetoed)
 - Litter control symbol/Glen Glitter; official State.S1119(78-296)
 - Money; investment state & fed. loan associations . .S367(78-110)
 - State-Fed. Relations Trust Fund; disposition excess moneys . . .H1245(78-350)
 - Water bottoms, Mosquito Lagoon, Indian River; fishing. . . .H643(78-70)
- STATE OFFICERS & EMPLOYEES
 - Athletic competition, participation; paid leave. . .H669(78-2)
 - Career Service System See: CAREER SERVICE SYSTEM
 - Per diem & travel expenses See: PER DIEM & TRAVEL EXPENSES
 - Retirement See: RETIREMENT
- STATE ROADS See: ROADS & BRIDGES
- STATE TREASURER
 - Departmental funds, clearing accounts/revolving funds; statement date changedS327(78-54)
 - Direct deposit by electronic/other medium; procedures. . . .H2116(78-406)
 - Moneys paid erroneously into Treasury; refunds. . .H1532(78-352)
 - Security Guaranty Fund.H2118(78-435)
 - State money, investment state/fed. loan assccs.. .S367(78-110)
- STATE UNIVERSITIES
 - See also: REGENTS, BOARD OF
 - Data Bank on Older Floridians; establishedS669(78-293)
 - Financial aid data processing systemS694(78-233)
 - Financial aid recipients; fee defermentH654(78-91)
 - Florida State University
 - Law Review; reprint rights; sale of stock/issues.S769(78-118)
 - Marine Biology & Medicine Research Lab, Experimental (St.

(Continued)

See Session Law Chapter list for Summary page references

STATE UNIVERSITIES

(Continued)

- Johns/Flagler)H1382 (78-93)
- Merger without legislative approval prohibited. . .H1045 (78-208)
- Police officers' dependents; student fees waived. .S1272 (78-338)
- Students
 - Grants; institution accreditation requirement. . .S264 (78-66)
 - Loan notes; sale, Fed. Student Loan Mkting. Assn.H1314 (78-11)
 - Veteran benefits; tuition/registr. fee deferment .H654 (78-91)
- University of Florida
 - Aquatic Plant Research & Control Center created .H742 (78-265)
 - Marine Biology & Medicine Research Lab, Experimental (St. Johns/Flagler)H1382 (78-93)
 - Shands Teaching Hospital; construction trust fundH2101 (78-314)
- SUBDIVISIONS See: LAND SALES PRACTICES LAW
- SUNDOWN ACT
 - Advisory boards/commissions/councils; repealed. . . .S22 (78-323)
- SUNLAND CENTERS
 - Retarded persons, fishing licenses; fee exemption. . .S157 (78-6)
- SUNSET LAW (REGULATORY REFORM) See: REGULATORY REFORM;
- PROFESSIONAL & OCCUPATIONAL REGULATION, DEPT. OF
- SUNSHINE LAW
 - Public Service Commission Nominating Council; meetingsS7-D (78-426)
 - State & local agency meetings; violations; atty. fees.S651 (78-365)
- SUPERVISOR OF ELECTIONS See: ELECTIONS
- SUPREME COURT
 - Sentences of trial courts; review.H150 (Vetoed)
- SURETY BONDS See: BONDS
- SURVEYORS See: ENGINEERS & LAND SURVEYORS
- SWIMMING POOLS/BATHING PLACES
 - Construction permits/inspections/permits, operation, etc.H1508 (78-356)
- TALLAHASSEE, CITY OF
 - Monroe Street at Apalachee Parkway; rerouting, etc.S678 (78-127), S1363 (78-371)
- TAXATION
 - Ad Valorem Tax
 - Administration; filing date, forms.H959 (78-185)
 - Application for exemption; postmark, date of filingH959 (78-185)
 - Assessment
 - AdministrationS591 (78-193)
 - Environmentally endangered land.H360 (78-354)
 - InventoryH16 (78-269)
 - Railroad propertyH16 (78-269)
 - Solar energy systemsH360 (78-354)
 - Certified millage; calculation.S590 (78-228)
 - Charitable/religious/scientific property.H361 (Vetoed)
 - Collection
 - Advertisement, delinquent taxpayersH875 (78-32)
 - Deferred taxes; homestead propertyH874 (78-161)
 - Interest calculation; delinquent taxes.H875 (78-32)

(Continued)

See Session Law Chapter list for Summary page references

TAXATION

(Continued)

Minimum tax bill.	H875 (78-32)
County tax forms; variance with Rev. Dept. prohibited	H959 (78-185)
Environmentally endangered land; preferential assessment.	H360 (78-354)
Federally subsidized housing projects; survivor of resident; specified tax exemption	H361 (Vetoed)
Governmental entity lessees; executions/liens. .H1619 (Vetoed)	
Homes for the aged; survivor of resident; tax exemption.	H361 (Vetoed)
Lessees, state/political subdiv. properties; executions/liens	H1619 (Vetoed)
Nonprofit civic assns., recreational property; exemption.	H361 (Vetoed)
Outdoor recreational/park lands; preferential treatment	H360 (78-354)
Refunds by Rev. Dept.; circumstances	H875 (78-32)
Solar energy system; assessment	H360 (78-354)
Alcoholic beverages & liquors; warehouses, bonded; operation/tax payments	S1073 (Vetoed)
Assessment, recreation districts	S803 (78-237)
Bank franchise tax	S1-D (78-299)
Cigarette tax administration.	H1507 (78-351), H2096 (78-442)
Citrus; taxable products defined/equalized.	S384 (78-99)
Confidential information, federal tax returns.	H775 (78-160)
Conservation restrictions/deferred tax liability . .H360 (78-354)	
Corporate Income Tax	
Adjusted federal income; wages, salaries, deductions.	S658 (78-230)
Internal Revenue Code, redefined	S656 (78-58)
New job credit; deduction allowed	S658 (78-230)
Penalties, interest; judicial review; surety bonds.	S655 (78-79)
Deferral of homestead tax.	H874 (78-161)
Documentary excise tax; notes/mortgages/bonds, political subdiv- isions/public utilities; certain exempt. . .S845 (Vetoed)	
Escheat, land to county	H875 (78-32)
Excise Tax	
Citrus products.	S384 (78-99)
Phosphate rock	H1370 (78-136)
Federal tax information; disclosure prohibited . . .H775 (78-160)	
Homestead Exemption	
Equitable/beneficial property interests; exemption.	S71 (78-324)
Homestead property tax deferral	H874 (78-161)
Property held in trust.	S1-D (78-299)
Totally/permanently disabled; certified by 2 licensed physicians	S1185 (Vetoed)
Trust property	S71 (78-324)
Horseracing breaks tax; awards program extended . .S1347 (78-130)	
Housing bonds; exemption	H54 (78-89)
Intangible Personal Property Tax	
Executions voided; record cancellation	H650 (78-43)
Penalties, interest; judicial review; surety bonds.	

(Continued)

See Session Law Chapter list for Summary page references

TAXATION

(Continued)

Inventory tax, value determination; fuels used in production of electricity, consideration re. . . . .	.S655(78-79)
Judicial review, prerequisites. . . . .	.H16(78-269)
License fees, taxes See: Specific Subject	
Millage fixing; 98% of taxable value . . . . .	.S590(78-228)
Motor Fuel Tax	
1st & 2nd gas tax; use re transportation projects . . . . .	.S1274(78-286)
Tax returns; filing deadline. . . . .	.S276(78-250)
Notices by mail, certain. . . . .	.H875(78-32)
Personal property taxes, delinquent; advertising time. . . . .	.H875(78-32)
Phosphate severance tax; distribution revised . . . . .	.H1370(78-136)
Premium Tax	
Automobile inspection & warranty associations . . . . .	.S668(78-231)
Service warranty associations . . . . .	.S756(78-255)
Property appraisers; photos/maps; furnished by Rev. Dept. . . . .	.S591(78-193)
Public Service Tax	
50 kilowatt hours per month, residential use; exemption . . . . .	.S1-D(78-299)
Fuel oil, 4 cents per gallon. . . . .	.S775(78-400)
Levy by municipalities; uniform rate. . . . .	.S1-D(78-299)
Railroad property assessments; county submission date. . . . .	.H16(78-269)
Recreation districts . . . . .	.S803(78-237)
Refunds . . . . .	.H476(78-23), .H875(78-32), .S676(78-59), .H1532(78-352)
Sales & Use Tax	
Admissions Tax	
Nonprofit community/recreational facilities exempt . . . . .	.S351(78-220)
Redefined excepting live art performances, science/historical museums, etc. . . . .	.S276(78-250)
Aircraft	
Aircraft/boats/motor vehicles; registered/licensed, etc. . . . .	.S15(78-74)
Tax status . . . . .	.S1-D(78-299)
Condominiums; leasing/rentals . . . . .	.S1-D(78-299)
Dealers; worthless accounts; credit time period extended. . . . .	.H476(78-23)
Exemptions	
Admission tax, nonprofit community/recreational facilities/scientific/historical events . . . . .	.S351(78-220), .S276(78-250)
Aircraft, sale/lease to air carrier regulated by Public Service Commission. . . . .	.S1-D(78-299)
Artificial commemorative flowers . . . . .	.S228(78-249)
Boat sales/repairs, removed outside state. . . . .	.S15(78-74)
Boiler fuels/wood products . . . . .	.S1-D(78-299)
Chicken houses; fuel used to heat . . . . .	.S339(78-77)
Convention or trade shows; leased property . . . . .	.S269(78-107)
Educational institutions; private-nonprofit corporations raising funds for . . . . .	.S351(78-220)

(Continued)

See Session Law Chapter list for Summary page references

TAXATION

(Continued)

Feed for race horses & certain other horses. .H532(78-411)
 Fraudulent claimsS676(78-59)
 Heating fuel, chicken production.S339(78-77)
 HerbicidesS1-D(78-299)
 Industrial equipment, fuels, machinery . . .S1-D(78-299)
 LP/other fuel used to heat chicken houses . .S339(78-77)
 Manufacturing plants/operations, new or expanded
 facilities.S1-D(78-299)
 Meals; delivery to handicapped/elderly/indigent.
 S615(78-176)
 Nonprofit corporations, educational institution
 fund-raisers.S351(78-220)
 Nonprofit organizations; meals to indigent/elderly
 S615(78-176)
 Premiums; automobile warranty associations .S668(78-231)
 Personal property leased or sold to state veterans
 organizationsS1-D(78-299)
 Religious/educational institutionsS351(78-220)
 Resource recovery equipment, certified . . .S452(78-329)
 Scientific, historical/artistic events . . .S276(78-250)
 Students, certain housing.S1-D(78-299)
 Subleases; conventions, trade shows. . . .S269(78-107)
 Transient rentals.S1-D(78-299)
 Typography/artwork/photoengraving/printing products. . . .
 S912(Vetoed)
 Vessels; interstate, foreign commerce.
 S676(78-59),S294(78-67)
 VeteransS228(78-249),H237(78-270),S1-D(78-299)
 Filing deadline for tax returns prescribed. . .S276(78-250)
 Refund
 Reposessed property.S676(78-59)
 Worthless accounts.H476(78-23)
 Returns; filing deadline.S676(78-59),S276(78-250)
 Tangible personal property reposessed; tax refund/credits. .
 S676(78-59)
 Tax returns, payment; quarterly/semiannual/annual.S676(78-59)
 Vessels, tax status of certain; clarification
 S676(78-59),S294(78-67)
 Worthless accounts; credits; time period extended.H476(78-23)
 Tax deeds; incompetent legal titleholders; notice to guardian
 prior saleH51(Vetoed)
TEACHERS See: EDUCATION; SCHOOLS
TELEPHONES & TELEGRAPHS
 Automated telephone solicitation systems; use prohibited
 S806(78-178)
 Illegal use; law officer duty re disconnection . .S806(78-178)
TELEVISION
 Cable T.V. fixtures; tamper/alter/injure; penalty .S1345(78-262)
THEATERS
 Outdoor; obscene movie visible street/public; prohibited
 S186(78-172)
THEFT
 See also: BURGLARY
 Cable T.V. fixtures; tamper/alter/injure; penalty .S1345(78-262)

(Continued)

See Session Law Chapter list for Summary page references

THEFT

(Continued)

Petit theft judgments, written; fingerprints, etc..H1068(78-348)
ShopliftingH1068(78-348)
Utilities; tamper/alter/injure.S1345(78-262)

TOILETS

Organic waste composting toilet; procedure re installation . . .
.H1554(78-430)

TOLL FACILITIES See: TRANSPORTATION

TRAFFIC CONTROL

See also: HIGHWAY SAFETY & MOTOR VEHICLES, DEPT. CF; MOTOR
VEHICLES

Accidents

Damage excess of \$500/injuries/death; report 24 hrs.. . . .
.S108(78-83)

Hit & run drivers; prosecution, limitations . . .H150(Vetoed)

Reports, submission HSMV; time period/content. . .S108(78-83)

Drivers' Licenses See: DRIVERS' LICENSES

Incompetent drivers; license return H.S. & M.V. Dept..
.H161(78-204)

Juvenile traffic offenses; disposition of cases. . .S119(78-414)

Motor Vehicle Insurance See: INSURANCE

Noise level limits; compliance dates; loan programs.S621(78-280)

Parking

Municipal off-street parking facilities; special assessments
.H1958(78-360)

Railroad crossings, distance set by Dept. of Transportation .
.S227(78-52)

Railroad Crossings, buses/vehicles hauling flammable substances;
stops required; taxicabs excluded.S227(78-52)

Reflective window glass; certain prohibitions removed.
.H276(78-271)

TRANSPORTATION

Contract; applicants bidding, confidentiality. . . .S735(78-316)

Environmental permitting; certain allowed D.O.T.. .H1393(78-437)

Highway construction/maintenance contracts; security
.S735(78-316)

Keys Bridges; water supply facils. relocation funds.
.S1128(78-284)

Metropolitan planning orgs., created.S1250(Vetoed)

Motorist services directional signs; retention; duties
.S212(78-8)

Outdoor advertising licenses; delinquency fees, etc.
.S277(78-138)

Railroad tracks & rolling stock; safety inspections .S671(78-88)

Replacement housing; persons displaced by Fed. transportation
projects; sale.S859(78-282)

Road districts; creation of six; composition.H122(78-90)

Roads, construction; uniform minimum standards for design. . . .
.S1234(78-398)

Roads, incorporated areas; liability determination.S1131(78-285)

Surface transit programs; formulation/management, etc.
.S953(78-283)

Tolls

Facilities; administration transferred from P.S.C..
.H506(78-378)

(Continued)

See Session Law Chapter list for Summary page references

TRANSPORTATION

(Continued)

- Ferries, state-operated; termination.H506 (78-378)
- Traffic Control/Devices See: TRAFFIC CONTROL
- Transit shelters; advertising; removalH829 (78-412)
- Transit systems/service; local communities, development.S953 (78-283)
- Transportation projs.; bonds/1st & 2nd gas tax fundsS1274 (78-286)
- Utility relocation or removal expenses; payment. . .S953 (78-283)
- TRAVEL EXPENSES See: PER DIEM & TRAVEL EXPENSES
- TREASURER See: STATE TREASURER
- TREES See: PLANTS & PLANT INDUSTRY
- TRESPASSING
 - Cable T.V. fixtures; tamper/alter/injure; penalty .S1345 (78-262)
 - Fair Authority Grounds; penalty.S988 (78-427)
 - Fences, breaking or injuring; penalties.S824 (78-256)
 - Utilities; tamper/alter/injure.S1345 (78-262)
- TRUCKS/TRUCK-TRACTORS
 - Demonstration vehicles; temporary tagsS244 (78-217)
 - Licenses taxes, recreational vehic.; display/stickers.H854 (78-207)
 - Noise level limits; compliance dates; loan programs.S621 (78-280)
 - Reflective window glass; certain prohibitions removed.H276 (78-271)
- TRUST FUNDS
 - Engineering Scholarship.H386 (78-272)
 - Historic PreservationH1571 (78-357)
 - Land Surveying ScholarshipH386 (78-272)
 - Medicaid.H2180 (78-440)
 - Motorboat RevolvingS403 (78-56)
 - Municipal Firefighters PensionS445 (Vetoed)
 - Nonmandatory Land ReclamationH1370 (78-136)
 - Phosphate Research.H1370 (78-136)
 - Professional & Occupational Regulation/Cosmetology .S564 (78-253)
 - Professional & Occupational Regulation/Pilots. . .S310 (78-140)
 - Radiation Reclamation.S706 (78-373)
 - Radiological & Occupational HealthS992 (78-383)
 - Security Guaranty Fund.H2118 (78-435)
 - Shands Teaching Hospital Capital Construction . .H2101 (78-314)
 - Spouse AbuseS649 (78-281)
 - State-Federal Relations; disposition, excess moneys.H1245 (78-350)
- UNEMPLOYMENT COMPENSATION
 - Claimants receiving 25 wks. of benefits; job determination . . .H2193 (78-386)
 - Contribution rates; restriction re determination .S956 (78-295)
 - Educational personnel; nonpayment of benefits between regular academic termsH2193 (78-386)
 - Employer, reimbursable; defined re contribution liability. . . .H2193 (78-386)
 - Statements/representations, false; penalties increasedS956 (78-295)
 - Unemployment Board of Review changed Unemployment Appeals CommissionS1240 (78-201)
 - Volunteers, State; exemption re receiving.H5 (78-263)

See Session Law Chapter list for Summary page references

UNIFORM COMMERCIAL CODE See: COMMERCIAL CODE

USURY See: INTEREST

VESSELS

See also: BOATS & BOATING

Nonjudicial sales of boats/vessels held for storage.H367(78-264)

Sales tax See: Sales Tax under TAXATION

VETERANS

Definition re active military serviceH241(78-10)

Employment, veterans/spouses; preferentiality. . . .S539(78-372)

Homestead exemption See: HOMESTEAD EXEMPTION

Mobile home improvements; lic./permit fee prohibited.H233(78-69)

Students, vet. benefits; tuition/regis. fee deferment.

.H654(78-91)

Wards, dependents; petition for support; notice to VA.

.H861(78-305)

VETERANS AFFAIRS, DIV. OF

Wards, dependents; petition for support; notices . .H861(78-305)

VETERINARY MEDICINE

Animals, injured; emergency care, liability immunity

.S979(78-334)

Horse/thoroughbred, sale; veterinary inspection of certain . . .

.S180(78-97)

VICTIMS OF VIOLENT CRIMES

Emergency awards, claimants; S.S. recipients eligible.

.S235(78-44)

VOLUNTEER SERVICES

Volunteer recruitment/training re State service. . . .H5(78-263)

VOLUSIA COUNTY

Gill nets/wing nets; use prohibited; exceptions . .H1951(78-404)

WAGES

Unpaid; civil actions, successful litigants, attorney fees . . .

.S284(78-327)

WARRANTIES See: Specific Subject

WARRANTS See: SEARCH WARRANTS

WATER MANAGEMENT DISTRICTS

Southwest Fla. Water Mgmt. Dist; boundaries changed .S695(78-65)

Structures, maintenance; certain permit requirements exempt. . .

.S373(78-98)

Water control dists./water mgmt. dists.; definition.

.S1138(78-153)

WEAPONS & FIREARMS

Discharge in public place or right-of-way; penalty. .S516(78-17)

Explosives; limitation re firearm definition. . . .S1348(78-200)

Muzzle-loading guns; hunting special seasons; permit fees. . . .

.S624(78-147)

WELFARE

See also: HEALTH & REHABILITATIVE SERVICES, DEPT. OF

Indians/community service programs re financial assistance . . .

.H339(78-384)

WILDLIFE See: ANIMALS & ANIMAL INDUSTRY; GAME & FRESH WATER

FISH COMMISSION

WILLS See: PROBATE

WIRETAPPING

See also: COMMUNICATIONS

Ambulance/firestations/911 emergency sys.; interception.

(Continued)

See Session Law Chapter list for Summary page references

(Continued)

Intercepted communications; court order re authorization	H320 (78-376)
Intercepted communications; court order re authorization	H320 (78-376)
WITNESSES	
Cigarette tax examinations	H1507 (78-351)
Criminal cases, out-of-county; per diem & travel expenses	S498 (78-175)
Elections Commission hearings	H1699 (78-403)
Securities investigations	H2118 (78-435)
WORKMEN'S COMPENSATION	
Compensation, adjustment nearest dollar	S3-D (78-300)
Disability, permanent/partial; compensation	S3-D (78-300)
Employers, 3 or more employees	S3-D (78-300)
Entertainers, independent contractors	H2109 (78-443)
Hospitals & medical practitioners; investigations re fees, etc.	S3-D (78-300)
Injuries; notice in 24 hours to employee re rights	S3-D (78-300)
Insurance carriers; reports to Insurance Department	S3-D (78-300)
Pooling liabilities	S3-D (78-300)
Subcontractors	S3-D (78-300)
Volunteers, certain; exclusion	S3-D (78-300)
Wage-earning capacity/diminution claims; consideration	S3-D (78-300)
WRITS OF ATTACHMENT See: ATTACHMENT, WRITS OF	
X-RAY See: RADIOLOGIC TECHNOLOGY	
YOUTH SERVICES	
Community control programs	S165 (78-84), S119 (78-414)
Youthful Offender Act; created	S165 (78-84)
ZONING	
Coastal construction	S925 (78-257)
Private property rights; land use; exceptions	S261 (78-85)

See Session Law Chapter list for Summary page references



LIST OF SENATE AND HOUSE GENERAL BILLS
PASSED BY THE 1978 LEGISLATURE

with

SESSION LAW REFERENCES

Senate Bills

<u>Bill Number</u>	<u>Session Law</u>	<u>Bill Number</u>	<u>Session Law</u>
SB 14 -----	78-170	SB 220 -----	78-394
SB 15 -----	78-74	SB 223 -----	78-248
SB 18 -----	78-12	SB 227 -----	78-52
CS/SB22 -----	78-323	SB 228 -----	78-249
SB 49 -----	78-35	SB 235 -----	78-44
SB 52 -----	78-13	SB 244 -----	78-217
SB 61 -----	78-399	SB 245 -----	78-50
SB 68 -----	78-75	SB 248 -----	78-362
SB 70 -----	78-18	SB 250 -----	78-326
CS/SB71 -----	78-324	CS/SB261 -----	78-85
SB 74 -----	78-19	SB 264 -----	78-66
SB 75 -----	78-26	SB 269 -----	78-107
SB 80 -----	78-137	SB 276 -----	78-250
CS/SB101 -----	78-36	SB 277 -----	78-138
CS/SB108 -----	78-83	SB 284 -----	78-327
SB 114 -----	78-290	SB 285 -----	78-315
SB 117 -----	78-5	SB 294 -----	78-67
CS/CS/SB119 --	78-414	CS/SB296 -----	78-415
SB 124 -----	78-213	SB 299 -----	78-14
SB 132 -----	78-277	SB 300 -----	78-53
SB 146 -----	78-104	SB 301 -----	78-218
SB 147 -----	78-27	SB 303 -----	78-328
SB 152 -----	78-192	SB 308 -----	78-108
SB 154 -----	78-7	SB 309 -----	78-139
SB 155 -----	78-278	SB 310 -----	78-140
SB 157 -----	78-6	SB 311 -----	78-141
SB 163 -----	78-76	SB 312 -----	78-128
CS/CS/SB165 --	78-84	CS/SB321 -----	78-173
CS/SB169 -----	78-171	SB 323 -----	78-109
SB 171 -----	78-214	SB 327 -----	78-54
SB 172 -----	78-105	SB 337 -----	78-219
SB 175 -----	78-16	SB 339 -----	78-77
SB 178 -----	78-279	SB 340 -----	78-380
SB 180 -----	78-97	SB 343 -----	78-86
CS/SB185 -----	78-325	CS/SB346 -----	78-87
SB 186 -----	78-172	SB 351 -----	78-220
CS/SB193 -----	78-246	SB 362 -----	78-221
SB 196 -----	78-215	SB 364 -----	78-55
SB 199 -----	78-216	SB 367 -----	78-110
SB 208 -----	78-247	SB 368 -----	78-142
SB 209 -----	78-28	CS/SB373 -----	78-98
SB 212 -----	78-8	SB 384 -----	78-99
CS/SB215 -----	78-106	SB 385 -----	78-100
SB 216 -----	78-3	SB 387 -----	78-51

List of General Bills with
Session Law References - Continued

<u>Bill Number</u>	<u>Session Law</u>	<u>Bill Number</u>	<u>Session Law</u>
SB 392 -----	78-31	SB 621 -----	78-280
SB 398 -----	78-143	SB 624 -----	78-147
SB 399 -----	78-251	SB 625 -----	78-148
SB 401 -----	78-78	SB 628 -----	78-333
SB 403 -----	78-56	SB 635 -----	78-254
SB 405 -----	78-408	SB 640 -----	78-102
SB 406 -----	78-57	CS/SB647 -----	78-229
SB 408 -----	78-111	CS/SB649 -----	78-281
SB 410 -----	78-395	SB 651 -----	78-365
SB 414 -----	78-29	SB 655 -----	78-79
SB 416 -----	78-363	SB 656 -----	78-58
SB 417 -----	78-222	SB 658 -----	78-230
SB 419 -----	78-223	SB 668 -----	78-231
SB 426 -----	78-145	SB 669 -----	78-293
SB 433 -----	78-144	SB 670 -----	78-232
CS/SB436 -----	78-428	CS/SB671 -----	78-88
SB 439 -----	78-112	SB 676 -----	78-59
SB 448 -----	78-291	CS/SB678 -----	78-127
CS/SB452 -----	78-329	SB 681 -----	78-366
SB 454 -----	78-174	SB 687 -----	78-80
SB 470 -----	78-364	SB 688 -----	78-49
SB 475 -----	78-330	SB 692 -----	78-30
SB 480 -----	78-321	SB 694 -----	78-233
SB 481 -----	78-47	SB 695 -----	78-65
SB 486 -----	78-113	SB 699 -----	78-129
SB 487 -----	78-146	SB 703 -----	78-60
SB 492 -----	78-40	SB 704 -----	78-61
SB 493 -----	78-103	SB 706 -----	78-373
SB 498 -----	78-175	CS/SB719 -----	78-39
SB 500 -----	78-224	SB 720 -----	78-234
CS/SB508 -----	78-225	SB 721 -----	78-117
SB 512 -----	78-292	SB 729 -----	78-320
SB 516 -----	78-17	SB 735 -----	78-316
SB 517 -----	78-48	SB 736 -----	78-367
SB 539 -----	78-372	SB 754 -----	78-149
SB 545 -----	78-38	SB 756 -----	78-255
CS/SB549 -----	78-423	SB 758 -----	78-187
SB 552 -----	78-331	SB 764 -----	78-194
CS/SB557 -----	78-252	SB 769 -----	78-118
SB 563 -----	78-101	SB 770 -----	78-81
SB 564 -----	78-253	SB 775 -----	78-400
SB 567 -----	78-226	SB 780 -----	78-235
CS/SB571 -----	78-424	SB 782 -----	78-195
SB 588 -----	78-227	SB 786 -----	78-236
SB 589 -----	78-114	SB 789 -----	78-177
CS/SB590 -----	78-228	SB 798 -----	78-294
SB 591 -----	78-193	SB 803 -----	78-237
SB 601 -----	78-115	SB 804 -----	78-238
SB 609 -----	78-332	SB 806 -----	78-178
SB 614 -----	78-116	CS/SB812 -----	78-179
SB 615 -----	78-176	SB 813 -----	78-368

List of General Bills with
Session Law References - Continued

Bill Number Session Law

CS/SB824 ----- 78-256
 SB 836 ----- 78-396
 SB 837 ----- 78-239
 SB 839 ----- 78-119
 SB 851 ----- 78-369
 CS/SB856 ----- 78-240
 SB 859 ----- 78-282
 SB 860 ----- 78-425
 SB 862 ----- 78-150
 SB 871 ----- 78-317
 SB 876 ----- 78-381
 SB 881 ----- 78-151
 SB 890 ----- 78-120
 SB 901 ----- 78-82
 CS/SB925 ----- 78-257
 SB 953 ----- 78-283
 SB 954 ----- 78-241
 SB 955 ----- 78-258
 CS/SB956 ----- 78-295
 SB 958 ----- 78-416
 SB 962 ----- 78-242
 SB 963 ----- 78-152
 SB 979 ----- 78-334
 SB 983 ----- 78-180
 CS/SB988 ----- 78-427
 CS/SB992 ----- 78-383
 SB 1003 ----- 78-121
 CS/SB1014 ----- 78-335
 SB 1020 ----- 78-62
 SB 1029 ----- 78-168
 SB 1070 ----- 78-134
 SB 1071 ----- 78-133
 SB 1074 ----- 78-169
 SB 1080 ----- 78-196
 CS/SB1089 ----- 78-336
 SB 1092 ----- 78-337
 SB 1098 ----- 78-197
 SB 1100 ----- 78-401
 SB 1119 ----- 78-296
 SB 1120 ----- 78-243
 SB 1128 ----- 78-284
 SB 1131 ----- 78-285
 SB 1137 ----- 78-297
 SB 1138 ----- 78-153
 CS/SB1142 ----- 78-397
 SB 1146 ----- 78-409
 SB 1147 ----- 78-122
 SB 1169 ----- 78-259
 SB 1176 ----- 78-322
 SB 1194 ----- 78-198
 SB 1200 ----- 78-154

Bill Number Session Law

SB 1202 ----- 78-298
 SB 1220 ----- 78-382
 SB 1222 ----- 78-123
 SB 1233 ----- 78-155
 CS/SB1234 ----- 78-398
 SB 1240 ----- 78-201
 SB 1251 ----- 78-244
 SB 1272 ----- 78-338
 SB 1274 ----- 78-286
 SB 1276 ----- 78-245
 CS/SB1279 ----- 78-124
 CS/SB1294 ----- 78-260
 SB 1295 ----- 78-199
 CS/SB1308 ----- 78-374
 SB 1310 ----- 78-410
 CS/SB1313 ----- 78-370
 SB 1315 ----- 78-261
 SB 1345 ----- 78-262
 SB 1347 ----- 78-130
 SB 1348 ----- 78-200
 SB 1357 ----- 78-375
 SB 1363 ----- 78-371
 CS/SCR960 -----

 SB 1-D ----- 78-299
 SB 2-D ----- 78-287
 SB 3-D ----- 78-300
 SB 4-D ----- 78-288
 SB 5-D ----- 78-289
 SB 6-D ----- 78-301
 SB 7-D ----- 78-426
 SB 11-D ----- 78-429

List of General Bills with
Session Law References - Continued

House Bills

<u>Bill Number</u>	<u>Session Law</u>	<u>Bill Number</u>	<u>Session Law</u>
HB 5 -----	78-263	CS/HB456 -----	78-311
CS/HB11 -----	78-339	HB 464 -----	78-42
HB 16 -----	78-269	HB 467 -----	78-303
HB 18 -----	78-4	HB 476 -----	78-23
HB 25 -----	78-181	HB 485 -----	78-343
HB 29 -----	78-156	HB 506 -----	78-378
HB 38 -----	78-45	CS/HB518 -----	78-344
HB 54 -----	78-89	HB 532 -----	78-411
HB 57 -----	78-203	HB 571 -----	78-273
HB 73 -----	78-318	HB 583 -----	78-345
HB 122 -----	78-90	CS/HB590 -----	78-344
CS/HB123 -----	78-387	CS/HB591 -----	78-344
HB 129 -----	78-9	HB 617 -----	78-46
HB 161 -----	78-204	HB 624 -----	78-126
HB 170 -----	78-131	HB 628 -----	78-190
HB 173 -----	78-125	HB 643 -----	78-70
HB 182 -----	78-21	HB 650 -----	78-43
HB 187 -----	78-182	CS/HB654 -----	78-91
HB 192 -----	78-33	HB 663 -----	78-183
HB 200 -----	78-15	HB 669 -----	78-2
HB 220 -----	78-189	CS/HB691 -----	78-274
HB 224 -----	78-22	HB 718 -----	78-184
HB 233 -----	78-69	HB 724 -----	78-37
HB 237 -----	78-270	HB 733 -----	78-71
HB 241 -----	78-10	HB 738 -----	78-159
HB 251 -----	78-20	HB 742 -----	78-265
HB 261 -----	78-353	HB 748 -----	78-346
HB 268 -----	78-302	HB 775 -----	78-160
HB 276 -----	78-271	HB 777 -----	78-385
CS/HB281 -----	78-205	HB 811 -----	78-304
HB 284 -----	78-41	HB 815 -----	78-266
HB 304 -----	78-445	HB 829 -----	78-412
CS/HB307 -----	78-340	CS/HB839 -----	78-274
CS/HB320 -----	78-376	HB 847 -----	78-347
HB 339 -----	78-384	HB 854 -----	78-207
HB 342 -----	78-388	HB 861 -----	78-305
HB 358 -----	78-341	HB 874 -----	78-161
HB 359 -----	78-206	HB 875 -----	78-32
CS/HB360 -----	78-354	CS/HB893 -----	78-344
HB 364 -----	78-342	CS/HB914 -----	78-306
HB 367 -----	78-264	HB 935 -----	78-34
HB 378 -----	78-157	HB 936 -----	78-417
CS/HB386 -----	78-272	CS/HB959 -----	78-185
HB 405 -----	78-377	HB 975 -----	78-1
CS/HB410 -----	78-158	HB 1025 -----	78-24
HB 415 -----	78-202	HB 1035 -----	78-162
CS/HB448 -----	78-188	HB 1042 -----	78-191

List of General Bills with
Session Law References - Continued

Bill Number Session Law

HB 1045 ----- 78-208
 HB 1062 ----- 78-275
 CS/HB1068 ----- 78-348
 HB 1075 ----- 78-95
 HB 1138 ----- 78-307
 CS/HB1139 ----- 78-72
 CS/HB1140 ----- 78-308
 HB 1169 ----- 78-63
 HB 1180 ----- 78-64
 CS/HB1190 ----- 78-418
 HB 1194 ----- 78-132
 HB 1200 ----- 78-355
 CS/HB1206 ----- 78-312
 HB 1209 ----- 78-349
 CS/HB1211 ----- 78-163
 HB 1219 ----- 78-309
 HB 1230 ----- 78-310
 CS/HB1237 ----- 78-413
 HB 1245 ----- 78-350
 HB 1275 ----- 78-25
 HB 1294 ----- 78-402
 HB 1305 ----- 78-92
 HB 1314 ----- 78-11
 CS/HB1321 ----- 78-72
 HB 1330 ----- 78-164
 HB 1334 ----- 78-319
 HB 1339 ----- 78-444
 HB 1343 ----- 78-186
 CS/HB1370 ----- 78-136
 HB 1382 ----- 78-93
 HB 1393 ----- 78-437
 HB 1426 ----- 78-209
 HB 1487 ----- 78-210
 HB 1501 ----- 78-267
 HB 1507 ----- 78-351
 HB 1508 ----- 78-356
 HB 1532 ----- 78-352
 HB 1554 ----- 78-430
 HB 1570 ----- 78-389
 HB 1571 ----- 78-357
 HB 1599 ----- 78-96
 HB 1621 ----- 78-268
 CS/HB1629 ----- 78-390
 HB 1645 ----- 78-211
 HB 1649 ----- 78-446
 CS/HB1699 ----- 78-403
 HB 1781 ----- 78-313
 HB 1837 ----- 78-212
 HB 1887 ----- 78-358
 HB 1927 ----- 78-359
 HB 1933 ----- 78-419

Bill Number Session Law

CS/HB1951 ----- 78-404
 HB 1958 ----- 78-360
 HB 1981 ----- 78-276
 HB 1990 ----- 78-441
 HB 1991 ----- 78-438
 HB 1998 ----- 78-165
 CS/HB2004 ----- 78-420
 HB 2007 ----- 78-73
 HB 2011 ----- 78-433
 HB 2035 ----- 78-434
 HB 2037 ----- 78-439
 HB 2041 ----- 78-391
 HB 2044 ----- 78-405
 HB 2053 ----- 78-392
 HB 2065 ----- 78-68
 HB 2079 ----- 78-135
 CS/HB2093 ----- 78-308
 HB 2096 ----- 78-442
 HB 2101 ----- 78-314
 HB 2109 ----- 78-443
 HB 2113 ----- 78-94
 HB 2116 ----- 78-406
 HB 2118 ----- 78-435
 HB 2137 ----- 78-166
 HB 2151 ----- 78-167
 HB 2154 ----- 78-447
 HB 2180 ----- 78-440
 HB 2183 ----- 78-436
 HB 2193 ----- 78-386
 HB 2207 ----- 78-361

 HB 4-D ----- 78-421
 HB 7-D ----- 78-407
 HB 11-D ----- 78-422
 HB 16-D ----- 78-379
 HB 21-D ----- 78-431
 HB 23-D ----- 78-393
 HB 24-D ----- 78-432



7/14/78

1978 REGULAR SESSION -- STATISTICS

PAGE 1

	SENATE		HOUSE		TOTAL	
	INTRODUCED	PASSED	INTRODUCED	PASSED	INTRODUCED	PASSED
CONCURRENT RESOLUTIONS	29	14	38	11	67	25
RESOLUTIONS (ONE CHAMBER ONLY)	12	10	27	24		
GENERAL BILLS	1241	279	1859	192	3100	471
LOCAL BILLS	47	25	174	135	221	160
SEN BILL/LCC APPLICATIONS	0	0	0	0	0	0
JOINT RESOLUTIONS	22	0	52	0	74	0
MEMORIALS	<u>11</u>	<u>2</u>	<u>22</u>	<u>8</u>	<u>33</u>	<u>10</u>
TOTAL	1362	330	2172	370	3495	666
WITHDRAWN		2		42		44
APPROVED BY GOVERNOR		255		165		420
BECAME LAW WITHOUT SIGNATURE		40		149		189
REJECTED BY GOVERNOR		9		13		22
BILLS TO CONFERENCE COMMITTEE		3		3		6
BILLS AMENDED		295		252		547
COMMITTEE SUBSTITUTES		136		171		307
COMMITTEE SUB FOR COMMITTEE SUB		6		4		10
FAILED TO PASS SENATE BY VOTE		7		0		7
FAILED TO PASS HOUSE BY VOTE		2		2		4
INFAVOR COMMITTEE REPORT IN SENATE		80		4		84
INFAVOR COMMITTEE REPORT IN HOUSE		2		43		45
FILED IN SENATE COMMITTEES		488		70		558
FILED IN HOUSE COMMITTEES		102		1052		1154
FILED IN CONFERENCE COMMITTEE		0		0		0
FILED ON SENATE CALENDAR		114		25		139
FILED ON HOUSE CALENDAR		70		399		469
FILED IN MESSAGES		12		14		26

Compiled by
Legislative Information Division

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

F L O R I D A S T A T E L E G I S L A T I V E S Y S T E M

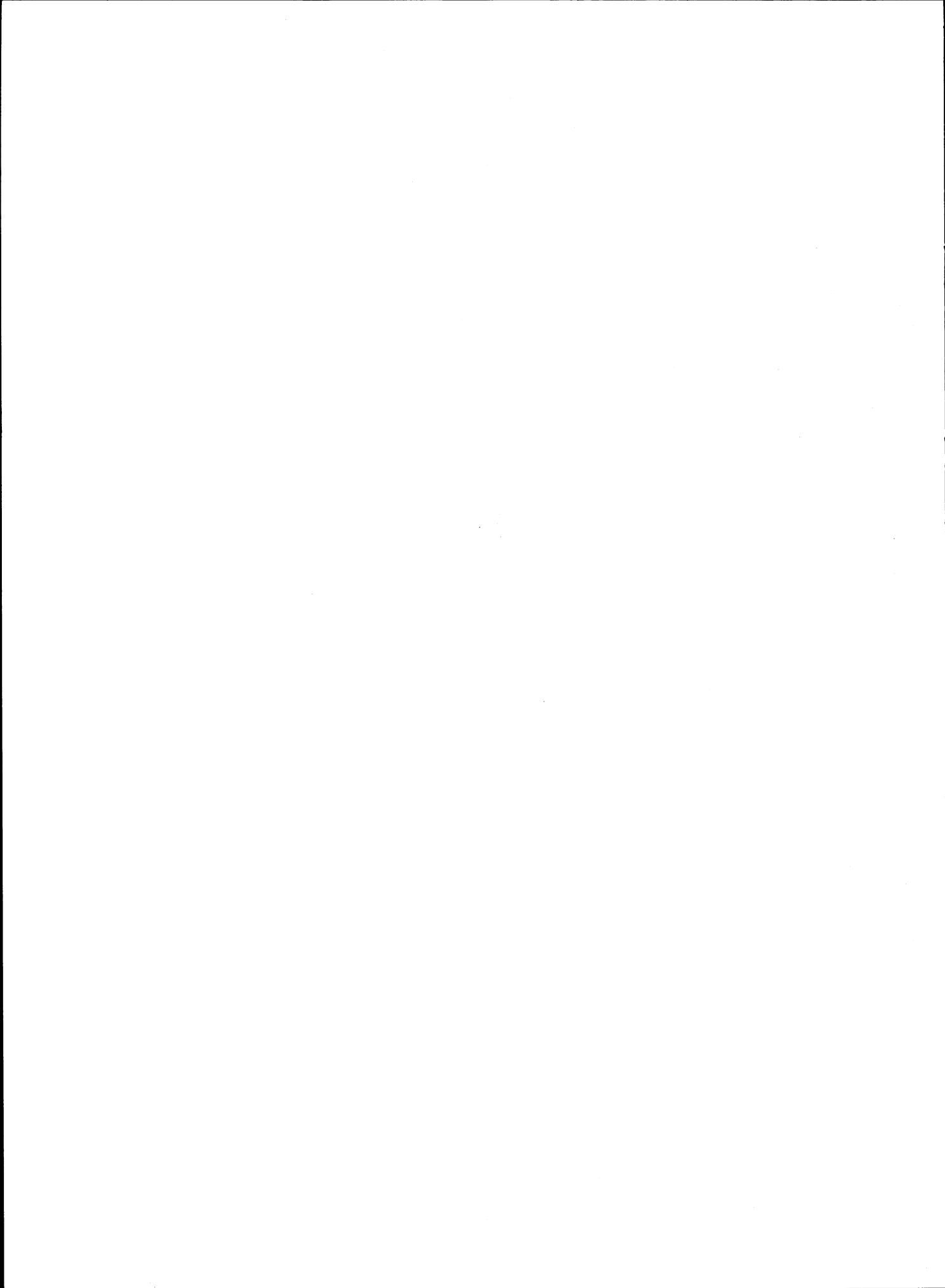
07/07/78

1978 SPECIAL SESSION "D" -- STATISTICS

PAGE 1

	S E N A T E		H O U S E		T O T A L	
	INTRODUCED	PASSED	INTRODUCED	PASSED	INTRODUCED	PASSED
CONCURRENT RESOLUTIONS	0	0	0	0	0	0
RESOLUTIONS (ONE CHAMBER ONLY)	0	0	0	0		
GENERAL BILLS	13	9	12	8	25	17
LOCAL BILLS	0	0	1	0	1	0
GEN BILL/LOC APPLICATIONS	0	0	0	0	0	0
JOINT RESOLUTIONS	0	0	0	0	0	0
MEMORIALS	0	0	0	0	0	0
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL	13	9	13	8	26	17
WITHDRAWN		0		0		0
APPROVED BY GOVERNOR		8		7		15
BECAME LAW WITHOUT SIGNATURE		0		0		0
VETOED BY GOVERNOR		1		1		2
BILLS TO CONFERENCE COMMITTEE		0		0		0
BILLS AMENDED		5		3		8
COMMITTEE SUBSTITUTES		0		1		1
COMMITTEE SUB FOR COMMITTEE SUB		0		0		0
FAILED TO PASS SENATE BY VOTE		0		0		0
FAILED TO PASS HOUSE BY VOTE		0		0		0
UNFAVOR COMMITTEE REPORT IN SENATE		0		0		0
UNFAVOR COMMITTEE REPORT IN HOUSE		0		0		0
DIED IN SENATE COMMITTEES		0		0		0
DIED IN HOUSE COMMITTEES		0		0		0
DIED IN CONFERENCE COMMITTEE		0		0		0
DIED ON SENATE CALENDAR		1		0		1
DIED ON HOUSE CALENDAR		0		2		2
DIED IN MESSAGES		2		1		3

Compiled by
Legislative Information Division



VETOED BILLS*

Senate Bills:

SB 354 - Vetoed May 3, 1978
CS/SB 415 - Vetoed June 21, 1978
SB 445 - Vetoed May 23, 1978
SB 827 - Vetoed June 14, 1978
SB 845 - Vetoed June 16, 1978
SB 912 - Vetoed June 19, 1978
SB1073 - Vetoed June 1, 1978
SB1185 - Vetoed June 27, 1978
SB1250 - Vetoed June 27, 1978
SB12-D - Vetoed June 27, 1978

House Bills:

HB35 - Vetoed June 21, 1978
HB51 - Vetoed June 19, 1978
HB141 - Vetoed June 21, 1978
CS/HB150 - Vetoed June 22, 1978
CS/HB300 - Vetoed June 17, 1978
CS/HB361 - Vetoed June 20, 1978
HB400 - Vetoed June 21, 1978
CS/HB572 - Vetoed June 21, 1978
CS/HB720 - Vetoed June 23, 1978
HB1043 - Vetoed May 25, 1978
HB1619 - Vetoed June 27, 1978
HB26-D - Vetoed July 4, 1978

*This list excludes local bills vetoed by the Governor.

DATE DUE

PRINTED IN U.S.A.