

FLORIDA LEGISLATURE

1980  
SUMMARY  
OF GENERAL  
LEGISLATION

Regular Extended Session April 8-June 7  
Special Sessions June 9-11 and June 30

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FLORIDA LEGISLATURE

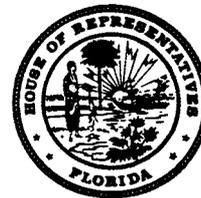
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PHILIP D. LEWIS  
President

J. HYATT BROWN  
Speaker



THE FLORIDA LEGISLATURE  
JOINT LEGISLATIVE MANAGEMENT COMMITTEE

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Senator Bill Gorman  
Representative S. Curtis Kiser  
Representative H. Lee Moffitt

Room 827, Capitol  
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August 29, 1980

Honorable Philip D. Lewis  
President, and Members  
of the Senate

Honorable J. Hyatt Brown  
Speaker, and Members  
of the House of  
Representatives

Dear Members:

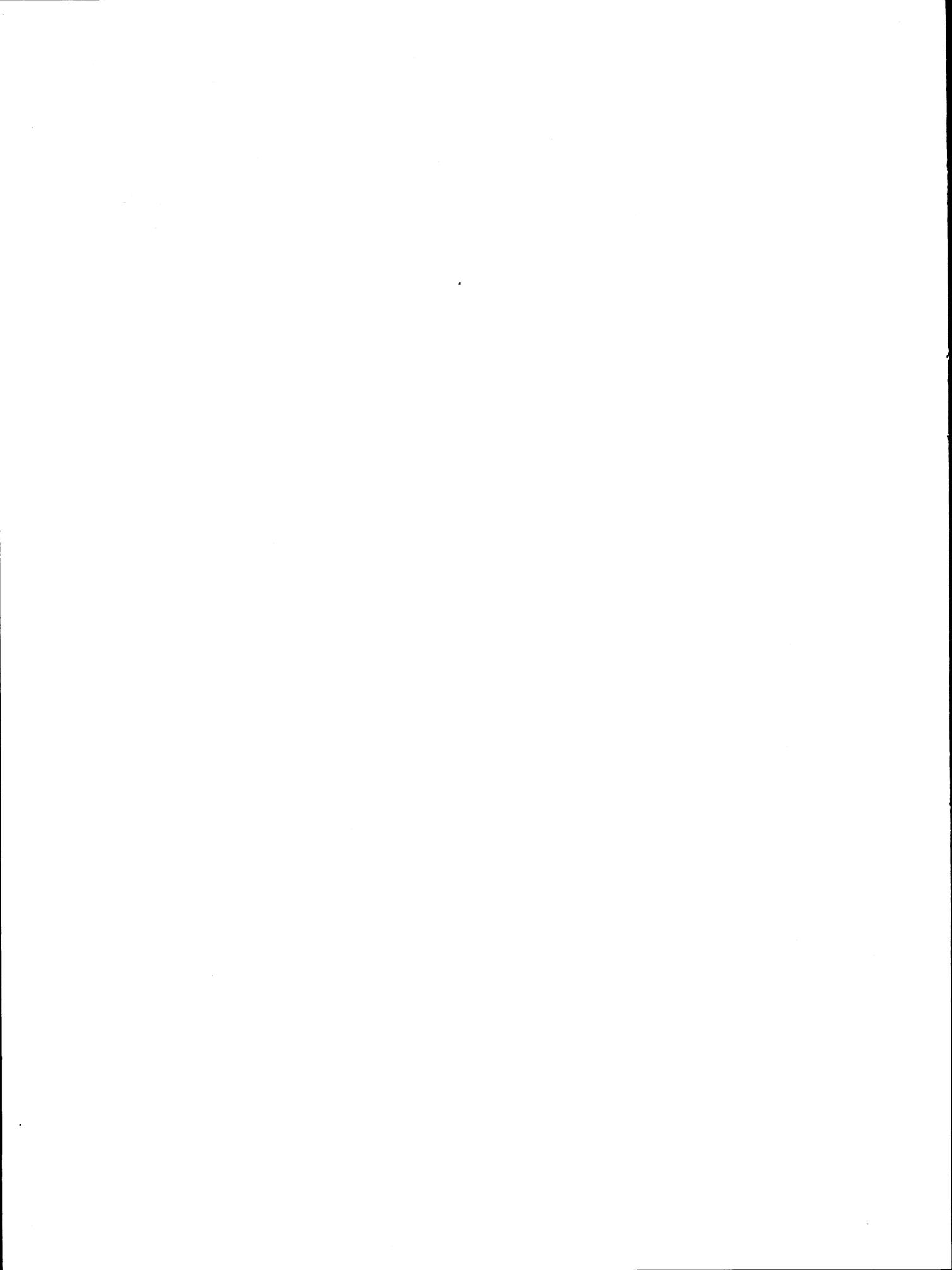
I am pleased to furnish you herewith the Summary of General Legislation, 1980, prepared under the supervision and coordination of the Division of Library Services, with the assistance of members of the Legislative staff.

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

Sincerely,

  
Mattox Hair  
Chairman

Joint Legislative Management Committee



THE FLORIDA LEGISLATURE  
JOINT LEGISLATIVE MANAGEMENT COMMITTEE

THOMAS L. WADE III, EXECUTIVE DIRECTOR

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August 29, 1980

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Senator Mattox Hair, Chairman  
Representative Elaine Gordon, Vice Chairperson  
Senator W.D. Childers  
Senator Bill Gorman  
Representative S. Curtis Kiser  
Representative H. Lee Moffitt

FOREWORD

This book highlights, within broad subject areas, the general laws enacted by the 1980 Regular Extended Session of the Florida Legislature and two special sessions 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.

A major portion of legislative activity during the 1980 Regular Extended Session and special sessions was concerned with implications of enforcement of full valuation of property for ad valorem tax purposes and the need for energy conservation. Resulting legislation includes the "truth in millage" act and various tax exemptions for energy-efficient devices and activities, with portions of these enactments contingent upon approval of constitutional amendments. Other major legislation reworks laws regarding the insurance exchange and workers' compensation; revises and reenacts laws relating to financial institutions; seeks to deter Medicaid fraud and provide community care for the elderly; provides tax credits for businesses which contribute resources, create jobs, expand or rebuild businesses in slum or blighted areas; and provides a 1980 supplemental appropriation, which added to monies authorized in the 1979 biennial appropriation, reflects a 9.6% increase in spending over Fiscal 1980.

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. Staff comments and cross-references are enclosed in parentheses. 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.

Once again 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.

*B. Gene Baker*  
B. Gene Baker

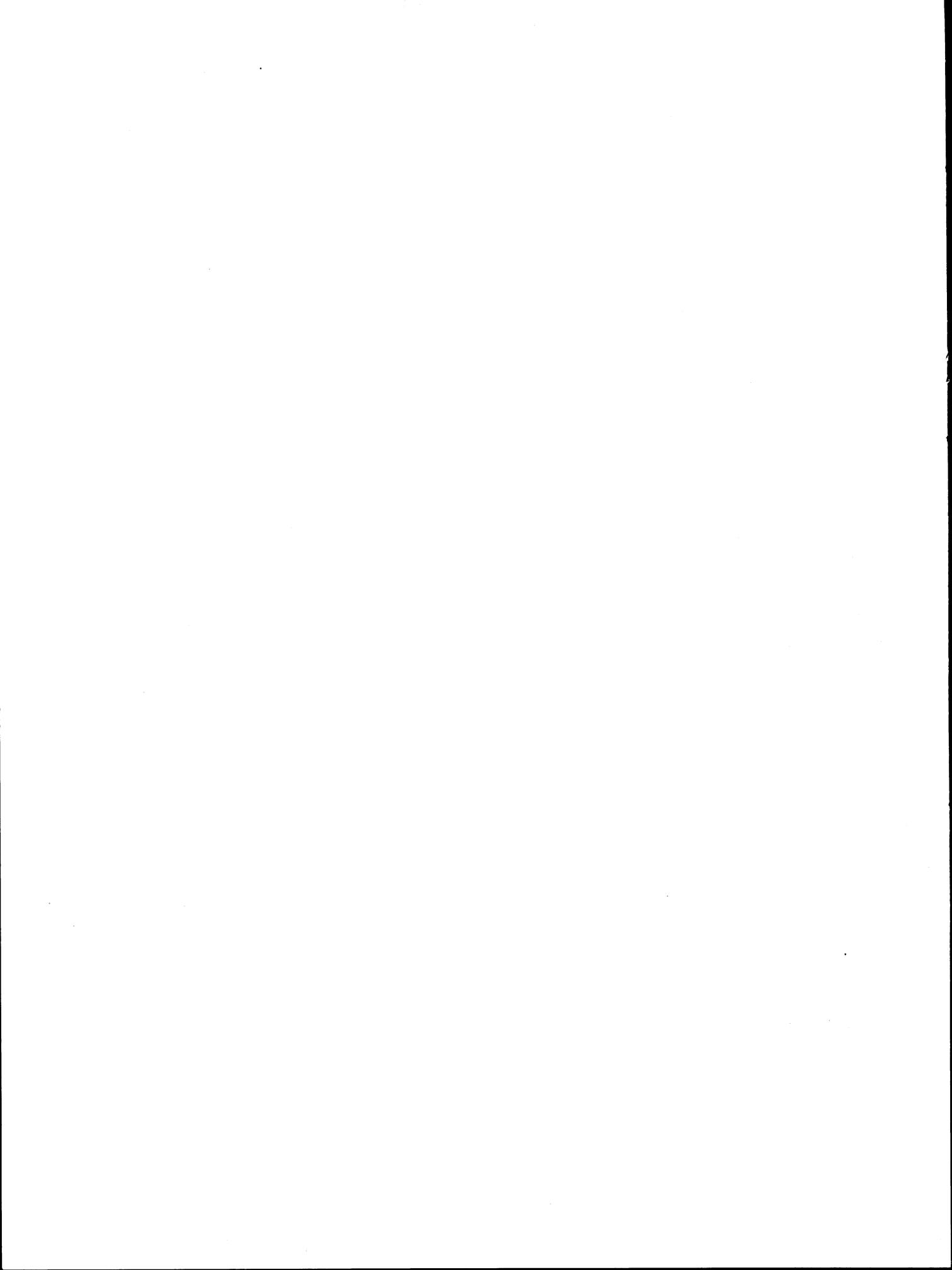
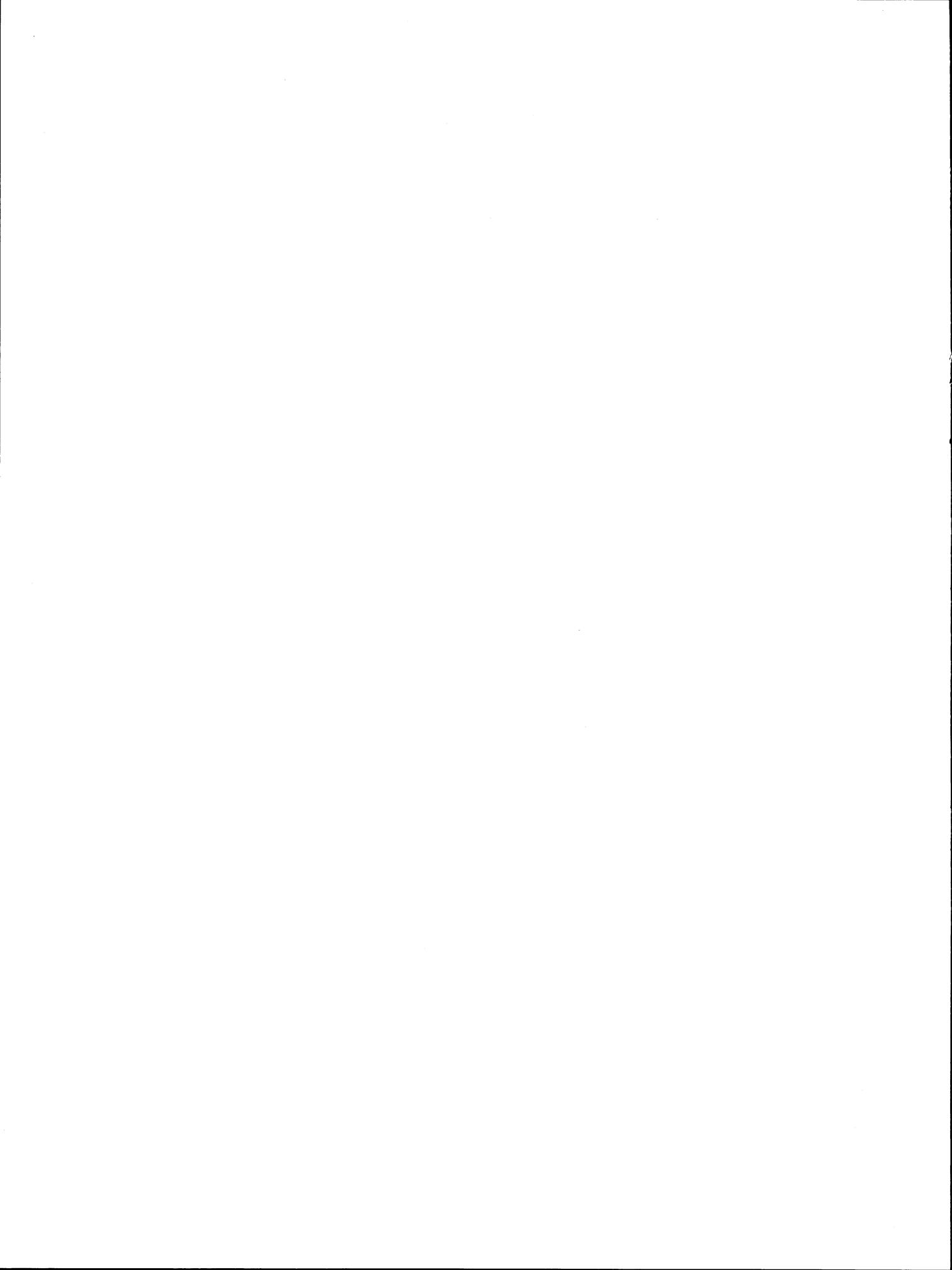


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AGRICULTURE\*

The 1980 Session of the Legislature enacted a variety of agricultural measures affecting the regulatory authority of the Department of Agriculture and Consumer Services, and the Department of Citrus which in turn affects many of the agricultural commodity groups. In addition, several measures of miscellaneous nature were enacted which will also affect commodity groups, growers, livestock owners, public lands, endangered plants, and ordinary citizens wishing to grow home use vegetables.

Following below is a capsule summary of the agricultural measures that were enacted into law in the 1980 Session. Elsewhere in this publication will be summaries of measures which indirectly affect agriculture such as taxes, transportation, water, soil, etc.

Department of Agriculture and Consumer Services

SENATE BILL 34 (CHAPTER 80-11) amends Section 570.23, F. S., to include a representative of the watermelon industry on the State Agricultural Advisory Council. (The Council was established many years ago to provide commodity groups a chance

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\*Prepared by the staff of the Senate Committee on Agriculture

to express their needs and to advise the Department of Agriculture and Consumer Services on methods and procedures for remedying problems within the agricultural sector.) With a representative of the watermelon industry, the number of Council members is currently 29.

SENATE BILL 141 (CHAPTER 80-12) authorizes the Florida Department of Agriculture and Consumer Services to establish by rule grades and sizes for Florida-grown fruits and vegetables excluding citrus. The purpose for this provision is to provide a grade and size for Florida-grown fruits and vegetables native to Florida. The United States Department of Agriculture (USDA) normally establishes grades and sizes which are applicable to produce grown nationwide.

HOUSE BILL 1625 (CHAPTER 80-76) amends Section 500.11, F. S., to strengthen the "Florida Produce Labeling Act of 1979" (Chapter 504, F. S.) by providing that fresh fruits and vegetables offered for sale at retail establishments, not labeled in accordance with the labeling act or not otherwise labeled in such a manner as to indicate to an ultimate purchaser the country of origin, shall be deemed to be misbranded and subject to penalties provided for misbranded foods.

The Florida Legislature created Subsection 581.185(4), F. S., in 1978, requiring the Department of Agriculture and Consumer Services, in concert with an Endangered Plant Advisory Council, to update the Endangered and Threatened Plant List at 4-year intervals beginning in 1980 and to report its findings

to the Legislature. As a result of a report submitted in January 1980, the Legislature passed SENATE BILL 517 (CHAPTER 80-23) establishing the current Endangered and Threatened Plant List for Florida.

SENATE BILL 1074 (CHAPTER 80-83) rewrites a portion of the law governing the dairy industry (Chapter 502, F. S.), providing for a more streamlined vehicle through which the Department may implement the 1978 Federal Pasteurized Milk Ordinance. (Florida's dairy industry is regulated by the Federal Pasteurized Milk Ordinance (PMO) as implemented by the Florida Department of Agriculture and Consumer Services.) Definitions for the terms "Department," "raw milk" and "filled milk" replace the numerous terms defined in existing Section 502.012, F. S. Certain other terms are to be described by administrative rule rather than statute. Industry information officially obtained, which is entitled to protection as a trade secret, may not be used for personal profit or revealed to an unauthorized person. Milk and milk product standards and business permits are to be established by the 1978 PMO and recommendations of the Public Health Service and Food and Drug Administration. The subjects to be covered by rules of the Department are spelled out. Sections of Chapter 502 no longer applicable are repealed.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1161 (CHAPTER 80-185) amends Section 534.081, F. S., to expand the power and authority of special investigators for the Department of Agriculture and Consumer Services to enforce criminal laws

other than livestock theft, specifically: criminal laws relating to livestock generally, trespass, farm equipment, livery tack, farm or citrus products, or other crimes committed incidental or related thereto.

HOUSE BILL 505 (CHAPTER 80-113) amends Section 586.09, F. S., providing for the Department of Agriculture and Consumer Services to impose an administrative fine not to exceed \$5,000 for violations of the Honey Certification Law or rules promulgated pursuant to it. In addition to or in lieu of this fine, the Department may suspend or revoke any permit or certificate of inspection when it determines any beekeeper or producer of honey has violated or aided or abetted in the violation of the Honey Certification Law or accompanying rules. A time limit for payment of the fine is set for 15 days maximum, with a \$100 per day additional fine for every day over the specified time limit that the fine is in arrears. The certificate of inspection is automatically suspended or revoked upon failure to pay the administrative fine in the time limit. The indemnity compensation for each honey bee colony destroyed by the Department for disease control is raised from \$20 to \$30. A first offense is increased from a second to a first degree misdemeanor.

HOUSE BILL 700 (CHAPTER 80-40) amends Section 590.02, F. S., providing for the Division of Forestry of the Department of Agriculture and Consumer Services to purchase a schedule position bond in lieu of individual \$2,500 bonds required of all special forest officers authorized to enforce the laws

relating to wild animal life, freshwater aquatic life, littering and other laws relating to forest and forest fires.

HOUSE BILL 713 (CHAPTER 80-41) amends several sections of Chapter 581, F. S., providing for increased regulation of the plant industry. It defines "Certificate of Inspection," "Certificate of Registration," "Plant Broker," and "Stock Dealer," and conforms the statutes. The Division of Plant Industry of the Department of Agriculture and Consumer Services is authorized to make rules to regulate plant brokers and stock dealers. The Department may impose an administrative fine not exceeding \$5,000 for violation of any of the provisions of the Plant Industry Law. Such fine may be in addition to, or in lieu of, suspension or revocation of a Certificate of Registration or Certificate of Inspection, and shall be paid within 15 days subject to an additional penalty of \$100 per day while in arrears. Failure to pay the fine within the time limit may cause suspension or revocation of the Certificate of Registration or Certificate of Inspection.

#### Department of Citrus

HOUSE BILL 506 (CHAPTER 80-4) amends Subsection 601.10 (11), F. S., to authorize the Department of Citrus to make direct payment to vendors of services for expenses incurred by Department field employees at annual merchandising and management meetings, in lieu of payments to individual employees as authorized by Subsection 112.061(13), F. S.

HOUSE BILL 507 (CHAPTER 80-5) amends Subsection 601.10(6), F. S., to authorize persons specifically designated by the Florida Citrus Commission to execute contracts and agreements previously approved by the Commission, in the absence of the Executive Director of the Department of Citrus.

HOUSE BILL 508 (CHAPTER 80-6) amends Paragraph 601.55(2)(a), F. S., to provide for a renewal application for a citrus fruit dealer's license to be effective for the period August 1 through July 31 of the shipping season applied for, if it is approved by the Department of Citrus on or before August 1.

HOUSE BILL 509 (CHAPTER 80-7) amends Paragraph 601.15(6)(b), F. S., to provide for a person liable for excise taxes upon citrus fruit to guarantee payment thereof by posting a good and sufficient cash bond, or appropriate certificate of deposit, as alternatives to an approved surety bond and in lieu of cash deposit.

HOUSE BILL 510 (CHAPTER 80-8) creates Subsection 601.57(7), F. S., to authorize the Department of Citrus to establish by rule the procedure and guidelines for granting staff approval for issuance of a citrus fruit dealer's license subject to approval of the Florida Citrus Commission at its next regular meeting. Any license so issued shall clearly and conspicuously indicate thereon the conditional nature of the staff approval and pending final action of the Commission.

HOUSE BILL 726 (CHAPTER 80-89) restructures the excise taxing provisions for citrus fruit which may be reviewed by

consulting Subsection 601.15(3), F. S., as amended by this act. Section 601.157, F. S., is also amended to reduce the additional excise tax on grapefruit and to provide for a new allocation of the monies received.

#### Miscellaneous

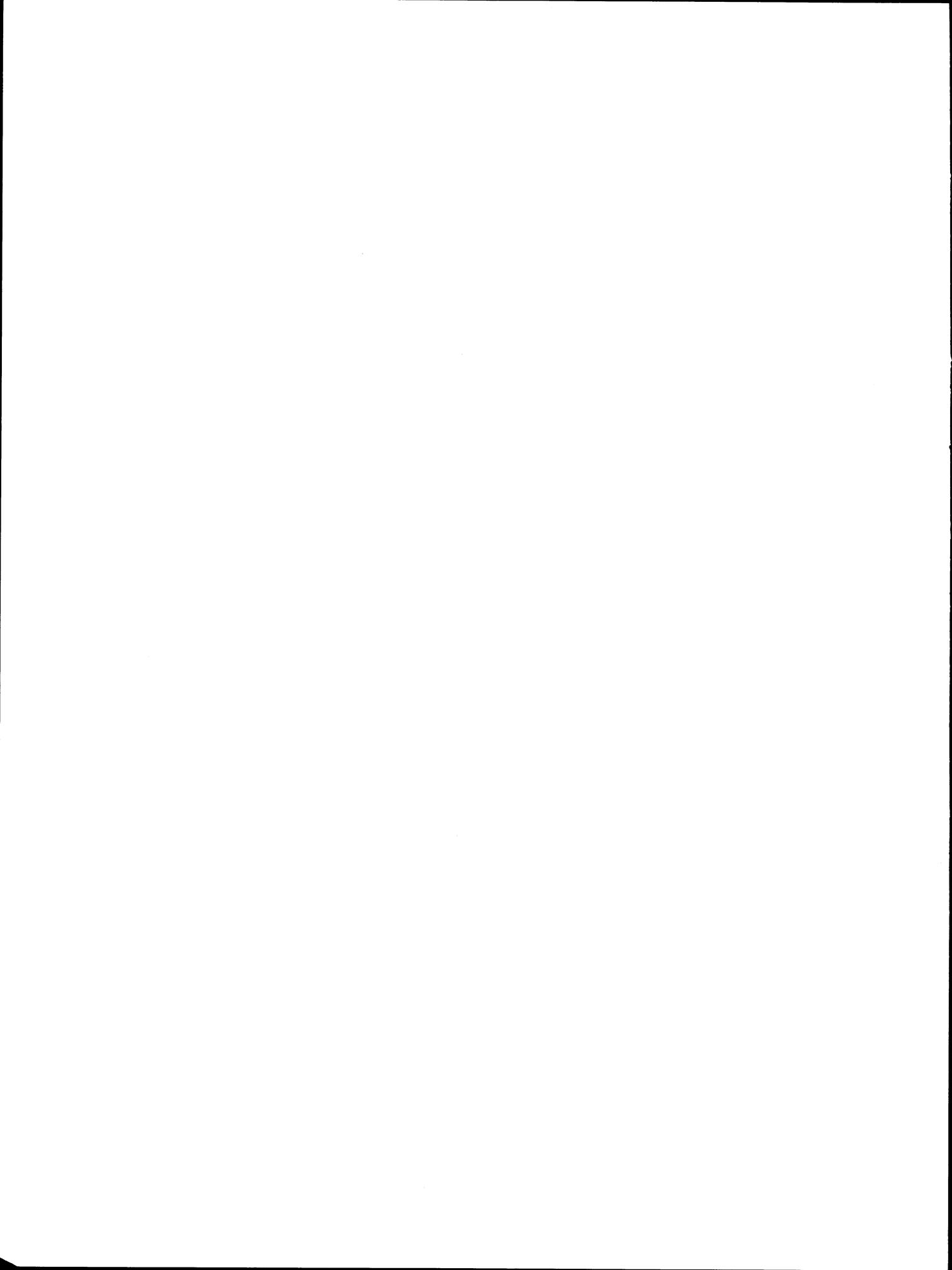
SENATE BILL 454 (CHAPTER 80-10) provides an appropriation of \$150,000 from the General Revenue Fund to the Department of Agriculture and Consumer Services, in conjunction with the Florida Department of State and Florida Department of Commerce, to permit participation in Les Floralties Internationales De Montreal 1980 for the purpose of promoting Florida agriculture market development, tourism, economic development and international cultural exchange.

HOUSE BILL 35 (CHAPTER 80-188) substantially rewords Section 828.05, F. S., to provide a swift and merciful means whereby domestic animals which are suffering and imminently near death from injury may be destroyed without unconscionable delay. Provisions are made for a law enforcement officer, and any officer or agent of a municipal or county animal control unit or humane society, to destroy any domestic animal on public rights-of-way that is found to be beyond recovery. Such act shall not be executed before the officer shall have made every effort to locate the owner, the owner's agent or a veterinarian. Such officers shall not be liable either criminally or civilly for destroying an animal according to law.

HOUSE BILL 715 (CHAPTER 80-280) contains three separate parts. The first part amends Subsection 95.03(3), F. S., delaying the expiration date from July 1, 1980, to July 1, 1983, of the exemption from the operation of Chapter 95, F. S. (Limitations of Actions), for causes of actions on behalf of the state concerning unauthorized use or invasion of state-owned lands. The second part creates Section 253.034, F. S., requiring all lands owned by the Board of Trustees of the Internal Improvement Trust Fund to be managed in a manner which will provide the greatest benefits to the people of the state. "Single use" and "multiple use" management are defined. Each state agency managing lands owned by the Board shall submit to the Division of Land Sales and to the Board a land management plan within two years from the effective date of this act and every five years thereafter, specifically describing how the agency plans to manage the land in their care including non-renewable and fragile resources. The plan may be accepted or rejected by the Board. Provisions are made for identifying and disposing of surplus state lands. Certain exemptions to these land management requirements are provided. The third part of the act amends Section 589.071, F. S., to provide authority to the Division of Forestry of the Department of Agriculture and Consumer Services to regulate traffic of all kinds, including motor vehicles, pedestrians, bicycles, and horses on any lands leased by or otherwise assigned to the Division for management, in addition to its prior traffic control authority in state forests. Penalty for violations relating to traffic on said

lands is a noncriminal fine not exceeding \$500 levied by the appropriate county court.

HOUSE BILL 1123 (CHAPTER 80-395) establishes the "Florida Community Gardening Pilot Program of 1980" for pilot counties of Broward, Dade, Duval, Orange, Palm Beach and Pinellas. Provisions are made for the Commissioner of Agriculture to issue permits to any resident of the pilot counties to use available vacant public lands for the purpose of growing produce not for sale. The Commissioner is required to compile a list of available public lands within the pilot counties by November 1, 1980, which may be feasible for gardening, and to make such list available to county agents and governing boards. Any county, city, municipality or other state agency may make a list of lands available to the Commissioner for issuance of permits to residents of the pilot counties. The Commissioner may enter into contracts with counties, cities, municipalities, or other state agencies to utilize public lands for gardening and to contract with owners of private land. The Commissioner shall promulgate rules to implement this act. The state and its employees are to be saved harmless against suits and claims of liability by residents using the public land and by private land owners participating in the program.



APPROPRIATIONS\*

The 1980 Supplemental Appropriations Act, SENATE BILL 1-D (CHAPTER 80-411), alone authorizes \$388.1 million in additional spending for the fiscal year ending June 30, 1981. Adding special appropriations (\$243.7 million) and claim settlements (\$1 million) provides a \$632.8 million supplemental appropriations total. Subtraction of contingency and vetoed items leaves \$589.9 million (General Revenue: \$354.4 million; Trust Funds: \$235.5 million) in "effective supplemental appropriations." This figure added to monies authorized in the 1979 biennial appropriation produces "total effective appropriations" for Fiscal 1981 of \$8.552 billion, a 9.6% increase in spending over Fiscal 1980, the bulk apportioned as follows: education 52%; pay package for state employees 28.2%; and health and rehabilitative services 11.4%. These percentages change to 59.5, 4.1 and 18.5 respectively in terms of total effective appropriations.

The following pages are from the 1980 Edition of Fiscal Analysis in Brief issued annually by the Senate Ways and Means Committee and the House Appropriations Committee.

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\*Prepared by staff of Legislative Library

SUMMARY OF 1980-81  
SUPPLEMENTAL APPROPRIATIONS

(In Millions of Dollars)

	<u>General Revenue Fund</u> \$	<u>Fed. Revenue Sharing Fund</u> \$	<u>Trust Funds</u> \$	<u>Total Funds</u> \$
<b>Supplemental Appropriations Act</b>				
<u>Operations (Section 01):</u>				
Education	99.0	-0-	1.7	100.7
HRS	17.5(a)	-0-	16.4	33.9
Criminal Justice	2.5	-0-	.9	3.4
Natural Resources & Environmental Reg.	1.4	-0-	1.7	3.1
Legislative Branch	1.4	-0-	.4	1.8
Transportation	40.0	-0-	-0-	40.0
All Other Agencies	67.6(b)	-0-	22.0	89.6
<u>Fixed Capital Outlay (Sections 02 and 03):</u>	<u>112.8(c)</u>	<u>-0-</u>	<u>2.8</u>	<u>115.6</u>
<b>Total Supplemental Appropriations Act</b>	<b>342.2</b>	<b>-0-</b>	<b>45.9</b>	<b>388.1</b>
<b>Special Appropriations Acts</b>	<b>54.4</b>	<b>-0-</b>	<b>189.3</b>	<b>243.7</b>
<b>Claims Bills (Excluding Those from Local Funds)</b>	<b>.2</b>	<b>-0-</b>	<b>.8</b>	<b>1.0</b>
<b>Total Appropriations</b>	<b>396.8</b>	<b>-0-</b>	<b>236.0</b>	<b>632.8</b>
<b>Less:</b>				
Contingent and Reserve Items	(10.2)	-0-	-0-	(10.2)
Vetoed Items	(32.2)	-0-	(.5)	(32.7)
<b>Effective Appropriations</b>	<b>\$ 354.4</b>	<b>\$ -0-</b>	<b>\$ 235.5</b>	<b>\$ 589.9</b>

SUMMARY OF 1980-81  
TOTAL EFFECTIVE APPROPRIATIONS  
(In Millions of Dollars)

	<u>General Revenue Fund</u> \$	<u>Fed. Revenue Sharing Fund</u> \$	<u>Trust Funds</u> \$	<u>Total Funds</u> \$
<u>Operations:</u>				
Education	2,419.2	35.7	792.1	3,247.0
HRS	741.9(a)	-0-	802.1	1,544.0
Criminal Justice	259.4	-0-	26.3	285.7
Natural Resource & Environmental Reg.	60.8	-0-	48.0	108.8
Legislative Branch	40.3	-0-	1.4	41.7
Transportation	68.0	-0-	810.0	878.0
All Other Agencies	483.2(d)	-0-	1,543.9	2,027.1
<u>Fixed Capital Outlay</u>	<u>195.4</u>	<u>-0-</u>	<u>224.3</u>	<u>419.7</u>
<b>Total Effective Appropriation</b>	<b>\$ 4,268.2</b>	<b>\$ 35.7</b>	<b>\$ 4,248.1</b>	<b>\$ 8,552.0</b>

- (a) Contains \$2.0 million from Working Capital Fund.
- (b) Contains \$2.3 million from Working Capital Fund.
- (c) Contains \$2.0 million from Working Capital Fund.
- (d) Contains \$3.2 million from Working Capital Fund.

VETOED APPROPRIATIONS  
1980 - 1981

Item Number	Senate Bill 1-D	General Revenue		Trust Fund
		Recurring	Non-Recurring	
		\$	\$	\$
ION 01:				
2A	Reimburse Holmes County (AF)		24,873	35,000
47A	Correctional Standards Council Study (DOC)			93,000
48A	Private Probation & Restitution Center (DOC)			
51K	Southeast Florida Educational Consortium (DOE)		93,000	
51S	Seminole Indian Scholarships (DOE)	35,000		
54D	Florida Academy for School Leaders (DOE)	(250,000)		
54E	Suncoast Area Teacher Training Program (DOE)	157,084		
55D	Weekend College Program FIU/USF (DOE)		100,000	
55E	Center for Alcohol, Other Drugs and Alcoholism - UNF (DOE)	154,857		
55H	Center for Alcohol Studies - UWF (DOE)	154,857		
55J	Multi-disciplinary Diagnostic and Treatment Program - UF (DOE)	281,628		
55K	Center for State and Local Governments - UWF (DOE)	52,900		
56F	USF Medical Center (DOE)	2,613,142		
57C	Jacksonville Health Education Programs (DOE)	1,950,000		300,000
57D	Rehabilitation Center Planning (DOE)			30,000
95A	Criminal Investigations Office - Key West (FDLE)		100,000	
95N	Beach Restoration (DNR)			
ION 02:				
3V	NW Florida Multi-Purpose Recreation Facility (DGS)		8,000,000	
4A	State Office Building - Lakeland (DGS)		3,500,000	
ION 03:				
3F	University Facilities - Broward County (DOE)		2,000,000	
4E	Bronough/Duval Street Extension (DOT)		6,000,000	
	SUBTOTAL	\$ 5,149,468	\$19,817,873	\$ 458,000
House Bill 1796				
	FSU Athletic Facilities Improvements (DOE)		6,845,000	
	Whitney Marine Lab Equipment - UF (DOE)		192,000	
	Stadium Parking Facilities - UF (DOE)		200,000	
	SUBTOTAL	\$ -0-	\$ 7,237,000	\$ -0-
	TOTAL VETOES	\$ 5,149,468	\$27,054,873	\$ 458,000

FINANCIAL OUTLOOK (a)  
1979-80 and 1980-81  
GENERAL REVENUE, WORKING CAPITAL AND FEDERAL REVENUE SHARING FUNDS  
(millions of dollars)

	GENERAL REVENUE FUND	WORKING CAPITAL FUND	FEDERAL REVENUE SHARING	TOTAL ALL FUNDS	RECURRING FUNDS	NON- RECURRING FUNDS
<u>FUNDS AVAILABLE 1979-80</u>						
Balance Forward	\$ 415.1	\$ 141.3	\$ 0.1	\$ 556.5	\$ -	\$ 556.5
Working Capital Interest 1978-79	2.2	(2.2)	-	-	-	-
Transfer to Working Capital Fund	(182.6)	182.6	-	-	-	-
Midyear Reversions (12/31/79)	6.3	-	-	6.3	-	6.3
FCC Reversions (4/1/80)	3.8	-	-	3.8	-	3.8
Estimated Revenues (5/80)	3,688.5	-	71.8	3,760.3	3,688.5	71.8
Working Capital Interest	29.4	-	-	29.4	-	29.4
Transfers from Trust Funds	1.3	-	-	1.3	-	1.3
Revenues Over Estimate	11.6(b)	-	-	11.6	-	11.6
<b>T O T A L</b>	<b>\$3,975.6</b>	<b>\$ 321.7</b>	<b>\$ 71.9</b>	<b>\$4,369.2</b>	<b>\$3,688.5</b>	<b>\$ 680.7</b>
<u>APPROPRIATIONS 1979-80</u>						
Operations	1,638.0	3.9	-	1,641.9	1,607.0	34.9
Aid to Local Governments	1,721.3(c)	-	70.2	1,791.5	1,742.2	49.3
Tax Relief - Recurring	153.4	-	-	153.4	153.4	-
Fixed Capital Outlay	157.1	-	-	157.1	-	157.1
<b>T O T A L</b>	<b>\$3,669.8</b>	<b>\$ 3.9</b>	<b>\$ 70.2</b>	<b>\$3,743.9</b>	<b>\$3,502.6</b>	<b>\$ 241.3</b>
<b>1979-80 EXCESS FUNDS AVAILABLE</b>	<b>\$ 305.8</b>	<b>\$ 317.8</b>	<b>\$ 1.7</b>	<b>\$ 625.3</b>	<b>\$ 185.9</b>	<b>\$ 439.4</b>
<u>FUNDS AVAILABLE 1980-81</u>						
Balance Forward	305.8	317.8	1.7	625.3	-	625.3
Unused Appropriations (1979-80)	23.9	-	-	23.9	-	23.9
Rescinded Appropriations - FCC	24.4	-	-	24.4	-	24.4
Transfers to Working Capital Fund	(55.4)	55.4	-	-	-	-
Midyear Reversions	1.2	-	-	1.2	-	1.2
FCC Reversions (4/1/81)	-	-	-	-	-	-
Estimated Revenues (5/80)	3,990.3	-	34.0	4,024.3	3,990.3	34.0
Working Capital Fund Interest	36.5	-	-	36.5	-	36.5
Appropriation from Trust Fund	2.3	-	-	2.3	-	2.3
Tax Measures	(6.0)(d)	-	-	(6.0)	(6.0)	-
<b>T O T A L</b>	<b>\$4,323.0</b>	<b>\$ 373.2</b>	<b>\$ 35.7</b>	<b>\$4,731.9</b>	<b>\$3,984.3</b>	<b>\$ 747.6</b>
<u>APPROPRIATIONS 1980-81</u>						
Operations	1,969.8	5.2	-	1,975.0	1,888.9	86.1
Aid to Local Governments	1,910.4	-	35.7	1,946.1	1,878.0	68.1
Tax Relief	220.3	-	-	220.3	220.3	-
Fixed Capital Outlay	202.9	2.0	-	204.9	-	204.9
Less: Failed Contingencies	(10.2)	-	-	(10.2)	(8.3)	(1.9)
Less: Vetoed Items	(30.2)	(2.0)	-	(32.2)	(5.1)	(27.1)
<b>T O T A L</b>	<b>\$4,263.0</b>	<b>\$ 5.2</b>	<b>\$ 35.7</b>	<b>\$4,303.9</b>	<b>\$3,973.8</b>	<b>\$ 330.1</b>
<b>1980-81 EXCESS FUNDS AVAILABLE</b>	<b>\$ 60.0</b>	<b>\$ 368.0</b>	<b>\$ -</b>	<b>\$ 428.0</b>	<b>\$ 10.5</b>	<b>\$ 417.5</b>
<b>NONRECURRING IN EXCESS OF FULLY FUNDED WORKING CAPITAL RESERVE OF \$373.2 MILLION</b>						<b>\$ 44.3</b>

- (a) Incorporating changes through the June 30, 1980 Special Session.  
(b) Does not include late transfers of \$11.0 million in documentary stamp tax money and \$5.1 million in pari-mutuel funds.  
(c) Includes \$22.2 million in Fixed Capital Outlay designated as Aid to Local Governments.  
(d) Includes veto impacts.

SUPPLEMENTAL GENERAL APPROPRIATIONS ACT  
CONTINGENCY ITEMS

Item	Appropriation \$		Contingency	Legislative Action
SECTION 01:				
4	352,988	GR	SB 1274 or Similar Legislation	CS/SB 1274 Died, HB 1754 Substituted, Passed as Amended
18C - 18F	122,742	TF	CS/CS/HB 786 or Similar Legislation	CS/CS/HB 786 Died, SB 1052 Substituted and Amended, Passed as Amended
510	150,000	GR	CS/HB 97 or Similar Legislation	CS/HB 97 Passed as Amended
51T	800,000	GR	CS/SB 133 and 436, or CS/HB 1442 and 1146, or Similar Legislation	CS/SB 133 and 436, and CS/HB 1146 Laid on Table Under Rule; CS/HB 1442 substituted, Passed as Amended
52	855,059	GR	SB 1219 or Similar Legislation	SB 1219 Passed
55B	9,948,393 (1,198,393)	GR TF	HB 7-D or Similar Legislation	HB 7-D Passed (Vetoed by Governor)
55L - 55N	231,485	GR	HB 7-D or Similar Legislation	HB 7-D Passed (Vetoed by Governor)
58 - 60	106,000	GR	CS/CS/SB 311 or Similar Legislation	CS/CS/SB 311 Passed as Amended
60B	600,000	GR	Respective Legislation	CS/CS/SB 311 Passed as Amended
60C	100,000	GR	HB 1691 or Similar Legislation	HB 1691 Passed
60D - 60G	(636,723)	TF	Respective Legislation	HB 1691 Passed
60H	33,000	GR	HB 1524 or Similar Legislation	HB 1524 Passed
74	3,664,396 5,260,097	GR TF	CS/SB 883, 884 and 835 or Similar Legislation	CS/SB 883, 884 and 835 Died in Committee, HB 1812, 1312 and 1592 Substituted Respectively; HB 1812, 1312 and 1592 Passed
77G	1,362,302	GR	CS/CS/HB 798 or Similar Legislation	CS/CS/HB 798 Passed as Amended
89	123,912	GR	HB 420 or Similar Legislation	HB 420 Died on Calendar, SB 932 substituted, Passed as Amended
920 - 92P	264,852	GR	SB 1166 or Similar Legislation	SB 1166 Died in Committee, HB 1880 and SB 13-D Substituted, HB 1880 and SB 13-D Passed

SUPPLEMENTAL GENERAL APPROPRIATIONS ACT  
CONTINGENCY ITEMS  
(Continued)

Item	Appropriation §	Contingency	Legislative Action
SECTION 01:			
92T - 92U	(35,351) GR	Respective Legislation	SB 1166 Died in Committee, HB 1880 and SB 13-D Substituted, HB 1880 and SB 13-D Passed as Amended
95H	735,576 GR 443,464 TF	HB 1312 or Similar Legislation	HB 1312 Substituted for CS/SB 884, Passed as Amended
95K	35,000 GR	CS/HB 874 or Similar Legislation	CS/HB 874 Passed
95Q - 95U	636,723 TF	HB 1691 or Similar Legislation	HB 1691 Passed
95W	911,890 TF	SB 892 or Similar Legislation	SB 892 Passed
99 - 103	523,788 TF	CS/SB 297 and CS/HB 859 or Similar Legislation	CS/SB 297 and CS/HB 859 Passed
104A - 104D and 109 - 112	446,126 TF	CS/HB 859 or Similar Legislation	CS/HB 859 Passed
104E	75,000 TF	CS/SB 744 or Similar Legislation	CS/SB 744 Passed
113P	10,000 GR	HB 1423 or Similar Legislation	HB 1423 Died in Senate Committee
SECTION 02:			
6	4,000,000 GR	HB 1448 or Similar Legislation	HB 1448 Died on Calendar SB 772 Substituted, Passed as Amended

SPECIAL APPROPRIATION BILLS

on v	Bill Number	Subject	General Revenue		Trust Fund
			Recurring	Non-Recurring	
			\$	\$	\$
<u>Senate Bills</u>					
46	SB 239	Relief of William M. Barr (AF)		2,625	
32	SB 358	Relief of Fay Gay (AF)		50,000	
10	SB 454	Les Floralties Internationales De Montreal (EOG)		150,000	
41	SB 663	Seminole & Miccosukee Indian Scholarships (EOG)	35,000		
68	SB 744	Leasehold Taxation (DOE)		10,000	
42	SB 796				
	& 914	Retirement Bonuses (AF)	600,000	9,900,000	4,000,000
65	SB 1052	Energy Trust Fund (PSC)		800,000	
60	SB 1251	Jurors and Witnesses Compensation (AF/JUD)			
97	SB 1284	Council on Educational Management (DOE)	400,000		
26	SB 1319	Eminent Scholars (DOE)	**		240,569
34	SB 1342	Uniform Commercial Code (DOS)			
<u>House Bills</u>					
261	HB 4-D	Property Appraisal Adjustment Board: (TRIM) (DOR)		5,000	890,736
447	HB 7	Relief of Dennis Dube (AF)	20,000		
448	HB 10	Relief of Cynthia Gamble (HRS)	150,000		
438	HB 45	Relief of John P. and Susan L. Spuck (DOT)		12,000	
437	HB 69	Relief of Louise Kropp (AF)	185,000		
439	HB 115	Relief of William Tucker (DOT)		190,000	
440	HB 153	Relief of Kelson & Geraldine McKinney (DOT)		75,000	
441	HB 301	Relief of Seymour I. Elakman (DOT)		112,000	
442	HB 457	Relief of Richard & Marion Mealy (DOT)		370,653	
443	HB 584	Relief of Reubin F. Jarnigan (DOT)		31,846	
392	HB 954	Suncoast Area Teacher Training (DOE)	157,084		
71	HB 1746	Law Enforcement Training (FDLE)	74,500		
414	HB 1796	Educational Fixed Capital Outlay (DOE) (Total)		43,162,180	184,189,658
		School Bus Replacement	12,144,040		
		Community Colleges-Library Books & Equipment	2,500,000		
		University Library Books	5,772,748		
		IFAS Scientific and Technical Equipment	2,000,000		
		USF Cancer Research Center	600,000		
		FSU Athletic Projects	6,845,000*		
		FSU Law Library Planning	674,078		
		FIU Student Support Services	3,000,000		
		FSU Business School Planning	600,000		
		FSU Library Science Equipment	274,000		
		UCF Computing Center	247,000		
		UF Whitney Marine Lab	192,000*		
		UF Museum Roof Repairs	1,300,000		
		UWF Library Conversion Phase III	325,000		
		UCF Library Remodeling	260,314		
		UCF Library Phase II	440,000		
		SUS Maintenance and Corrections	2,350,000		
		FIU North Academic II	1,500,000		
		FIU Athenaeum Completion	850,000		
		UF Stadium Parking (planning)	200,000*		
		USF Computing Center	688,000		
		Public Broadcasting Grant Matching	400,000		
249	HB 1871	Community Development (DCA)	50,000		
SUBTOTAL			\$ 1,316,584	\$ 54,434,805	\$190,112,462

SPECIAL APPROPRIATION BILLS  
(Continued)

Session Law	Bill Number	Subject	General Revenue		Trust Fund
			Recurring	Non- Recurring	
			\$	\$	\$
<u>Special Appropriations Passed During 1979</u>					
79-332	SB 3-B	Ad Valorem Tax Relief (DOR)	43,000,000		
79-413	CS/SB 268	Second & Fourth District Courts of Appeal (JUD)	405,714		
79-312	SB 669	First District Court of Appeal (JUD)	63,844		
79-255	CS/CS/ SB 793	Creation of Division of State Lands (DNR)	100,000		3,000,000
79-373	CS/SB 1172	Education - Cost-of-living Index Study (DOE)	100,000		
79-190	HB 1604	Governor's Reorganization Act (EOG)	350,000		
79-589	SB 18-C	Local Government Financial Responsibility Act (DCA)		6,705,000	
		<b>SUBTOTAL</b>	<b>\$44,019,558</b>	<b>\$ 6,705,000</b>	<b>\$ 3,000,000</b>
		<b>TOTAL</b>	<b>\$45,336,142</b>	<b>\$ 61,139,805</b>	<b>\$193,112,462</b>

\* Vetoed. These amounts are included in the totals.  
\*\* Indeterminate

MEASURES AFFECTING REVENUES AND TAX ADMINISTRATION  
ESTIMATED REVENUE INCREASES/DECREASES 1980-81  
(Millions of Dollars)

Session Law	Bill Number	Description	General Revenue		Trust Fund	Local Impact
			Recurring	Non-Recurring		
<u>Senate Bills</u>						
	SJR 4E	Constitutional Amendment - Homestead Exemption (originally passed as SJR 2D)	---	---	---	---
	SJR 6E	Constitutional Amendment - Housing Bonds (originally passed as HB 829)	---	---	---	---
Vetoed	SB 9D	Taxation of Live-aboard Vessels	---	---	---	**
	SJR 9E	Constitutional Amendment - Economic Development Exemption (originally passed as SJR 574)	---	---	---	**
	SJR 12E	Constitutional Amendment - Exempts Tangible Personal Property (originally passed as SJR 575)	---	---	---	---
	SJR 15E	Constitutional Amendment - Exempts Renewable Energy Sources (originally passed as HB 323)	---	---	---	---
80-261	SB 18E	Amendments to TRIM Bill (HB 4-D)	---	---	---	---
80-146	SB 89	Crimes Compensation Trust Fund - 5% Surcharge	---	---	.8	---
80-168	SB 119	License Fees - acupuncture clinics	---	---	*	---
80-375	CS/SB 168	License Fees - acupuncturists	---	---	*	---
80-342	SB 179	License Fees - fire safety contractors	---	---	*	---
80-169	SB 247	License Fee Exemption - black powder contractors	---	---	*	---
80-213	SB 257	Tax Exemptions - fishing boat admissions and model homes	(.7)	---	---	---
80-378	SB 264	Students' Sports Admission Tax Exemption	*	---	---	---
80-99	SB 297	Water & Sewer System Regulatory Law	---	---	**	---
80-217	CS/CS/ SB 299	License Fees - motor vehicle dealers	*	---	---	---
80-100	CS/SB 304	Beverage Permits for Foreign Commerce Vessels	---	---	*	---
Vetoed	SB 310	Radio Common Carriers (Sunset)	---	---	---	---
80-35	SB 313	Municipal Electric Utilities - revenue taxes	---	---	*	---
80-253	SB 326	Civic Center Exemptions	---	---	---	*
80-254	SB 333	Security Transactions - fees	*	---	---	---
80-238	SB 334	License Fees - cemetery operators	---	---	*	---
80-256	SB 346	License Fees - motor vehicle finance	---	---	*	---
80-220	SB 416	Documentary Stamp Tax - student loans	*	---	---	---
Vetoed	SB 512	Income Tax Offset - insurance companies	(1.0)	---	---	---
80-103	SB 559	State Treasurer - investment options	.4	---	---	---
80-222	SB 565	State Revenue Laws - uniform confidentiality	---	---	---	---
80-136	SB 568	Intangibles Tax - sales of services/inter-national banking exemptions	(.4)	---	---	---
80-153	SB 572	Taxation of Generation Skipping Trusts	---	---	---	---
80-179	CS/SB 625	Increased Speeding Fines	7.2	---	---	.9
80-180	SB 679	Permanent Hunting & Fishing Licenses - disabled	---	---	*	---
80-368	SB 744	Taxation of Leaseholds	---	---	---	(14.1)
80-381	SB 769	Educational Capital Outlay - 2 mill option	---	---	26.8	340.0a
	SJR 824	"2nd Gas Tax" revenues	---	---	---	---
80-347	SB 867	Local Option - ad valorem exemptions	---	---	---	**
80-383	SB 898	Elevator Inspection Fees - exempts local schools	---	---	*	---
80-77	SB 903	Gasohol Tax Exemptions	**	---	(1.6)	---
80-225	SB 1077	Parking Fees - DGS operated spaces	---	---	*	---
Vetoed	SB 1229	Alcoholic Beverage License Fees	*	---	*	---
80-187	SB 1277	License Fees - x-ray installers	---	---	*	---
80-334	SB 1342	Sunset - Uniform Commercial Code	---	---	.2	---

MEASURES AFFECTING REVENUES AND TAX ADMINISTRATION  
ESTIMATED REVENUE INCREASES/DECREASES 1980-81  
(Millions of Dollars)  
(Continued)

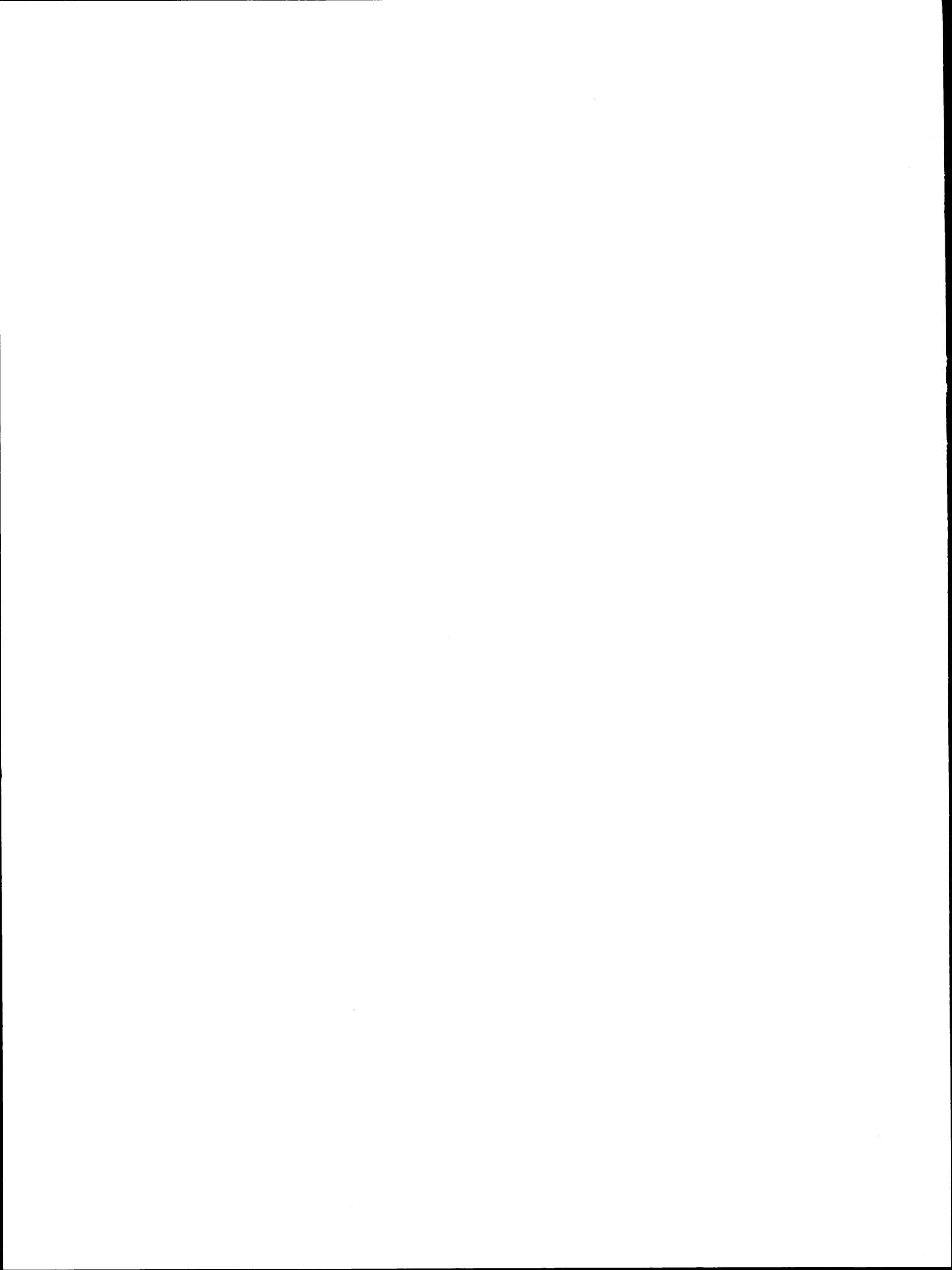
Session Law	Bill Number	Description	General Revenue		Trust Fund	Local Impact
			Recurring	Non- Recurring		
<u>House Bills</u>						
80-261	HB 4D	Truth in Millage (TRIM)				
		(a) Tax Collectors Fees	---	---	---	6.8
		(b) Occupational Licenses	---	---	---	**
		(c) Reimbursement for Senior Homestead Exemptions	**	---	---	---
		(d) Reimbursement for School Homestead Exemptions	**	---	---	---
		(e) Homestead Exemptions for Homes for the Aged	---	---	---	*
80- 30	CS/HB 6	Prohibit Sale of Drug Paraphernalia	(.6)	---	---	---
80- 74	HB 161	Changes Drinking Age to 19 Years Old	(5.6)	---	---	---
80-302	HB 311	Excise Tax on Hazardous Waste	---	---	---	---
80- 2	HB 472	Sale of Property with Delinquent Taxes	---	---	---	---
80- 88	CS/HB 595	Pari-mutuel Permits - conversion and date changes	4.1	---	---	---
80-306	HB 621	License Plate Tax Exemption - veterans	*	---	*	---
80- 89	HB 726	Citrus Tax Adjustments	**	---	**	---
	CS/CS/					
80-198	HB 798	License Fees - foster homes	---	---	.1	---
80-267	HB 800	CB License Fee Reductions	*	---	*	---
80-161	HB 830	Establishes Florida Housing Finance Agency	---	---	---	---
80- 15	HB 857	Corporate Income Tax Update	---	---	---	---
80- 16	SB 858	Estate Tax Update	---	---	---	---
80-415	CS/HB 859	Excise Tax - special fuels	---	---	9.9	3.3
80- 24	HB 860	Interest Charges on Delinquent Estate Taxes	.1	---	---	---
80- 18	HB 863	Interest Charges on Delinquent Premium Taxes	*	---	---	---
80-308	HB 920	Reinstatement of Drivers' Licenses	---	---	*	---
80-393	HB 969	License Fees - chiropractors	---	---	*	---
80-117	HB 1088	Intangibles Tax Exemptions - investment corporations	*	---	*	---
80-268	HB 1165	License Fees - investigative agencies	(.3)	---	.9	---
80-163	HB 1506	Tax Exemption - energy efficient devices	(.7)	---	(.1)	(2.5)
80-356	HB 1560	Authorizes Deputy Property Appraisers	---	---	---	---
80-127	HB 1605	Probate Code - DOR claims against estates	---	---	---	---
80-397	HB 1623	Distribution of Local Motor Fuel Taxes	---	---	---	---
80-400	HB 1687	Penalties on Delinquent Severance Tax Payments	*	---	*	---
80-407	HB 1776	Administration of Community Development Districts	---	---	---	**
80- 57	CS/HB 1825	Pari-mutuel	(9.3)	---	---	---
80-247	CS/HB 1869	Corporate Income Tax - job creation credits	**	---	---	---
80-248	HB 1870	Corporate Income Tax - blighted area development credits	(.2)	---	---	---
80-249	HB 1871	Corporate Income Tax - community development credits	**	---	---	---
TOTAL (excluding vetoes)			(6.0)	---	37.0	334.4

\* Insignificant  
\*\* Indeterminant  
(a) Maximum Potential

THREE YEAR COMPARISON - BEFORE AND AFTER 1980 TAX MEASURES  
RECURRING GENERAL REVENUE  
(Millions of Dollars)

	1978-79 Actual Revenue	1979-80 Actual Revenue	Annual Growth Rate	1980-81 Revenue Estimate	Legis- lative Changes	Revised 1980-81 Rev. Est.	Annual Growth Rate
Sales Tax	\$1,947.7	\$2,252.5	15.6 %	\$2,470.1	\$ (2.0)	\$2,468.1	9.6 %
Corporate Income Tax	314.4	371.4	18.1	378.0	(.2)*	377.8	1.7
Documentary Stamp Tax	134.2	144.3	7.5	163.0	(.4)	162.6	12.7
Intangible Tax	7.9	13.7	73.4	13.0	-0-	13.0	(5.1)
Estate Tax	55.9	69.9	25.0	48.0	.1	48.1	(16.9)
Severance Tax	79.7	80.9	1.5	116.7	-0-	116.7	44.3
Insurance Premium Tax & Lic.	52.4	61.6	17.6	71.5	-0-	71.5	16.1
Beverage Tax & Lic.	275.6	289.6	5.1	297.9	(5.6)	292.3	.9
Cigarette Tax	76.3	79.0	3.5	80.8	-0-	80.8	2.3
Pari-Mutuel Tax	65.8	61.8	(6.1)	80.1	(5.2)	74.9	21.2
Motor Vehicle Lic.	60.8	69.2	13.8	67.8	-0-	67.8	(2.0)
Public Safety Lic. & Fees	22.8	27.0	18.4	29.5	-0-	29.5	9.3
Auto Title & Lien Fees	9.6	9.5	(0.1)	11.0	-0-	11.0	15.8
Interest Earnings	67.7	106.5	57.3	96.1	.4	96.5	(9.4)
Medical & Hospital Fees	8.2	30.8	275.6	28.3	-0-	28.3	(8.1)
Charter Tax	2.4	2.9	20.8	2.5	-0-	2.5	(13.8)
Securities Tax	1.3	1.6	23.1	1.6	-0-	1.6	-0-
Service Charges	25.1	25.5	1.6	25.9	-0-	25.9	1.6
Other Taxes, Lic. & Fees	27.4	29.0	5.8	28.0	6.9	34.9	20.3
Total	3,235.2	3,726.7	15.2	4,009.8	(6.0)	4,003.8	7.4
Less Refunds	20.1	24.9	23.9	19.5	-0-	19.5	(21.7)
Net Recurring General Revenue Collections	\$3,215.1	\$3,701.8	15.1 %	\$3,990.3	\$ (6.0)	\$3,984.3	7.6 %
<b>OTHER RECURRING REVENUE</b>							
Federal Revenue Sharing	\$ 70.3	\$ -0-	(100.0) %	\$ -0-	\$ -0-	\$ -0-	-0- %
Cancellation of Warrants	.3	-0-	(100.0)	-0-	-0-	-0-	-0-
Total Other Recurring Revenue	\$ 70.6	\$ -0-	(100.0) %	\$ -0-	\$ -0-	\$ -0-	-0- %
Total Recurring Revenue	\$3,285.7	\$3,701.8	12.7 %	\$3,990.3	\$ (6.0)	\$3,984.3	7.6 %

\* Includes veto impact.



BUSINESS REGULATION\*

Heading the list of acts passed by the 1980 Legislature which affect the regulation of business (administered primarily by the Department of Business Regulation) is the raising of the drinking age from 18 to 19 years of age. Other laws in the area of alcoholic beverages limit the liability of persons serving alcoholic beverages for the subsequent acts of the consumer, establish licenses or permits for certain airport and cruise ship vendors, and ease the present state restrictions on home-brewing of alcoholic beverages. A major restructuring of the pari-mutuel taxing scheme to provide relief to this embattled industry was passed. Stung by a story on "60 Minutes," the Legislature enacted an anti-drugging law relating to race animals, giving the Division of Pari-mutuel Wagering authority to act in this area. Reenactment, after sunset review, was accomplished for private wire services (Chapter 465, F. S.), public utility regulation (Chapter 366, F. S.), and the regulation of telephone companies (Part I, Chapter 364, F. S.). The Florida Cemetery Act (Part IV, Chapter 559, F. S.) was also reenacted with modifications. The regulation of telegraph companies was repealed. Also repealed was little-

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\*Prepared by House Committees on Regulated Industries & Commerce

used Chapter 615, F. S., which provided permits for state fairs and expositions.

Legislation affecting the regulation of professions (administered primarily by the Department of Professional Regulation) are discussed in the summary article, PROFESSIONAL & OCCUPATIONAL REGULATION.

#### Pari-mutuel Wagering

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1825 (CHAPTER 80-57) revises provisions relating to periods of operations, taxes, fees, commissions, and purses on all pari-mutuel operations. A daily license fee is established of \$100 for each horse race, \$80 for each dog race, and \$80 for each jai alai game; however, any racetrack or fronton which had an average handle per performance of less than \$100,000 for the preceding season shall pay a daily license fee of \$50 for each such race or game conducted. Other provisions of the act include fixing dates of operation of horse and dog racing and jai alai frontons; payment of daily license fees and taxes; distribution of moneys deposited to the Pari-mutuel Tax Collection Trust Fund; fixing percentage which may be withheld by permitholders; establishing minimum purse allowances and awards; and providing certain penalties and sanctions. Takeout on horseracing is limited to 17.6% on all straight wagers (win, place, and show) and shall not exceed 19% on exotic bets. An additional .5% may be taken out of regular wagers for capital improvements and up to 1% from exotic wagers. Thoroughbred and harness tracks shall pay

a minimum of 7.5% of daily handle into purses. Quarterhorse tracks shall pay no less than 6% of handle for purses. Takeout on regular wagers in dog racing is limited to 17.6% and on exotic wagers is increased to 18%. The takeout on trifecta wagers is raised to 19%, with up to 1% of the 19% being applied to establish a maximum 3% purse. The takeout on regular wagers of jai alai shall not exceed 17.6% and on exotic wagers is increased up to 19%. The act also requires that jai alai permitholders shall pay to the state a tax equal to the breaks.

HOUSE BILL 1333 (CHAPTER 80-270) specifically prohibits the racing of any animal which has within its system any drug or medication except as permitted by rule of the Division of Pari-mutuel Wagering. Rulemaking guidelines are provided and the Division is authorized to summarily suspend or revoke the license or permit of a violator, deny a license or permit to such violator, or impose certain specified fines or return of purse from the violator upon receipt of laboratory proof of violation. The act also clarifies penalty provisions in the law, and establishes a "Research Trust Fund" where fines are to be deposited and used for research relating to the medication of racing animals.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 595 (CHAPTER 80-88) provides for a summer jai alai season with respect to certain permittees. Owners or operators of pari-mutuel permits who meet specified qualifications in certain counties (Dade and Broward) may apply to the Division of Pari-mutuel Wagering of the Department of Business Regulation to convert their permits

to ones which would allow the conducting of summer jai alai frontons in such counties during the summer season (May 1 to November 30). Such licenses would authorize the permittees to operate at any jai alai permittee's plant they may lease or build within such counties. Laws regulating operation of harness tracks are amended to permit certain harness racing permitholders (in Seminole County) to apply for and receive a license to conduct dog race meetings in lieu of harness racing at harness tracks; and to make certain changes relating to quarterhorse days and dates at harness tracks. (It is projected that the state should gain between \$3 million and \$5 million in revenue as a result of this legislation.)

COMMITTEE SUBSTITUTE FOR SENATE BILL 807 (CHAPTER 80-69) authorizes the Florida Pari-mutuel Commission to grant an additional charity day to Pensacola Greyhound Racing, Inc. in Escambia County for the benefit of the Pensacola Sports Association. The Commission is also given authority to extend the limitation of time of pari-mutuel operations for charity and scholarship days for Hillsborough, Pinellas, Dade, and Seminole counties (such authority having been previously granted but inadvertently repealed in 1971).

#### Alcoholic Beverages

HOUSE BILL 161 (CHAPTER 80-74) raises the drinking age to 19, with an exception allowing 18 year olds on active status in the military to drink. Eighteen year olds may be employed by an alcoholic beverage vendor who is licensed for on-

premises-consumption sales only. A valid drivers license, an official identification card issued by the Department of Highway Safety and Motor Vehicles, or a passport are valid forms of identification for proof of age. Penalties are provided for persons violating the provisions of this law.

HOUSE BILL 1561 (CHAPTER 80-37) amends Chapter 562, F. S., to provide that a person who serves alcoholic beverages to a person of lawful drinking age is not liable for damages or injury caused by the person consuming the beverages. However, in instances in which such beverages are unlawfully and willingly served to a minor or knowingly served to a person habitually addicted to alcoholic beverages, the seller or furnisher may become liable for injury or damage resulting from the intoxication of such minor or person.

SENATE BILL 905 (CHAPTER 80-339) amends Chapter 561, F. S., creating a new series of liquor licenses for airport vendors. Holders of special airport licenses would be permitted to sell alcoholic beverages at up to four locations within airports, including concourse areas, if the airport meets certain federal standards. Additionally, this new license classification would allow the vendor to sell wine and liquor in sealed miniature containers, and other alcoholic beverages, to airlines for in-flight service to passengers. (Presently airline personnel must leave the airport to obtain alcoholic beverages unless a quota liquor license is operated in the terminal.)

COMMITTEE SUBSTITUTE FOR SENATE BILL 304 (CHAPTER 80-100) amends Chapter 565, F. S., to provide for issuance of an alcoholic beverage permit to cruise ships of a certain size which are engaged exclusively in foreign commerce. This permit would allow for on-premises-consumption sales, while the vessel is in Florida territorial waters or is moored at docks or wharfs in ports of this state, for a 24-hour period prior to departure. An annual fee of \$1,100 is provided and requirements for monthly reports and payment of appropriate excise taxes are established.

HOUSE BILL 919 (CHAPTER 80-232) amends Chapter 561, F. S., to provide that tennis or racquetball clubs which meet all other state level requirements for a special alcoholic beverage license, and which are completely constructed on or before July 1, 1980, are exempt from local zoning provisions. This act does not limit the power of counties or incorporated municipalities in regulating hours of business and prescribing sanitary regulations.

HOUSE BILL 1505 (CHAPTER 80-365) conforms Florida law relating to home manufacture of beer and wine to recent changes in federal law. Manufacture of beer and wine is permitted for personal or family use limited to 100 gallons for a household with one adult, and 200 gallons for a household with two or more adults. No permits, fees, or payment of excise taxes may be imposed on such home-brewed products.

## Public Utilities and Railroads

HOUSE BILL 1517 (CHAPTER 80-275) is the sunset review reenactment of Chapter 365, F. S., relating to private wire services, and the emergency telephone number plan ("911" system). The only significant change in existing law is the placing of responsibility for reviewing private wire contracts solely with the state attorney, and removing the Public Service Commission reviewing authority. Another change deletes the authorization for temporary private wires without a contract.

COMMITTEE SUBSTITUTE FOR SENATE BILL 313 (CHAPTER 80-35) reenacts Chapter 366, F. S., regulating public utilities. Three additional items are added to the list of criteria to be taken into account when the Public Service Commission considers rate cases: cost of providing the service, energy conservation and efficient use of alternative energy resources, and cost of service to each customer class. Flexibility is added to the procedure relating to rate changes by giving the Public Service Commission 60 days (instead of the present 30 days) to deliver to a utility the reason for withholding consent to a rate change request. Pending final action by the Commission, utilities may place proposed rates into effect under bond or corporate undertaking. For the first time, statutory authority is provided for the Commission to grant interim rates, and experimental or transitional rates. The enactment also allows the Commission to authorize a public utility to issue and sell securities of one or more offerings, or of one or more types, over a period of 12 months. Such authorization relates only to

the legality of the issue. Other changes clarify the jurisdiction of the Commission over utilities operated by an agency of a municipality which is exempt from regulation, and the information the Commission may require to be filed by municipal utilities and rural electric cooperatives. The enactment also provides for Supreme Court review of any action of the Commission relating to rates of service of utilities providing electric or gas service.

COMMITTEE SUBSTITUTE FOR SENATE BILL 344 (CHAPTER 80-36) is the sunset review reenactment of Part I, Chapter 364, F. S., dealing with the regulation of telephone and telegraph companies. The act allows the sun to set on the regulation of telegraph companies but continues the regulation of telephone companies. Among the most significant changes is the additional authority granted to the Public Service Commission to review and approve intrastate toll settlement agreements, to require the filing of certain information about such agreements, and to adjudicate disputes regarding settlements. Additional criteria concerning return on investments are to be taken into account when the Public Service Commission considers rate cases. Rate change procedures are changed to give the Commission 60 days to act on a request, and pending final Commission action, to allow a telephone company to implement the proposed rates under a bond or corporate undertaking. Statutory authority is provided for the Commission to grant interim rates, and experimental or transitional rates. Additional changes streamline application procedures and expand

investigative powers. The Supreme Court shall review, upon petition, any action of the Commission relating to rates or service of telephone companies.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1733 (CHAPTER 80-289) creates Part I of Chapter 351, F.S., which provides the Public Service Commission (PSC) with regulatory powers over railroads. This part will replace sections in Chapter 350, F.S., which were allowed to stand repealed on July 1, 1980, pursuant to the Regulatory Reform Act or "Sunset Law" (Section 11.61, F.S.). Detailed rate approval procedures are placed in the statutes for the first time. The intrastate rate may be increased or decreased up to 10%, as compared to the rate in effect one year previously, without PSC approval. The PSC may increase this percentage if it finds that there is sufficient competition to regulate rates and that there are benefits to the railroad, shippers, or public from increased price flexibility. For all other rate changes, the PSC may suspend a rate change within 30 days of filing (60 days for general revenue changes), which suspension may continue for up to eight months. Final PSC action is required within 12 months of filing of documents meeting minimum requirements by the railroad. The act also provides procedures for approving interim rates, and gives the PSC authority to approve experimental and transitional rates. Railroads are required to obtain approval of the PSC prior to the discontinuance of service, except in the case of abandonment of track approved by the Interstate Commerce Commission. The existing Sections

351.01 through 351.37, F.S., are established as a new Part II of Chapter 351, entitled "Duties of Railroads in Operating Trains."

This act also creates Part III of Chapter 351, F.S., entitled "Florida Public Service Commission" which provides the PSC with general powers over persons holding certificates issued by the Commission or every type of public utility it regulates. Existing general powers contained in Chapter 350, F.S., were allowed to stand repealed on July 1, 1980, pursuant to the "Sunset Law." The new law revises the provisions of the Florida Public Service Regulatory Trust Fund to set out the assessments for all regulated companies in one section. Instead of setting specific amounts, the new law provides maximum regulatory assessments, allowing the PSC to collect a lesser amount when cost justified.

The PSC loses its right to employ its own hearing officers, so that all hearings not assigned to Commission members must be held before hearing officers of the Division of Administrative Hearings of the Department of Administration. The new compelled testimony section differs from the repealed section by requiring consultation with a state attorney and a circuit court order prior to the grant of immunity to a witness. Many procedural powers are recodified, and the PSC is given the express power to perform audits of regulated companies except railroads. A new section is created providing that information obtained pursuant to a PSC inquiry is confidential and exempt from public inspection while the

inquiry is pending. A general penalty section applicable to all regulated companies is created, authorizing collection of up to a \$5,000 fine, or suspension or revocation of an operating certificate. A new judicial review section is created to conform to the recently enacted constitutional amendment to Section 3(b)(2), Article V of the State Constitution. The Supreme Court reviews actions of the PSC relating to rates or service of utilities providing electric, gas, or telephone service. The District Court of Appeal, First District, upon petition shall review any other action of the PSC. Finally, the law provides that Part III of Chapter 351, F.S., (relating to the Commission), as created by this act, will be repealed on July 1, 1990, pursuant to the provisions of the Regulatory Reform Act of 1976. Parts I (relating to regulation of railroads) and II (relating to duties of railroads in operating trains) of Chapter 351, F.S., will be repealed on October 1, 1982, pursuant to regulatory reform, together with the following portions of the Florida Statutes which also relate to railroads: Chapter 352 (relating to duties to railroad passengers and freight); Chapter 353 (relating to claims for lost or damaged freight); Chapter 354 (relating to special officers for carriers); Chapter 355 (relating to carrier's lien and enforcement); Chapter 356 (relating to fencing and evidence in livestock cases concerning railroads); Chapter 357 (relating to railroad crossings); Chapter 358 (relating to tickets, passes and discounts);

Chapter 359 (relating to express companies); and Chapter 360 (relating to special powers of railroad and canal companies).

The existing sections of Chapter 351 (Sections 351.01 through 351.37), F. S., are established as a new Part II of Chapter 351, entitled "Duties of Railroads in Operating Trains." The measure also creates a new Part III entitled "Florida Public Service Commission." This part creates the Florida Public Service Regulatory Trust Fund into which certain fees are to be deposited, these funds to be used to operate the PSC. The fee paid by a regulated company is determined every six months based on gross receipts. The PSC must give 45 days notice that the payment is due and may ask that a circuit judge compel the testimony of any person who claims the privilege against self-incrimination by granting immunity to such person. The PSC may administer oaths, take depositions, issue protective orders and subpoenas, compel attendance of witnesses and production of documents, and may require reports and make audits of any regulated companies. A penalty of \$5,000 may be imposed on any company found to have wilfully violated any rule or order of the PSC, each day being a separate violation. The act provides for hearing where an order or rule infringes on the substantial interests of any person. Finally, the law provides that Part III of Chapter 351, F. S. (relating to Florida Public Service Commission), as created by this act, will be subject to sunset on July 1, 1990. Parts I (relating to regulation of railroads) and II (relating to duties of railroads in operating trains) of Chapter 351, F. S., will be

subject to sunset on October 1, 1982, together with the following portions of the Florida Statutes which also relate to railroads: Chapter 352 (relating to duties to railroad passengers and freight); Chapter 353 (relating to claims for lost or damaged freight); Chapter 354 (relating to special officers for carriers); Chapter 355 (relating to carrier's lien and enforcement); Chapter 356 (relating to fencing and evidence in livestock cases concerning railroads); Chapter 357 (relating to railroad crossings); Chapter 358 (relating to tickets, passes and discounts); Chapter 359 (relating to express companies); and Chapter 360 (relating to special powers of railroad and canal companies).

#### Regulation of Cemeteries

COMMITTEE SUBSTITUTE FOR SENATE BILL 334 (CHAPTER 80-238) reenacts and strengthens the Florida Cemetery Act (Part IV, Chapter 559, F. S.), and gives the Department of Banking and Finance broader authority to enforce the chapter. The consumer's ability to cancel a contract with a cemetery company is enhanced. Certain specified acts are listed which constitute grounds for penalties, including denial, revocation, or suspension of a license; imposition of administrative fines; or placing the license on probation subject to conditions provided by the Department. A 100% refund is allowed for all merchandise if there has been an intentional violation of the law, and a 70% refund must be made for all caskets and vaults upon request by the purchaser. Cemetery companies will not be

allowed to engage in misleading or vexatious advertising and will have to disclose information concerning prices and services. Renewal fees are established on a sliding scale with cemeteries earning larger incomes paying a higher renewal fee than the cemeteries with smaller incomes. All fees and penalties collected are to be deposited in the Regulatory Trust Fund of the Department. The space requirement to begin a cemetery business has been reduced from owning 30 unencumbered acres to 15 unencumbered acres of land. The act abolishes regulation of cemetery management and sales organizations and cemetery brokers (since the sunset review revealed that those regulations were unnecessary). The Florida Cemetery Act as reenacted is subject to sunset on October 1, 1990.

#### Miscellaneous

HOUSE BILL 368 (CHAPTER 80-278) amends Chapter 525, F. S., relating to gasoline and oil inspection. Instead of confiscating substandard gasoline and oil, the act allows the Department of Agriculture and Consumer Services to accept a refundable bond equal in value to the product. The amount of this bond shall be limited to \$1,000. The requirement for certain dealers to post the degree of gravity of the product is eliminated.

SENATE BILL 247 (CHAPTER 80-169) amends Chapter 552, F. S., relating to the manufacture, distribution, and use of explosives, to provide an exemption from licensing fees for dealers in explosives who only sell black powder for

recreational use. (Licenses for dealers in explosives are issued by the Division of State Fire Marshal of the Department of Insurance.)

HOUSE BILL 844 (CHAPTER 80-199) repeals Chapter 615, F. S., dealing with "State Fairs and Expositions." (Chapter 616, F. S., deals with "Public Fairs and Expositions," and has historically been the more active of the two chapters. There are presently 46 fairs operating under the provisions of Chapter 616; none are operating pursuant to Chapter 615.)

SENATE BILL 428 (CHAPTER 80-49) amends Section 501.012, F. S., relating to health studio services, to require that each contract be in writing. Any health studio which sells contracts for its services must maintain a \$25,000 bond for any period prior to opening and for three years after beginning business. In lieu of the bond, a health studio may furnish a copy of its financial statements or other information certified by a principal of the business to be correct. The Department of Agriculture and Consumer Services is to decide if the information furnished is sufficient to show financial responsibility. During the period of the bond or furnishing of information to the Department, the health studio annually must file evidence of the bond or continuing financial responsibility. The Department may sue to enjoin violations of this act.

SENATE BILL 898 (CHAPTER 80-383) revises the requirements for elevators which will be installed after October 1, 1980. These requirements are an attempt to make the

elevators of this state more accessible to handicapped persons. Public schools are exempted from paying an annual elevator license and inspection fee. Benches or seats may be installed on an elevator provided the bench or seat conforms to certain requirements.

COMMERCE\*

Major legislation enacted by the 1980 Legislature in the area of commerce includes: the revision and reenactment of Florida's laws relating to financial institutions, including those laws pertaining to savings banks, industrial savings banks, savings and loan associations, credit unions, and banks and trust companies; the creation of Florida's Antitrust Act of 1980 which substantially revises the present antitrust law; an increase in the weekly benefit amount for unemployment compensation, and a reorganization of Florida's Unemployment Compensation Law; a change in the place of filing requirements for financing statements secured by farm-related items; and the enactment of an exemption from the security registration provisions for securities which are to be utilized to finance the construction of rental housing. The Division of Economic Development and Tourism of the Department of Commerce is given increased authority to expend funds for a program of cooperative advertising with public or private organizations, and to purchase and resell certain promotional items. These and other enactments are discussed below.

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\*Prepared by the staff of the House Committee on Commerce

## Financial Institutions

The Florida Legislature undertook the responsibility of revising and reenacting the laws which relate to financial institutions in this state pursuant to the mandate of the Regulatory Reform Act of 1976 (Section 11.61, F. S.) as amended. The majority of the revision clarifies and updates existing provisions. One major change in the format of the regulation of financial institutions is the creation of a new Chapter 658, F. S., by HOUSE BILL 1773 (CHAPTER 80-273). This law contains certain provisions which are applicable to all financial institutions: general powers of the Department of Banking and Finance to regulate all state chartered and licensed financial institutions; removal of certain employees of an institution; requiring internal audits; limiting public access to certain records; providing for competitive equality between state and federally chartered institutions; providing for the Financial Institution's Regulatory Trust Fund and deposit of fees and assessments into such fund; providing for an annual report by the Department to the Governor and Legislature; and other provisions.

SENATE BILL 342 (CHAPTER 80-101) repeals Chapter 654, F. S., which regulated savings banks. (There have been no savings banks in Florida since 1929.)

SENATE BILL 343 (CHAPTER 80-255) significantly amends and renumbers certain sections of Chapter 656, F. S., to create a new Chapter 662, F. S. (Industrial Savings Banks). The enactment provides additional powers to industrial savings

banks for the chartering and branching of such banks, and for the incorporation of specific provisions of Chapter 663, F. S., the new state Banking Code. (Chapter 663, F. S., was created at a Special Session of the Florida Legislature by passage of SENATE BILL 1-E, CHAPTER 80-260, discussed immediately below.) The newly created Chapter 662, F. S., will be subject to "sunset" on July 1, 1985.

SENATE BILL 1-E (CHAPTER 80-260) reenacts the new banking laws as required by the "sunset" mandate. The act amends, renumbers and repeals certain portions of Chapters 658, 659, 660 and 661, F. S., to create Chapters 663 (Banking Code - Banks and General Provisions) and 664 (Banking Code - Trust Functions), F. S. Significant areas in the act include among others: branch banks; trust companies; loan requirements; bank mergers; chartering and licensing; ownership; and international banking. Chapters 663 and 664, F. S., as created by this act, are subject to "sunset" on July 1, 1986.

COMMITTEE SUBSTITUTE FOR SENATE BILL 348 (CHAPTER 80-257) substantially revises and reenacts Chapter 665, F. S., relating to state chartered savings and loan associations. Significant areas of the measure include incorporation and organization; officers; mergers; corporate administration; powers of the association; investments; supervision; and enforcement. Chapter 665, F. S., as amended by this act, will be subject to "sunset" on July 1, 1986.

HOUSE BILL 1303 (CHAPTER 80-269) amends Sections 18.12 and 18.13, F. S., to allow the Governor, Comptroller, and

Treasurer, acting as a State Board of Administration, to sell any or all of the deposits that a bank or savings and loan association has deposited as collateral security for the deposit of public funds into that bank or savings and loan association. This sale may occur when the financial institution fails or enters receivership, refuses or fails to pay a check drawn on the fund by a state agency or the Treasurer, or refuses to pay interest on a time deposit or principal on demand. Any recovery expenses, principal and interest due, and late charges may be charged against the proceeds of the sale. The State Board of Administration must notify the bank, savings and loan association, or receiver of either, that the sale has taken place. Prior notice need not be given. Any surplus from the sale is to be returned to the financial institution or its receiver along with an accounting of the distribution.

COMMITTEE SUBSTITUTE FOR SENATE BILL 349 (CHAPTER 80-258) revises, reorganizes and reenacts portions of Chapter 657, F. S., to create Part I of such chapter to provide for credit unions. Significant areas covered in the act include organization; officers; restrictions of membership; powers of the credit union; supervision; and enforcement. Chapter 657, F. S., is made subject to "sunset" by the provisions of this act on July 1, 1986.

HOUSE BILL 444 (CHAPTER 80-84) amends Chapter 717, F. S., to clarify that the provisions relating to the disposition of unclaimed property apply to out-of-state persons and

corporations which hold the property of owners whose last known address is in Florida. International banking entities are included within the definition of a banking organization under Chapter 717, F. S., and the Department of Banking and Finance (responsible for the administration of Chapter 717) is given the express authority to enter into reciprocal agreements with other states in order to facilitate the collection of abandoned property which is due to Florida but which is located out of state. Subsection 717.15(3), F. S., is created to enable the Department of Banking and Finance to issue an indemnification agreement to a holder of unclaimed property in order to effectuate the provisions of current law relieving holders of unclaimed property from liability upon delivery of the property to the Department. Any expenses incurred pursuant to such an indemnification agreement are to be paid from the claims and expense fund authorized in Section 717.19, F. S. The act provides for the imposition upon the holder of an administrative fine of \$10 per day (the penalty not to exceed \$500) for each day a required report of abandoned property is delinquent, and for the imposition upon the holder of a civil penalty of 12 percent per annum upon the value of property not reported or delivered as required by Chapter 717, F. S.

#### Interest and Usury

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1147 (CHAPTER 80-310) does not change existing law in Sections 687.02 and 687.03, F. S., but is intended only to clarify the current law.

The term "line of credit" is used extensively in commercial lending circles. This term is included in Sections 687.02 and 687.03, F. S., to clearly state that arrangements which include "lines of credit" are covered by the usury law. The term "line of credit" is defined to mean an arrangement under which one or more loans or advances of money may be made available to a debtor in one or a series of related transactions. The word "contract" is replaced with the term "obligation" in Sections 687.02 and 687.03, F. S. (This is to forestall a possible misconstruction of the usury law as applying to something other than the renting of money.) Section 687.03, F. S., also has included the terms "advance of money" and "forebearance to enforce the collection of any debt or other obligation" where appropriate, to clarify that other variations of a loan are also covered by the usury law.

HOUSE BILL 1167 (CHAPTER 80-412) increases the amount which a consumer finance company may lend as a licensee under Chapter 516, F. S., from \$2,500 to \$25,000. This imposes the requirements of Chapter 516 on those type loans. The act limits the amount of interest which can be charged on those loans which exceed \$2,500 to 18% per annum simple interest, and extends the scheduled repayment time for such loans. Further, the consumer finance company is allowed to charge for "title insurance or appraisal of real property offered as a security" when these charges are actually paid to a third party. (Those charges are not considered interest.)

## Retail Installment Sales

SENATE BILL 346 (CHAPTER 80-256) reenacts with various changes, the provisions of Chapter 520, F. S., relating to retail installment sales and financing.

Part I of Chapter 520 relating to motor vehicle sales finance, is reenacted with the following changes: the sale of mobile homes is specifically included within the Motor Vehicle Installment Sales provisions of Chapter 520; motor vehicle installment sellers with more than one location in a county are required to pay only one licensing fee; an unintentional failure to comply with the provisions of the act will constitute sufficient grounds for denial, suspension or revocation of a license, and failure to comply with rules issued by the Department of Banking and Finance will also constitute adequate grounds; more flexibility in the form of the notice to the buyer of his rights is provided for, and acknowledgement by the buyer of delivery of a copy of the contract is deemed presumptive rather than conclusive proof of such delivery; with respect to motor vehicle installment sales, the Department is authorized to order the refund of any amounts assessed which exceed the maximum allowable under the act or under Department rules; and deferment charges may be assessed regardless of the length of time unpaid installments are deferred.

Part II of Chapter 520, relating to retail installment sales, is reenacted with the following changes: those persons wishing to operate a business pursuant to Part II, Chapter 520,

are specifically required to obtain a license from the Department of Banking and Finance; more flexibility in the form of the notice to the buyer of his rights is provided for; the holder of the contract is authorized to extend the due date of the contract at the maximum rate allowable under law for the original contract; provisions allowing certain charges to be made by the holder of a retail installment sales contract for improvements to real property have been deleted; and credit unions are included within the list of financial institutions.

Part III of Chapter 520, relating to installment sales finance, is reenacted with one technical change.

Part IV of Chapter 520, relating to home improvement sales and finance, is reenacted with the following changes: a home improvement contractor is required to pay an additional fee for each office it maintains (rather than for each county in which it participates in home improvement contracts); all contractors other than those specifically exempted by law are required to obtain a home improvement license; landscape architects are included in the list of exempted persons; flexibility in the form of the notice to the buyer of his rights is provided for; the term "time price differential" is replaced by the term "finance charge"; buyers are required to pay certain fees and costs incurred by a home improvement contractor or finance agency; the maximum allowable rate of interest which may be charged on an extension or a deferment of a home improvement contract is increased from 1 percent to 1.5 percent per month simple interest; and the section of the law

(520.89, F. S.) requiring a written and signed agreement prior to the placement of signs on the premises where home improvement work is being done, or prior to the recommendation of names of potential home improvement customers, is deleted.

#### Uniform Commercial Code

SENATE BILL 1342 (CHAPTER 80-334) increases fees for filing financing statements with the Bureau of Uniform Commercial Code from \$5.00 to \$5.25 for the first page (with the \$2.00 fee for additional pages remaining unchanged), increases fees for searching records from \$2.00 to \$7.50, and increases fees for copying documents from 50 cents to \$1.00 per page. The increased revenue is to be deposited in a special contingency trust fund for the purpose of converting existing microfilm records to microfiche and for verification of the Bureau's data base. Four positions were provided to the Bureau of UCC to carry out the conversion and verification functions. The Bureau is directed to eliminate the backlog of filings within 120 days of the effective date of the act and thereafter to complete the filing of documents within 3 days of receipt. The verification and conversion process must be completed within 24 months of the effective date (August 1, 1980) of this act.

SENATE BILL 440 (CHAPTER 80-29) changes the place of filing requirements for financing statements secured by collateral consisting of crops, equipment, products, contracts, or general intangibles relating to farming. Such statements no

longer must be filed with the Department of State and the clerk of the circuit court, but are to be filed only with the clerk of the circuit court in the county where the debtor's place of residence or chief executive office is located. If the debtor is not a Florida resident, then the filing must take place in the county where the collateral is located; and in all cases where the collateral is crops, there must be an additional filing with the clerk of the circuit court in the county where the crops are located. Financing statements perfected prior to the effective date of this act by filing with the Department of State (See Section 679.403, F. S.) remain effective for 5 years from the date of filing, but thereafter must be refiled with the local circuit court.

### Securities

SENATE BILL 333 (CHAPTER 80-254) reenacts Chapter 517, F. S., relating to securities transactions, with several revisions:

First, Subsection 517.061(12), F. S., the "private placement exemption" from registration of securities, is changed to reflect clearer standards which must be met before this exemption may be used. A limit of 35 purchasers is one condition of the exemption. (This amendment indicates a "safe haven" where other sales of issues of securities will not be used in computing this number: If the last previous sale took place six months prior to the private placement, this sale will not be considered part of the private placement; or, if a sale

arising from another issue of securities occurs six months after the last sale of the private placement issue, this sale will not be considered of the private placement.) The private placement exemption may be used once a year without being considered part of the previous year's or the next year's offering, pursuant to this subsection. Even though an issuer does not comply with the "safe havens" established by the act, sales of securities may or may not be integrated, depending on the particular facts of the case. The Department of Banking and Finance is given authority to adopt rules indicating factors to be considered in determining if those sales are to be integrated for the purposes of this subsection. Also, offerings of sales pursuant to other exemptions in Section 517.061, F. S., or pursuant to a registered offering, shall not be integrated.

Second, where an issuer wishes to sell stock in Florida pursuant to Subsection 517.061(19), F. S., a fee based on the amount of stock sold in Florida is required. This fee is limited to a maximum of \$750. This subsection also exempts from registration in Florida those offerings pursuant to a registration with the Securities and Exchange Commission under the Securities Act of 1933. If an issuer subsequently decides to increase the amount of the securities sold in this state, the issuer must pay no more than an amount computed on the increased amount of securities sold. However, the total fees paid shall not exceed the \$750 limit.

Third, the enactment gives the Department the authority to establish, by rule, new exemptions where registration is not in the public interest.

Fourth, Subsection 517.081(6), F. S., requires a fee of up to \$1,000 for registration of securities to be sold in Florida. If an issuer wishes to increase the amount of securities sold in the state, the issuer must pay no more in fees than an amount computed on the increased amount of securities sold. However, the total fees paid may not exceed the \$1,000 limit.

Finally, a dealer registered under Chapter 517, need not also register as an investment advisor. If a dealer desires to be an investment advisor, he must simply notify the Department. Under the provisions of this act, Chapter 517, F. S., is subject to "sunset" on July 1, 1986.

HOUSE BILL 1717 (CHAPTER 80-403) adds Subsection (20) to Section 517.061, F. S., to establish a new exemption from the security registration procedure for securities to be utilized to finance the construction of rental housing. To qualify for the exemption certain requirements must be met: there may be no more than 35 purchasers (a purchaser of over \$100,000 is excluded from the computation); each purchaser must be given full disclosure of all material information; a dealer must be registered to receive compensation for the sale of the issuer's securities; the sale must be voidable by the purchaser where there have been five or more sales; the rental housing constructed must remain solely as rental housing for ten years;

each purchaser must either be in the 50% income tax bracket or have a net worth in excess of \$150,000; any advertising must indicate from whom information can be obtained, and do no more than identify the security, state the price, and state by whom orders will be executed. The exemption will expire two years after becoming law.

### Trade and Commerce

COMMITTEE SUBSTITUTE FOR HOUSE BILL 701 (CHAPTER 80-28) creates Florida's Antitrust Act of 1980 and substantially revises Florida's present antitrust law, Chapter 542, F. S. The act tracks comparable provisions of federal law and prohibits combinations, contracts, or conspiracies in restraint of trade, and monopolizations or attempts to monopolize any part of trade or commerce in this state. The enactment provides for criminal and civil enforcement by the Attorney General and in some instances by the state attorney. In addition, private individuals are given a cause of action for treble damages. Finally, the enforcement authority (Attorney General or state attorney) will have added investigative powers (civil investigative demands) available in the case of a civil prosecution. It is the intent of the Legislature that in construing this act, Florida courts should look to the relevant body of federal case law which has developed relating to federal antitrust statutes.

### Corporations

SENATE BILL 1117 (CHAPTER 80-349) provides that in an

action brought against a person by reason of his position as officer, director, employee or agent of a corporation, the corporation may indemnify such person upon a determination by independent counsel that the applicable standards of conduct required by Subsections 607.014(1) and (2), F. S., have been met. The act also provides that expenses incurred in defending a civil or criminal proceeding may be paid by the corporation in advance of final disposition of an action against an officer, director, employee or agent, if such payment is authorized by the board of directors in the specific case. Subsection 607.271(5), F. S., is amended to provide that in the event of involuntary dissolution of a corporation, the name of the corporation will not be available for use by any other corporation for one year from the date of final dissolution.

HOUSE BILL 342 (CHAPTER 80-192) permits a corporation organized not for profit under Part I of Chapter 617, F. S., to include the word "cooperative" or "co-op" in its title, provided the name is not deceptively similar to the name of an already existing corporation, agricultural cooperative marketing association, or nonprofit cooperative association.

HOUSE BILL 1621 (CHAPTER 80-235) amends Section 289.051, F. S., to eliminate the \$250,000 limit on loans to, and investments in, the Florida Industrial Development Corporation by the Corporation's member financial institutions.

#### Unemployment Compensation

SENATE BILL 721 (CHAPTER 80-95) reorganizes the

provisions of Chapter 443, F. S. (dealing with Florida's Unemployment Compensation Law), but makes no major substantive changes in the law. The act divides Chapter 443 into six identifiable parts: general provisions; definitions; individual benefits and eligibility; employer coverage and contributions; claims procedures and appeals; and administration. Additionally, all unnecessary references to dates have been deleted from Chapter 443. The effective date of this act is delayed until January 1, 1981.

HOUSE BILL 1451 (CHAPTER 80-233) amends Section 443.04, F. S., to increase the maximum weekly amount that may be paid for unemployment compensation benefits from \$95 to \$105. The increased amount will apply only to benefit years beginning on and after July 1, 1980.

SENATE BILL 270 (CHAPTER 80-252) amends Section 443.08, F. S., to provide that if an employee who has been discharged for unsatisfactory performance during a 60 day probationary employment period subsequently becomes eligible to collect unemployment compensation benefits, those benefits based on wages earned during the probationary employment period will not be charged to the employer's unemployment compensation account for benefits subsequently paid. The act defines "probationary period," provides conditions which the employer must satisfy before his account will be non-charged, and requires notice to the employee of "probationary period" status. Automatic repeal of this act is provided for in the event it is determined that

such provisions would place Florida out of compliance with the federal unemployment compensation law.

SENATE BILL 452 (CHAPTER 80-50) narrows the definition of the term "wages" as used in the unemployment compensation law (Section 443.03, F. S.), by defining the term to mean "all remuneration for employment." Excluded from the definition of the term "wages" are those tips and gratuities which are not a charge to the customer in an amount fixed by the employer, or which are not taken into account by the employer in determining compensation under a minimum wage law.

SENATE BILL 829 (CHAPTER 80-345) amends various provisions of Florida's Unemployment Compensation Law as follows: Paragraph 443.03(5)(m), F. S., relating to mixed employment services, is amended to exclude from its provisions those services for which unemployment compensation benefits are payable solely pursuant to a federal act; coverage of alien agricultural labor is postponed until January 1, 1982, in conformity with federal law; the term wages is redefined (See SENATE BILL 452 above); supplemental benefits of any type are deemed disqualifying for purposes of unemployment compensation law, however, these benefits may be offset against any unemployment compensation benefits a claimant is entitled to receive, in conformity with federal law; the time the Division of Employment Security of the Department of Labor and Employment Security is given to reconsider a determination made by a claims examiner is extended by approximately one year; the required period of notice for the hearing of an unemployment

compensation appeal is reduced from 14 days to 10 days, however, in addition to the parties involved, notice must also be given to the attorneys' of record; and employers are directed to continue to pay contributions as due and to file requisite reports pending the outcome of a redetermination, administrative or judicial proceeding, or appellate hearing.

#### Tourism and Economic Development

HOUSE BILL 1504 (CHAPTER 80-209) strengthens the powers of the Divisions of Economic Development and Tourism of the Department of Commerce, specifically stating that the divisions may establish and expend funds for a program of cooperative advertising with public or private organizations. The Division of Economic Development is authorized to charge registration fees for conferences, seminars, and other meetings put on by that division. Both divisions are allowed to establish foreign bank accounts and purchase foreign currency subject to the approval of the State Treasurer in connection with offices outside the United States. The Division of Economic Development is authorized to enter into contracts for transportation projects with the Department of Transportation. The Division of Tourism is authorized to pay for attendance at travel or trade shows, is prohibited from commingling operational and promotional advancements with other funds, and is restricted as to entertainment expenses.

Tourism promotion agencies (in counties where a resort tax is levied) and industrial development authorities are

granted the same authority as the Economic Development and Tourism Divisions of the Department of Commerce for travel related promotional and entertainment expenditures made in connection with agency duties.

HOUSE BILL 1529 (CHAPTER 80-234) empowers the Division of Tourism to purchase and resell promotional products and items, defined as beverage and food stuffs commonly distributed from vending machines, and informational and promotional literature. The funds from the resale of these items must be deposited into the Tourism Promotional Trust Fund. The moneys deposited into the Fund may only be used to support authorized activities and operations of the Division.

HOUSE BILL 1698 (CHAPTER 80-401) authorizes the Department of Commerce to establish and operate offices in foreign countries for promotion of tourism and the economic development of Florida. To the extent that certain laws of the foreign country relating to the establishment and management of the Department's offices located in said foreign country conflict with certain laws of this state, the Department may follow the laws of that country, provided that it has received prior approval of the Governor of Florida. Upon the Governor's granting of a request for an exemption, the Department must notify the Legislature within 30 days.

#### Miscellaneous

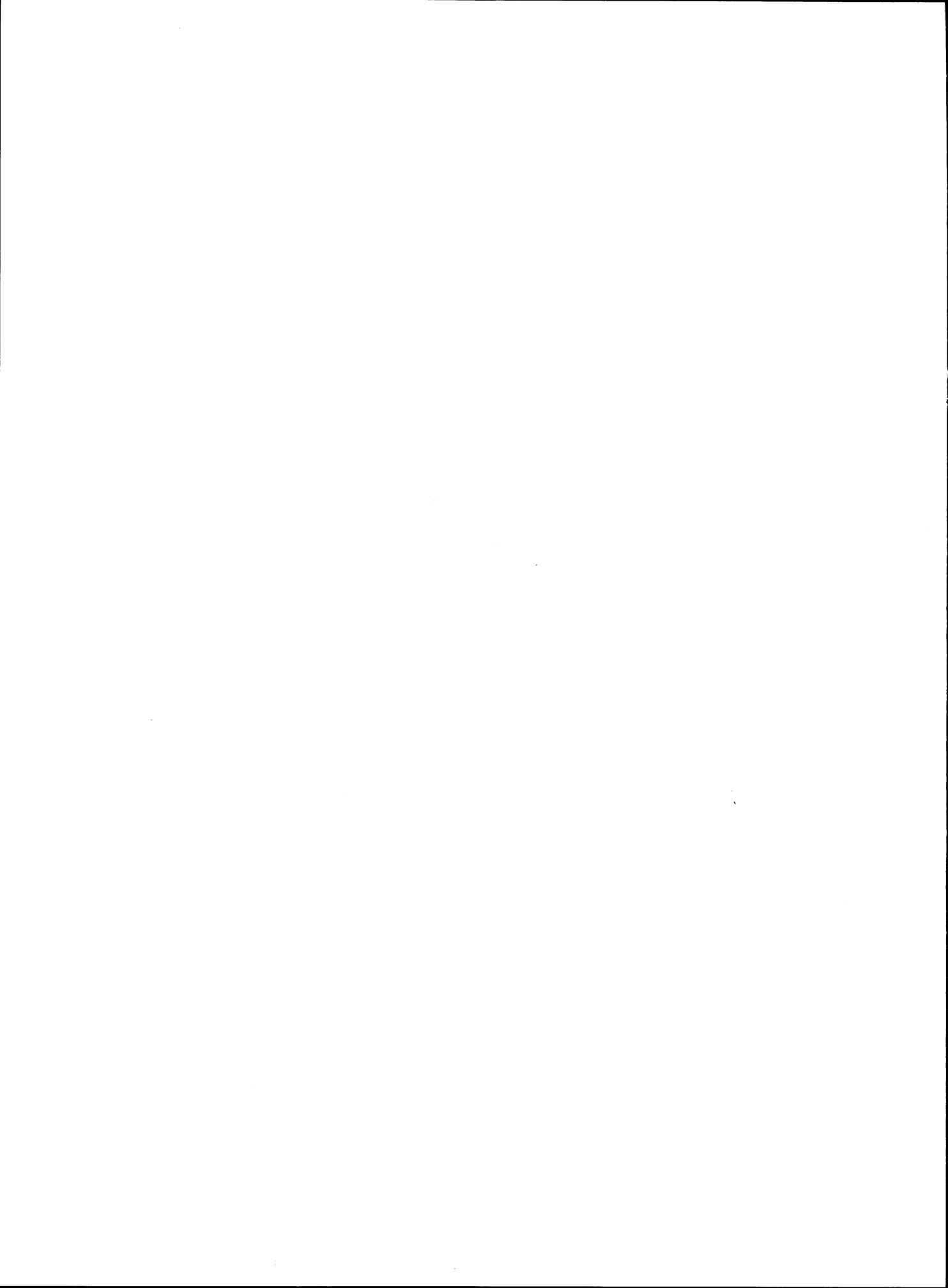
SENATE BILL 216 (CHAPTER 80-22) reenacts Chapter 560, F. S., the Sale of Money Orders Act. There is one change from

existing law to allow the Department of Banking and Finance to commingle the funds generated by the enforcement of this chapter with other funds of the Department which will allow those funds to be used as the Department determines.

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1212 and 1552 (CHAPTER 80-205) requires an attendant, at a full-service gasoline station which offers self-service facilities, to dispense gasoline from the self-service facilities to a motor vehicle displaying a permit indicating that the driver of the motor vehicle is handicapped, when such service is requested.

HOUSE BILL 162 (CHAPTER 80-227) provides that in the event the Governor calls the members of the National Guard into active duty for the purposes of enforcing the law, preserving the peace, securing the rights and lives of citizens, protecting property, or participating in ceremonies, such members of the militia may not be penalized in their employment in any way because of absence due to active duty.

COMMITTEE SUBSTITUTE FOR SENATE BILL 138 (CHAPTER 80-147) establishes a Joint Legislative and Executive Study Commission on Solicitation of Funds for the purpose of reviewing the laws relating to the solicitation of funds by persons or organizations which do not qualify as charitable or religious organizations. The Commission is directed to submit a report, including suggested legislation, to the Legislature, Governor, Secretary of State, and Attorney General, prior to February 1, 1981.



CONSERVATION AND NATURAL RESOURCES\*

If a single thread or theme can be said to dominate legislation in the 1980 session of the Legislature in the area of conservation and natural resources, that theme would have to be compromise. In effect the whole area reflects a conflict between the desire to regulate the activities of persons and corporations which pollute the environment as opposed to the necessity of providing services and energy to as many people as is possible. Throughout the area we can see a relaxation of environmental permitting requirements on one hand, yet increased regulations with respect to the disposal of hazardous wastes and other substances on the other. Reflecting the complexities of our times the Legislature has endeavored to strike a compromise between unregulated growth and development and a series of permitting procedures which are so cumbersome and time-consuming as to strangle development before it begins.

Environmental Regulation

In the area of environmental regulation, several pieces of legislation were passed by the 1980 Legislature. In the process, specific state permitting requirements were relaxed;

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\*Prepared by the staff of House Bill Drafting

the administrative and permitting procedures of the Department of Environmental Regulation were revised; and various processes, including the generation, transportation, disposal, storage, or treatment of hazardous wastes, were regulated.

HOUSE BILL 2 (CHAPTER 80-44) exempts the installation and maintenance of boat ramps on artificial bodies of water with navigational access from permitting requirements under Chapters 253, 373, and 403, F. S., and from certain other permitting requirements. In addition, the act extends the permit exemption under present law for installation of certain boat ramps which are open to the public to include maintenance of such ramps. Finally, the act removes language which authorized the Department of Natural Resources to fix and recover "an appropriate amount for state-owned material removed" from the waters of the state in the installation of such boat ramps.

HOUSE BILL 1090 (CHAPTER 80-394) authorizes the Department of Environmental Regulation to allow counties and municipalities to regulate independently the construction of certain water distribution mains and sewage collection laterals, provided that the Department determines that the county or municipality has the administrative and engineering ability to comply with certain requirements. Each county or municipality granted such authority must submit to the Department monthly reports of its activities and an annual updated map of any water distribution system and sewage collection system owned by the county or municipality,

indicating the extensions of water mains and sewer laterals constructed for the preceding year.

HOUSE BILL 738 (CHAPTER 80-371) provides that upon request of an applicant the Department of Environmental Regulation may allow a lesser degree of treatment of sanitary sewage disposal by a facility in certain Florida waters upon demonstration that advanced waste treatment is not necessary to meet water quality standards. However, in no case shall the Department allow a facility to provide less than secondary treatment or violate water quality standards as provided in Paragraph 403.088(3)(b), F. S. The Department is also directed to review the definition of "advanced waste treatment" in the Florida Administrative Code by March 31, 1981.

SENATE BILL 841 (CHAPTER 80-183) modifies various provisions of law in Chapter 161, F. S., regulating coastal construction and excavation.

With respect to coastal construction and excavation in barrier beach inlets, the act requires that requests for authorization from the Department of Environmental Regulation, relating to disposition of spoil material from an excavation, be made by "the applicant" (person, public body, or agency responsible for the excavation) rather than by the Division of Marine Resources of the Department of Natural Resources.

With respect to regulation of such construction and excavation generally, the act provides that where an erosion control line has been established, it shall be considered the mean high water line if it is located more landward than the

presently existing mean high water line; and that within 5 days of receipt of any permit application for construction or other activities proposed to be located within 50 feet of the mean high water line, coastal counties and municipalities must notify the Department of Natural Resources as to such application and must also notify the applicant of the state permitting requirements.

With respect to establishment of coastal construction control lines on a county basis by the Department of Natural Resources, the act provides for review of such control lines "at the discretion of the Department" (after determining present control lines to be ineffective) rather than "at 5-year intervals." Further, the act requires coastal counties and municipalities to notify the Department within 5 days of receipt of a permit application for construction or other activities proposed to be located seaward of such control lines, and to further notify applicants within such period of the requirements for state permits.

In addition to penalties presently provided in Chapter 161, F. S., the act provides for fines, liability for damages, and enforcement through liens for any violation of Section 161.052 or Section 161.053, F. S., which sections provide for regulation of coastal construction and excavation and provide for the establishment of control lines with respect thereto.

Finally, with respect to the Erosion Control Trust Fund Account, the act authorizes the Department of Natural Resources to initiate and pay up to 75 percent of project costs for inlet

sand transfer projects when the primary purpose is beach nourishment, under specified conditions. The Department is also authorized to pay up to 75 percent of the cost involved in placing suitable sand material on adjacent beaches in the case of nonfederal inlet navigation channel construction or maintenance dredging projects. In cases where such sand transfer projects involve the placement of sand on beaches of which the state is the upland owner, the Department is authorized to pay up to 100 percent of the costs. In the case of federal inlet navigation channel construction or maintenance dredging projects, the Department is authorized to pay 100 percent of such costs under specified conditions.

SENATE BILL 892 (CHAPTER 80-382) amends the Pollutant Spill Prevention and Control Act, modifying present provisions and providing for additional regulations. The act modifies the definition of "discharge cleanup organization" to include properly certified third-party cleanup contractors and local governments within its purview, and provides for reimbursement, upon approval, of "any person who renders assistance in containing or removing any pollutant."

With respect to the two cents per barrel excise tax imposed upon terminal facilities (waterfront or offshore facilities and appurtenances used or capable of being used for drilling for, pumping, storing, handling, transferring, processing, or refining pollutants) for the privilege of operating, the act provides for semiannual report and payment of the tax by facilities with a storage capacity of 250 barrels

or less. (Formerly, all such facilities were required to report and pay the tax monthly.) The act further requires compliance with applicable provisions of Chapter 212, F. S., relating to the tax on sales, use, and other transactions, and provides for procedural and regulatory matters relative to the excise tax.

With respect to liabilities and defenses of terminal facilities and vessels, the act requires persons claiming to have suffered damages resulting from pollutant discharge to apply to the Department of Natural Resources for reimbursement from the Florida Coastal Protection Trust Fund within 180 days of the discharge (rather than "within 12 months after the cause of the action arises"), and stipulates that it is the claimant's responsibility to provide documentation of the damages suffered. Finally, the act modifies the procedure by which the amount of damage award is established, provides for hearings relative thereto, and stipulates that the Department shall be a party to all administrative hearings and court proceedings conducted relative thereto.

With respect to derelict vessels, the act designates the Department of Natural Resources as the agency of the state authorized and empowered to remove such vessels from public waters in all instances, rather than simply in those instances when the vessel obstructs or threatens to obstruct navigation, contributes to pollution, or constitutes a danger to the environment.

SENATE BILL 892 (CHAPTER 80-382) also amends the Florida Litter Law to provide for liability of the owner of a motor vehicle from which litter is unlawfully thrown or discarded, as well as the operator of the vehicle; and to provide for liability of the operator or owner of a boat, or both, from which litter is unlawfully thrown or discarded.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1260 (CHAPTER 80-66) revises various administrative and permitting procedures of the Department of Environmental Regulation.

With respect to spoil site approval, the act authorizes the Department to grant such approval for periods of 10 to 25 years, under certain conditions, and provides for review of such permits at least once every 10 years. (Previously, such approval could remain in effect for no more than 10 years.)

With respect to processing of permit applications, the act provides time limitations and modifies general procedures.

With respect to regulation of water and waste-water treatment plants, the act provides for biennial rather than annual renewal of operator certificates and revises the fee schedule accordingly. Additionally, the act clarifies the definition of "operator" and removes the two-year limitation on employment of an operator-trainee as a trainee.

With respect to the powers and duties of the Environmental Regulation Commission and of the Secretary of the Department of Environmental Regulation, the act specifies that the Commission shall exercise the exclusive standard-setting authority of the Department, with certain exceptions; may adopt

procedural rules governing the conduct of its meetings and hearings; and shall have final state approval on applications for and disbursements of federal grants for the construction of waste-water or water treatment works. The Secretary of the Department shall have rule-making authority other than standard-setting authority, with the exception that the Secretary is empowered to adopt rules substantively identical to regulations adopted in the Federal Register by the United States Environmental Protection Agency, in accordance with specified procedures.

With respect to projects or categories of projects having a minimal adverse environmental effect, the act establishes a "general permit category," under which any person complying with the requirements of the general permit may operate after giving certain notice. Permit exemptions (under Subsection 403.814(2), F.S.) are superseded by the general permit system established pursuant to Section 403.814, F. S., with respect to those activities covered under both.

With respect to application for permits under Chapter 253 or Chapter 403, F. S., the act requires public notice of permit application and of proposed agency action relative thereto, to be paid for by the applicant; and provides that, for a period of 14 days after such publication of notice, any person whose substantial interests are affected may request a hearing on the application. Failure to request a hearing within the 14-day period constitutes a waiver of any right to a hearing. Finally, the act requires the permitting agency to

notify the applicant and the Department of Natural Resources whenever consent of the Board of Trustees of the Internal Improvement Trust Fund authorizing the proposed use is required. (The act exempts permits, licenses, or other forms of consent issued and outstanding on July 1, 1980.)

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 311 (CHAPTER 80-302) provides for regulation of facilities and activities involving hazardous wastes. The act amends the Florida Resource Recovery and Management Act to provide a distinction in law between "solid wastes" and "hazardous wastes" and to provide for separate regulation of the latter. The need for such separate regulation is based upon the premise that "certain solid waste, due to its quantity, concentration, or physical, chemical, biological, or infectious characteristics, is exceptionally hazardous to human health, safety, and welfare and to the environment; and that exceptional attention to the transportation, disposal, storage and treatment of such waste is necessary to protect human health, safety, and welfare and the environment."

Specifically, the act amends present provisions of law to provide for inspection of resource recovery and management facilities; to extend the declared legislative purpose of the Florida Resource Recovery and Management Act to include promotion of recycling, reuse, or treatment of solid waste in lieu of disposal of same, and promotion of methods and technology which are practical, cost-effective, and economically feasible; to modify definitions and to provide

additional definitions relating to hazardous wastes; and to expand regulatory authority of the Department of Environmental Regulation and of the Environmental Regulation Commission with respect to handling of hazardous wastes.

The bulk of the act, however, consists of created Sections 403.7045 and 403.720 through 403.730, F. S., which provide for application of the act and for its integration with other state and federal acts (such as the Atomic Energy Act of 1954, the Clean Water Act, the Clean Air Act, the Florida Hazardous Substances Law, and the Electrical Power Plant Siting Act) and for separate regulation of facilities and activities involving hazardous wastes. Specifically, the act provides for the identification and listing of hazardous wastes; the notification of the Department of Environmental Regulation by generators, transporters, disposers, storers, and treaters of hazardous wastes; the establishment of standards and requirements for hazardous waste generators, transporters, and other facilities; the establishment of permitting requirements and procedures relative to disposal, storage, and treatment of hazardous wastes; the regulation of siting of hazardous waste facilities; the establishment of financial responsibility for liability which may be incurred in the operation of hazardous waste facilities; the establishment of the Hazardous Waste Management Trust Fund, provision for its funding and administration, and provision for disbursement of moneys from the Fund; the declaration of certain conditions as constituting an "imminent hazard" and specification of departmental

authority relative to such hazards; the specification of violations and provision of penalties and other remedies for such violations; the establishment of requirements as to the qualifications of operation personnel of hazardous waste facilities; the creation of the State Hazardous Waste Policy Advisory Council and provision for its organization and functions; and the protection of trade secrets.

### Energy

The 1980 Legislature passed several pieces of legislation in the areas of energy resources, energy research, and energy efficiency and conservation.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 347 (CHAPTER 80-193) amends various provisions in Chapter 553, F. S., relating to state minimum building codes and thermal efficiency standards, to extend and modify requirements relative to energy efficiency in such codes and standards. The act requires that all buildings for which a building permit is obtained after October 1, 1980, be constructed with plumbing designed to facilitate the future installation of solar and waste heat recovery equipment for water heating. In addition, the act provides for adoption of a Florida Model Energy Efficiency Code for Building Construction by the Department of Veterans and Community Affairs to provide a uniform standard for energy efficiency in thermal design and operation of all buildings statewide. One criteria for compliance with the Code shall be that the performance level of a building built to such thermal

performance standards shall not vary by more than 5 percent as a result of choice of energy source. Nonresidential, residential, and renovated buildings for which building permits are obtained after March 15, 1979, are not required to meet standards more stringent than the provisions of the Code. (Formerly, such buildings were required to meet standards "no less stringent than" the provisions of the American Society of Heating, Refrigeration, and Air Conditioning Engineers Standard 90-75 concerning energy conservation in new building design, or, in the alternative, certain portions of the Standard Building Code as adopted by the Southern Building Code Congress International, Inc.) The act exempts from the Code buildings of less than 1000 square feet constructed for hunting or similar recreational purposes, as long as such buildings are not used as principal residences and no more than one such exempt building is built by any one owner in a 12-month period. Finally, references to alternative energy codes and standards are deleted, and the exemption from compliance with thermal efficiency standards for "any building with a heated or cooled area of less than 1500 square feet" is removed.

HOUSE BILL 1400 (CHAPTER 80-283) amends provisions of law relating to the exploration, drilling, and production of oil, gas, or other petroleum products in the state to provide for further regulation of such geophysical operations. The act requires that all such geophysical operations requiring a permit be conducted in such a manner as to minimize the impact on "hydrology and biota of the area, especially environmentally

sensitive lands and coastal areas." Persons desiring to conduct such geophysical operations are required to make application to the Department of Natural Resources and to pay a reasonable fee for application processing. Information provided to the Department pursuant to such application is declared confidential and its release without consent is prohibited. In addition, the act removes an exemption from permitting requirements for geophysical tests and exploratory operations and specifies that in order to obtain a permit for geophysical operations, the applicant must have legal permission to explore and must post a surety bond in an amount sufficient to protect state lands and areas of critical state concern from the failure of the applicant to restore such land or area to a "similar contour and general condition in existence prior to such operations." Lastly, the act requires that each hole drilled as part of permitted geophysical operations be plugged promptly as prescribed by the Department.

HOUSE BILL 1556 (CHAPTER 80-286) declares that it is the policy of the state, where economically feasible, to retrofit existing state-owned buildings in a manner which will minimize the consumption of energy used in the operation and maintenance of such buildings.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 80 (CHAPTER 80-167) amends provisions of law which provide for planning and development relative to supply, distribution, and use of energy resources. The act provides that, among its other functions, it is the function of the Executive Office of

the Governor to examine and evaluate state plans and programs and provide recommendations to the Cabinet, Legislature, and any appropriate state agency to ensure consistency with state energy policy; provide financial assistance as part of its promotional responsibilities; serve as a state clearinghouse for indexing and gathering of information related to certain energy programs, and to distribute such information as appropriate; directly and indirectly seek financial support for energy activities; and, in certain cases, force, develop, coordinate, and promote a comprehensive research plan for state programs.

In addition to specifying functions of the Executive Office of the Governor, the act provides for the creation of the Florida Energy Research and Development Task Force to coordinate, promote, and monitor energy research in Florida. The Task Force is to be jointly chaired by the State Energy Director of the Executive Office of the Governor and the Chancellor of the State University System, and is to consist of up to 20 members chosen by the joint chairmen, including one representative from each of the universities in the State University System recommended by the president of each such university.

Finally, the act designates the Department of Health and Rehabilitative Services as the state agency to administer the Federal Home Energy Assistance Program, and as such, to provide home energy assistance benefits to eligible households, with priority to be given to eligible households having an elderly

or handicapped member and to eligible households with the lowest incomes. The act authorizes the establishment of agreements between energy suppliers, the Department of Health and Rehabilitative Services, and the Department of Revenue for the purpose of providing payments to energy suppliers in the form of a credit against sales and use taxes due, or in the form of direct payments to energy suppliers for services rendered to low-income, eligible households. A written report concerning statewide implementation of the program must be submitted by the Department of Health and Rehabilitative Services to the Senate President and the Speaker of the House of Representatives on or before December 1, 1980. The act gives the Department of Health and Rehabilitative Services rule-making authority necessary to implement the program.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1052 (CHAPTER 80-65) creates Part II of Chapter 366, F. S., the "Florida Energy Efficiency and Conservation Act"; creates the "Transmission Line Siting Act" in Chapter 403, F. S.; creates Section 366.14, F. S., to provide for Public Service Commission determination of need for a transmission line regulated by the Transmission Line Siting Act; appropriates \$3 million to the Florida Energy Trust Fund for residential demonstration projects and for a study of the relationships between solar and other renewable energy sources, highly efficient energy producing devices, load management systems, and other conservation technologies; appropriates an additional \$1 million for educational, public awareness and related development and demonstration projects;

and authorizes the investment of state funds in a loan program conducted pursuant to a residential conservation program under the Florida Energy Efficiency and Conservation Act.

The "Florida Energy Efficiency and Conservation Act" is created with the stated purposes of providing for utilization of the most efficient and cost-effective energy conservation systems and of reducing growth rates of electric consumption and of weather sensitive peak demand. The Public Service Commission is designated as the appropriate agency to adopt goals and to approve plans related to energy conservation and usage which are to be developed by individual utilities at the Commission's direction. Initial goals are to be adopted no later than September 1, 1980, for the succeeding 5-year period, and the Executive Office of the Governor is to be a party to such goal adoption proceedings. Plans to meet the initial goals must be submitted to the Commission by individual utilities no later than November 1, 1980, and such plans shall be approved or disapproved by December 1, 1980. Any plan which is disapproved must be modified and resubmitted within 30 days. Each such plan shall commence January 1, 1981, with certain exceptions. The Commission is directed to require periodic reports from each utility; to make an annual progress report to the Governor and Legislature; to consider each utility's performance pursuant to the act when setting rates; to require energy audits; to be the responsible state agency for administration of the National Energy Conservation Policy Act and any related future federal program; to have exclusive

responsibility for preparing certain reports, information, analyses, recommendations, and materials related to electrical energy; and to establish minimum requirements for energy auditors. Utilities are protected from liability for acts or omissions in implementation of measures found cost effective by or recommended as a result of an energy audit.

The act creates the Florida Energy Trust Fund into which is appropriated \$3 million from the Florida Public Service Regulatory Trust Fund, whereby loans may be subsidized to develop a test program involving retrofitting of existing housing in one or more utility service areas. Moneys may also be disbursed from the fund for educational projects designed to increase the public's energy awareness, and an additional \$1 million is appropriated for this purpose. The act also provides for the creation of a Florida Energy Advisory Council to serve in an advisory capacity to the Commission, and provides for membership, expenses, and organization thereof. The Division of Consumer Services of the Department of Agriculture and Consumer Services is designated as the agency responsible for consumer conciliatory conferences and for preparing certain energy-related source lists where required by federal law, and is given rule-making authority pursuant thereto. Finally, the act designates the Florida Public Service Commission as the sole forum for determining the need for an electrical power plant, taking into account need, reliability and integrity, and cost effectiveness.

The "Transmission Line Siting Act" provides for the centralization and coordination of a permitting process for the location and maintenance of transmission line corridors and the construction of transmission lines to provide abundant, low-cost electrical energy while insuring minimal adverse effects on the environment and public health, safety, and welfare. To accomplish this intent, the Department of Environmental Regulation is authorized and directed to adopt rules, to establish requirements and procedures relative to applications, to process applications received, to require and collect sliding-scale application fees, to prepare a written analysis pursuant to each application (including determination of need, agency reports, and other agency comments), to provide adequate public notice, to provide for monitoring, and to require certification modification fees. With the exception of transmission lines certified pursuant to the Florida Electrical Power Plant Siting Act, and with certain other exceptions, no construction of any transmission line may be undertaken after December 31, 1980, unless certification has been obtained as provided in the act. Provisions are made for hearings, environmental impact reports and studies, and various other procedures relative to application for and final disposition of application for certification. Certification under the act constitutes the sole license of the state (in lieu of any licenses required under Chapters 125, 161, 163, 253, 258, 290, 298, 370, 373, 380, 381, 387, and 403, F. S., the Florida Transportation Code, or 33 U.S.C. 1341) and is valid for the

life of the transmission line corridor. Provision is made for revocation or suspension of certification under certain conditions and for enforcement of compliance. Applications may be amended and certifications may be modified in accordance with specified procedures. Finally, upon request by an electric utility, or upon the Commission's own motion, the Florida Public Service Commission is directed to schedule a public hearing, after notice, to determine the need for a transmission line regulated by the Transmission Line Siting Act. The Department of Environmental Regulation and the Florida Public Service Commission are required to adopt procedural rules to implement this act by October 31, 1980.

HOUSE BILL 1506 (CHAPTER 80-163) specifies setting requirements for water heaters and dishwashers. The act provides that any water heater sold for residential use after October 1, 1980, must be installed with a heat trap and must have its thermostat set at 125 degrees Fahrenheit (or whatever minimum the unit is capable of if it exceeds 125 degrees Fahrenheit). Every electric water heater with resistance elements as the primary heat source must be installed with a 24-hour timer, with certain exceptions. Gas water heaters sold or installed after March 1, 1981, must have a specified recovery efficiency and may have no more than a specified standby loss. Dishwashers sold after March 1, 1981, must be equipped so that the heating element is not automatically switched on during the drying cycle. (The heating element may be manually switched on, however.)

In addition, the act provides that no governing body may adopt an ordinance which prohibits or has the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources. Neither may any plat or subdivision plan be approved or renewed, or the dedication of any street or other ground be accepted, if the deed restrictions, covenants, or similar binding agreements would prohibit or have the effect of prohibiting such installations. The above provisions do not apply, however, to apartment, cooperative, or condominium patio railings. (Other provisions of this act relating to tax exemptions are discussed in the Summary article on TAXATION.)

### Saltwater Fisheries

There were several pieces of legislation passed during the 1980 Legislative Session affecting saltwater fisheries and conservation. Regulation of crabbing and shrimping, regulation of the taking of fish, crustacea, and animals for scientific purposes, regulation of the labeling of out-of-state oyster products, regulation of the use of gill nets and similar devices, regulation of the taking, harvesting, and transporting of oysters and shellfish, regulation of fishing for saltwater finfish, and the creation of a Saltwater Fisheries Study and Advisory Council were areas covered in such legislation.

HOUSE BILL 5 (CHAPTER 80-299) prohibits the transportation on the water of, or fishing with, any stone crab trap which doesn't have a biodegradable section. The act also

clarifies present law relative to molestation of stone crab and blue crab traps, lines, or buoys and makes it a third degree felony to molest such traps, lines, or buoys. Formerly, such violation was punishable as a second degree misdemeanor (or first degree misdemeanor upon a second or subsequent conviction). Lastly, the act authorizes the catching of shrimp at night in the Apalachicola Bay during the period from July 14, 1980, until August 15, 1980.

SENATE BILL 12-D (CHAPTER 80-335) amends the effective date of HOUSE BILL 5 (CHAPTER 80-299), relating to stone and blue crab traps and relating to the catching of shrimp at night in the Apalachicola Bay, to provide that provisions authorizing shrimping at night during the period from July 14, 1980, to August 15, 1980, will take effect on July 14, 1980, while the remainder of the act will still take effect October 1, 1980.

HOUSE BILL 825 (CHAPTER 80-90) authorizes the Department of Natural Resources to issue permits to properly accredited persons for the collection and possession of saltwater animals for experimental, scientific, and exhibitional purposes. Provisions authorizing the Division of Marine Resources to issue certificates for such purpose and specifying that such certificate entitles the holder to take and catch food fish or shellfish for use in feeding specimens of fish or aquatic mammals are deleted.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 874 (CHAPTER 80-162) creates a 13-member Saltwater Fisheries Study and Advisory Council, to consist of two Senators, two Representatives, and

nine appointees of the Governor and Cabinet (including commercial and recreational fishermen, representatives in the areas of saltwater fisheries retail, recreational equipment, and processing, a representative of a statewide environmental organization, and a Florida consumer). The Council is to meet not less than once a month and is to study all facets of fisheries conservation and management and, pursuant thereto, recommend to the Legislature by February 1, 1982, a comprehensive saltwater fishery conservation and management policy for the territorial saltwaters of the state. Guidelines for the development of such recommendations are provided. The Council is authorized to employ the services of scientists in the field to assist the Council in its preparation of the policy and is required to hold at least seven public hearings in the state to obtain public input. The Council expires June 30, 1982.

HOUSE BILL 901 (CHAPTER 80-115) prohibits the sale in Florida of oysters produced outside Florida unless they are so labeled, or the purchaser is otherwise made aware of the fact that the oysters were not produced in Florida. Furthermore, oysters produced in Florida may not be sold unless they are labeled in such manner that they can be traced to the location from which they were harvested.

HOUSE BILL 979 (CHAPTER 80-372) prohibits the use of gill nets or similar devices during the months from December through March in a described area within Volusia County. The

Department of Natural Resources is instructed to properly mark with buoys the described boundaries.

HOUSE BILL 1302 (CHAPTER 80-122) relates to the regulation of the taking of spiny lobsters from the waters of Biscayne Bay and Card Sound. The act revises the boundary description of the spiny lobster sanctuary located in such area, and prohibits any person from taking or trapping any spiny lobster of the genus *Panulirus* in such area unless such person has been issued a special permit by the Department of Natural Resources. Formerly, the law prohibited any person "while swimming on or below the surface of the water, to take, trap, or possess any spiny lobster (*Panilurus argus*)" within the boundaries of the sanctuary without such permit. The provisions of this act will expire on July 1, 1984.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1363 (CHAPTER 80-52) amends provisions of law which relate to the taking of oysters in Franklin County to provide for an annual 3-month oyster season (June 1 through September 1) in a portion of the waters of Franklin County, and to close that same portion during the remainder of the year. In 1980, however, the summer oyster season in Franklin County is postponed until 10 days after such time as the approved shellfish harvesting areas of Apalachicola Bay are reopened following satisfactory bacterial sampling results.

With respect to harvesting, handling, or processing of oysters in general, the act requires that any person engaged in such activities for commercial use shall be required to obtain

a health permit. No one who fails to obtain a health permit as required may be or remain employed in a certified oyster house. Furthermore, persons engaged in the harvesting of oysters for commercial use must obtain an annual license from the Department of Natural Resources and pay an annual license tax (\$100 for aliens and nonresidents, and \$5 for residents). Conditions constituting violations of the act are enumerated and a first degree misdemeanor penalty is provided with respect thereto. Provision is made for obtaining duplicate licenses.

All vessels used for the harvesting, gathering, or transporting of oysters for commercial use must be constructed and maintained to prevent contamination or deterioration of oysters. All such vessels must have false bottoms and bulkheads fore and aft to prevent oysters from coming in contact with bilge water. Dogs or other animals are prohibited aboard such vessels and a violation will result in the revocation of the violator's license to operate.

Finally, with respect to transporting of oysters for commercial use, the act prohibits such transportation except over water unless the oysters have first been passed through a certified oyster house, except that oysters may be unloaded and transported over land (for distances no greater than 75 miles) to a certified oyster house under permit of the Department of Natural Resources. No oysters may be transported more than 75 miles without meeting certain criteria with respect to bagging, tagging, and refrigeration. Oysters in the shell for commercial use must be refrigerated at temperatures not above

45 degrees Fahrenheit, except in wet storage facilities approved by the Department.

Areas east of the Aucilla River are exempted from the preceding provisions and restrictions relative to harvesting and transporting of oysters.

SENATE BILL 46 (CHAPTER 80-63) prohibits the taking of saltwater finfish by any trap other than specifically permitted crab, crawfish, or shrimp traps and certain other fish traps. Possession of traps other than specified traps is prohibited as is the sale of, or offer to sell, any saltwater finfish caught in prohibited traps. Vessels, vehicles, and equipment used, as well as fish caught, in violation of such provision must be seized and may be forfeited. A first degree misdemeanor penalty is provided for violation of the act.

#### Game and Freshwater Fish

There were two pieces of legislation passed by the 1980 Legislature relating to game and freshwater fish.

HOUSE BILL 264 (CHAPTER 80-369) increases the service charge which may be charged by subagents for the sale and issuance of fishing, hunting, and trapping licenses from 25 cents to 50 cents per license, which sum shall be over and above the sum required to be collected for the issuance of each license.

SENATE BILL 679 (CHAPTER 80-180) provides for the issuance of permanent hunting and fishing licenses upon request to totally and permanently disabled residents of the state upon

production of proof of disability. Each such person must have the license in his possession at all times while hunting or fishing. Similarly, permanently and totally disabled persons are exempted from payment of permit fees to hunt on public recreational lands. (Present law exempts such persons from permit fees only for fishing on public recreational lands.)

#### Land and Water Management

In an effort to maintain a closer control over the area of land and water management the Legislature passed the following three pieces of legislation in the 1980 session.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1422 (CHAPTER 80-313) revises the procedure with respect to rules adopted by the state land planning agency to require approval by the Legislature. The act endeavors to shorten the review time with respect to developments affecting land planning. Towards this objective the act provides procedures and time frames for binding letters issued by the state land planning agency; allows developers to call for a preapplication conference in which all affected state and regional agencies participate and in which binding agreements shall be made between the developer and the state land planning agency; provides for an optional coordinated review process; and directs regional planning agencies to identify regional issues based upon described criteria with respect to land planning. The act further provides that where possible, local governments shall issue development orders concurrently with any other local permits or

development approvals that may be applicable to the proposed development. The term "downtown development authority" is defined and provision is made for the establishment of such authorities and the submission of their applications for approval as developments of regional impact.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1268 (CHAPTER 80-259) defines the term "works of the district" with respect to water management districts to mean those projects and works including, but not limited to, structures, impoundments, wells, streams and other watercourses, together with the appurtenant facilities and accompanying lands which have been officially adopted by the governing board of the district as works of the district. Several technical changes are made to the law governing water management districts to redefine residency requirements for certain members of the Northwest Florida Water Management District to include that portion of the Escambia Bay Coastal Area hydrologic unit which lies west of Pensacola Bay and Escambia Bay, and also that portion of such unit which lies east of Pensacola Bay and Escambia Bay.

The act also includes silviculture in the list of occupations granted exemption from certain regulations under the laws governing management and storage of surface water. Persons engaged in such an occupation are allowed to alter the topography of any tract of land for purposes consistent with the practice of silviculture. However, such alteration may not be for the sole or predominant purpose of impounding or obstructing surface waters.

HOUSE BILL 1691 (CHAPTER 80-129) authorizes the Game and Fresh Water Fish Commission to issue or deny permits for the importation of fish or foreign animals upon the completion of studies as to the effect of such importation, and deletes an exemption previously granted the Department of Natural Resources. The act eliminates the authority of the Department of Natural Resources to use, or approve control programs using fish as a biological control agent, and transfers such authority to the Game and Fresh Water Fish Commission. The Commission is given authority to regulate, control and coordinate the use of any fish for aquatic weed control in the fresh waters of the state.

#### Water and Sewage

COMMITTEE SUBSTITUTE FOR SENATE BILL 297 (CHAPTER 80-99) revives, readopts and amends various provisions of the "Water and Sewer System Regulatory Law" (Chapter 367, F. S.) to exempt certain persons who resell water or sewer service at a rate or charge not exceeding the actual purchase price thereof from regulation by the Florida Public Service Commission; to provide a method for determining the official date of filing with the Commission; and to provide a procedure for the hearing of certain certification disputes under the Administrative Procedure Act. The act directs the Commission to establish, by order, the rate base for a utility or its facilities or property when the Commission approves a sale, assignment, or transfer thereof, except with respect to a sale, assignment or

transfer to a governmental agency. The act substantially alters the provisions of the Water and Sewer System Regulatory Law concerning rates to exclude contributions-in-aid-of-construction in the rate base of any utility during a rate proceeding; to authorize the Commission to determine the prudent cost of providing service during the period of time the rates are in effect following the entry of a final order on rates for the purpose of computing a fair rate of return; to direct the Commission to establish a price increase or decrease index annually with respect to utility operating costs; and to prohibit utilities from adjusting rates more than two times in any 12-month period.

The act also establishes a procedure for interim rate setting and authorizes the Commission, by rule, to set standards for service availability charges and service availability conditions. Provision is made for the amendment or revocation by the Commission of authorization for service if such utility service has not been provided to any part of the territory which the utility is authorized to serve within 5 years after the date of authorization. The act expands the authority of the Commission with respect to utilities with the view of more efficiently serving consumers throughout the state. To this end, the Commission may require a utility to provide service for resale. Each governmental agency to which ownership or control of a utility is transferred shall not be liable for any fees owed the Commission by the utility as of the date of transfer. The act eliminates a requirement that

persons called upon to testify before the Commission must testify, even if to do so would be incriminating. A county, after four continuous years under the Commission's jurisdiction, is allowed to rescind any prior ordinance or resolution imposing such jurisdiction. The act also provides for certification of utilities in counties not regulated by the Commission; and for procedures to be followed in the event water or sewer services to a customer are abandoned or placed into receivership by the person owning, operating, managing or controlling a utility. Chapter 367, F. S., is made subject to "sunset" on July 1, 1986, under the provisions of this act.

#### Miscellaneous

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1452 (CHAPTER 80-315) creates the Florida Regional Planning Council Act for the purpose of coordinating problems relating to the growth and development of governmental units, which problems affect other governmental units in a given geographical area. The act requires the creation of a regional planning council in each of the several comprehensive planning districts of the state but does not mandate local general purpose government membership or participation. The Executive Office of the Governor shall arbitrate and settle disputes between regional planning councils; provide assistance in the formation of councils; review, modify, reject or approve rules; and conduct an in-depth analysis of the councils. Annual reports of activities and accounting of receipts and disbursements of all funds

received shall be made by each regional planning council to the Department of Veterans and Community Affairs. A plan status report shall be prepared by each council and presented to the Legislature by March 2, 1981. This report should include supporting data for state funding if needed for plan completion. This act is made subject to "sunset" on October 1, 1985.

HOUSE BILL 1018 (CHAPTER 80-204) authorizes the Board of Trustees of the Internal Improvement Trust Fund to transfer to the United States any interest in lands which are presently within the boundaries of the Biscayne Bay Aquatic Preserve for inclusion in the Biscayne National Monument should the area be designated a national park. The act provides that mineral rights shall be maintained by the state; all rights to fish on the waters shall be retained; all rights to impose and collect state excise taxes on the sale of alcoholic beverages or tobacco shall be retained; and the transfer of interest shall be subject to outstanding easements, reservations or other interests of record.

HOUSE BILL 1289 (CHAPTER 80-311) authorizes any county in the state to adopt restrictions relating to the construction of "floating residential units" in state waters. The act exempts units in existence or under construction upon the effective date of the act from such restrictions.

SENATE BILL 19-E (CHAPTER 80-417) directs the Department of Environmental Regulation to waive chlorination requirements applicable to noncommunity water systems upon an affirmative

showing by the supplier of water that no hazard to health will result. The act also directs the Department to waive, on a case-by-case basis, any requirement for a certified operator for a noncommunity water system having a design flow of less than 10,000 gallons per day upon an affirmative showing by the supplier that the system can be properly maintained without an operator. Liability is waived for the Department and its employees for money damages for injuries, sickness or death sustained as a result of waivers granted pursuant to the act.

CONSTITUTIONAL AMENDMENTS\*

Eight joint resolutions seeking to amend various parts of the Florida Constitution were adopted during the 1980 Regular Session of the Legislature and one was passed out of the three-day special session. The fact that four of these nine measures dealt with ad valorem tax exemptions demonstrates the acute awareness of the members concerning this subject which has been intensified by the general economic downturn. All the proposed amendments, save the one adopted at the special session, were to appear on the November 1980 General Election ballot.

The special session measure increasing homestead exemption (SENATE JOINT RESOLUTION 2-D) missed the filing deadline set out in Section 5(a) of Article XI of the State Constitution. The Legislature used the opportunity presented by the call of a 13-hour special session on June 30, 1980, following the Governor's veto of the proposed revision of the Banking Code, to correct this situation by rescinding the original amendment, providing a substitute (SENATE JOINT RESOLUTION 4-E), and setting a special election date of October 7, 1980. Moreover, four amendments relating to tax exemptions

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\*Prepared by the staff of the Legislative Library

and bonds which had been adopted at the regular session were likewise treated so as to permit their inclusion on the same special election ballot. The five rescinding measures are SENATE JOINT RESOLUTIONS 2-E, 5-E, 8-E, 11-E and 14-E.

SENATE JOINT RESOLUTION 9-E would amend Section 3, Article VII of the Florida Constitution, to permit counties or municipalities to grant ad valorem tax exemptions to new or expanding businesses for improvements to real property and for certain tangible personal property if such exemptions, as defined and limited by general law, are approved by electors of the local jurisdiction. If approved at the special election in October of 1980 (SENATE BILL 10-E, CHAPTER 80-420), such exemptions would first apply to the taxes levied for the year 1981.

The authority to create new ad valorem tax exemptions under general law for a renewable energy source device, and the real property where it is sited and operated, is proposed by SENATE JOINT RESOLUTION 15-E through amendment of Section 3, Article VII of the Constitution. The resolution would fix the effective date for such exemptions at January 1, 1981, by adding a Section 18 to the Schedule (Article XII) of the Constitution.

SENATE JOINT RESOLUTION 12-E proposes the amendment of Section 4, Article VII of the Florida Constitution, to permit the ad valorem tax classification or exemption of business inventories and livestock.

SENATE JOINT RESOLUTION 4-E would amend Sections 6 and 8 of Article VII of the Florida Constitution to increase homestead exemptions for ad valorem levies of local government entities other than school districts in increments each year beginning in 1980 through 1982 from the present \$5,000 to \$25,000. Such exemption schedule would depend upon assessment rolls being in compliance with constitutional requirements and the continuation of such requirements. Permanent resident renters could be granted tax relief on all ad valorem levies by the Legislature. Relative ad valorem assessment levels could be included in conditions prescribed for the appropriation of state funds to local government bodies. The amendments would take effect at once if approved at the Special Election to be held October 7, 1980, as provided by SENATE BILL 3-E (CHAPTER 80-418). The amendments would apply to the assessment rolls and taxes levied thereon for the year 1980 and for each year thereafter.

Revenue bonds could be used to finance or refinance housing and related facilities in Florida if Section 16, Article VII is added to the Constitution through approval of SENATE JOINT RESOLUTION 6-E. Prior to issuance of any new bonds, a state fiscal agency would be required to determine that the debt service requirements of such bonds and all other bonds secured by the same pledged revenues do not exceed the pledged revenues available for payment of the debt service requirements. The resolution provides the amendment would take

effect immediately upon approval by adding Section 18 to Article XII of the Constitution.

SENATE JOINT RESOLUTIONS 15-E, 12-E and 6-E (discussed above) are to appear on the October 7, 1980 Special Election ballot as authorized by SENATE BILL 16-E (CHAPTER 80-422), SENATE BILL 13-E (CHAPTER 80-421), and SENATE BILL 7-E (CHAPTER 80-419) respectively. Four amendments adopted during the 1980 Regular Session and summarized below, will appear on the November 1980 General Election ballot.

Bonds pledging the full faith and credit of the state could be issued without referendum to finance water facilities authorized by general law and operated by state or local government agencies if Section 14 of Article VII of the Constitution is amended through ratification of HOUSE JOINT RESOLUTION 1471.

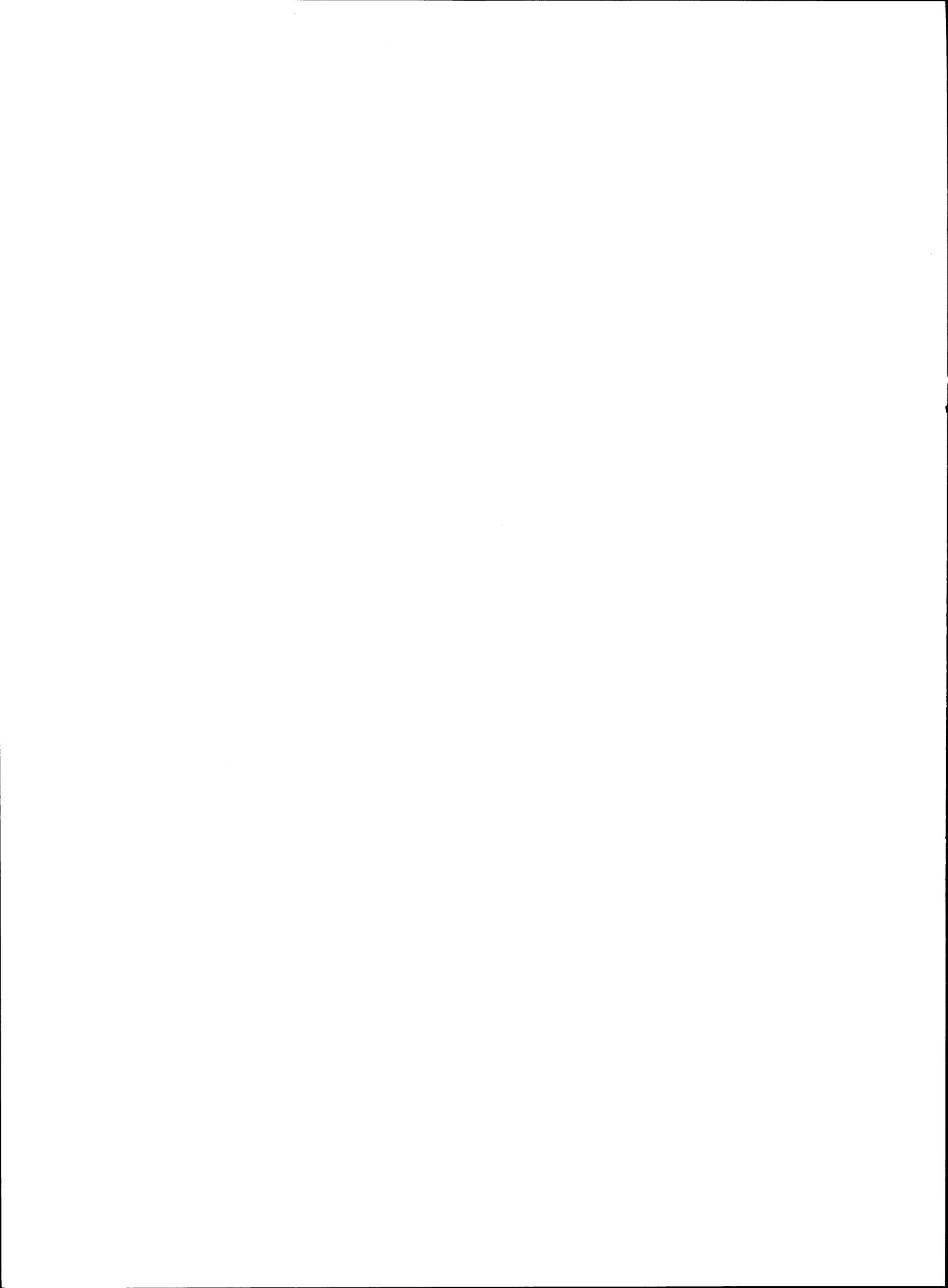
Florida citizens would be given a constitutional right of privacy if the Declaration of Rights (Article I) of the State Constitution is added to by voter approval of COMMITTEE SUBSTITUTE FOR HOUSE JOINT RESOLUTION 387.

The constitutional requirement for first reading of a bill when introduced in either chamber of the Legislature would be satisfied by publication of the bill's title in the legislative journals if Section 7, Article III of the State Constitution is amended as provided by SENATE JOINT RESOLUTION 1349.

Constitutional provisions relating to the "second gas tax" (Section 9 (c), Article XII) would be amended by

ratification of SENATE JOINT RESOLUTION 824. This tax is levied upon the first sale or transfer of title of motor and special fuels in Florida at the rate of two (2) cents per gallon until the year 2008. Authorized uses of these tax monies are: payment of current interest and principal on bond issues; creation of a sinking fund account to satisfy future requirements of the bond issues; and finally, funding for the acquisition and construction of roads. Presently, the State Board of Administration cannot permit the issuance of any second gas tax bonds unless it has first determined that the debt service requirements do not exceed 75 percent of: the pledged portion of the second gas tax allocated to the county for the preceding state fiscal year; the pledged net tolls from existing facilities collected in the preceding state fiscal year; and the annual average net tolls anticipated during the first five years of operation of new projects to be financed.

The proposed amendment would extend this gas tax indefinitely and place a maximum maturity of 40 years on the bond issues thus secured; permit an additional use of the tax proceeds for road maintenance as defined by law; allow any other legally available pledged revenues to be used in determining bonding capabilities; and change the bonding capabilities formula to substitute the first five state fiscal years of operation for the first five years of operation.



COURTS AND CIVIL LAW\*

The 1980 Florida Legislature enacted changes in the number of County Court and Circuit Judges, and the location and jurisdiction of such courts. Provision was made for the appointment of interpreters for deaf parties in judicial proceedings and to more precisely compute time on limitation of actions on improvements to real property. The civil liability of personnel of engineering corporations, volunteer athletic team physicians, and the effect of written releases or covenants on joint liability was addressed, as well as the liability of public officers, employees and agents. Jurisdiction and procedure in the issuance of writs in distress for rent actions was considered. Probate Code provisions for decedents' estates were amended as was the area of lienor notice within the Mechanics' Lien Law.

Judges

SENATE BILL 13-D (CHAPTER 80-385) provides for one additional circuit judge for the Tenth Judicial Circuit, to be elected in the 1980 nonpartisan elections and take office in January 1981.

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\*Prepared by the Staff of Senate Legislative Services

HOUSE BILL 1880 (CHAPTER 80-164) authorizes one additional county court judge for Brevard County (from four to five) and reduces the number of county court judges from two to one in St. Johns County. The Fourth, Seventh, and Ninth Judicial Circuits will have one additional circuit judge each, and the Seventeenth Judicial Circuit will get three additional circuit judges. One judge in the Seventh Circuit is required to be a resident of either Putnam or St. Johns County. All county court and circuit judges filling the new offices will be elected in nonpartisan elections in 1980 and will take office in January, 1981. However, the provision for the reduction of one county court judge for St. Johns County is effective July 1, 1980. This act also authorizes, effective August 1, 1980, two additional judges for the First District Court of Appeal.

SENATE BILL 490 (CHAPTER 80-221) repeals the limitation that retired justices and judges may not serve for more than 125 calendar days per year on temporary assignment.

#### Court Headquarters

The Second District Court of Appeal is authorized by HOUSE BILL 1350 (CHAPTER 80-123) to designate locations for branch headquarters for conducting court business and as official headquarters of its officers and employees for purposes of per diem and travel expenses.

#### Jurisdiction of County Courts

The jurisdictional maximum of the value of the matter in controversy in actions at law in county courts was increased

from \$2,500 to \$5,000 by SENATE BILL 18 (CHAPTER 80-165). That act also permits all equitable defenses in a case properly before a county court to be tried in the same proceeding.

#### Circuit Courts - Jurisdiction and Terms

HOUSE BILL 1670 (CHAPTER 80-399) provides that circuit courts shall have jurisdiction of appeals from county courts, except appeals from county court orders or judgments declaring invalid a state statute or a provision of the State Constitution. It also changes the day for beginning the regular spring and fall terms of the Eighteenth Judicial Circuit from Tuesday to Monday.

#### Jurors and Witnesses

Under SENATE BILL 261 (CHAPTER 80-170) persons 70 years or older, upon request, shall be excused from jury service after October 1, 1980.

SENATE BILL 1251 (CHAPTER 80-60) appropriates from the General Revenue Fund the sum of \$800,000 for the fiscal year 1979-80 for payments to jurors and witnesses.

#### Marshals

SENATE BILL 68 (CHAPTER 80-145) provides that the Marshal of the Supreme Court, and the marshals of each of the district courts of appeal and their assistants, shall be conservators of the peace in their respective headquarters buildings or in any building in which their respective courts are sitting, and shall apprehend, without a warrant, any person

disturbing the peace and deliver such person to the appropriate municipal or county law enforcement officer. However, the marshals and their assistants are required to successfully complete a minimum standards training program approved by the Police Standards and Training Commission within the Department of Law Enforcement.

#### Interpreters for the Deaf

If a deaf person is a complainant, defendant, witness, or a party in any judicial proceeding or session of a grand jury, SENATE BILL 767 (CHAPTER 80-155) requires the court or presiding officer, beginning October 1, 1980, to appoint a qualified interpreter to interpret the proceedings to the deaf person and to interpret his testimony or statements to the court or grand jury. The deaf person is required to give prior notice of his disability and request appointment of an interpreter, but failure to make the request, or to do so timely, is not a waiver. The court may require the deaf person to furnish proof of his disability and shall determine prior to appointment that the deaf person and the interpreter are able to readily communicate with each other. An interpreter is required to make an oath or affirmation that he will make a true interpretation in an understandable manner. Communications, which are otherwise privileged, are also privileged to the interpreter.

Services of an interpreter are required to be sought before interrogation of a deaf person arrested for a criminal

violation. If such services cannot be obtained, the interrogation shall be in writing. In criminal matters the reasonable fee and actual travel expenses of the interpreter are to be paid from "general county funds." In civil actions such fees and expenses may be assessed as costs.

The Florida Council for the Hearing Impaired, to be composed of 12 persons, is created and charged with the responsibility of determining the most appropriate ways to improve the level of services currently provided by state agencies to hearing impaired persons. The Council shall deliver a written report of its activities and recommendations to the Governor by March 15, 1981, and shall exist until June 30, 1981.

#### Judicial Council

HOUSE BILL 1777 (CHAPTER 80-320) abolishes the Judicial Council and transfers its files, furniture, equipment, personnel, and unused portion of its appropriation to the Department of Legal Affairs for the purpose of making the annual report required by Section 16.05, F. S., as to the effect and operation of the laws passed at the last previous session of the Legislature, the decisions of the courts thereon, and suggestions from the Attorney General on behalf of the public interest.

#### Limitations of Actions

SENATE BILL 151 (CHAPTER 80-322) provides that the four-year limitation on actions founded on the design, planning, or

construction of an improvement to real property begins to run from the date of actual possession by the owner, the date of issuance of a certificate of occupancy, the date of abandonment of construction, or the date of completion or termination of a contract between the engineer, architect or contractor and his employer, whichever is later. If the action involves a latent defect, the time runs from the time the defect is discovered or should have been discovered. In any event such action must be commenced within 15 (instead of 12) years after the date of actual possession by the owner, the date of issuance of a certificate of occupancy, the date of abandonment of construction, or the date of completion or termination of the contract between the engineer, architect, or contractor and his employer, whichever date is later.

#### Interest on Judgments

HOUSE BILL 291 (CHAPTER 80-110) provides that all judgments and decrees entered on or after October 1, 1980, including those rendered in circuit courts, will bear interest at the new rate of 10%. An exception is provided for a judgment or decree rendered on a written contract or obligation providing for interest at a lesser rate, in which case the interest rate will be as specified in such written contract or obligation.

#### Court Costs - Indigents

SENATE BILL 1003 (CHAPTER 80-348) amends Subsections 57.081(1) and (3), F. S., to change the term "insolvent and

poverty-stricken person" to "indigent person." It provides that any indigent person is entitled to waiver for prepayment of certain costs in any judicial or administrative action to which he is a party or an intervenor, and requires that the affidavit of indigency be supported by a written statement from the person's attorney, only if the person is represented by an attorney serving without compensation. The costs waived are to be taxed in the applicant's favor if he prevails in an action, and shall be applied to pay costs which otherwise would have been required and which have not been paid.

#### Civil Liability

SENATE BILL 656 (CHAPTER 80-223) limits the personal liability of an officer, agent, or employee rendering professional services on behalf of a corporation offering engineering services to the public, to negligent or wrongful acts committed by himself or someone under his direct supervision and control. It limits personal liability of corporate shareholders; and provides that such a corporation shall be liable up to the full value of its property for the negligent or wrongful acts of its officers, agents, and employees rendering professional services on behalf of the corporation.

HOUSE BILL 168 (CHAPTER 80-263) grants immunity from civil liability to volunteer team physicians who are in attendance at public or private elementary or secondary school

athletic events, and who gratuitously and in good faith give emergency treatment to persons participating in such events.

COMMITTEE SUBSTITUTE for SENATE BILL 23 (CHAPTER 80-144) provides that a written covenant not to sue or release of a person who is jointly and severally liable with other persons for a claim does not release such other persons from liability for the balance of the claim. At trial the amount of any written release or covenant not to sue, given in partial satisfaction of the damages sued for, shall be setoff against the amount of the judgment. The jury shall not be informed of the existence of such a written release or covenant not to sue or of the fact that a person has been dismissed because of such a release or covenant.

#### Liability of Public Officers, Employees, and Agents

HOUSE BILL 1705 (CHAPTER 80-271) amends Subsection 768.28(9), F. S., to provide that, except in instances of malice or bad faith, a public officer, employee, or agent may not be named as a party defendant in an action for injuries or damages arising out of an act or omission within the scope of his employment or function. The exclusive remedy for such injuries or damages is an action against the governmental entity. The state and its subdivisions are not liable in tort for acts or omissions of its officers, employees, or agents committed while acting outside the course and scope of their employment, or committed maliciously or in bad faith or in a manner exhibiting wanton and willful disregard of the rights,

safety, or property of others. Volunteer firefighters are included in the term "employees" as used in this subsection. The law also makes technical changes to clarify Section 111.07, F. S., relating to providing an attorney to defend civil actions against public officers, employees, or agents, and Paragraph 111.071(1)(a), F. S., relating to payment of judgments in such actions. The act applies to pending actions as well as to actions subsequently initiated.

#### Cancellation of Mortgages, Liens, or Judgments

HOUSE BILL 132 (CHAPTER 80-17) repeals the alternative method of cancellation of a mortgage, lien, or judgment by a marginal entry on the record, and requires that a written recorded instrument acknowledging satisfaction be sent to the person making full payment within 60 days after receipt of such payment. The prevailing party in a civil action arising out of the provisions of Section 701.04, F. S., concerning cancellation of mortgages, liens and judgments, is entitled to attorney fees and costs.

#### Conveyances of Land and Declarations of Trust

SENATE BILL 367 (CHAPTER 80-219) removes the requirement that any deed, by which any grant, conveyance, or assignment of trust of any estate or interest therein is conveyed, be sealed in the presence of two subscribing witnesses.

#### Land Sales

HOUSE BILL 1132 (CHAPTER 80-120) repeals the requirement

that any permit relating to subdivided land, which permit is required under Chapters 253, 373, 380, or 403, be issued for a period of time which shall terminate not earlier than the scheduled completion date of the promised improvements for the subdivided lands being filed for registration.

#### Notaries Public

SENATE BILL 448 (CHAPTER 80-173) provides that a notary public shall not take an acknowledgment of execution in lieu of an oath where an oath is required, and it authorizes the date of expiration of the notary's commission to be on the seal. For the recording of instruments concerning real property when the acknowledgment or proof was made out of this state, it is sufficient for a notary public who does not affix a seal to write on the instrument that he is a notary public of a specified state and give the expiration date of his commission.

#### Distress for Rent

HOUSE BILL 918 (CHAPTER 80-282) declares that a court in which an action for distress for rent is filed, which court is in the county where the land lies and has jurisdiction of the amount claimed, shall have jurisdiction to order the relief provided under the nonresidential tenancies part of the Landlord and Tenant law. The complaint must be verified and state the defendant's name and relationship to the plaintiff, how the obligation for rent arose, and whether the rent is payable in money, an agricultural product, or other thing of value.

The distress writ is to be issued by the court having jurisdiction of the amount claimed, instead of by the clerk as formerly required, and the writ shall enjoin the defendant from damaging, disposing of, secreting or removing any property liable to distress. Violation of the injunction is punishable as a contempt of court. The sheriff, pursuant to a court order, levies on such property if the defendant does not move to dissolve the writ. A court order is required to levy on the distrainable property, and the levy shall suffice as service of the writ upon the defendant if the plaintiff shows by sworn statement that the defendant cannot be found within the county. The defendant may move to dissolve the writ at any time, and the court shall hear the motion no later than the day on which the sheriff is authorized to levy on the property liable under distress. If the plaintiff proves a prima facie case or the defendant defaults, the court shall order the sheriff to proceed with the levy.

#### Florida Probate Code

HOUSE BILL 1605 (CHAPTER 80-127) requires the personal representative of the deceased to send a copy of the inventory of the estate to the Department of Revenue, and it exempts from the three months limitation on presentation of creditor's claims any claim against the estate filed by the Department if such claim is filed within 30 days after the inventory is filed by the personal representative.

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 989 and 280  
(CHAPTER 80-203) permits the domiciliary personal representative of a testate or intestate estate of a nonresident decedent, who leaves in the state property not exceeding \$25,000 in value, to determine the question of claims in Florida by filing an authenticated transcript of specified information and records of the domiciliary proceedings. The new law requires such representative to publish a notice notifying all persons having claims or demands against the estate to file such claim or demand. If no claim is filed, the court may enter an order stating that the notice has been published and that no claims have been filed, or that all claims have been satisfied. If any claim is filed, the court must send a copy of the claim to such representative, and a notice of a hearing to appoint an ancillary personal representative. The filing of portions of the domiciliary probate proceedings by the domiciliary personal representative, or the barring of any creditor's claim by the publication of notice, in all cases prior to the effective date of the new law, are expressly validated and confirmed. The law provides that summary administration may be had in the administration of either a resident or nonresident decedent's estate if the decedent's will does not direct administration under the Probate Code, and the value of the entire estate subject to administration in Florida, less the value of property exempt from creditor's claims, does not exceed \$25,000 or the decedent has been dead for more than three years. The new law allows

publication of notice to creditors of an order of summary administration, and, if proof of publication of such notice is filed with the court, such notice bars all claims and demands against the estate not filed within three months from the first publication of such notice. In addition, the new law authorizes a guardian, pursuant to a ward's will, to execute a codicil to such will on the ward's behalf for purposes of maximizing a charitable deduction without diminishing the aggregate value of the benefits of any beneficiary under the will.

SENATE BILL 430 (CHAPTER 80-134) amends the "Anatomical Gift Law" (Part X, Chapter 732, F. S.) by making it mandatory that the Department of Highway Safety and Motor Vehicles (DHSMV) provide literature on anatomical gifts, and supply uniform organ donor cards and plastic pouches, to any person initially applying for a driver's license or renewing his license. The act further provides that funds expended by the Department of Health and Rehabilitative Services to provide the necessary materials for distribution shall not be taken from patient care funds. Previously the law was permissive regarding distribution of the literature and cards by DHSMV.

#### Mechanics' Liens

COMMITTEE SUBSTITUTE FOR SENATE BILL 100 (CHAPTER 80-97) expands the definition of "lienors giving notice" to include subcontractors, and prohibits the filing of any notice of commencement or the serving of a notice to owner for liens

relating to subdivision improvements. A materialman to subsubcontractor is required, prior to perfecting or recording a claim of lien, to serve a copy of the notice to owner on the contractor and the subcontractor of the subsubcontractor. In any event such notice shall be given before the owner's disbursement of final payment or abandonment. Failure to timely serve notice on the owner will be a complete defense to enforcement of a lien. A contractor whose contract is terminated before completion is required to execute and deliver to an owner, 5 days before the institution of an action to enforce a lien, an affidavit stating either that all lienors under his direct contract have been paid in full or the amounts due to those lienors who have not been paid in full. The provision of previous law requiring a notice of delivery of materials at a place other than the site of improvement, when a project consists of six or more improvements or of one improvement costing more than \$50,000, has been deleted. The act clarifies when a single claim of lien may be filed, and provides that delivery of materials by a lienor to a place other than the site of the improvement, if the materials are to be used on one or more improvements to separate lots, parcels or tracts under one direct contract, shall be prima facie evidence of delivery to the site of the improvement. The recording of a notice of commencement is to be constructive notice that claims of lien may be recorded and may take priority. A subsubcontractor has a right of action for damages

suffered as the result of the filing of a fraudulent lien. The effective date of this act is January 1, 1981.

### Civil and Criminal Actions for Libel

SENATE BILL 285 (CHAPTER 80-34) modifies the time within which a correction, apology or retraction must be published or broadcast in order to limit the actual damages of the plaintiff's recovery in a libel or slander action against newspapers or broadcast stations, and to discontinue and bar a criminal proceeding charging libel against newspapers. The act requires a full and fair correction, apology or retraction to be made as follows: in the case of a broadcast or a daily or weekly newspaper or periodical, within 10 days after service of notice; in the case of a semimonthly newspaper or periodical, within 20 days after service of notice; in the case of a monthly newspaper or periodical, within 45 days after service of notice; and in the case of a newspaper or periodical published less frequently than monthly, in the following issue, provided that notice is served no later than 45 days prior to publication of that issue.

### Medical Malpractice

COMMITTEE SUBSTITUTE FOR SENATE BILL 762 (CHAPTER 80-67) requires the court to award a reasonable attorney's fee to the prevailing party in any civil action which involves a claim for damages as a result of alleged medical malpractice by any medical or osteopathic physician, podiatrist, hospital, or health maintenance organization, except that attorney's fees

will not be awarded against an insolvent or poverty stricken party. The provisions of this act will apply only to those actions filed beginning July 1, 1980.

EDUCATION\*

Legislation enacted by the 1980 Legislature in the area of education includes substantive changes and technical revisions of the Florida School Code; proposes higher education organizational changes to coordinate community college and university programs; expands and clarifies certain duties of the district school boards; revamps the state's system of governance of the teaching profession by refining standards of measurement of teaching competence and qualifications for certification; expands regulations regarding employees' sick leave; changes certain minimum performance standards in student assessment; clarifies the legal responsibilities of parents or guardians concerning the compulsory school attendance law, and requires certain married students to attend school.

Changes made in laws governing courses of study and instructional aids, include authorization for a two-minute period of silent prayer or meditation at the beginning of each school day or week. Laws are amended relating to migrant education, veterans affairs and county area extension programs. District school boards are authorized to levy an additional ad valorem tax of up to 2 mills for educational facilities and

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\*Prepared by the staff of the Senate Committee on Education

school bus replacement; investment of surplus funds is expanded in certain named securities; tuition fees are authorized for certain nonresident students; certain administrative processes relating to education trust funds are changed; and the sale of term papers or other articles assigned to the student to fulfill academic requirements at state educational institutions is made unlawful. These and other changes in the state education laws are summarized below. (Note: Educational funding in general is provided for in the Supplemental Appropriations Act (SENATE BILL 1-D, CHAPTER 80-411) and the Public Education Capital Outlay Act (HOUSE BILL 1796, CHAPTER 80-414) which are summarized above in the APPROPRIATIONS Article of this SUMMARY OF GENERAL LEGISLATION.) Tax levies provided for school funding are discussed in the TAXATION Article.

#### School Code - Changes and Revisions

COMMITTEE SUBSTITUTE FOR SENATE BILL 822 (CHAPTER 80-295) includes several substantive changes to the Florida School Code as well as a variety of technical revisions designed to achieve more internal consistency in statutory language pertaining to public schools. Also, many obsolete sections of the code are repealed.

The Florida Primary Education Program (PREP) is altered to exempt certain properly classified exceptional students assigned to full-time special programs from the requirement that state minimum performance standards be mastered as a

condition of promotion to the 4th grade. Also, non-English speaking students will be allowed to demonstrate skills mastery in their native language. The types of personnel for which PREP funds may be expended are specified, and districts have until July 1, 1981, to show compliance with these specifications or risk forfeiture of supplementary primary education funds.

Among the many amended sections of the act are the following substantive changes: a provision for general appointment procedures for school district personnel; a requirement that a program of student services be provided for area vocational-technical centers; a provision that school personnel working beyond age 70 are subject to annual reappointment; and a requirement that school districts and community colleges designated as area vocational schools employ vocational directors if they receive state funding for vocational programs employing at least 15 full-time equivalent teachers. The act specifies certain persons to be members of the Florida Education Council, and delineates Council duties and responsibilities.

A final provision makes it unlawful for any person or business to sell, offer to sell, or advertise for sale any term paper, thesis, dissertation or other assignment which the seller has reason to believe will be used to fulfill an academic requirement at any educational institution within the state. A person violating this provision is guilty of a second

degree misdemeanor; however, legitimate tutorial, research, and typing services are exempt from such penalty.

District School Boards - Special Duties

HOUSE BILL 1091 (CHAPTER 80-118) amends Section 230.23, F. S., by adding a new subsection (17) granting authority to school districts to establish and participate in educational consortiums and joint programs to provide services to cooperating school districts. The State Board of Education must adopt rules to govern any such joint district efforts.

HOUSE BILL 309 (CHAPTER 80-31) authorizes the district school board, in school districts which have elected school superintendents, by a majority vote, to increase the annual salary rate of the superintendent above that amount of salary computed pursuant to Section 145.08, F. S.

SENATE BILL 1219 (CHAPTER 80-143) amends Section 402.22, F. S., which placed the responsibility for educating school-age clients, residing in Department of Health and Rehabilitative Services facilities, with the local district school board in which the facility is located, as of the 1980-81 school year. School districts which serve 250 or more exceptional children, with the exception of the Okeechobee School for Boys, are allowed to postpone implementation until July 1, 1981. (The provisions of this act affect Jackson County Sunland Training Center and Dozier School for Boys and Orange County Sunland Training Center.)

HOUSE BILL 1428 (CHAPTER 80-285) authorizes district school boards to contract with an approved service unit to provide a self-insurance program including evaluation, settlement, and actual payment of claims on behalf of the boards. The boards may advance money to the service unit, provided the money is deposited in a special checking account in a designated school depository to be used for paying claims against the school board under its self-insurance program. Boards of county commissioners are allowed to use the same procedures established for district school boards concerning a self-insurance program. (This act also provides for community colleges to self-insure and enter into other insurance programs. See these provisions discussed later in this Article under the sub-heading Community Colleges.)

Personnel: Sick leave; Competency; Certification

HOUSE BILL 951 (CHAPTER 80-116) clarifies sick leave for school district personnel to include leave granted on account of personal sickness, accident disability, or extended personal illness. In addition, school districts are authorized to expend public funds to instructional and noninstructional staff "on account of sickness." (The changes make the statutory language consistent with language in the Social Security Act, and enable school districts to enact the necessary procedures to exempt payments made to employees during periods of illness from mandatory social security contributions.)

HOUSE BILL 954 (CHAPTER 80-392) authorizes each district school board to provide terminal pay for accumulated sick leave at times other than normal retirement. Such pay for noninstructional staff shall be computed in the same manner as for instructional staff. The act also amends Section 229.57, F. S., to provide flexibility in the scheduling of the Statewide Assessment Program by eliminating the current requirement that student minimum performance standards be set for a period of from three to five years, and providing that the schedule for testing be determined by the Commissioner of Education. Basic skills standards established for 11th grade may be tested in 10th grade. A new subsection (3) is added to Section 283.10, F. S., to permit printing of tests to be included in contracts let by the Department of Education for the development of tests in order to preserve test security.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 97 (CHAPTER 80-190) creates the Education Standards Commission as a successor to the Florida Council on Teacher Education and the State Council for Teacher Education Centers. The new Commission has among its responsibilities recommendation to the State Board of Education of competency standards and licensure requirements for state certification of teachers. In addition, the Commission assumes the duties and responsibilities previously assigned to the two agencies cited above.

The act also creates the Education Practices Commission to replace the Professional Practices Council (PPC). As well as assuming the duties and responsibilities of the PPC, the new

Commission has rulemaking authority pursuant to Chapter 120, F. S., and replaces the State Board of Education as the agency responsible for suspending or revoking state teaching certificates and otherwise disciplining certificate holders.

Both new Commissions are to consist of members nominated by the Commissioner of Education, appointed by the State Board of Education, and confirmed by the Senate. Also, both Commissions are assigned to the Department of Education for administrative purposes, and are to be funded from general revenue funds and teaching certificate fees.

SENATE BILL 264 (CHAPTER 80-378) identifies the types of teaching certificates which may be issued by the Department of Education. Applicants for regular certification are required to pass a teaching competency test developed by the Commissioner of Education. Also, the State Board of Education is required to adopt rules, effective immediately, which: specify the generic teaching competencies to be demonstrated on a written test and those to be demonstrated by other means; establish a passing score for regular certification; and maintain confidentiality of the competency examination. Provision is also made for persons not achieving a passing score on the competency examination to review their completed tests and bring to the Department's attention any errors in scoring which could result in a passing score.

The act requires school districts to adopt rules relating to the employment and dismissal of personnel, and further requires these rules to specify the duties and

responsibilities of the superintendent and school board in personnel matters. Portions of Subsection 236.02(3), F. S., relating to length of work year and vacation provisions for certain district personnel, are rephrased.

Another provision of the act makes it unlawful for any person or business to sell, offer to sell, or advertise for sale any term paper, thesis, dissertation or other assignment which the seller has reason to believe will be used to fulfill an academic requirement at any educational institution within the state. A person violating this provision is guilty of a second degree misdemeanor; however, legitimate tutorial, research, and typing services are exempt from such penalty.

The act prohibits taxes on admissions paid by a student to participate in a sport or recreational activity which is required as part of a program sponsored and under the jurisdiction of the student's school, college, or university. A state policy on the use of computers and computer technology to improve the effectiveness and efficiency of instruction is set forth, and the Department of Education is authorized and encouraged to assist schools, colleges, and universities in the appropriate use of computing services.

The State Board of Education is required to adopt a rule, effective immediately, requiring 90 percent of the students admitted to teacher education programs to score at the 40th percentile or higher on a nationally normed, standardized college entrance examination. (This clarifies the teacher education admission requirement enacted by the 1979

Legislature.) Finally, the act provides a delay until January 1, 1981, to meet continuing contract requirements for school district instructional personnel who have not had an opportunity to take the teacher competency examination for regular certification.

SENATE BILL 687 (CHAPTER 80-325) is a comprehensive piece of legislation concerning exceptional education and teacher testing and certification. Legislative intent that all public school teachers be capable of identifying and working with exceptional children is established, and awareness of the instructional needs of such children is included in teacher certification requirements beginning July 1, 1982. The same provision must be included in each district's 5-year master plan.

The act specifies by class of service (i.e., regular, temporary, substitute and part-time) which teaching certificates the Department of Education is authorized to issue, and reimplements language requiring generic competencies to be demonstrated on a comprehensive written examination and through other means as specified by the State Board of Education. The Commissioner of Education will develop the test and the State Board will adopt a passing score for the test. Confidentiality of the development materials and the test is provided. The rules adopted for the testing program will take effect immediately. Clarification of the law on admissions to teacher education programs is provided.

School districts are allowed to provide terminal pay for accrued vacation leave to an employee upon termination of employment or retirement, or to beneficiaries of such employee in case of death. Community college boards of trustees are charged with the responsibility of managing and protecting real and personal property, and they are authorized to self-insure, enter into risk management programs or purchase insurance for all coverage. Students who are physically handicapped are added to the group of exceptional students who may be exempt from the functional literacy test and are eligible to receive a special diploma or a special certificate of completion. The Department of Education is permitted to include printing of tests in contracts let for the development of tests and related materials under the State Printing Law.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1284 (CHAPTER 80-297) creates the Florida Council on Educational Management, a 17 member body appointed by the Governor, President of the Senate, and Speaker of the House of Representatives. Duties of the Council include: identifying competencies which are characteristic of effective educational managers; identifying procedures to measure the identified competencies; identifying training programs to provide personnel with the opportunity to acquire identified competencies; and developing policies necessary to implement a merit pay plan for educational managers. The act requires the Commissioner of Education, no later than January 1, 1982, to recommend to the Legislature and State Board of Education a plan for compensating educational

managers who have satisfied the competency criteria established by the Council. An appropriation of \$400,000 from the General Revenue Fund is provided to support the activities of the Council. In addition, the Deputy Commissioner for Educational Management is designated as fiscal agent for the Council, and is required to provide the administrative support needed by the Council to carry out its duties.

#### Transportation of School Children

SENATE BILL 1172 (CHAPTER 80-332) creates Section 234.212, F. S., relating to school districts which contract with private contractors to provide needed public school transportation services (non-school board owned school buses). This law authorizes such school districts to purchase school buses through the state operated pool-purchase-plan and then to sell such units to the private contractors. However, the school board will benefit from the savings achieved by the pool-purchase unit cost. Any savings per vehicle will be realized by the school board through an equal dollar reduction in the annual contract by the contractor purchasing such school buses.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 317 (CHAPTER 80-265) amends Section 234.041, F. S., and clarifies the law regarding the use on vehicles of the orange or yellow color known as school bus chrome. The law specifically authorizes the use of such vehicles to transport persons to and from educational or recreational facilities or institutions, or to and from events

or activities which are sponsored, financed or supervised by educational, recreational, religious or charitable organizations. Such organizations are authorized to operate such vehicles with color of school bus chrome and equipped with lights, signs, and other notations normally characterizing a school bus. Local ordinances contrary to this act are repealed. Provisions covering the use of school buses for the transportation disadvantaged are contained in HOUSE BILL 1796 (CHAPTER 80-414).

Compulsory School Attendance; Child Health

HOUSE BILL 430 (CHAPTER 80-56) provides that no criminal prosecution for violation of the compulsory school attendance law shall be brought against a parent, guardian, or person having control of a child until they have been given proper written notice of the child's nonattendance pursuant to Paragraph 232.17(2)(c), F. S. A parent's statement that he can no longer control his child and keep him in school will no longer excuse the parent from complying with the compulsory school attendance law. However, if a court of appropriate jurisdiction finds a parent made a bona fide, diligent effort to control and keep his child in school he shall be excused from any criminal liability.

COMMITTEE SUBSTITUTE FOR SENATE BILL 170 (CHAPTER 80-21) requires students who are married and who are parents to attend school until they are 16 years of age. Students who have not reached the age of 16 and become pregnant are exempt from

compulsory school for the term of pregnancy. However, nothing shall prevent a pregnant student from attending school if she wishes to do so. Students who are married, parents, or pregnant must receive the same or equivalent instruction as other students; however, they may volunteer for assignment to classes or programs designed to meet their special needs. Students below the age of 16 who are parents may receive a certificate of exemption from compulsory school attendance from their district superintendent if they do not have access to child care services.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 769 (CHAPTER 80-197) creates Section 232.0315, F. S., requiring medical examinations of children within nine months prior to enrollment in school. An exemption is provided upon the religious objections of a parent or guardian.

SENATE BILL 95 (CHAPTER 80-79) provides a standard of medical liability exemption for physicians and nurses involved in immunization of school children against communicable diseases.

#### Courses of Study and Instructional Aids

HOUSE BILL 1399 (CHAPTER 80-125) makes several changes in the procedures whereby the Department of Education adopts textbooks and instructional materials for use in the public schools. The more substantive revisions include: permitting contact between publisher and manufacturer representatives and Instructional Materials Council members, except on matters

relating to materials submitted for adoption; requiring bids or proposals to be deposited with the Department of Education, rather than the Department of State; establishing a new cost ceiling based on the Consumer Price Index on price increases permitted after three years on materials adopted for four or more years; and requiring nonprint instructional materials submitted for review to be returned to the manufacturer or paid for at the conclusion of the review process.

HOUSE BILL 1379 (CHAPTER 80-124) amends the statutes establishing the educational and other electronic media systems for the state program of public education, by specifically prohibiting any additional educational radio and television stations in geographical areas which would constitute a duplication of existing stations.

SENATE BILL 493 (CHAPTER 80-142) amends existing statutes authorizing public school driver education courses to include instruction in the operation of motorcycles and mopeds beginning with fiscal year 1981-82.

SENATE BILL 118 (CHAPTER 80-336) authorizes school boards to set aside up to two minutes at the beginning of each school day or school week for a period of silent prayer or meditation.

#### Special Educational Programs

SENATE BILL 484 (CHAPTER 80-239) allows school districts to plan and fund migrant education programs beyond the 25 hour weekly limit within a shortened school year. Such programs

must provide 900 hours of instruction, and must be approved by the Commissioner of Education. This act also provides statutory authority for Florida's participation in the Federal Migratory Child Compensatory Education Program, and authorizes the Department of Education to plan, fund and administer migrant education programs for migrant children in the State of Florida beginning at age three.

HOUSE BILL 864 (CHAPTER 80-140) provides for the Division of Veterans' Affairs of the Department of Community Affairs, and a designated administrative unit of the Department of Education, to act as the State Approving Agencies for purposes of veterans' training and education in accordance with Title 38 of the United States Code, Section 1771, and the applicable annual contracts between the State of Florida and the United States.

HOUSE BILL 321 (CHAPTER 80-38) amends the law relating to county or area extension programs by providing that the extension services submit names of qualified persons for appointment as county cooperative extension service agents by the boards of county commissioners.

#### Financial Matters and Investment of Funds

SENATE BILL 769 (CHAPTER 80-381) authorizes each district school board to levy additional ad valorem tax, not to exceed 2 mills, the tax receipts to be used for additional new construction, remodeling, maintenance, renovation and repair of existing facilities, and school bus replacement. This

additional tax levy must be authorized by board action each year. School boards levying any such capital outlay tax are authorized to borrow funds from the state Public Education Capital Outlay and Debt Service Trust Fund after July 1, 1980, to begin projects. Taxes received from the tax levy are to be used to repay such borrowed funds by December 31, 1980. The act also changes the collection dates of the tax on gross receipts for utility services from semi-annual to quarterly collections, and changes the penalty for late payments from 10 to 18 percent of the amount of such taxes due.

COMMITTEE SUBSTITUTE FOR SENATE BILL 559 (CHAPTER 80-103) amends Sections 18.10 and 236.24, F. S., and authorizes the State Treasurer and district school boards to make certain investments of surplus funds in these additional forms of securities: (1) Obligations of the Federal Farm Credit and Federal Home Loan Bank obligations; (2) Obligations of the Federal Home Loan Mortgage Corporation; and (3) Obligations guaranteed by the Government National Mortgage Association.

HOUSE BILL 583 (CHAPTER 80-114) amends Section 215.425, F. S., to provide that district school boards may apply the salary schedule adopted for any fiscal year, after employee negotiations, as the basis for all compensation payments for services rendered subsequent to July 1 of that fiscal year. The act also amends Subparagraph 215.32(2)(b)3, F. S., by providing that all state trust funds received by an agency, although automatically appropriated to be expended in accordance with the law or trust agreement under which they are

received, are always subject to the provisions of Chapter 216, F. S., relating to the appropriation and budgeting of public funds.

HOUSE BILL 325 (CHAPTER 80-303) authorizes school districts to charge a \$50 tuition fee for students whose parents or guardians are nonresidents of Florida, and to establish entrance criteria and tuition fees for nonimmigrant foreign students who are not participants in a student exchange program. Foreign students charged such a tuition fee cannot be counted for state funding under the Florida Education Finance Program.

SENATE BILL 487 (CHAPTER 80-240) requires the district school boards to establish the amount to be paid by the board for each individual exceptional child contract with a nonpublic school. The public school nonresident tuition fee law is amended to prohibit tuition charges for pupils educated in public school alternative education programs who reside in Department of Health and Rehabilitative Services residential care facilities. The act also establishes provisions for the transfer of sick and annual leave for DHRS educational personnel who are employed by a district school board as a result of Chapter 79-184, Laws of Florida, which requires the district school systems to provide educational programs for school age students in DHRS residential care facilities.

This act also provides that the School Board of Okeechobee County will collect funds through the Florida Education Finance Program (FEFP) to be calculated without

adjustment by the district cost differential and must transmit that amount to the Indian River Community College to operate educational programs for the Florida School for Boys. The time in educational programs, or school year, may be changed for these students by rules developed by the State Board of Education with the concurrence of the Department of Health and Rehabilitative Services.

#### Educational Facilities

SENATE BILL 173 (CHAPTER 80-81) amends the statute requiring any contractor for district school boards to provide a performance bond equal to 100 percent of the contract price by providing that such bonds are mandatory only for those projects for which the contract price exceeds \$25,000. The same statute is further amended to make permissive the performance bond requirement for contracts with costs of \$25,000 or less.

HOUSE BILL 524 (CHAPTER 80-279) creates a section in Florida statutes which mandates the Commissioner of Education to develop and recommend to the Legislature by March 1, 1981, a definition of the term "hazardous area," the criteria for which will serve as the basis for school districts in providing public school transportation within the existing 2 mile limit. The Commissioner shall also project the cost to the state for 1981-83, and include such costs in requests for appropriations.

Section 235.19, F. S., is amended to define the area of installation of safety devices from the vicinity of a school to

an area directly adjacent to the school site. When a school board discovers or is aware of an existing hazard, it shall report such within 24 hours, excluding Saturdays, Sundays, or other legal holiday, to the governmental entity having jurisdiction for correcting such hazard. The entity shall within five days of being notified either correct the hazard, take suitable precautions until corrections are made, or notify the school board in writing of its reasons for not correcting the condition if the entity determines that the reported condition does not endanger the life or threaten the health or safety of the pupils. The responsible entity shall after five days indemnify the school board from any liability resulting from injuries, if any, arising from such reported and uncorrected hazards.

#### Postsecondary Education

SENATE BILL 902 (CHAPTER 80-237) directs the Board of Regents and Community College Boards of Trustees to adopt rules allowing Florida residents 60 years of age or older to enroll in credit classes on a space available basis without meeting academic prerequisites, or paying application, registration or related fees except in programs for which selective admissions criteria have been established. Eligible individuals receiving a waiver will be prohibited from accumulating credit or pursuing a degree in universities. Community colleges will be allowed to include students receiving tuition waivers in calculating the number of full-time equivalent students, within

the 5% annual enrollment projection, if the count is below the assigned number of full-time equivalent students for that year.

### Universities

SENATE BILL 1319 (CHAPTER 80-226) amends Section 240.257, F. S., to provide for the administration of the Florida Endowment Trust Fund for Eminent Scholars by the Board of Regents in lieu of the associated foundation of each university. The State Board of Administration is to invest appropriated funds which have been deposited in the trust funds, and the interest accruing to unmatched portions of the fund is to be earmarked to increase total funds available for challenge grants. Each university is required to establish an Eminent Scholars Trust Fund for each challenge grant as a depository for private contributions and state matching funds. An amount of \$400,000 from state funds is to be transferred upon notice of deposit of \$600,000 in the university fund. A match will also be provided if the university receives a commitment to make a donation of at least \$600,000 and an initial payment of \$100,000 accompanied by a written pledge to provide the balance within five years. Funds unmatched by contribution or pledge of contribution as of June 30, 1983, will be available for matching by any university instead of being reallocated by the Board of Regents. The president of the university is to approve use of proceeds as a salary, salary supplement and/or expenses for certain endowed positions. The legislation additionally amends Section

240.271, F. S., to adjust the amount of quality improvement funds universities can spend for salaries during the fiscal year 1979-80.

COMMITTEE SUBSTITUTE FOR SENATE BILLS 417, 429, 432, 475, and 608 (CHAPTER 80-172) will allow surplus moneys within the university to support sponsored training as well as research programs. It additionally amends Section 240.241, F. S., to allow researchers traveling in foreign countries to comply with per diem rates provided for in the terms of the grant or contract, and authorizes advance funds to researchers who will be performing a portion of their research at a location far removed from the university.

HOUSE BILL 556 (CHAPTER 80-359) allows each university to use any auxiliary trust funds, available and not obligated, for payment of rent, if income generated from the use of facilities is insufficient during any rent payment period. The moneys expended are to be replaced as soon as possible, providing the income generated from the use of the facilities exceeds the amount necessary for payment of rent. The "Florida Women's Intercollegiate Athletic Equity Act" is created to assure equal opportunities in university athletics, with 20 cents per credit hour increase of student activity fees (provided in the 1979 Appropriations Act) continued and earmarked for women's athletics; and the admissions tax on athletic or other events at public or private universities is eliminated when only student or faculty talent is used.

HOUSE BILL 460 (CHAPTER 80-14) allows the student government association sponsored concerts to continue to benefit from the student activity and service fund; however, they are additionally allowed to charge an admission fee for those activities, the same as now applies to intercollegiate athletics. Approval is provided for the student government association budget, 15 school days after it is submitted, if the university president takes no action on it. If any line item is vetoed, the legislation authorizes the student government association to submit new budget recommendations for vetoed line items within 15 school days. If any line item of revised budget is vetoed by the university president, the president is then authorized to reallocate that vetoed portion by line item to intercollegiate athletics, health service or bond obligations which are guaranteed by the activity and service fee.

HOUSE BILL 1829 (CHAPTER 80-410) provides for the University of South Florida to continue development of the Suncoast Area Teacher Training Program as a pilot project in teacher education. The Commissioner of Education is required to report to the Legislature by March 15, 1982, on the effectiveness of the project.

#### Community Colleges

HOUSE BILL 1111 (CHAPTER 80-416) provides that each school district in which there is a community college may establish an educational center for gifted junior high school

students on a cooperative basis. A contractual agreement must be established between each district school board and the respective community college board of trustees which provides 20 percent of the cost factor earned by the district in the Florida Education Finance Program to be distributed to the community college for provision of services at these education centers.

Provisions of SENATE BILL 902 (CHAPTER 80-237) allowing Florida residents 60 years of age and older to enroll in Community College classes are discussed above in this Article under the sub-heading, Postsecondary Education.

SENATE BILL 388 (CHAPTER 80-151) includes community college district boards of trustees in those county boards and commissions eligible to make use of county depositories as established in Sections 136.01 and 136.02, F. S. Banks must deposit securities to cover these funds in order to qualify as a depository to receive such funds.

HOUSE BILL 1428 (CHAPTER 80-285) stipulates that community colleges are charged with the responsibility for managing and protecting their real and personal property and authorizes the community colleges to self-insure, enter into risk management programs, purchase insurance for all coverage, or effect any combination of the above. Employees and agents of community colleges are added to those persons covered in costs of civil actions against the college. District school boards are authorized to contract with an approved service unit to provide a self-insurance program including evaluation,

settlement, and actual payment of claims on behalf of the boards. The boards may advance money to the service unit, provided the money is deposited in a special checking account in a designated school depository to be used for paying claims against the school board under its self-insurance program. Boards of county commissioners are allowed to use the same procedures established for district school boards concerning a self-insurance program.

Under the provisions of SENATE BILL 687 (CHAPTER 80-325), community college boards of trustees are charged with the responsibility of managing and protecting real and personal property, and they are authorized to self-insure, enter into risk management programs or purchase insurance for all coverage. (Other provisions of this act are discussed in this Article under the sub-heading Personnel.)

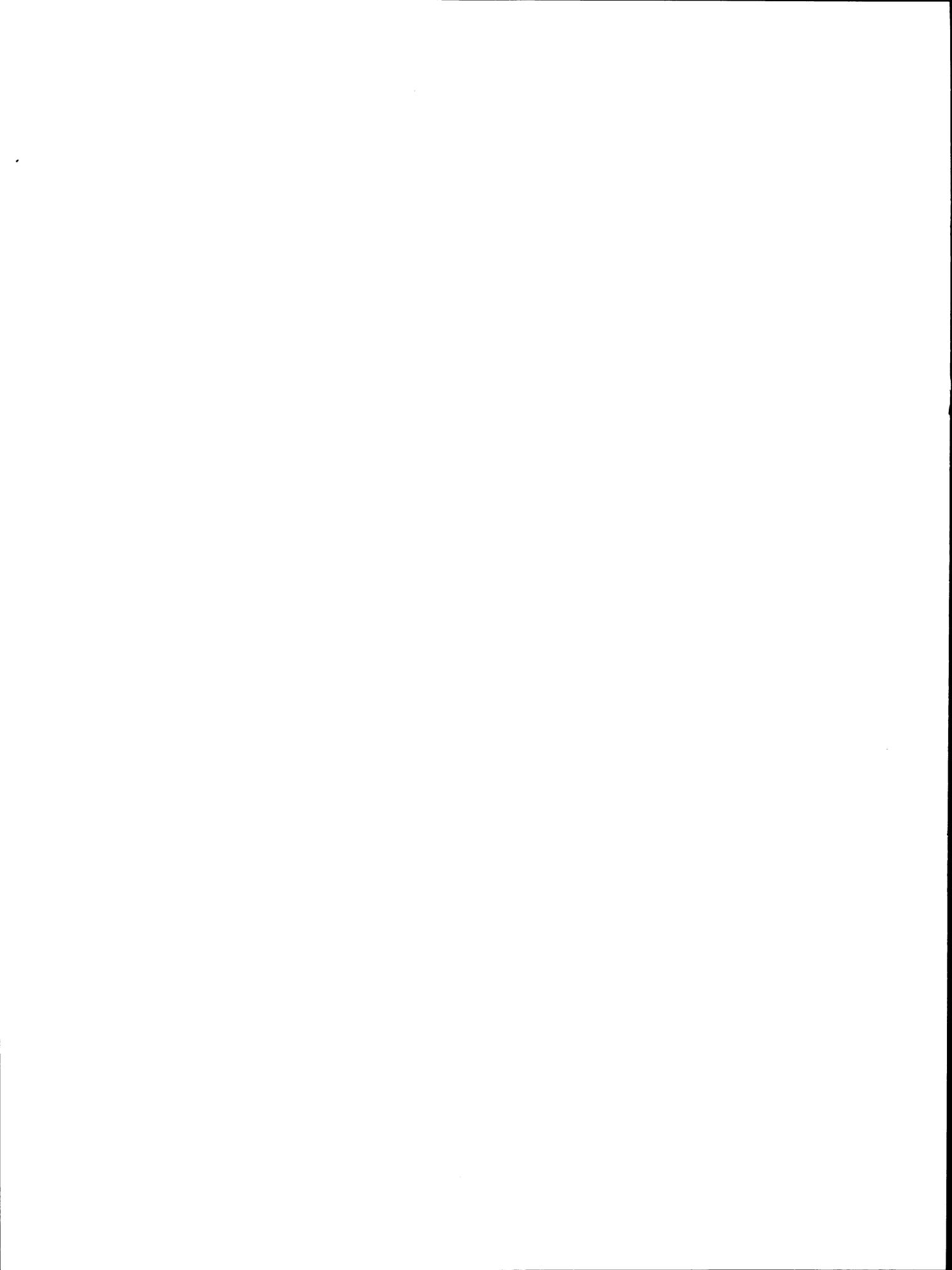
#### Scholarships and Loans

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1442 AND 1146 (CHAPTER 80-314) creates the Florida Academic Scholars' Fund providing stipends of up to \$1,200 per academic year to certain Florida students who are designated as merit scholars or who are in the upper 2 percent of the graduating class of their accredited public or private high school, college or university. The legislative intent is to retain more of Florida's academic achievers in Florida postsecondary institutions. Recipients must be enrolled full-time at certain Florida public or private colleges,

universities, or community colleges, and must maintain a 3.2 grade average in undergraduate studies or 3.5 grade average in graduate studies. The Department of Education is to administer this Fund under policies and rules established by the State Board of Education.

The legislation also creates a State University Housing Loan Fund administered by the Board of Regents for student housing renovation projects to conserve energy or to meet accessibility requirements for handicapped students. The per project cost cannot exceed \$14,000 per occupant, and the minimum loan request is set at \$25,000. Funding is from the Capital Improvement Fee Trust Fund provided for in the Appropriations Act.

SENATE BILL 663 (CHAPTER 80-241) revises the Seminole and Miccosukee Indian Scholarship law to provide awards up to \$2,000 per academic year to Indian students who have been recommended by the respective tribe, have financial need, and meet other eligibility requirements of the tribe. Students must be enrolled full-time at certain Florida public or private colleges, universities, or community colleges, and must make satisfactory academic progress. The amount of the award is to be prorated for part-time students. An appropriation of \$35,000 for fiscal year 1980-81 is provided to establish a trust fund for the program with the Florida Student Financial Assistance Commission of the Department of Education.



ETHICS & ELECTIONS\*

The 1980 Legislature approved legislation which amended the Florida Election Code. These acts include several changes relating to duties of the supervisors of elections; provide for clarification of certain public measures to be voted upon; make minor changes concerning disposition by candidates of surplus funds; and allow career service employees to hold party offices or membership on state or county executive committees.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 63 (CHAPTER 80-189) requires the supervisor of elections of each county to designate a polling place within each precinct. The supervisor must also file in the office of the clerk of the circuit court of the county an accurate description of any new or altered precinct, clearly defining the polling place designation in any new or altered precinct or in any precinct in which the polling place has been changed. The supervisors will be allowed to move the location of a polling place not less than thirty (30) days prior to an election. When a polling place is moved, the supervisor must give notice of the change in a newspaper of general circulation in said county, not more than thirty (30) days or less than seven (7) days prior to an election. A

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\*Prepared by the staff of the House Committee on Ethics & Elections

notice of the change in polling place locations is also required to be mailed to each registered elector, or to each household in which a registered elector resides, at least fourteen (14) days prior to the election. The act further repeals Section 101.73, F. S., relating to duties of county commissioners in recording and publishing changes in election precincts or location of polling places. (All of the statutory changes provided for in this act are also included in certain changes effected by SENATE BILL 618, CHAPTER 80-292, discussed below.)

SENATE BILL 618 (CHAPTER 80-292) authorizes the supervisor of elections in a county where voting machines are not used to determine the actual number of official ballots to be printed. In counties where voting machines are used, the number of sets of official ballots is to be equal to the number of voting machines plus five percent (5%) of the total number of machines.

The supervisor of elections will be allowed to accept name and address changes during the thirty (30) day registration book closing. Party changes may be made while the books are closed but will not be effective until the books reopen after the election. Duplicate registration cards may be obtained upon application in writing rather than by filing an oath. Party changes may be made in writing rather than in person. Electors who have no permanent address in the county and are temporarily residing outside of the county, and who are registered in the precinct in which the county courthouse is

located, will no longer be allowed to participate in municipal elections. The act allows an elector whose name or address has changed to notify the supervisor of elections in writing and obtain a new voter identification card reflecting the change. In the event that any first class mail is sent by the supervisor of elections to an elector and is returned undeliverable, the supervisor may temporarily remove such elector's name from the registration books.

The act authorizes the supervisor of elections to provide voter education materials and programs of a nonpartisan nature in the county. The supervisor is allowed to provide, upon request, a list that contains only those electors who have voted in any election in excess of sixty (60) days prior to the request. If such a list is furnished, it must be made available to all persons or groups authorized by law to purchase voter lists.

The option of candidates donating surplus campaign funds to a charity is provided for in this measure. Public officers who retain surplus funds may deposit such funds into a savings account. When a person leaves public office, any remaining retained funds may be given to charity.

This act (SENATE BILL 618, CHAPTER 80-292) also makes the same statutory changes relating to duties of supervisors of elections concerning polling place designations and precinct descriptions as those provided for in COMMITTEE SUBSTITUTE FOR HOUSE BILL 63 (CHAPTER 80-189) discussed above.

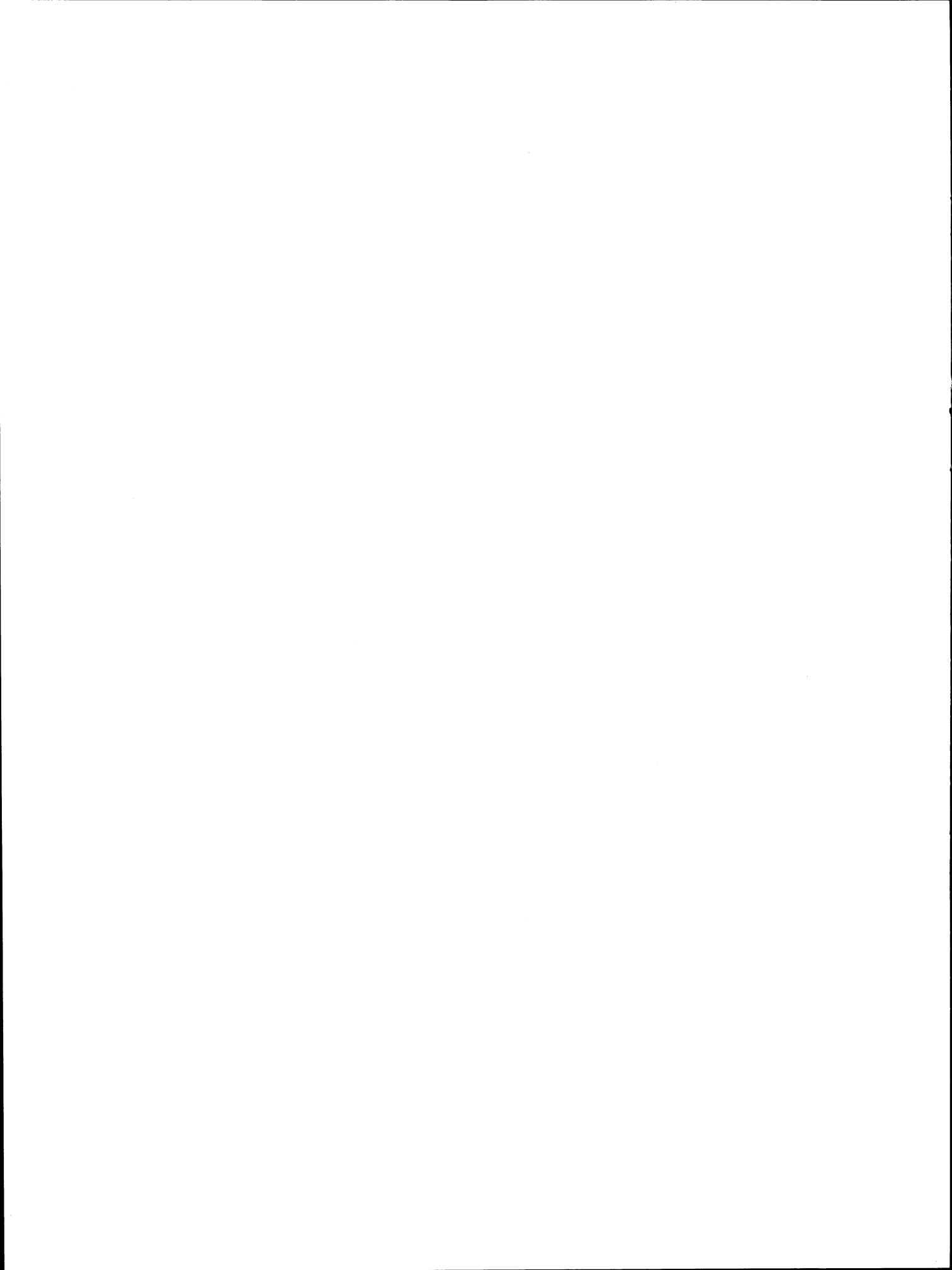
SENATE BILL 60 (CHAPTER 80-20) authorizes the supervisor of elections, rather than the board of county commissioners, to compensate deputy supervisors, voting machine deputies, inspectors, clerks, and deputy sheriffs. The supervisor of elections, rather than the board of county commissioners, is to receive reimbursements from the Comptroller for petition signatures verified at no cost. The fees for checking the petition signatures are to be received from a candidate, political committee, person, party, or other organization submitting the petition. The signature reimbursements are not to be applied to or deemed as extra compensation for the supervisor. The law also prohibits voting machine custodians, deputy voting machine custodians, or other employees of the supervisor from accepting employment or any form of consideration from any person or business involved in the purchase, repair or sale of voting machines or equipment without the prior approval of the supervisor of elections.

HOUSE BILL 191 (CHAPTER 80-264) makes permissive the issuance of a pollworker's certificate to inspectors, clerks, and deputy sheriffs at the completion of the required training class.

HOUSE BILL 536 (CHAPTER 80-305) provides a change in the ballot wording for the retention of Justices of the Supreme Court and Judges of the District Courts of Appeal. Electors will now vote either "Yes" or "No" instead of "For Retention" or "Against Retention." This act also provides that, effective January 1, 1981, the ballot wording for constitutional

amendments or other public measures be clear and unambiguous, and changes the wording to "Yes" and "No" rather than "For" and "Against." The language for constitutional amendments or other public measures must be worded so that a "Yes" vote will indicate approval of the proposal and a "No" vote will indicate rejection. A ballot title is to be provided, which may not exceed fifteen (15) words. The substance of an amendment or other public measure is to be an explanatory statement of not more than seventy-five (75) words. Designating numbers for constitutional amendments which are assigned by the Secretary of State are to be assigned in the order of filing or certification of the amendment.

HOUSE BILL 1411 (CHAPTER 80-207) eliminates the prohibition on career service employees holding party offices or membership on any state or county executive committee and allows such employees to be candidates for such political office. The act also provides that no person be fired, removed or required to resign from his public office or employment because of membership on a state or county executive committee prior to the act becoming law.



HEALTH AND REHABILITATIVE SERVICES\*

Legislation relating to health and rehabilitative services enacted during the 1980 Session responded to a variety of issues. A number of measures were passed related to deterrence of Medicaid fraud and abuse through the establishment of a control unit in the Office of Auditor General and the provision of a series of administrative sanctions for the Department of Health and Rehabilitative Services (DHRS) to impose when Medicaid standards are violated. The following acts should enable the consumer to receive better health services: provision of a nursing home rating system; receivership of nursing homes and adult congregate living facilities under certain circumstances; nursing home patient bill of rights additions; expansion of the state's certificate of need program; and changes in hospice regulations. Social services reforms were passed in the areas of foster care, abuse of disabled persons, and the creation of a Program Office for Children, Youth and Families in DHRS. In the health area, measures passed included: procedures for death determination when brain function has ceased; placement of limitations on the use of amphetamines and amine drugs; provision for the

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\*Prepared by the Senate Committee on Health & Rehabilitative Services

manufacture of dimethyl sulfoxide; and the "Florida Blood Transfusion Act." In the area of mental health, legislation was approved for a comprehensive plan for deinstitutionalization of persons over 55 in state mental health hospitals; continuity of mental health care through the provision of case management; and an extension of time for the construction of a separate facility to replace the forensic program at South Florida State Hospital.

#### Community Care for the Elderly

COMMITTEE SUBSTITUTE FOR SENATE BILL 722 (CHAPTER 80-181) provides for the funding of community care service systems in order to afford functionally impaired elderly persons core services that will avoid unnecessary institutionalization. Community care service systems shall coordinate all existing community resources to provide a continuum of care to functionally impaired elderly persons as their needs change. Core services are limited to homemaker and chore services, respite care, adult day care, medical transportation, mini-day care, home delivered meals and health maintenance services. Provider agencies are responsible for the assessment and collection of contributions by those persons who are able to pay for services. The Department of Health and Rehabilitative Services shall establish minimum standards for the delivery of core services and may conduct demonstration projects to explore innovative concepts of organization, administration, or service delivery designed to prevent unnecessary institutionalization.

Evaluations shall be made of these projects to determine cost avoidance and reduction of placement in institutions. Moreover, a multiyear plan shall be developed in conjunction with the State Plan on Aging required under the Older Americans Act (P.L. 89-73). This plan shall emphasize potential savings to the state by providing community-based services. The Department is to adopt rules to implement the provisions of this act by January 1, 1981.

### Health

HOUSE BILL 968 (CHAPTER 80-202) changes the length of appointment of a Department of Health and Rehabilitative Services Management Fellow from two years to one year. During this period these Fellows are required to serve on a full-time basis. Upon successful completion of this program, each Fellow may, at the discretion of the Department, receive a "special" pay increase.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 273 (CHAPTER 80-277) allows ambulances operated by fire departments to retain their fire department identity through the use of color schemes, insignias, names, monograms, or as otherwise designated by the fire department. If the ambulance or life-support service vehicle was purchased in whole or in part with federal funds, the fire department must comply with federal regulations pertaining to color scheme, emblems, and markings.

COMMITTEE SUBSTITUTE FOR SENATE BILL 293 (CHAPTER 80-216) provides that when a person's respiratory and circulatory

functions are being maintained by artificial means of support, a determination of death may be made where there is a irreversible cessation of the functioning of the entire brain, including the brain stem. The determination of death must be made by two physicians: one must be the treating physician and the other must be a board-eligible or board-certified neurologist, neurosurgeon, internist, pediatrician, surgeon or anesthesiologist. Next of kin must be notified of the procedures to determine death under this act. Physicians and licensed medical facilities that make a determination of death under the terms of this law shall be exempt from civil and criminal liability, provided they act in accordance with the accepted standard of care for such physician or facility as set forth in Section 768.45, F. S.

SENATE BILL 1277 (CHAPTER 80-187) clarifies the authority of the Department of Health and Rehabilitative Services to inspect and register x-ray equipment; authorizes the Department to charge fees for such services; and authorizes the Department to impose administrative fines for violations of standards for x-ray equipment. (Other provisions of this act are discussed in this Article under the headings: "Health Care Facilities" and "Social Services.")

HOUSE BILL 738 (CHAPTER 80-371) provides that upon request of an applicant the Department of Environmental Regulation may allow a lesser degree of treatment of sanitary sewage disposal by a facility in certain Florida waters upon demonstration that advanced waste treatment is not necessary to

meet water quality standards. However, in no case shall the Department allow a facility to provide less than secondary treatment or violate water quality standards as provided in Paragraph 403.088(3)(b), F. S. The Department is also directed to review the definition of "advanced waste treatment" in the Florida Administrative Code by March 31, 1981.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1256 (CHAPTER 80-354) limits the use of amphetamines and amine drugs and compounds, designated as Schedule II controlled substances, to the treatment of narcolepsy, hyperkinesis, behavioral syndrome in children, certain forms of depression and approved clinical investigation. The act provides that medical doctors, osteopaths and naturopaths shall prescribe such drugs only for the above treatments. Other use of the drugs will warrant disciplinary action by the respective boards governing these professions. Subsection 466.028(1), F. S., is amended to include sympathomimetic amine drugs, designated as Schedule II controlled substances, as drugs which are restricted in use by dentists to approved clinical investigation. The act also amends Paragraph 893.03(2)(a), F. S., to prohibit retail sales without prescription by registered pharmacists of any substance containing any amphetamine drug or compound designated as a Schedule II controlled substance. (Other provisions of this act are discussed in this Article under the heading, "Professional Regulation.")

COMMITTEE SUBSTITUTE FOR SENATE BILL 1024 (CHAPTER 80-340) creates Section 500.1516, F. S., and allows the

manufacture, distribution, sale and use of dimethyl sulfoxide (DMSO). The law forbids sale or delivery except by prescription issued by a medical doctor or an osteopath. The Department of Health and Rehabilitative Services is authorized to adopt rules relating to the manufacture of DMSO, to inspect manufacturing facilities, and to establish fees to defray cost of licensing and inspection of these facilities.

HOUSE BILL 1055 (CHAPTER 80-245) requires that any drug product in finished solid oral form, manufactured after January 1, 1982, must be marked with a name, symbol, or code which identifies its manufacturer or commercial distributor. The act further mandates that manufacturers and distributors make current descriptive imprint information available on request to the Department of Health and Rehabilitative Services.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 6 (CHAPTER 80-30) defines drug-related paraphernalia and prohibits the possession, manufacture, delivery, or advertisement of any such paraphernalia by any person. Penalties are provided for violation of this act.

HOUSE BILL 1240 (CHAPTER 80-413) reenacts and amends the legislation providing for the Department of Health and Rehabilitative Services to develop rules regulating abortion clinics. The rule-making authority granted the Department is limited to the development of rules which provide for minimum standards for the care and treatment of clients in an abortion clinic; the transportation of patients requiring emergency care; the cleanliness of an abortion clinic; the disposal of

fetal remains; and, the making, protection, and preservation of patient records. The failure to dispose of fetal remains as specified constitutes a public nuisance and a health hazard and subjects a clinic to penalties including suspension or revocation of license, and conviction of a misdemeanor of the first degree.

HOUSE BILL 1434 (CHAPTER 80-208) also requires that fetal remains be disposed of in accordance with rules developed by the Department of Health and Rehabilitative Services, and provides that failure to do so constitutes a misdemeanor of the second degree.

HOUSE BILL 1296 (CHAPTER 80-62) reinstates the Diabetes Advisory Council into Chapter 381, F. S., pertaining to health. (The Council was previously in Chapter 241, F. S., pertaining to education, which was repealed by the 1979 Legislature.) The Council will advise the Department of Health and Rehabilitative Services and Florida's three medical schools in the development and funding of a statewide health care delivery system for diabetes. The Department shall consider the Advisory Council's plan in dispersing funds appropriated under this program.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1188 (CHAPTER 80-351) amends Section 381.601, F. S., and changes the title of this section to the "Florida Blood Transfusion Act." It provides definitions of terms commonly used in the blood banking business. After January 1, 1983, blood from a paid donor may not be used in any transfusion unless other compatible blood cannot be obtained for the transfusion. It

establishes the policy of the state to maintain a system of voluntarily donated blood supply that will not unduly burden persons who, due to age, illness or other circumstances, are unable to replace or arrange for blood replacement. It requires that all blood banks and users of blood and blood products participate in a reciprocal exchange of blood, based on the needs of the transfusing bank. Reimbursement may be based upon the fee of the transfusing bank or upon a schedule determined by a majority of the facilities participating in the exchange system. The Department of Health and Rehabilitative Services, in consultation with the Florida Hospital Cost Containment Board, shall develop a uniform system of financial reporting which shall include information relating to costs, profits and fees as well as other appropriate information as provided in Section 395.507, F. S. Hospitals shall not be required to disclose any information beyond that required by this section. This act also creates a 15 member Interim Task Force Study Group which shall report to the Legislature on the availability, use and need of blood and blood products in the state. The report shall be filed by March 15, 1981, and the Task Force shall expire upon the filing of the report. Another provision of this act is to authorize the Department to impose a fine of up to \$500 for each violation of the Sanitary Code or Chapter 386, F. S., relating to nuisances injurious to health. (Other provisions of this act are discussed in this Article under the heading, "Health Care Facilities.")

## Health Care Facilities

HOUSE BILL 25 (CHAPTER 80-13) adds life care services, which have a component licensed as a nursing home or adult congregate living facility, to the definition of "health facility," giving them the option to issue revenue bonds for financing, purchase or construction of facilities.

HOUSE BILL 1703 (CHAPTER 80-73) amends HOUSE BILL 25 (CHAPTER 80-13) to clarify that the component of the life care services facility, to be licensed as a nursing home or adult congregate living facility will be licensed after construction.

HOUSE BILL 272 (CHAPTER 80-109) provides that any emergency services system employing or utilizing paramedics shall employ or contract with a medical director. This medical director shall be a licensed physician, corporation, association, or partnership composed of physicians, or physicians employed by any hospital which delivers in-hospital emergency services and which employs or contracts with physicians specifically for that purpose. Such a hospital, corporation, association, or partnership must designate one physician from that organization to be medical director and to accept responsibility for the medical performance of the emergency medical technicians and paramedics functioning for the emergency medical services system.

SENATE BILL 587 (CHAPTER 80-177) authorizes the funding of neonatal intensive care centers, under certain specified circumstances using equalization funds already appropriated for

perinatal intensive care centers. However, the neonatal center would receive only the infant care portion of the funding allocation and not funding portions authorized for care of women with high-risk pregnancies.

COMMITTEE SUBSTITUTE FOR SENATE BILL 628 (CHAPTER 80-64) amends sections of the Florida Statutes which provide for the licensure of hospice programs by the Department of Health and Rehabilitative Services. Hospices operational prior to December 31, 1979, are exempt from licensure if they are staffed by volunteers, excluding a coordinator and secretary, and do not charge for their services. If these organizations begin charging for services or act as an agent for an entity charging for services, then they are required to comply immediately with licensing requirements. The deadline for implementation of homelike care is extended from January 1, 1981 until January 1, 1982.

SENATE BILL 1277 (CHAPTER 80-187) provides federal compliance amendments to the states "certificate-of-need" program which regulates certain capital expenditures and construction of health facilities. (By bringing the state law into compliance with the federal law, the Legislature avoided a potential penalty which could have eventually resulted in the loss to the state of \$30 million in federal public health service funds.) (Other provisions of this act are discussed in this Article under the headings: "Health" and "Social Services.")

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 798 (CHAPTER 80-198) improves and strengthens Adult Congregate Living Facility (ACLF) licensure criteria in order to promote the growth and improvement of facilities, ensure the protection of residents' rights and facilitate resident referral to appropriate services. A trust fund is created for collecting and disbursing revenues generated through licensure fees, fines and late fees to offset the expenses of receivership, licensure programs, and physicals provided to patients under certain circumstances. The cap on annual licensure fees is raised from \$100 to \$300 to increase the size of the trust fund. Differential licensing is authorized to prevent the imposition of institutional requirements upon small facilities. Receivership is added to the sanctions that may be invoked against a deficient ACLF when suitable alternate placements for residents are not available. Furthermore, the jurisdiction of the state and district nursing home ombudsman committees is extended to include ACLFs and adult foster homes. The State Nursing Home Ombudsman Committee is renamed the State Nursing Home and Long-Term Care Facility Committee.

HOUSE BILL 818 (CHAPTER 80-361) requires hospitals to set standards and procedures for access to diagnostic reports of such hospitals by chiropractic physicians, and amends an existing statute (Section 395.105, F. S.) to delete wording requiring hospitals to promulgate rules for this purpose pursuant to Chapter 120, F. S., since hospitals are not governed by this Chapter.

SENATE BILL 885 (CHAPTER 80-328) provides that hospitals operated by state agencies are exempt from the establishment of a Patient's Compensation Fund which is required of all hospitals pursuant to Chapter 768, F. S., for the purpose of paying negligence claims. (Hospitals operated by state agencies have their insurance needs met through the Division of Risk Management, Department of Insurance, and to additionally establish a patient compensation fund would be a duplication at a substantial cost to the state.)

COMMITTEE SUBSTITUTE FOR SENATE BILL 1188 (CHAPTER 80-351) provides that whenever a hospital computes its operating costs to determine the reasonable costs of services furnished, the hospital will not first deduct unrestricted charitable grants, gifts, or income from endowment. The effect of this change is to provide an additional financial benefit to hospitals which receive charitable gifts. The act additionally amends Section 395.12, F. S., to provide that non-confidential information contained in any hospital inspection reports shall be maintained as public information and be made available on request for a reasonable charge to cover copying costs. (Other provisions of this act are discussed in this Article under the heading, "Health.")

COMMITTEE SUBSTITUTE FOR SENATE BILL 1218 (CHAPTER 80-186) amends various sections of the Florida Statutes relating to nursing homes. The Patients' Bill of Rights is expanded to insure private communication and sufficient visitation within and outside of the facility. Patients are afforded the right

to be informed orally and in writing of facility policies and to recommend changes in said policies. The Department of Health and Rehabilitative Services (DHRS) is authorized to petition the court for a receiver when certain conditions exist that endanger the life, health, and safety of residents. The appointment of a receiver does not relieve the owner of the facility from liability incurred prior to receivership. Under specified conditions, DHRS may conduct additional unannounced inspections of deficient facilities. (Provisions of this act creating Part X of Chapter 23, F. S., the "Workfare Policy Act," is summarized in this Article under the heading, "Social Services.")

HOUSE BILL 1592 (CHAPTER 80-211) establishes a rating system for nursing homes with an emphasis on quality of patient care in addition to the safety of the physical plant of the facility. The Department of Health and Rehabilitative Services would annually rate nursing homes on specified standards, assigning a superior rating to those which exceed certain standards; a conditional rating to those not meeting standards; and no rating to those which meet, but do not exceed standards. The rating would be stamped on the nursing home's license and be posted in a prominent place. Conditionally rated facilities would be given a specified time frame to bring their homes up to the standards.

#### Medicaid

SENATE BILL 954 (CHAPTER 80-184) extends for one year a

pilot project currently being conducted by the Department of Health and Rehabilitative Services to test the feasibility of increasing hospital outpatient service benefits to produce federal matching funds under the Medicaid program for certain expenditures made by units of local government for such services to indigents.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1312 (CHAPTER 80-206) expands the authority of the Auditor General to facilitate the establishment of a Medicaid Fraud Control Unit in compliance with federal regulations which provide criteria whereby a state may establish a state Medicaid fraud unit eligible for up to 90% federal funding. The act authorizes the Auditor General to conduct a statewide program of Medicaid fraud control to investigate possible criminal violations pertaining to fraud in the Medicaid program, investigate patient abuse, investigate alleged misappropriation of funds, refer criminal violations to the appropriate State Attorney, and refer noncriminal abusive activities and instances of overpayment for collection to DHRS. The Auditor General is authorized to enter the premises of health care providers participating in the state Medicaid program to examine accounts and investigate abuse and subpoena witnesses and materials. Subsection 287.057(1), F. S., is amended to allow non-participating health care providers to provide medical services to eligible Medicaid recipients and to be reimbursed. To be eligible for this exception, the provider must not have participated in the Medicaid program previously. The exception

is valid for up to 90 days after the delivery of services and is not renewable. The act also requires that an insurer pay personal injury protection benefits to a Medicaid recipient without taking credit for any benefits the individual had received under the Medicaid program. (This brings Florida into compliance with the federal law and regulations and other state statutes which require that third-party coverage for medical services be primary and exhausted before Medicaid benefits are made available.)

HOUSE BILL 1812 (CHAPTER 80-408) clarifies the authority of the Department of Health and Rehabilitative Services to impose administrative sanctions against health providers of Medicaid services for certain criminal, fraudulent or abusive acts. Any suspected criminal violation or fraudulent activity by a provider shall be referred to the Medicaid Fraud Control Unit in the office of the Auditor General for investigation. When it has been determined that Medicaid overpayments have been made as a result of fraud, the Department is authorized to withhold 10% of the monthly payment to the provider in question until the fraudulent debt is repaid with 10% interest. If the Department is found to be in error, withheld payments will be paid to the provider with 10% interest within 60 days. The law additionally clarifies the role of an audiologist as a Medicaid provider; permits bulk purchase of hearing aids if less expensive than bidding; and complies with federal regulation by deleting the exemption of interest on individual savings

accounts of \$1,000 from consideration as income for Medicaid eligibility.

### Mental Health

SENATE BILL 411 (CHAPTER 80-171) prohibits the use of jails for the noncriminal mentally ill. The act also provides for the appointment of a guardian advocate for the property or person of a mentally retarded person who is competent in some respects but lacks certain capabilities; provides for certain rights of the retarded person; provides qualifications for guardians; provides for appointment of a guardian for the individual who is totally incompetent; and redefines "incompetent" for purposes of guardianship provisions.

HOUSE BILL 721 (CHAPTER 80-195) authorizes local governing bodies to appropriate moneys in lump sum or advance payment for mental health purposes as provided in the approved district mental health plan. The recipients of such funds are required to submit an annual audit to the governing body, either as part of an audit of other expenditures or by separate audit.

HOUSE BILL 1651 (CHAPTER 80-398) amends the definition of "mental health professional" in Chapter 394, F. S., to allow a licensed physician who has diagnosed and treated mental and nervous disorders to act when mental health professionals are not available. Reference to the requirement for licensure of psychologists is deleted from the statutes. The definition of "mental health professional" is expanded to cover physicians or

psychologists employed by the U. S. Veterans Administration who provide services to patients in the V. A. hospitals.

SENATE BILL 766 (CHAPTER 80-293) directs the Department of Health and Rehabilitative Services to develop a comprehensive plan for the deinstitutionalization of senile persons over 55 who are in state mental health hospitals but who do not meet the criteria for involuntary commitment. The plan is to be submitted to the Legislature by March 1, 1981, to be followed by semiannual status reports. (Other provisions of this act are summarized in this Article under the heading, "Social Services.")

SENATE BILL 958 (CHAPTER 80-384) extends from July 1, 1980 to September 1, 1982, the date by which a separate facility must be in place for the forensic program currently on the grounds of South Florida State Hospital. Section 394.461, F. S., is amended to provide that Florida State Hospital shall not be required to maintain separate treatment facilities for criminally charged or convicted mentally ill persons. The Department of Health and Rehabilitative Services (DHRS) is directed to develop a plan for the provision of continuity of mental health care through the provision of case management. The case management system is to be designed to reduce admission or readmission to a state treatment facility, provide for the designation of an agency in each county to provide single intake for mental health clients, and advocate on behalf of the client to ensure that appropriate services are provided. The Department is also directed to develop and include in

contracts with mental health boards measures of performances with regard to the goals and objectives specified in the state plan, and to combine and coordinate the reporting requirements and monitoring visits of community mental health facilities with other agencies. Beginning in 1982, DHRS is directed to submit a report to the Legislature prior to April 1 of each year, outlining departmental progress towards the implementation of the minimum staffing patterns' standards in the state's mental health treatment facilities.

#### Professional Regulation

COMMITTEE SUBSTITUTE FOR SENATE BILL 119 (CHAPTER 80-168) authorizes DHRS to annually inspect and license all Florida acupuncture clinics. The maximum fee for licensing shall not exceed \$200. The Department is authorized to develop and enforce standards for the health, care and treatment of persons in acupuncture clinics and for the safe operation of such clinics. The Department may revoke, suspend, annul or refuse to renew a license, or it may invoke an administrative penalty not to exceed \$1,000 for failure to comply with specified terms of this act. Acupuncture clinics operating at the time of adoption of rules by the Department would have a reasonable time, not to exceed one year, in which to comply.

SENATE BILL 872 (CHAPTER 80-157) adds the University of South Florida School of Medicine to the list of schools from which a licensed funeral director may receive a certificate of

competency in eye enucleation, i.e., removal of the eyes from a donor.

SENATE BILL 1190 (CHAPTER 80-352) provides that the Department of Professional Regulation will have access to medical reports of confidential information regarding an individual physician's mental or physical condition if the Department has reason to believe that a physician, as a result of a mental or physical condition, has violated the Medical Practice Act. This was a change in existing statute which allowed the Department to request all confidential medical records on such physicians with probable cause. The act also extends for one year (until October 1, 1981) the exemption under specified conditions for employment of certain physicians not licensed in Florida to provide services in state institutions.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1256 (CHAPTER 80-354) also provides for extension until October 1, 1981, of the deadline for unlicensed physicians, in excess of 10% of the total physicians employed in a state institution operated by the Department of Health and Rehabilitative Services, to obtain licensure. The law places the following conditions on such unlicensed physicians: they must be certified eligible to take the Florida licensure examination and they must work under the direct supervision of a licensed physician. The law additionally requires the Department to report to the Legislature prior to January 15, 1981, regarding compliance with these provisions and to make recommendations for improving

physician services in the Department's institutions. (Other provisions of this act are discussed in this Article under the heading, "Health.")

### Social Services

SENATE BILL 56 (CHAPTER 80-166) authorizes the Bureau of Vital Statistics of the Department of Health and Rehabilitative Services to issue birth certificates for alien children adopted outside the state or in this state by persons who are United States citizens and Florida residents or domiciliaries. The Bureau shall issue the new certificate upon the request of the adoptee or adopting parent, regardless of whether the adoption was by a single parent or by two parents. The issuance of birth certificates is limited to those children adopted outside the state by domiciliaries of Florida, and to those children adopted within the state by Florida residents.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 357 (CHAPTER 80-102) amends current provisions of the Florida Statutes which relate to children in foster care and grounds for permanent commitment. The concealment of the location of a child contrary to court order or with criminal intent during proceedings affecting custody of the child is punishable as a third degree felony. The act shifts the responsibility for scheduling judicial review hearings from the Department of Health and Rehabilitative Services (DHRS) to the clerk of the court of jurisdiction and removes the court's option to waive a review hearing. It also mandates the

development of a performance agreement within 30 days of a child being placed in foster care to be submitted to the court. The basic areas which must be included in a performance agreement are specified and include responsibilities of both the natural parents and of the supervising agency. The performance agreement is to be limited to as short a time period as possible but shall expire no later than the date of the second annual judicial review. The court may extend an agreement beyond 24 months only in extraordinary situations. At the expiration of the performance agreement, one of two actions shall occur. If the court finds that the parents have substantially complied with the agreement, the child shall be returned to them although the court retains jurisdiction for six months. If the court finds that the parents have substantially failed to comply with the agreement, and that it is manifestly in the child's best interest to do so, the child shall be permanently committed to DHRS or to a licensed child-placing agency willing to receive the child for subsequent placement for adoption. The permanent commitment of a child shall occur only after a hearing held pursuant to Section 39.41, F. S. If the court finds that failure to comply with the agreement is the result of conditions beyond the parent's control, such failure shall not be used as grounds for permanent commitment. By October 1, 1981, performance agreements must be prepared for each child who is residing in foster care at the time this act takes effect (October 1, 1980). The Department is directed to provide preservice and

inservice training for licensed foster parents, and to prepare a feasibility report on mandating such training for licensure.

COMMITTEE SUBSTITUTE FOR SENATE BILL 491 (CHAPTER 80-174) authorizes the provision of foster care services under certain circumstances to clients 18 to 21 years of age when the Department of Health and Rehabilitative Services has custody. The act also deletes the mandate in the Florida Statutes that certain departmental service personnel be assigned to community-based programs; directs the Department of Health and Rehabilitative Services to be responsible for federal developmental disabilities funds; provides for forgiveness of certain group home loans; and establishes criteria which must be met in order to involuntarily commit a retarded person to residential care.

HOUSE BILL 431 (CHAPTER 80-194) amends Chapter 63, F. S., to prohibit discrimination against physically handicapped persons who desire to adopt a child. While protecting the disabled or handicapped individual from indiscriminate rejection, the act also protects the child from placement with parents whose disabilities render them incapable of effective parenting.

COMMITTEE SUBSTITUTE FOR SENATE BILL 533 (CHAPTER 80-175) mandates that each year the Department of Health and Rehabilitative Services shall submit an annual written report to the substantive committees of the Legislature, concerning the status of children in foster care and concerning the judicial review of the status of such children required by

Section 409.168, F. S. The report shall contain statistics on the number of children in foster care who are returned to a parent, guardian or relative; the number of "termination of parental right proceedings" instituted; the number of children placed for adoption; and the number of judicial reviews completed.

SENATE BILL 766 (CHAPTER 80-293) expands Section 827.09, F. S., relating to the abuse of disabled persons to include individuals suffering from the infirmities of aging. Persons are required to report abuses to the Department of Health and Rehabilitative Services (DHRS) when they have reason to believe an individual suffering from the infirmities of aging has been subjected to abuse. The act directs DHRS to develop a comprehensive plan for the deinstitutionalization of state mental health hospital patients over age 55 who do not meet the criteria for involuntary hospitalization pursuant to Section 394.467, F. S. Additionally, DHRS is authorized to make advances for program start-up or to make periodic advance payments during fiscal year 1980-1981 for specific services.

COMMITTEE SUBSTITUTE FOR SENATE BILL 966 (CHAPTER 80-296) amends Chapter 63, F. S., relating to adoption. The act defines the term "adoption" and rewords the guardianship designations. An agency which has permanent commitment of a child shall also have guardianship of the child. When an agency has custody of a child, but does not have permanent commitment, the agency shall not have guardianship, but will have the responsibility and authority to provide for the needs

and welfare of such a child. Unless otherwise authorized by law, the Department of Health and Rehabilitative Services shall not be responsible for expenses incurred by licensed child-placing agencies or intermediaries participating in the placement of a child for adoption. The Department is given authority to waive the thirty-day requirement between the filing of the notice of intent to place a child for adoption and the actual placement, where placement is immediately possible and determined to be in the best interest of the child. In the alternative, that same authority is given to courts of competent jurisdiction. The required report and specified notification are necessary prerequisites to such action.

Adoption agencies are authorized to cross-reference their closed files in the original and adoptive name of the child. No names shall be released from adoption records, except upon the signed consent of the person whose name is to be released, or upon an order of the court upon a showing of good cause in exceptional cases. The act makes it unlawful for anyone to arrange for the sale or surrender of a child for money or anything of value; or for anyone other than a licensed agency to charge or accept a fee or other compensation for making a referral for or in connection with an adoption; or for an intermediary to fail to report an intended placement to the Department at least 30 days prior to placement, unless the 30 day requirement has been waived by the Department.

SENATE BILL 1277 (CHAPTER 80-187) places the dependency programs (including protective services, foster care, adoption and related services, day care, and specialized family services), the delinquency programs, and certain mental health programs into a newly created Children, Youth and Families Program in the Department of Health and Rehabilitative Services. The Social and Economic Services Program is renamed the Economic Services Program and includes all income support programs such as AFDC, Food Stamps, SWAP, SSI, and WIN. All program offices which serve children and youth are required to work cooperatively in the development of an annual plan for financial management, services delivery and integration to meet the comprehensive needs of those clients. This plan is to be the one upon which all budgeting and disbursement, planning, implementing, monitoring, and evaluating of services for children and youth are based. A 5-year state plan is to be developed and submitted with the annual plan to the Governor and the Legislature by January 1, 1981.

The program office transfers, which are to be accomplished within existing resources, are to be completed by January 1, 1981. By November 1, 1980, the Department is to submit a 1981-1983 budget request to the Legislature for the Children, Youth and Families Program and the Economic Services Program. For the remainder of the 1979-81 biennium, there is to be no change in district funding procedures. A unit is to be established within the Mental Health Program Office which will accentuate services to emotionally disturbed children.

The Department is directed to evaluate the unit and report to the Legislature by January 1, 1983. (Other provisions of this act are discussed in this Article under the headings: "Health" and "Health Care Facilities.")

SENATE BILL 411 (CHAPTER 80-171), summarized above in this Article under the heading, "Mental Health," amends the retardation statute to require the court to appoint a guardian advocate for a mentally retarded person, in certain circumstances, without an adjudication of incompetency. It requires the court to define the powers and duties of the guardian advocate, which shall be limited, enabling the retarded person to retain all legal rights not specifically granted to his guardian advocate or removed by court order. It requires a separate court proceeding when the individual is found to be totally incompetent.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1218 (CHAPTER 80-186) creates a Workfare Policy Act as Part X of Chapter 23, F. S. A Task Force on Employment Services for recipients of public assistance is created to determine ways to increase the number of able-bodied adult recipients placed in unsubsidized jobs, and its membership, organization, and purpose are provided for. The Department of Health and Rehabilitative Services and the Department of Labor and Employment Security are to cooperate in taking advantage of programs made available by the federal government and are to submit reports to the Legislature on March 1 and September 1 each year. Recipients of public assistance subject to provisions of this act are

those who receive Aid to Families with Dependent Children, Food Stamps, and Unemployment Compensation. An action plan is to be submitted by the Task Force by October 1, 1980, and a report by March 1, 1981, to the Governor and the Legislature. (Other provisions of this act relating to nursing homes are discussed in this Article under the heading, "Health Care Facilities.")



INSURANCE\*

During the 1980 session, the Legislature reworked the law regarding the insurance exchange and workers' compensation. In addition, the law regarding excess profits in automobile insurance was amended in response to a court decision. Also enacted were other laws relating to the regulation of and benefits to be provided by life and disability (health) insurance, motor vehicle insurance, property/casualty insurance, and several other areas regulated by the Department of Insurance.

Insurance Exchange

HOUSE BILL 1745 (CHAPTER 80-272) amends Section 629.401, F. S., which was created by HOUSE BILL 1424 (CHAPTER 79-394) during the 1979 legislative session. This section provides the framework for establishing an insurance exchange in Florida patterned generally after Lloyd's of London. Florida's exchange, to be called the Insurance Exchange of the Americas as provided in the by-laws, will function as a non-profit corporation to oversee the activities of profit-seeking syndicates formed to underwrite reinsurance of all kinds of

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\*Prepared by the staff of the House Insurance Committee

insurance; direct insurance of all kinds on risks located entirely outside the United States; and surplus lines insurance eligible for export and placed through a licensed Florida surplus lines agent. (Investors, called subscribers, join together as either shareholders or partners to form syndicates. These syndicates are the underwriting members who place risks through a broker member or an associate broker. Protection against insolvency is provided by the Insurance Exchange of the Americas Security Fund.)

Furthermore, the law makes four significant changes in Section 629.401, F. S. First, the date by which the proposed constitution and by-laws is to be submitted to the Insurance Commissioner is changed, and the Legislature is added as a recipient. The constitution and by-laws are presented in accordance with the section as amended. Second, the size of the initial board of governors is increased from seven to fourteen and the Governor, the Senate, and House Minority Leaders added to those who make the appointments. Third, the establishment of more than one exchange in the state is permitted (in order to avoid a possible constitutional conflict with Article III, Section 11 of the State Constitution, forbidding the grant of a privilege to a private corporation.) Fourth, the Insurance Commissioner is given specific power and duties in regulating the solvency of any exchange established in Florida. The exchange generally has a free hand in underwriting practices.

Note that the principal location of the exchange will be determined by the board of governors and that any exchange established may maintain one or more offices. Note further that the substance of this act also passed as part of HOUSE BILL 1677 (CHAPTER 80-236).

### Workers' Compensation

HOUSE BILL 1677 (CHAPTER 80-236) is the result of several months of legislative oversight by the House Insurance Committee. The Committee monitored the implementation of the new Workers' Compensation Law (Chapters 79-40, 79-41 and 79-312) and recommended changes to correct errors made during the 1979 session and to deal with the problems which had arisen since the effective date of the 1979 reform. Therefore, the act does not make any major alterations but merely fine-tunes the new system enacted in 1979.

For example, the law amends Subsection 440.10(1), F. S., to delete references to exemptions for subcontractors employing fewer than three workers. (The certificates of exemption designed to relieve the general contractor of liability did not prove workable.) The measure amends Subsection 440.12(2), F. S., to change an effective date. (This change should have been made in 1979 but was not.) The act deletes a requirement in Subsection 440.13(1), F. S., that medical reports be filed by the doctor directly with the Division of Workers' Compensation of the Department of Labor. (This should reduce the Division's paper flow and does no harm since more complete

reports are filed later by the carrier.) Several sections are amended to delete references to the Industrial Relations Commission, abolished as of October 1, 1979. Several others are amended to provide the Chief Commissioner with the statutory authority to carry out his duties. There are various other changes made along these lines. Please refer directly to the law for specifics.

SENATE BILL 439 (CHAPTER 80-324) delays the effective date of the self-insurer's guaranty fund required by Paragraph 440.38(1)(b), F. S., from July 1, 1980, to July 1, 1981. In addition, the act amends Paragraph 440.38(4)(b), F. S., to exclude individual self-insurers from the requirement that they have claims adjusters situated in the state.

#### Automobile Excess Profits Law

HOUSE BILL 1677 (CHAPTER 80-236) summarized above, also contains amendments to the automobile insurance excess profits law, Section 627.066, F. S., in response to two decisions in the Circuit Court of Leon County, Florida, which ruled the law unconstitutional. (Government Employees Insurance Company v. State of Florida, Department of Insurance and Bill Gunter as Insurance Commissioner and Treasurer of the State of Florida, Case No. 79-2879, 2d Cir. Ct. 1980. Liberty Mutual Fire Insurance Company and Liberty Mutual Insurance Company v. State of Florida, Department of Insurance and Bill Gunter as Insurance Commissioner and Treasurer of the State of Florida,

Case No. 79-3164, 2d Cir. Ct. 1980.) The court ruled that the law is unconstitutional:

- (1) As an unlawful and improper delegation of legislative authority since the use of the word "may" in subsection (6) empowers the Department to use unbridled discretion to determine which insurers must rebate excess profits, without providing any standards, guidelines or limitations on such discretion.
- (2) As a violation of equal protection since the exemption of certain insurers based on volume of business creates an unreasonable classification which bears no rational relationship to the purpose of the statute.

The unlawful delegation problem is addressed in this act by changing "may" to "shall" in subsection 6 (now 7), thereby requiring the Department of Insurance to order the return of excess profits by all insurers who must meet the reporting requirements. The equal protection problem is addressed by requiring all companies writing private passenger automobile insurance, regardless of the volume of business, to comply with the reporting requirement. Under this law, the only exception to uniform, mandatory application of the excess profits requirements is that a company will not be required to return excessive profits if such refund would render the company insolvent.

Other changes were made to allow insurers to make refunds in the form of a credit toward renewal premiums rather than require cash refunds. Also, the law now specifies that refunds are to be made on a pro rata basis to all policyholders

of record on December 31 of the final year of the three-year period used for determining the existence of excess profit.

#### Automobile Insurance

HOUSE BILL 1315 (CHAPTER 80-364) amends Section 627.4132, F. S., to exempt uninsured motorist insurance from the prohibition against stacking of automobile insurance coverages. Under the stacking doctrine, as established by the courts in uninsured motorist cases, an injured person can recover damages up to the amount of the combined coverage provided by each of the policies under which he is an insured and the combined coverage of each vehicle under a multi-vehicle policy under which he is an insured. The insureds under an uninsured motorist policy include the named insured, household relatives, and any other occupant of an insured vehicle.

HOUSE BILL 1431 (CHAPTER 80-373) prohibits the surcharging of automobile comprehensive or uninsured motorist coverage solely because the insured was involved in an accident or convicted of a moving traffic violation. The theory is that driving ability and driving record are unrelated to losses which are insured by these two coverages. Another change provides that the fact that the insured was not convicted of a moving traffic violation does not, by itself, entitle the insured to a reimbursement of a surcharge. The insured must show that the other driver involved in the accident was convicted of a moving violation. Finally, insurers are prohibited from refusing to issue an automobile insurance

policy solely because the applicant is handicapped or physically disabled, so long as the handicap or disability does not substantially impair the person's mechanically assisted driving ability. SENATE BILL 555 (CHAPTER 80-152) also contains the prohibition against refusing to insure a handicapped driver but does not contain the driving ability qualification.

HOUSE BILL 1175 (CHAPTER 80-396) extends the provision currently applicable to renewal of automobile liability insurance policies to provide that uninsured motorist coverage, previously rejected by the policyholder, need not be provided or offered in a policy issued by the same insurer which extends, changes, supersedes, or replaces the existing policy, unless such coverage is requested in writing. However, each insurer must notify the policyholder, at least annually, of his options as to uninsured motorist coverage; and such notice shall permit the insured to request such coverage in a manner approved by the Department of Insurance.

SENATE BILL 956 (CHAPTER 80-330) prohibits insurance companies from refusing to renew motor vehicle liability coverage, and from considering points for traffic violations assessed against a person when setting rates for such person's personal motor vehicle, based solely on the person's employment-related driving experience while driving a motor vehicle operating under a certificate of the Interstate Commerce Commission or Florida Public Service Commission with such certificate validly attached or displayed.

SENATE BILL 194 (CHAPTER 80-149) includes mechanical breakdown insurance within the scope of the limited license presently available for the sale of motor vehicle physical damage insurance. The test currently required for the license will be expanded to include testing of the applicant's knowledge of mechanical breakdown insurance, which is defined as insurance against the failure of an original or replacement part to perform any function for which it was designed. This law also changes the reserve requirements for automobile service warranty associations. The required reserve is increased from 40 percent to 100 percent of unearned premiums, amortized on a pro rata basis over the life of the contract. Associations may capitalize acquisition costs up to 50 percent of the unearned premium as a prepaid asset and amortize the acquisition cost on a pro rata basis over the duration of the warranty contract.

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 880 AND 1053 (CHAPTER 80-362) requires that an agent who writes automobile insurance in the Florida Joint Underwriting Association be a general lines agent of an insurer which writes automobile liability and physical damage insurance in the same county where the agent resides or contiguous counties, or that the agent write an equal amount of other property and casualty insurance. However, the Department of Insurance may also appoint an agent to a servicing carrier if necessary for an area to have adequate access to insurance.

HOUSE BILL 601 (CHAPTER 80-360) increases the number of members of the Board of Governors of the Automobile Joint Underwriting Association from nine to eleven, proportionately appointed as before by the Insurance Commissioner and participating insurers.

#### Life and Health Insurance

HOUSE BILL 245 (CHAPTER 80-387) makes several significant changes regarding credit life and disability insurance. First, Section 626.321, F. S., is amended to require that only the individual or entity whose tax identification number is used in receiving, or is credited with receiving, the commission from the sale of credit life or disability insurance is to be the licensed agent of the insurer. (The purpose is to ensure that the individual or entity actually receiving the income will be responsible for the conduct of the business.) Second, Sections 627.679 and 627.680, F. S., are amended to provide that the amount of insurance issued may not exceed by more than \$5 the total of the payments of the indebtedness. The previous language had limited the amount of such insurance to the approximate unpaid balance of the loan. Third, the term for which credit disability insurance may be issued is reduced from 10 years to 5 years. And fourth, the definitions of credit life and credit disability insurance are amended to provide that not only a borrower of money or a purchaser of goods but also a lessee of goods may be insured.

SENATE BILL 91 (CHAPTER 80-341) amends several sections of the Insurance Code. Section 627.6675, F. S., is amended to provide that when a group, blanket, or franchise policy, or hospital or medical expense contract is converted to a nongroup policy on termination of eligibility for coverage under a group policy, the renewal provision must be no less favorable to the insured than the renewal provision of the group policy, unless the insured is eligible for Medicare, or the entire class of policies has been discontinued for specified reasons, or the insured has obtained other group coverage which when combined with the original policy would result in over-insurance.

The law then addresses self-insurance. Section 624.031, F. S., is created to define self-insurance. The act then amends Section 627.551, F. S. (group life insurance), and Section 627.651, F. S. (group health insurance), to require plans of self-insurance to provide the same benefits that commercial carriers are required to provide.

Section 627.666, F. S., is amended to provide that for group health policies, the succeeding insurer must cover handicapped children who meet the criteria in Section 627.6615, F. S., even though the dependent children are beyond the limiting age specified in the policy.

The law amends one section, creates one section, and repeals another in regard to licensing requirements for life and disability (health) agents. Section 626.341, F. S., is amended to permit licensed life or disability agents to solicit applications for policies from an insurer with which he is not

an appointed agent if at the same time the agent submits an application for appointment and receives no commissions until licensed. Section 626.342, F. S., is created to make it a second degree misdemeanor to furnish blank forms, applications, stationery, or other supplies to an agent who is not licensed for that class of business or appointed by the particular insurer. Section 626.746, F. S., is repealed since its substance is incorporated in the new Section 626.342, F. S. The act takes effect upon becoming law, except those provisions relating to self-insurance take effect July 1, 1981.

SENATE BILL 723 (CHAPTER 80-344) amends Section 627.667, F. S., to provide specifically that the required extension of benefits provisions apply to group, blanket and franchise disability policies renewed after October 1, 1975, as well as those issued, altered, modified, or amended after that date. (Insurance carriers probably were including the extension of benefits provisions in renewal policies; the act makes the requirement specific.) This section is also amended to require that extension of benefits be provided if the policy is issued to state residents outside of Florida, effective October 1, 1980. (Presently, the only other benefit required for policies issued out-of-state is coverage for newborn children. All the other benefits mandated by the Legislature for Florida residents apply only if the policy is issued within the state.)

COMMITTEE SUBSTITUTE FOR SENATE BILL 815 (CHAPTER 80-156) addresses three areas of insurance. First, a new Section 626.990, F. S., is created to require the disclosure of certain

policy cost and benefit information. (This new section is basically the National Association of Insurance Commissioners (NAIC) Model Regulation on Cost Disclosure for Whole Life Insurance. This section differs from the NAIC model in that the model does not require disclosure if the face amount of the policy is less than \$5,000. The act does not contain that exemption.) Through the use of indices, a policy summary and a buyer's guide, the consumer will be able to compare the cost of similar whole life policies. The law does not provide a method for comparing term policies with whole life policies, nor a method for comparing any other type of investment with whole life policies.

Second, the measure amends two sections of the Insurance Code dealing with industrial insurance. Section 627.516, F. S., is amended to require each insurer to provide a refund or discount if premiums are paid at least 13 weeks in advance. Effective January 1, 1981, Section 627.517, F. S., is amended to provide for conversion to an ordinary life insurance policy when the face amount of the policies sold by one company insuring one life exceeds \$3,000.

Third, the law enacts the "Florida Medicare Supplement Reform Act." This act establishes minimum standards which policies must meet before they can be labelled a "medicare supplement" policy. Each "medicare supplement" policy must be accompanied by a buyer's guide and a policy summary. (The legislation was adopted to provide protection for Florida's large elderly population since several investigations have

shown serious and widespread abuses in the sale of "medicare supplement" policies to this group.) Penalties are provided for failure to comply.

COMMITTEE SUBSTITUTE FOR SENATE BILL 176 (CHAPTER 80-33) requires insurance carriers to pay covered claims to physical rehabilitation hospitals as well as to acute care hospitals. Third party payments would not have to be made to any other specialty hospital. (To the extent that physical rehabilitation hospitals are equipped to deliver those services more efficiently than acute care hospitals, claim payments should be less than at present.)

HOUSE BILL 424 (CHAPTER 80-304) authorizes a county or municipality to pay all or part of the cost of providing group insurance for retired officers and employees. The exercise of this authority shall not be negotiable through collective bargaining.

HOUSE BILL 1428 (CHAPTER 80-285) permits community college districts to self-insure for any coverage they choose. It also permits public school districts and counties to contract with approved service organizations to provide self-insurance services. In addition, these governmental entities will be permitted to advance money to service organizations to be used in paying claims. (It is unclear whether this statutory authority is sufficient to overcome the prohibition in Article VII, Section 10 of the Florida Constitution against such public bodies pledging credit.)

COMMITTEE SUBSTITUTE FOR SENATE BILL 580 (CHAPTER 80-19) removes any statutory cap on the interest rate at which domestic stock or mutual insurance companies may borrow money and would specifically require the Department of Insurance to approve the interest rate to be paid. Subsection 628.401(1), F. S., previously had provided for a cap of 10%. (Removal of the cap will allow domestic stock and mutual insurers to be more competitive with other borrowers.)

SENATE BILL 715 (CHAPTER 80-137) amends Section 627.476, F. S., to increase the interest rate which may be used to determine the cash surrender values and other nonforfeiture benefits for whole life insurance policies issued after October 1, 1980. (The predicted effect is to lower premiums at the same time that the cash surrender value is decreased.)

#### Property and Casualty Insurance

COMMITTEE SUBSTITUTE FOR SENATE BILL 821 (CHAPTER 80-326) amends the "valued policy law," Section 627.702, F. S., which provides that when a building, structure, mobile home, or factory-built home is damaged by fire or lightning so that a total loss occurs, the liability of any insurer is the amount of money specified in the policy rather than the actual cash value. Partial losses are paid on the basis of actual cash value of the loss. This act provides four instances in which the valued policy law would not apply. (The thrust of the changes is to minimize the incentives for arson and fraud which are inherent in a valued policy law.) The law provides that the

valued policy law does not apply if an insured participates in fraudulent or criminal activity in connection with the burning of his own structure. It prevents recovery under the valued policy law if two or more policies are issued on the same property by different companies, unless the existence of the multiple policies has been disclosed to all of the insurers. Blanket policies which cover two or more buildings for a single amount of insurance are exempted. Finally, an exemption is provided for builder's risk policies which cover the completed value of the property. Insurers are expressly permitted to repair, or replace damaged property at their own expense.

SENATE BILL 397 (CHAPTER 80-133) amends Section 626.730, F. S., to limit the present restrictions which prevent the Department of Insurance from licensing agents who will write "controlled business" (insuring own or family interests) and, as a result, would permit the issuance of a limited license to persons employed by or associated with a retail sales establishment or consumer loan office to sell credit property insurance. Credit property insurance is coverage on personal property used as collateral for securing a loan, or on personal property purchased under an installment sales agreement.

SENATE BILL 470 (CHAPTER 80-93) increases the maximum amount of industrial fire insurance permitted on one risk from \$10,000 to \$15,000. Industrial fire insurance is debit insurance and premiums must be collected monthly or more frequently.

HOUSE BILL 136 (CHAPTER 80-26) stipulates that self-insurers are not intended to be part of the Florida Insurance Guaranty Association. FIGA is a mechanism which protects insureds from the insolvency of insurers. This law also provides for a stay of 6 months in all proceedings in which the insolvent insurer is obligated to defend itself or a party and FIGA must therefore take over the defense. A court of competent jurisdiction may also extend the stay. Previously, the law provided for a stay of up to six months.

HOUSE BILL 1094 (CHAPTER 80-91) provides 4-year terms of office for the eleven members of the Board of Governors of the Florida Patient's Compensation Fund, except staggered terms are provided for initial appointments. Presently, no terms are specified in the law. This act also permits each member to designate in writing an alternate to act in the member's absence or incapacity.

SENATE BILL 477 (CHAPTER 80-94) provides that one additional domestic member shall be added to the board of directors of the risk apportionment plan for windstorm insurance coverage. This member shall be elected on the basis of the weighted voting based on the domestic companies' net written premiums in Florida.

#### Miscellaneous

COMMITTEE SUBSTITUTE FOR HOUSE BILL 996 (CHAPTER 80-363) provides that when insurance is purchased by agreement with a premium finance company, the company may cancel the insurance

for non-payment of the premium and finance charges. Upon cancellation, the finance company must notify the insured, but an automobile liability insurance company need not notify the insured, if the premium finance company has done so.

The act also provides that upon cancellation, the insurer must return the unpaid balance due under contract to the finance company and return any remaining unearned premium to the agent, insured, or both. Premium finance companies are prohibited by this measure from financing the cost of automobile club memberships. The maximum service charge which a premium finance company can charge has been increased from \$9 to \$12 per \$100 per year. The additional annual charge has been increased from \$15 to \$20. General lines agents and agencies which finance premiums on the business they write may increase the interest they charge in lieu of service charges from 10 percent to 18 percent.

HOUSE BILL 694 (CHAPTER 80-390) provides statutory authority for rules previously implemented by the Department of Insurance which require an applicant for any type of liquefied petroleum gas license to pass an examination in order to assure competency. It empowers the Department to inspect all LP gas facilities and investigate all accidents in which LP gas or equipment might be involved and gives rulemaking authority to the Department for the regulation of unlicensed LP gas bulk plant locations. Finally, the Department may publish information and assist other governmental entities in promoting LP gas safety.

SENATE BILL 492 (CHAPTER 80-135) amends Section 639.15, F. S., so that businesses writing pre-need funeral service or burial supply contracts must be examined by the Department of Insurance at least once every three years rather than annually. This law does not limit the power of the Department to examine these businesses as they deem necessary.

HOUSE BILL 159 (CHAPTER 80-355) amends Section 651.071, F. S., to place the priority rights of a bond-holder creditor on the same footing as those of a mortgage-holder or secured creditor as regards the assets of a life care provider undergoing liquidation. The measure also amends Section 651.114, F. S., to provide that in cases of rehabilitation, liquidation, conservation, reorganization, seizure or summary proceedings concerning a life care provider, the rights of the Department of Insurance are subordinate to those of a bond-holder trustee.

HOUSE BILL 863 (CHAPTER 80-18) increases the annual rate of interest with respect to insurance premium taxes from 6 percent, as currently provided by Paragraph 624.509(3)(c), F. S., to 12 percent.

SENATE BILL 92 (CHAPTER 80-78) excludes from the definition of "service warranty" service contracts covering repairs and maintenance on appliances or maintenance of residential property between consumers and nonprofit organizations or between cooperatives whose members consist of condominium associations and condominium owners.

Law Enforcement and Criminal Justice\*

Criminal justice legislative activity during the 1980 Session focused primarily on the revision of various statutes and more stringent enforcement of drug law. Major statutory revisions included the police standards and training statute, criminal justice information systems, and compensation procedures for victims of crimes. Major drug enforcement legislation included outlawing drug paraphernalia, adding PCP and quaaludes to the drug trafficking statutes, prohibiting bail on appeal for first degree felony offenders of drug laws, revising the schedules of controlled substances, and the revision of the contraband forfeiture act. Other acts expanded the operation of the pretrial intervention program; modified criteria for classification as a youthful offender; removed certain restrictions related to agencies conducting alcohol evaluation and education; and clarified certain acts which constitute the passing of worthless checks.

Controlled Substances and Drug Abuse

COMMITTEE SUBSTITUTE FOR HOUSE BILL 6 (CHAPTER 80-30)  
strengthened laws against drug paraphernalia in Florida. Newly

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

created Sections 893.145-147, F. S., specifically defined the term "drug paraphernalia." The definition includes, but is not limited to, certain enumerated objects which are used, intended for use, or designed for use in violation of Chapter 893, F. S. Criteria are also established for a court to use in the determination of whether an object falls within the definition. Section 893.147, F. S., prohibits the possession, manufacture, delivery, or advertisement of drug paraphernalia. Subsection 893.12(2), F. S., is amended to provide for the seizure and forfeiture of drug paraphernalia as contraband.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 263 (CHAPTER 80-70) amends Section 893.135, F. S., to include phencyclidine (PCP) and methaqualone within the drug trafficking statutes. The act makes it a first degree felony to knowingly sell, manufacture, deliver, bring into the state, or knowingly be in actual or constructive possession of 28 grams or more of phencyclidine or 200 grams or more of methaqualone. The minimum mandatory penalties, increased fines, and special provisions for sentencing under the trafficking section would apply to large quantities of PCP and quaaludes as it now does to marijuana, cocaine, opium, and morphine.

SENATE BILL 1221 (CHAPTER 80-353) amends sections of Chapter 893, F. S., to revise the standards and schedules under which controlled substances are regulated and makes technical changes so that the Florida Statutes in this area conform to the federal regulations. The act also provides for limitation of liability for health care providers who furnish information

to medical review committees, including information concerning the prescribing of controlled substances as listed in Schedule II of Subsection 893.03(2), F. S.

HOUSE BILL 1749 (CHAPTER 80-72) creates Section 903.133, F. S., to prohibit bail on appeal for any person adjudged guilty of a first degree felony for a violation of the Florida Comprehensive Drug Abuse Prevention and Control Act (Chapter 893, F. S.). This would include specifically violations of Section 893.13 (sale, delivery, or possession of more than 10 grams of certain Schedule I drugs, or the delivery by a person over 18 to a person under 18 years of age of certain Schedule II drugs), or violations of Section 893.135 (drug trafficking). (The Legislature found that persons engaged in narcotics trafficking have access to large sums of money available to post bond on appeal. These persons have the means and resources to leave the country, thereby thwarting justice, and forfeiting the bail.) The act repeals Rules 3.130(a) and 3.691(a), Florida Rules of Criminal Procedure, to the extent that they are inconsistent with the provisions of this act.

#### Law Enforcement

HOUSE BILL 1746 (CHAPTER 80-71) updates and revises the Police Standards and Training provisions of Chapter 943, F. S. Major revisions include sections which: (1) ensure that the Police Standards and Training Commission within the Department of Law Enforcement shall exercise its special powers in cooperation with the Department of Law Enforcement; (2) state

that one who is convicted of a felony or misdemeanor involving moral turpitude will be precluded from employment as a law enforcement officer notwithstanding a suspension of sentence or a withholding of adjudication; (3) set forth the actual workings of the Commission in establishing a training program for the purpose of providing basic employment certification, career development, and specialized training for law enforcement; (4) provide for certification of law enforcement officers and provide grounds for decertification, as well as investigations and hearings with respect thereto; (5) provide, in more specific detail, which personnel shall be qualified for salary incentive money; and (6) appropriate \$74,500 to the Department of Legal Affairs for three positions to assist the Police Standards Training Commission and the Division of Standards and Training of the Department of Law Enforcement in legal matters.

#### Criminal Justice Information System

HOUSE BILL 1826 (CHAPTER 80-409) amends and rewrites portions of Chapter 943, F. S., to clarify the duties and functions of the Criminal Justice Information System. This act extends the responsibilities of the Division of Criminal Justice Information Systems of the Department of Law Enforcement in managing Florida's Crime Information Center (FCIC), and provides guidelines for its relationship to this state's criminal justice community and to the criminal justice agencies of other states and the federal government. These

responsibilities are in regard to the use, management, security and privacy of criminal justice information as mandated by federal and state law and by agency rules and regulations. This act incorporates all these requirements into a single statutory chapter.

#### Law Enforcement Agencies

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 532 AND 630 (CHAPTER 80-27) amends Section 934.03, F. S., to authorize law enforcement agencies to intercept and record incoming wire communications. Previously only ambulance services, fire stations, public utilities, or agencies using the "911" emergency telephone system were so authorized.

COMMITTEE SUBSTITUTE FOR SENATE BILL 93 (CHAPTER 80-68) revises the contraband laws of Sections 943.41 - 943.44, F. S. Major revisions of the Florida Contraband Forfeiture Act include: (1) amending Subsection 943.41(2) to include personal property such as money and currency within the definition of contraband; (2) amending Subsection 943.43(1) to establish that if contraband is found on or in a vessel, motor vehicle, aircraft or personal property, such an instrumentality is presumed to be used or intended for use in the illegal possession of the contraband; and (3) providing for the protection of the rights of innocent owners or bonafide lienholders who neither knew nor should have known after a reasonable inquiry that their property was being illegally used. The legislation also establishes new notice requirements

regarding the forfeiture proceedings and new procedures for the disposition of forfeited property.

HOUSE BILL 1378 (CHAPTER 80-43) amends Section 874.07, F. S., to add two new classes to the definition of "law enforcement officers" for the purpose of defining the crime of assault or battery upon a law enforcement officer. The new classes of officers to be included in the definition are state, county, or municipal correctional officers and parole and probation officers.

HOUSE BILL 929 (CHAPTER 80-201) amends Section 258.024, F. S., so that Department of Natural Resources park officers, when acting as law enforcement officers on lands within their jurisdiction, may make warrantless arrests under the same conditions as any other peace officer.

#### Judicial Process

SENATE BILL 90 (CHAPTER 80-96) adds one district court of appeal judge and one county judge to the membership of the Florida Council on Criminal Justice.

HOUSE BILL 426 (CHAPTER 80-75) creates Part II of Chapter 925, F. S., titled Criminal Mental Health Procedures. As created, the act sets out a simple statutory scheme for dealing with those defendants who may be incompetent to stand trial or who may have been acquitted by reason of insanity. These procedures are intended to work in conjunction with the Florida Rules of Criminal Procedure whenever issues of mental condition of a defendant are raised. (Basically, the

procedures track those relating to civil involuntary hospitalization as found in Section 394.467, F. S.) These criminal mental health procedures include: (1) appointment of experts to determine issues of the mental condition of defendants; (2) determination of mental competence to stand trial; (3) hospitalization of defendants adjudicated incompetent to stand trial; (4) statute of limitations and former jeopardy exceptions; (5) hospitalization of defendant adjudicated not guilty by reason of insanity; (6) jurisdiction of committing court; and (7) provisions for conditional release.

SENATE BILL 130 (CHAPTER 80-321) modifies the requirements that must be met in order to be designated a youthful offender. Prior law allowed eligibility to those who had not previously been found guilty of a felony or who had not been adjudicated delinquent for an act that would be a capital, life, or first degree felony if committed by an adult, with the proviso that persons excluded for these reasons could be included if other criteria were met. The other criteria (seriousness of the offense, nature of the offense, sophistication and maturity of the defendant, etc.) were retained by the act, but specific reference to previous adjudication as guilty of a felony, or guilty of a delinquent act that would be considered a capital, life, or first degree felony if committed by an adult, are removed.

SENATE BILL 409 (CHAPTER 80-290) amends Chapter 39, F. S., the Florida Juvenile Justice Act. Jurisdiction over

juvenile traffic offenses remains in the local traffic court, usually the county court, unless the case is transferred to the circuit court because of the seriousness of the offense. These offenses, which are then considered delinquent acts, include fleeing a law enforcement officer, leaving the scene of an accident, and driving while under the influence of alcohol or drugs. The criteria whereby a child may be placed in a detention facility is strengthened. Detention is prohibited unless: the child is an escapee from another jurisdiction; the child requests protection; the child is charged with a capital felony, life felony, felony of the first degree, or a crime of violence; or the child is charged with a serious property crime and satisfies certain additional criteria. Furthermore, the child must be placed in the least restrictive alternative necessary to reduce the risk of flight, or of serious harm to property or to the physical safety of others.

SENATE BILL 287 (CHAPTER 80-376) revises the statutory chapter relating to Public Defenders, Chapter 27, F. S. The following are major revisions: (1) in order to be qualified as a public defender, one is required to be a member in good standing of the Florida Bar for five years, an elector of the state and a resident of the judicial circuit in which the person is elected to serve; (2) Section 27.51, F. S., is revised specifying the persons whom a public defender is required or permitted to represent; (3) the standards for the determination of indigency are updated in Section 27.52, F. S.; (4) investigators employed by a public defender would have,

under Subsection 27.53(1), F. S., full authority to serve witness subpoenas or court orders; (5) salaries of public defenders and assistant public defenders will be paid in equal monthly installments by the state under the General Appropriations Act; (6) counties or municipalities may contribute funds towards the salary of an assistant public defender whose sole function shall be defending indigents charged with violations of special laws or with violations of county or municipal ordinances; and (7) in addition to other minor revisions, Section 27.59, F. S., is amended to allow public defenders and assistant public defenders access to incarcerated persons who have not engaged private counsel, regardless of whether they have been incarcerated for 48 hours or longer, in order to tender legal advice and counsel. Compensation for attorneys appointed to represent defendants for misdemeanors and juveniles at the trial level is increased from \$500 to \$1,000.

HOUSE BILL 1023 (CHAPTER 80-244) deletes an obsolete provision of law which prohibits an assistant state attorney from signing a criminal information. Assistant state attorneys who do sign informations must have been specifically designated to do so by the state attorney.

HOUSE BILL 593 (CHAPTER 80-230) amends Section 903.31, F. S., to provide that an adjudication of guilt or innocence shall satisfy the conditions of a bond. The legislation also provides that the original appearance bond shall not be

construed to guarantee deferred sentences, payment of fines, or attendance at educational or rehabilitation facilities.

SENATE BILL 927 (CHAPTER 80-329) extends the pretrial intervention program to persons previously convicted of no more than one nonviolent misdemeanor. Prior law provided that only first offenders could be considered for the program.

HOUSE BILL 21 (CHAPTER 80-25) provides alternative venue for certain criminal prosecutions of theft and fraudulent practices involving various means of communication.

SENATE BILL 89 (CHAPTER 80-146) abolishes the Crimes Compensation Commission within the Department of Health and Rehabilitative Services (created by Section 960.05, F. S.), and transfers its responsibilities to a newly created Bureau of Crimes Compensation within the Division of Workers' Compensation of the Department of Labor and Employment Security. The positions of chairman and commission members are abolished with the Commission. Legal representation is to be provided by the Department of Labor and Employment Security rather than by the Department of Legal Affairs. Responsibility to "allow, deny, controvert and litigate claims" is assumed by the Division of Workers' Compensation, with specific delegation to the Chief of the Bureau of Crimes Compensation. With regard to the funding of the Crimes Compensation Trust Fund from monies collected from persons convicted of state felonies or misdemeanors, the act removes the courts' option to "waive, modify, or defer" payment of the \$10 fee. The Clerk of the Court is required to collect the money and forward \$9 of every

\$10 to the Trust Fund, keeping the remaining \$1 as a service charge.

### Theft

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 658 AND 1075 (CHAPTER 80-389) amends Section 812.014, F. S., to provide that the theft of property from a designated construction site (as identified by a posting of a sign reading: "This area is a designated construction site and anyone trespassing on this property upon conviction shall be guilty of a felony.") shall be grand theft of the second degree and punishable as third degree felony. Subsection 810.09(d) (sic), F. S., is created to provide that trespass on such a posted construction site shall also be a third degree felony.

HOUSE BILL 1127 (CHAPTER 80-309) amends Section 812.051, F. S., to provide that when gold or silver is purchased by a junk dealer, scrap metal processor, persons dealing in second-hand goods, or foundry, certain records are to be kept and forwarded within 24 hours to the sheriff of the county in which the business is operated. This provision does not apply to gold or silver coin dealers or retail jewelers licensed by law. This legislation also amends Section 812.062, F. S., to require notification within 24 hours to the owner upon recovery of a stolen motor vehicle.

SENATE BILL 322 (CHAPTER 80-379) amends Section 812.015, F. S., to exempt from liability for false arrest, false imprisonment, or unlawful detention a peace officer, merchant

or merchant's employee who detains a person under certain circumstances for the purposes of attempting to recover unlawfully taken merchandise or for prosecution.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 246 (CHAPTER 80-301) provides that in the event a check is received through the mail or is delivered to a representative of the payee, prima facie evidence of the identity of the drawer may be established by the signature of the drawer found on the original contract, order or request. In addition, prima facie evidence of identity may be established if the drawer has a check-cashing identification card on file with the payee. The act also provides that when a check is drawn on a closed account it will be presumed that the check was issued with intent to defraud.

#### Motor Vehicles and Boats

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 12 (CHAPTER 80-276) excludes the admission into evidence of radar speed measuring devices with respect to speed violations, except under certain circumstances as outlined by Subsection 316.1906(2), F. S. Radar may be used in situations where the officer makes an independent visual determination of speeding, the conditions permit the clear assignment of speed to a single vehicle, and the radar unit meets certain prescribed standards and minimum design criteria established by the Department of Highway Safety and Motor Vehicles. In addition, Section 943.14, F. S., is amended to require the Police Standards and Training Commission to develop minimum

training standards for the operations of radar units by law enforcement officers. A new commission is established to recommend to the Department of Highway Safety and Motor Vehicles minimum design criteria for radar units used in Florida and to report its findings to the Florida Legislature by January 31, 1981.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 791 (CHAPTER 80-266) makes several substantive changes to Chapter 371, F. S., relating to the registration and regulation of boats. It provides that it is a third degree felony to forge a boat registration decal, to possess such a forged decal, or to sell, supply or transfer any decal without the authority of the Department of Natural Resources. The legislation also provides for boat registration and hull identification, while prohibiting the purchase, possession, sale or transfer of illegal title. It prohibits the issuance of fraudulent certificates of origin by manufacturers. Finally, it requires that vessels operating on the waters of the state must display a hull serial number or a hull identification number, and prohibits the alteration or destruction of such numbers. Violations are third degree felonies.

SENATE BILL 1041 (CHAPTER 80-160) makes it unlawful for the operator of a boat, having knowledge that a duly authorized law enforcement officer has directed him to stop his vessel, to willfully refuse or fail to stop in compliance with the directive. Violation of this provision is a first degree misdemeanor.

## Miscellaneous

HOUSE BILL 497 (CHAPTER 80-112) amends Section 790.001, F. S., to include "antique firearms" within the definition of "firearms" when the antique firearm is used in the commission of a violent crime.

SENATE BILL 689 (CHAPTER 80-343) enables authorized agencies for alcoholism treatment to be the same agencies which conduct alcohol evaluation and education programs for persons convicted of driving while under the influence of alcohol, model glue, or controlled substances. Previous law prohibited one agency from fulfilling the dual function. As a safeguard, any agency which provides treatment, evaluation and education, must submit statistical reports to the Traffic Court Review Committee on a quarterly basis, and a programmatic and statistical report to the Committee annually, to be sure that excessive referrals to treatment have not been made.

LOCAL GOVERNMENT\*

This year, the Legislature directed its attention to the selling of local bonds, the maximum interest rate on them, local bond anticipation notes and the purposes for which industrial development bonds are issued. Legislators decided to return to an earlier method of fixing the salaries of county officers. They expanded the planning and zoning powers of charter counties, clarified annexation procedures and tightened statutes relating to the creation of certain types of special districts. A whole package of laws were enacted providing tax credits for businesses which contribute resources, create jobs, expand existing businesses or rebuild destroyed ones in selected slum or blighted areas. The Florida Housing Finance Agency was created. Procedures and requirements were established for the conversion of existing improvements to ownership as a residential condominium or residential cooperative.

Local Government Fiscal Matters

COMMITTEE SUBSTITUTE FOR SENATE BILL 102 (CHAPTER 80-98) pertains to the sale of local bonds as defined. Unless a local

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\*Prepared by the staff of the Senate ECCA Committee

governing body determines by resolution that a negotiated bond sale is in the best interest of the local government, bonds must be sold at public sale by competitive bid. The resolution must include specific findings as to the bond issue and market conditions which require a negotiated sale, and may also provide for the issuance of the bonds. Prior to the award of bonds to the underwriter, he must provide the local government unit with a disclosure statement containing certain items of information. In addition, the payment of the finder's fees by bond underwriters is prohibited unless the local government is notified of the finder's name, address, and the fee amount. The local government and the underwriter are required to file specified information with the Division of Bond Finance of the Department of General Services within a certain period of time after a bond is issued. This information must be maintained by the Division as a public record and filed with the clerk of the circuit court in the county in which the local government entity has authority.

The Legislature passed another act, HOUSE BILL 1614 (CHAPTER 80-318), which applies to public borrowing. The law replaces the previous 7.5 percent interest rate cap on government bonds with a floating cap which is to be 150 basis points above the average yield for municipal bonds issued throughout the United States in the previous month. Bonds which are rated in any one of the three highest classifications by a nationally recognized rating service are exempt from the interest rate cap. The State Board of Administration may

authorize a rate of interest in excess of the maximum, but must take into consideration certain data supplied by the unit requesting the excess interest rate. The law prohibits the enactment of future special laws authorizing interest rates in excess of the maximum set forth in this act. Finally, this act does not apply to bonds issued to finance industrial and manufacturing plants pursuant to Parts II, III, and V of Chapter 159, F. S., health facilities under Part III of Chapter 154, F. S., or higher education under Part II of Chapter 153, F. S.; and does not apply to limit or restrict the rate of interest on bonds of municipal utilities issued pursuant to Part II of Chapter 166, and Section 215.431, F. S.

HOUSE BILL 877 (CHAPTER 80-42) authorizes agencies of municipalities to borrow money in anticipation of the receipt of the proceeds from the sale of long-term bonds. (Municipalities, counties, etc., already have this authority.) Any such loan, known as a bond anticipation note, must be repaid within five years from the date the note was issued. (Previously, these notes had to be repaid within three years). The provisions of this act are applicable to bond anticipation notes issued and outstanding or authorized but unissued upon the effective date of this act (July 1, 1980), as well as to any bond anticipation notes authorized and issued after the effective date.

COMMITTEE SUBSTITUTE FOR SENATE BILL 383 (CHAPTER 80-47) implements Article VIII, Section 4, Florida Constitution. It provides a procedure by which a county may contract with a

municipality or special district for certain services. Such services are funded as agreed upon between the county and the municipality or special district. This does not authorize the county to impose a charge or tax, or to create a municipal service taxing unit within a municipality or special district. The act does not apply to any county operating under home rule charter adopted pursuant to Sections 10, 11 and 24 of Article VIII of the Constitution of 1885, as preserved by Article VIII, Subsection 6(e) of the Constitution of 1968.

HOUSE BILL 1572 (CHAPTER 80-287) expands the purposes for which industrial development authorities may issue revenue bonds. The definition of "project" is expanded to include, among other things, agricultural processing facilities, warehousing or distribution facilities, tourism facilities, headquarters facilities, convention facilities, airport or port facilities, urban parking facilities, health care facilities, commercial projects in designated blighted areas, and public lodging and restaurant facilities used in connection with the aforementioned facilities. The creation of county industrial development authorities for the development and financing of such projects is authorized, and local agencies are allowed to make and execute financing agreements to carry out the purposes and provisions of this act.

#### County Government

An act pertaining to the salaries of county officers passed the Legislature this session. COMMITTEE SUBSTITUTE FOR

SENATE BILL 1293 (CHAPTER 80-377) reestablishes the method of calculating salaries which existed prior to 1979. It preserves the annual cost-of-living provision authorized in 1979 and maintains salary levels produced by previous cost-of-living adjustments. A special qualification salary of an additional \$2,000 per year is provided to sheriffs, tax collectors, circuit court clerks, supervisors of elections, and superintendents of schools who complete certification programs and subsequent continuing education courses. The act adds members of district school boards to a list of county officials whose compensation may not be changed by special laws or general law of local application; provides for annual adjustment of county officers' salaries by a prescribed factor; and provides that laws which increase such base salaries for district school board members and school superintendents shall contain provisions on no other subject. Base pay increases are provided to clerks of the circuit court (5%), tax collectors (5%), sheriffs (5%), school superintendents (0-5%), property appraisers (12-23%), and district school board members (66-2/3%).

HOUSE BILL 309 (CHAPTER 80-31) authorizes the district school board, in school districts which have elected school superintendents, by a majority vote, to increase the annual salary rate of the superintendent above that amount of salary computed pursuant to Section 145.08, F S. There is no provision in this act for a special qualification salary.

By passing HOUSE BILL 449 (CHAPTER 80-358) the Legislature provided some flexibility to charter counties in regulating future development. Charter counties are authorized to create a planning commission and one or more zoning commissions. (Present law, Section 163.180, F. S., governs the creation and composition of zoning commissions.) A functional division of planning and zoning duties is required between the planning commission and the zoning commission(s) if a charter county chooses to create a separate zoning commission(s). In addition, charter counties are allowed to assign to the zoning commission(s) the duties of the board of adjustment relating to the granting of special exceptions. Zoning commissions created by charter counties can be locally authorized to review amendments to the adopted local comprehensive plan prior to their adoption by the governing body. Finally, the definition of "subdivision" is amended to allow charter counties, by ordinance, to define "subdivision" to apply to the division of a parcel of land into two or more contiguous lots or parcels of land of 10 acres or less.

SENATE BILL 1156 (CHAPTER 80-138) authorizes county commissioners to grant exclusive and non-exclusive licenses to any person to construct, maintain, operate, and remove lines for television along or across any county or public road.

HOUSE BILL 1428 (CHAPTER 80-285) permits boards of county commissioners to contract with an approved service unit to provide a self-insurance program including evaluation, settlement, and actual payment of claims on behalf of the

boards. A board may advance money to the service unit, provided the money is deposited in a special checking account in a designated county depository to be used for paying claims against the board under its self-insurance program. (Other provisions of this act are discussed in Summary articles on EDUCATION and INSURANCE.)

HOUSE BILL 1560 (CHAPTER 80-366) permits tax collectors and property appraisers to appoint deputies to act in their behalf in carrying out duties prescribed by law. Deputy tax collectors are required to give bond in an amount fixed by the board of county commissioners.

SENATE BILL 312 (CHAPTER 80-9) amends the legal description of the boundaries of Clay and Duval Counties. (This returns to Duval County approximately 48 of the 179 acres that were transferred to Clay County by the 1978 Legislature.) The effective date of this act is December 31, 1980.

#### City Government

The Legislature provided an optional method for municipalities to enforce occupational license, fire, building, zoning, sign, and related technical codes. COMMITTEE SUBSTITUTE FOR HOUSE BILL 203 (CHAPTER 80-300) creates the "Municipal Code Enforcement Boards Act" and is intended to be an expeditious and inexpensive enforcement mechanism using a code inspector and enforcement board. The measure provides for an appointed six-member board serving without compensation but which may be reimbursed for certain expenses. The code

inspector initiates enforcement by notifying the alleged violator (notice is not necessary if the violation is a serious threat to the public). If the alleged violation continues, the board conducts a public hearing. Based on findings of fact and conclusions of law, a majority of those board members present (at least three must vote) can issue an order with the force of law to bring a violation into compliance. The order may include a fine up to \$500 for each day the violation continues past the date of compliance. Such fines can constitute a lien against the land on which the violation exists. Orders of the board may be appealed by certiorari in circuit court within 30 days. Charter counties may, by county ordinance, be exempt from the provisions of this act.

HOUSE BILL 1541 (CHAPTER 80-53) authorizes municipalities to refund to their taxpayers all or part of the funds which they have received from the county as a double taxation remittance. This remittance received by a municipality is designated as one of the sources of local revenue which may be used to meet the local effort requirement for municipal revenue sharing funds.

In an effort to address a 1979 Florida Supreme Court ruling (A.B.A. Industries v. City of Pinellas Park, 366 So. 2d 761) which declared Subsection 171.0413(5), F. S., unconstitutionally vague and ambiguous, the Legislature passed SENATE BILL 1165 (CHAPTER 80-350). The subsection deals with the annexation of areas where the landowners are not registered electors. (The court stated that it was impossible to

determine whether the phrase "predominantly owned" refers to the number of owners or the amount of land owned. Also, the subsection was found to be ambiguous as to whether consent of the landowners must be obtained prior to the referendum.) The act rewords the subsection to state that if more than 70 percent of the land proposed for annexation is owned by non-registered electors, the area can be annexed only if the owners of more than 50 percent of the land consent to such annexation, and the consent must be obtained prior to any referendum on the annexation proposal.

### Special Districts

HOUSE BILL 914 (CHAPTER 80-281) amends several sections of the statutes dealing with special districts. Among other changes the act provides that after July 1, 1980, no water control district can be created except pursuant to Section 125.01, F. S., or special act of the Legislature. The law also amends Section 298.76, F. S., to prohibit, with exceptions, special laws or general laws of local application which grant additional powers to water control districts. In addition, after July 1, 1980, no mosquito control district can be created except pursuant to Section 125.01, F. S. The act modifies the procedure by which mosquito control district boundaries are altered by authorizing county commissioners to approve changes requested by the district board. (Previously, electors of the territory affected voted on this matter.) The enactment also provides that in those special road and bridge districts

created after 1970, only a resident elector of the district who owns real property within said district is eligible to vote in any election held five or more years after the creation of the district. Such person may cast only one vote.

HOUSE BILL 1776 (CHAPTER 80-407) pertains to special districts created pursuant to Subsection 125.01(5), F. S., as well as to future community improvement districts. Counties are prohibited from creating special districts pursuant to this subsection to provide services only to unincorporated areas of the county. Special districts established pursuant to this subsection have to include both incorporated and unincorporated areas and be approved by the affected city. The act creates Part II of Chapter 189, F. S., the "Uniform Community Development District Act of 1980," to provide an exclusive and uniform method of creating and terminating future community improvement districts: districts over 1,000 acres are approved by the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission, after consideration is given to a set of statutory criteria; districts of 1,000 acres or less are approved in the same manner by the board of county commissioners. The county may decide to let the Commission make the decision even for these smaller districts. The act provides for a district board, a grant of general and special powers, the issuance of debt, the authority to tax property, etc. Special acts pertaining to the future creation of independent special districts for any of the purposes set forth in this act are prohibited.

## Community Revitalization

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1869 (CHAPTER 80-247) relates to economic revitalization jobs creation incentive credit. The act grants a tax credit against the state's corporate income tax to those businesses which establish one or more jobs in slum and blighted areas designated by local governments and approved by the Department of Community Affairs. The tax credit would be an amount equal to 25 percent of the wages paid in Florida to new employees who also must be residents of a designated area and continuously employed for at least six months. No wage credit would be allowed for an employee who earns in excess of \$1,500 per month. This act expires June 30, 1986.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1870 (CHAPTER 80-248) grants a tax credit against the state's corporate income tax to those businesses which either establish new businesses, expand existing businesses, or rebuild destroyed businesses within designated slum or blighted areas. The tax credit would be an amount equal to 96 percent of the ad valorem taxes for school purposes paid on real and personal property associated with the new, expanded, or rebuilt business. To be eligible as an expanded business, the business must employ five or more full-time employees, a majority of whom must be residents of the designated area. The tax credit would apply for 10 years, and in no one year may the credit exceed \$50,000 for a single business. This act also expires on June 30, 1986, except for

the provision for carry-over of unused credit amounts which would remain in effect for 10 years.

HOUSE BILL 1871 (CHAPTER 80-249) is part of the same package as the two preceding laws. Cited as the "Community Improvement Act of 1980," it provides that any corporation which contributes resources to a public redevelopment organization for the revitalization of blighted areas for the benefit of low and moderate income persons may, upon approval by the Department of Community Affairs, receive a corporate income tax credit equal to 50 percent of the contribution. The maximum annual credit per firm is limited to \$200,000. No credit approved in any year shall be extended to subsequent years. The funded project must be: undertaken by an eligible public redevelopment organization; located in a designated slum or blighted area, neighborhood strategy area, neighborhood housing services area, historic preservation district, or other area designated by the Department of Community Affairs; and approved by the Department. The total amount of tax credits granted cannot exceed \$3 million annually. The Department is to promulgate rules necessary to administer this act, including rules for the approval or disapproval of proposals by business firms, and \$50,000 is appropriated from the General Revenue Fund to the Department for its implementation. The Department of Revenue is also authorized to promulgate any rules necessary to insure the orderly implementation and administration of the act. This act also expires on June 30, 1986.

HOUSE BILL 1875 (CHAPTER 80-250) creates the "Community Development Corporation Support and Assistance Program," and establishes a Community Development Support and Assistance Fund in the State Treasury to: make grants of up to \$100,000 annually for staff salaries and administrative expenses to a community development corporation serving a blighted area; and make loans of up to \$3 million annually to a community development corporation for certain purposes, including the establishment of a new business venture or the purchase of ownership of a business venture. Loans are at no interest and must be repaid within five years. The provisions of this act are to be administered by the Department of Community Affairs.

HOUSE BILL 1878 (CHAPTER 80-251) creates the authority for a Community Revitalization Board to be established in any county operating under a home rule charter adopted pursuant to Sections 9, 10, 11, and 24 of Article VIII of the Constitution of 1885, as preserved by Article VIII, Subsection 6(e) of the Constitution of 1968 (i.e., at present Dade County and Consolidated Duval County). The Board is designed to mobilize existing community resources in an effort to revitalize distressed communities. It consists of 11 gubernatorially appointed members, five of whom shall be members of local community development organizations. The Board must prepare and submit an annual plan to the Governor, the presiding officers of the Legislature, and the appropriate board of county commissioners. The plan must include an assessment of the needs of designated neighborhoods, a strategy for meeting

the needs, a specific plan of operations for the next year, a citizen participation plan, and a budget summary.

### Housing

The Legislature passed the enabling legislation and a proposed constitutional amendment for a state housing finance agency. COMMITTEE SUBSTITUTE FOR HOUSE BILL 830 (CHAPTER 80-161) creates the Florida Housing Finance Agency within the Department of Community Affairs. If SENATE JOINT RESOLUTION 6-E, a proposed constitutional amendment, passes in a statewide special referendum in October, 1980, the Agency is authorized to issue revenue bonds to finance housing for persons of low, moderate, and middle income. The Agency has the power to: (1) purchase residential mortgages from lending institutions, provided the proceeds are used to provide mortgages to low, moderate, or middle income persons; (2) make loans to lending institutions, provided the proceeds are used to make new mortgages for residential housing for eligible persons; and (3) make loans to developers (through lending institutions) for multi-family housing, after first determining that the private sector is not meeting the need for such housing. The Agency is to submit a report to the Governor and Legislature within six months after the end of its fiscal year. Details of this report are prescribed in the act.

COMMITTEE SUBSTITUTE FOR SENATE BILL 584 (CHAPTER 80-154) amends the Local Government Comprehensive Planning Act of 1975 to mandate that local comprehensive plans consist of

standards, plans, and principles to be followed in the provision of adequate sites for future group home and foster care facilities, and to achieve the stated legislative intent that the elderly, dependent children, physically and developmentally disabled, and non-dangerous mentally ill persons be entitled to the benefits of living in normal residential communities and receive care in the least restrictive setting possible.

In another measure, HOUSE BILL 448 (CHAPTER 80-357), the mayor with the approval of the governing body of a city is authorized to appoint more than the maximum five persons previously authorized for the city housing authority.

SENATE BILL 1154 (CHAPTER 80-108) authorizes the Housing Development Corporation of Florida, a private organization which provides financing for public housing programs for low and moderate income persons, to function with fewer or more directors on the board than the 21 now required. Furthermore, the act gives participating lending institutions a greater degree of flexibility in their participation in loans to the corporation by repealing certain conditions on such loans. (Such flexibility would allow participants to concentrate more heavily in those loans to be placed in their own communities.) The act also sets conditions for fixing the prorated amount of a loan call to each member.

HOUSE BILL 718 (CHAPTER 80-86), concerning the inspection of factory-built housing, authorizes the Department of Community Affairs to require a manufactured building

inspection agency to submit a surety bond in the amount of \$25,000 to assure compliance with the inspection functions. The law also authorizes local authorities to enforce on-site installation requirements for manufactured buildings. The Department's authority to seek injunctive relief from the circuit court to enforce laws and rules regulating factory-built housing is expanded to other forms of relief necessary to compel compliance with the requirements of Part IV of Chapter 553, F. S. Noncompliance is considered prima facie evidence of irreparable damage in any cause of action.

SENATE BILL 693 (CHAPTER 80-106) provides that when a special act places responsibility for building construction regulation in a specified local board or agency, the words "local government" and "local governing body" as used in Part VI of Chapter 553, F. S., will be construed to refer exclusively to that local board or agency.

Two condominium acts passed this year. HOUSE BILL 1591 (CHAPTER 80-3) creates Part VI of Chapter 718 and Part VI of Chapter 719, F. S., to establish procedures and requirements for the conversion of existing improvements to ownership as a residential condominium or a residential cooperative. Provisions include: longer extensions of existing leases to tenants; a right of first refusal or an optional cash relocation payment to certain tenants; required disclosure documents to prospective purchasers; and post-purchase protections to unit owners and nonpurchasing tenants. The act also allows local governments to treat rental apartments

differently than condominiums or cooperatives with regard to building and zoning regulations (i.e., allows higher density for rental apartments). This differential treatment is intended to be an incentive for the construction of rental units. Rental apartments that accept this preferential treatment cannot convert to condominiums or cooperatives for at least five years after completion.

The other condominium law, SENATE BILL 164 (CHAPTER 80-323), effects the following changes in condominiums and cooperative law:

1. Provides that hazard policies maintained for the protection of a condominium association need not apply to replacements of original material contained in the condominium;
2. Provides that members of a condominium association may by majority vote of the members present (instead of two-thirds of the members) provide no reserves or statutorily inadequate reserves in the condominium annual budget;
3. Provides that, in the sale of a condominium which is not substantially completed, the developer may establish the required escrow account in any financial lending institution having a net worth in excess of \$5 million;
4. Provides additional purposes for which the court may authorize disbursement to a lessor of leasehold rents deposited into the court registry during the course of litigation;
5. Excludes certain cooperative associations from the definition of "developer" for the purpose of converting a residential cooperative to condominium; and

6. Exempts such conversions from certain leasehold provisions of the condominium law.

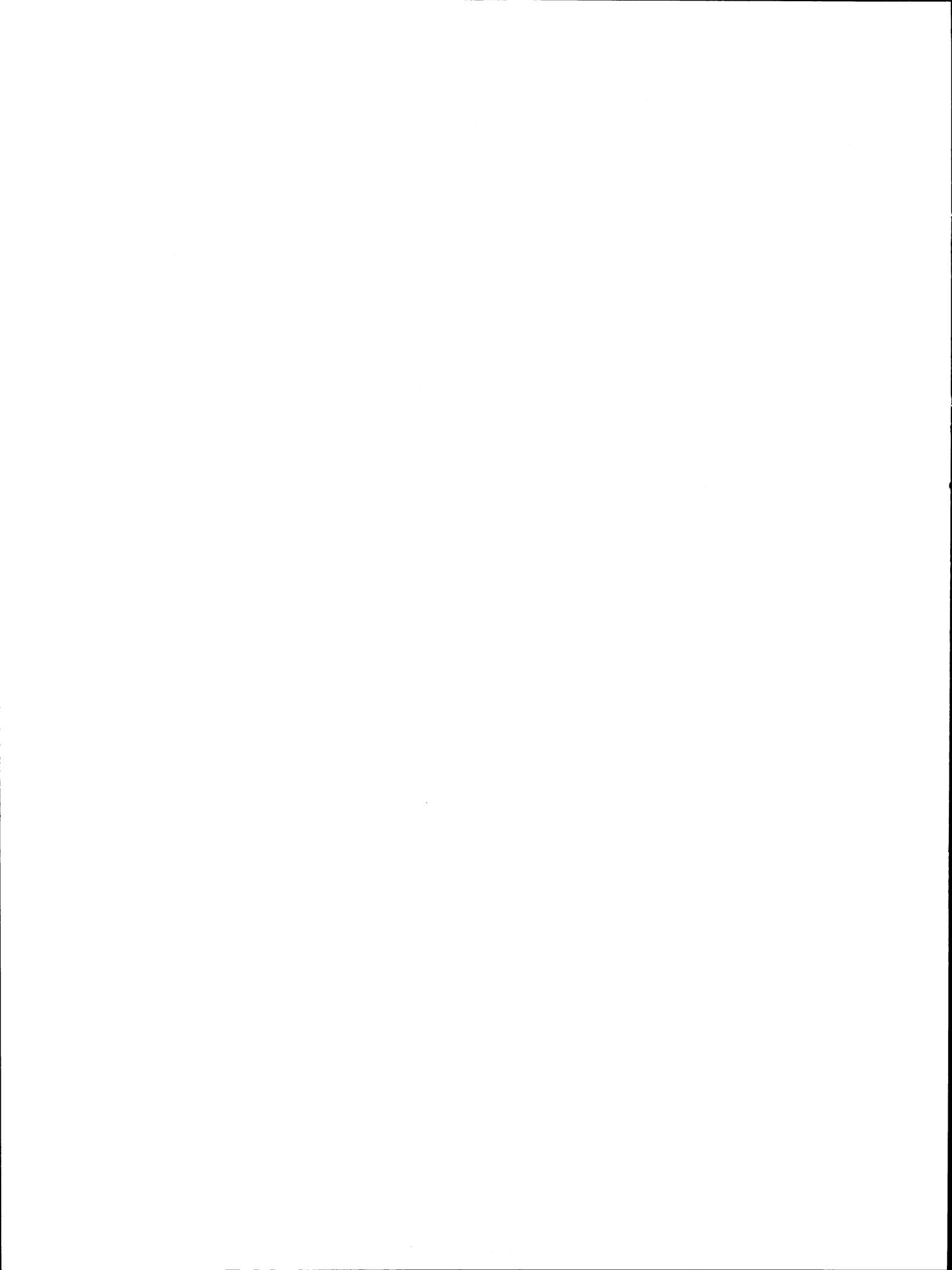
Miscellaneous

COMMITTEE SUBSTITUTE FOR HOUSE BILL 114 (CHAPTER 80-191) requires civil defense units in each county to provide for voluntary registration of all disabled persons within their jurisdiction. Annually, each electric company in the state is required to notify residential customers in its area of the availability of the program. Such information would assist the agency in charge of disaster preparedness to better provide for the health and welfare of disabled citizens in the event of evacuation. Public service announcements are to be used whenever possible for advertising this program. Information obtained for this purpose would be exempt from the public records law.

SENATE BILL 63 (CHAPTER 80-92) establishes the right of mobile home owners to peaceably assemble in an open public meeting for any lawful purpose not detrimental to the majority of tenants, and to invite public officers or candidates who have qualified for public office to appear and speak on matters of public interest in common or recreational areas at reasonable times and in a reasonable manner. The mobile home park owner or operator may enforce rules and regulations as to time, place and scheduling of speakers to protect interests of the majority of tenants. Injunctive relief is provided for aggrieved mobile home owners.

SENATE BILL 607 (CHAPTER 80-105) prohibits mobile home park owners who purchase water from a public water system from reselling the water to their tenants at a price greater than the cost charged by the public water system plus maintenance and administrative costs. Park owners regulated under Chapter 367, F. S. (the "Water and Sewer System Regulatory Law"), or by a county ordinance, are exempt from the act.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 345 (CHAPTER 80-87) prohibits an animal shelter operated by a humane society, city, county, or other incorporated political subdivision from releasing or selling any dog or cat without either providing sterilization prior to relinquishing custody of the animal, or entering into a written agreement with the adoptor or purchaser guaranteeing that sterilization will be performed within 30 days or prior to sexual maturity. The shelter shall require a deposit, refundable upon written evidence by a veterinarian that the animal has been sterilized. Costs of sterilization shall be paid by the adoptor, unless otherwise provided for either by ordinance of a local governing body which operates or subsidizes a shelter, or by the humane society governing body which operates an unsubsidized shelter. Penalties are provided for failure to comply with the provisions of this act.



MOTOR VEHICLES AND TRANSPORTATION\*

Enactments of the 1980 Legislature in the area of motor vehicles and transportation include: authorization of the Department of Transportation to acquire replacement rights-of-way for relocated rail and utility facilities; authorization of the Attorney General to retain private counsel to assist in suits arising from the collapse of the Sunshine Skyway Bridge, including a \$500,000 appropriation for that purpose; provision for the issuance of license plates to law enforcement agencies under fictitious names; guidelines for an in-depth study to determine whether or not International (Motor Vehicle) Registration Plan membership would benefit Florida; a provision allowing a 30-day grace period and delinquent fee for late payment of civil penalties for noncriminal traffic infractions; a revision providing for issuance of a driver's license valid only in Florida for persons who retain licenses from other jurisdictions for certain purposes; deletion of the prohibition against U-turns in business districts; imposition of additional fines for exceeding the 55 MPH speed limit; a provision allowing medical staff to use red lights on privately owned vehicles in the line of duty; transfer of the Public Service

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\*Prepared by staff of Senate Committee on Transportation

Commission's Traffic Enforcement Section and the civilian weight inspectors in Troup I of the Florida Highway Patrol to the Bureau of Weights within the Department of Transportation; deletion of the requirement that a handicapped person also be a Florida resident in order to obtain the special parking permit; reenactment with modifications of the statutes regulating motor vehicle dealers, manufacturers, factory branches, distributors and importers, and recreational vehicle and mobile home dealers and manufacturers; and a delay of the dates for compliance by new motorcycles with sound level limits. Summaries of these and other related acts are presented herein.

#### Rights-of-Way Acquisition and Construction Contracts

HOUSE BILL 1373 (CHAPTER 80-312) extends the power of eminent domain (currently vested in the Department of Transportation) to include both public and private lands and property necessary for transportation rights-of-way including replacement for relocated rail and utility facilities. This authority to condemn replacement rights-of-way will assist the Department in its program for the acquisition of corridors for both highways and transit. Additionally, the law will allow the Department to continue the acquisition of rights-of-way for counties using that county's share of the second gas tax proceeds. The county request must contain at least ten parcels of land with a total cost of at least \$100,000.

SENATE BILL 864 (CHAPTER 80-346) authorizes the State Road Arbitration Board to hear disputes involving claims of

\$50,000 or less per contract where previously the Board's jurisdiction was limited to matters of \$25,000 or less. The act authorizes the Attorney General to retain counsel to assist in actions by or against the State of Florida arising from the collapse of the Sunshine Skyway Bridge, and appropriates \$500,000 from the General Revenue Fund for that purpose. No contract for construction or reconstruction of the bridge shall be entered into by the Department of Transportation prior to December 1, 1980, except pursuant to a public hearing conducted in Pinellas County and subsequent to authorization by the Cabinet.

#### Motor Vehicle Titles, Registrations, and License Plates

Two provisions relating to license plates are contained in HOUSE BILL 621 (CHAPTER 80-306). The first relates to free "DV" license plates for disabled veterans and allows an otherwise qualified disabled veteran who leases (rather than owns) a motor vehicle to obtain a free plate. If he wishes to qualify for the plate under the provisions requiring acquisition of a motor vehicle with Veterans Administration (VA) assistance, he would be required to show that he had, at some time in the past, acquired a vehicle with financial assistance from the VA.

The second provision authorizes the Department of Highway Safety and Motor Vehicles to issue a license plate to a law enforcement agency under a fictitious name and to modify its records to reflect the fictitious identity until the

license and registration are surrendered to the Department. The provisions of the act would constitute exceptions to other laws relating to falsification of public records and would not be construed to prohibit other fabrications or false identifications by law enforcement officers. The license application and authorization for the maintenance of confidential records would be exempt from Section 119.07, F. S., requiring disclosure of public records.

Prior to the issuance of a title for any vehicle not previously titled in Florida (except new vehicles, mobile homes and certain trailers), and prior to registration in Florida of any vehicle registered outside of this state, evidence that the vehicle identification number (VIN) was physically verified and found accurate must be submitted to the Department of Highway Safety and Motor Vehicles (DHSMV). HOUSE BILL 638 (CHAPTER 80-388) authorizes DHSMV license and registration inspectors and notaries public to make the physical verification of VIN numbers for the vehicle owner.

HOUSE BILL 800 (CHAPTER 80-267) provides that an owner of a specified vehicle who holds an official amateur radio station license or an official citizen's band radio station license may apply for a special motor vehicle license plate which displays his radio call numbers. In addition to the regular license plate fee, a person requesting this special plate will be required to pay an initial application fee of \$5 and an annual renewal fee of \$1.50. The Department of Highway Safety and Motor Vehicles is to administer the provisions of

the act and to require compliance with regulations and laws pertaining thereto.

Among the provisions of COMMITTEE SUBSTITUTE FOR HOUSE BILL 859 (CHAPTER 80-415) is a provision directing the Department of Highway Safety and Motor Vehicles, in cooperation with the Department of Revenue and the Florida Public Service Commission, to conduct an in-depth study to determine whether or not it would benefit Florida to enter into the International Registration Plan (IRP) developed by the American Association of Motor Vehicle Administrators. (The IRP provides that a truck or bus would obtain only one license plate and cab card which would be purchased in its "base jurisdiction." A registration fee would be paid in each member jurisdiction through which a vehicle travels in proportion to the miles actually traveled during the preceding year in that jurisdiction.) An appropriation of \$10,000 is made to the Department of Highway Safety and Motor Vehicles from the Special Fuel Use Tax Clearing Trust Fund for the purpose of conducting the required study which must be submitted to the Governor, the House of Representatives and the Senate by February 1, 1981. If the study favors entering into the IRP, full implementation is required by July 1, 1982. (Other provisions of this act are discussed in the Summary Article on TAXATION.)

#### Driver Licenses

HOUSE BILL 113 (CHAPTER 80-262) provides that a person

charged with a noncriminal traffic infraction, who fails to pay the civil penalty within the prescribed 10-day period, will have an additional 30-day grace period in which to comply. The procedure provides that the clerk of the traffic court will mail notice to the person within five days after his failure to comply, informing him that if he does not comply with the court's directive and pay a delinquency fee of \$10 within 30 days, his driver's license will be suspended. If the person fails to comply within the 30 days, the clerk will notify the Department of Highway Safety and Motor Vehicles within five days of such failure, and the Department will immediately suspend the driver's license.

Three provisions relating to driver licenses are contained in HOUSE BILL 920 (CHAPTER 80-308). First, a person cited for a traffic infraction whose license is suspended for failure to post bond, attend driver improvement school, or pay the civil penalty, beginning October 1, 1980, would pay a non-refundable service fee of \$25 in lieu of taking the written license examination in order to have his license reinstated. The second provision (effective April 1, 1981) states that a person who must retain a driver license or licenses from other jurisdictions because of employment or part-time residence, and who qualifies for a license in this state, will be issued a license valid only in Florida. Finally, beginning April 1, 1981, a licensed driver whose driving record reflects no convictions for the preceding three years will not be required to take the written examination upon license renewal. Only a

test of his eyesight and hearing would be required. The legislative intent of this act provides that Florida drivers be reexamined every four years and that expeditious processing of drivers who have had no convictions for the preceding three years be accomplished by examination of hearing and eyesight only. The change in processing is also to become effective April 1, 1981.

A uniform method for providing notice of driver license cancellation, suspension, or revocation orders is established by SENATE BILL 932 (CHAPTER 80-158). All such orders under Chapters 318, 322, 324, and 627, F. S., will be provided by certified mail or personal service. References to registered mail are deleted as is the provision requiring that the affidavit providing notice be sworn to at the time notice is given.

SENATE BILL 430 (CHAPTER 80-134) makes it mandatory that the Department of Highway Safety and Motor Vehicles (DHSMV) provide literature on anatomical gifts, and supply uniform organ donor cards and plastic pouches, to any person initially applying for a driver's license or renewing his license. The act further provides that funds expended by the Department of Health and Rehabilitative Services to provide the necessary materials for distribution shall not be taken from patient care funds. Previously the law was permissive regarding distribution of the literature and cards by DHSMV.

## Traffic Control

The prohibition against U-turns in business districts is eliminated by SENATE BILL 594 (CHAPTER 80-337). The act allows such turns, if they can be made safely and without interfering with other traffic, on any street unless prohibited by posted traffic control signs.

COMMITTEE SUBSTITUTE FOR SENATE BILL 625 (CHAPTER 80-179) imposes a fine of \$25, in addition to the present \$25 fine, upon anyone convicted of exceeding the 55 MPH speed limit by more than 10 MPH but less than 25 MPH, and imposes an additional fine of \$50 if the 55 MPH speed limit is exceeded by 25 MPH or more. These additional fines are not waived by driver improvement school attendance. The clerks of the courts are charged with collection and distribution of the fines. Three dollars of the applicable fine will be remitted to the municipality in which the violation occurred or, if the violation occurred outside a municipality, the \$3 will be retained by the clerk to defray expenses. The balance of the additional fines will be deposited in the General Revenue Fund.

Privately owned vehicles of medical staff physicians or technicians of medical facilities licensed by the state are permitted to display red lights by SENATE BILL 577 (CHAPTER 80-176). The act provides that red lights may only be used by medical staff when responding to emergencies in the line of duty, and makes such lights subject to all restrictions applicable to the display of red lights on vehicles of volunteer firemen. Any physician or medical technician who

violates any restriction on the use of such lights is guilty of a misdemeanor. The act further provides that the physician or medical technician may, while using red lights, exercise certain driving privileges also applicable to authorized emergency vehicles. These privileges include proceeding past a red light or stop sign, exceeding the speed limit and disregarding laws relating to parking or standing.

#### Traffic Citations and Accident Reports

In any county having a central traffic records system for the purpose of tabulating and analyzing county-wide traffic accident reports, SENATE BILL 132 (CHAPTER 80-80) requires the law enforcement agency to submit a copy of the accident report to that county's central traffic records section within 24 hours after completing the accident investigation.

Under the provisions of HOUSE BILL 1547 (CHAPTER 80-316) a uniform traffic citation shall not be issued by being attached to an unattended vehicle and shall not be issued for violations of municipal or county parking ordinances. The act further provides that a person violating a municipal or county parking ordinance will not be subject to the provisions of Chapter 318, F.S. (the Florida Uniform Disposition of Traffic Infractions Act). Another provision of the act creates joint responsibility for the accountability of uniform traffic citations among the courts, enforcement agencies, and the Department of Highway Safety and Motor Vehicles. (Specific procedures, with time limits for transmittal of the various

copies of the citation, are established in order to create an "audit trail" for accountability purposes and to achieve greater efficiency in the disposition of citations.)

### Safety Inspection

The administration and operation of privately operated safety equipment inspection stations in charter counties is the subject of HOUSE BILL 1115 (CHAPTER 80-119). The act provides that the Board of County Commissioners of each charter county in this state, licensed to operate safety equipment inspection stations and having a population in excess of 900,000 but less than 1,500,000, will have initial review and approval authority of each petition submitted by a private firm meeting the statutory qualifications for a privately operated inspection station. Upon approval, the county shall transmit such petition to the Department of Highway Safety and Motor Vehicles which will either grant or deny a license to operate a private safety inspection station.

SENATE BILL 15-D (CHAPTER 80-298) transfers the Transportation Enforcement Section of the Public Service Commission and the civilian weight inspectors in Florida Highway Patrol (FHP) Troop I to the Bureau of Weights within the Division of Road Operations of the Department of Transportation (DOT). The uniformed positions of Troop I currently performing weight inspection duties will be reassigned not later than January 1, 1981. DOT weight inspection officers will enforce the weight laws and any rules

relating to safety adopted by the FHP. Any inspector meeting the qualifications of a law enforcement officer would have full arrest powers for the purpose of enforcing the weight and safety laws. The FHP is authorized to promulgate rules necessary to implement the provisions of Chapter 316, F. S.; however, this authority expires on July 1, 1982. The membership of the Board of Review (created by Subsection 316.545(6), F.S.) will be changed by deleting the Chairman of the Public Service Commission, and replacing the Director of the Division of Motor Vehicles with the Director of the Department of Highway Safety and Motor Vehicles. The Secretary of the DOT and the Director of the FHP or their designees will continue to be members, as before.

#### Parking for the Handicapped

COMMITTEE SUBSTITUTE FOR HOUSE BILL 724 (CHAPTER 80-196) deletes the requirement that an otherwise qualified handicapped person must also be a Florida resident in order to obtain an exemption entitlement parking permit allowing him to use specially designated handicapped parking spaces. The act adds the Division of Blind Services of the Department of Education to those agencies which are authorized to certify a handicapped person as severely mobility impaired, and deletes the Social Security Administration as a certifying agency. In one further change, the act requires that signs posted by non-governmental entities at handicapped parking spaces be maintained and permanent.

SUNSET REVIEW; Motor Vehicle, Mobile Home and Recreational Vehicle - Dealers and Manufacturers

As a result of the sunset review process, COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 299 (CHAPTER 80-217) reenacted with modifications the statutes regulating motor vehicle dealers, manufacturers, factory branches, distributors and importers, and recreational vehicle mobile home dealers and manufacturers. Major changes relating to motor vehicle dealers include: (1) a definitional provision classifying motor vehicle dealers as franchised, independent and wholesale motor vehicle dealers; (2) a provision making failure to disclose damage to a new motor vehicle, where certain damage exceeds 3% of the suggested retail price, grounds for license denial, suspension, or revocation; (3) exemption from the licensing requirements for new motor vehicle brokers; (4) expansion of the motor vehicle dealer surety bond provision to provide protection for any wholesale customer suffering a loss due to a dealer violation; (5) a provision allowing motor vehicle dealers to sell all types of recreational vehicles without obtaining an additional license; and (6) establishment of procedures to improve both administration and enforcement of the current licensing laws.

With regard to motor vehicle manufacturers, factory branches, distributors and importers, significant modifications are as follows: (1) factory representatives are exempted from the licensing and fee requirements; (2) the annual license fee is increased from \$10 to \$100; (3) with certain exceptions,

failure of a motor vehicle dealer to engage in business for 10 consecutive business days would constitute abandonment of the franchise agreement and the dealer would have no cause of action for unfair cancellation of the franchise; and (4) procedures are established for the transfer, assignment or sale of a franchise agreement by a dealer.

Revision of sections of Chapter 320, F.S., relating to regulation of mobile home and recreational vehicle dealers and manufacturers, includes the following changes: (1) inspection of recreational vehicles may be made by the Department of Highway Safety and Motor Vehicles or by a private firm, person or agency approved by the Department; (2) provisions are added establishing notification procedures between the Department and bond companies concerning the denial, suspension or revocation of licenses or bonds; (3) the Advisory Council (established by Section 320.864, F.S.) is abolished; and (4) provisions are added granting stronger enforcement authority to the Department of Highway Safety and Motor Vehicles.

#### Miscellaneous

HOUSE BILL 1057 (CHAPTER 80-246) exempts waste disposal receptacles of less than 110 gallon capacity and advertising thereon from those provisions of the law which regulate advertising within the rights-of-way of certain road systems. The act provides for placement of such receptacles on the right-of-way of any municipal, county or state road, except limited-access highways, provided that written permission has

been obtained from the applicable political subdivision and that such receptacles do not interfere with right-of-way preservation and maintenance. The act further provides that it is the Legislature's intent that waste disposal receptacles or advertising thereon should not be placed so as to conflict with any federal law, regulation, or safety standard, thereby causing loss of federal funds to any governmental entity.

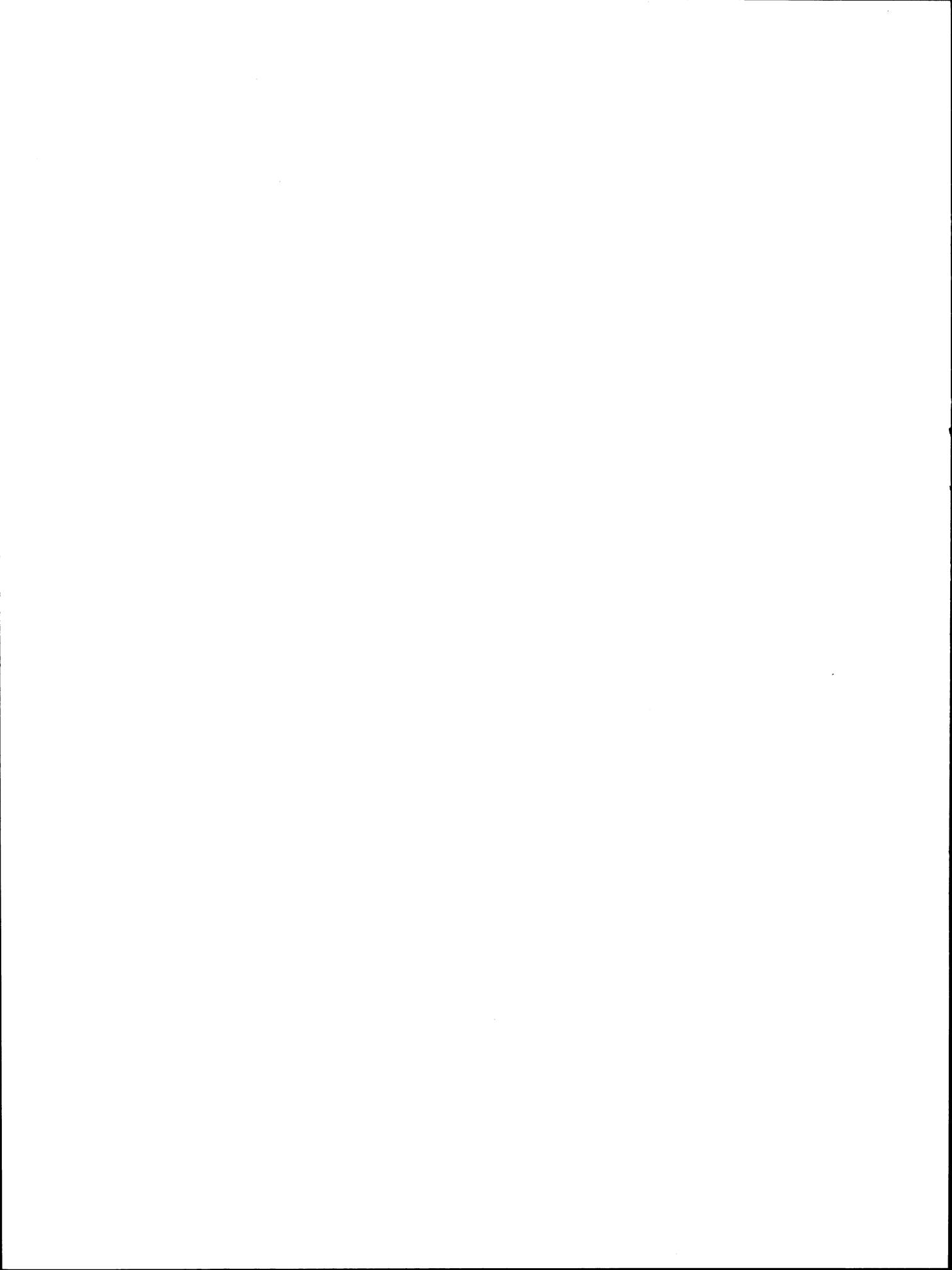
HOUSE BILL 499 (CHAPTER 80-229) allows nylon strapping as well as lock chains to be used to secure loads on trucks or trailers, whichever is more suitable. The DOT is directed to promulgate rules relating to the type and suitability of the nylon strapping to be used.

SENATE BILL 770 (CHAPTER 80-338) delays the dates for compliance with Florida's sound level limits for new motorcycles by one year. (The effect of this change is to relax compliance with Florida's sound level standards pending the adoption of noise emission standards by the federal government. When federal standards become effective, they will preempt Florida standards.)

SENATE BILL 599 (CHAPTER 80-178) requires that any public body that manufactures traffic control devices (lights, flashers, signs, etc.) must construct them in accordance with the Manual of Uniform Traffic Control Devices as adopted by the Department of Transportation. Additionally, it will be unlawful for any public body to sell or furnish any traffic control devices it manufactures to any nongovernmental entity

or person (i.e., shopping centers, drive-in movies, subdivisions, land developers, etc.)

HOUSE BILL 1699 (CHAPTER 80-402) authorizes the Florida Highway Patrol (FHP) to establish a system for utilizing qualified wrecker operators for removal of wrecked, disabled, or abandoned vehicles in the event the vehicle owner or operator is incapacitated, unavailable or leaves wrecker procurement to the officer. In order to qualify for the system, wrecker equipment and operators must meet safety and mechanical standards set by rules of the FHP. (The FHP previously operated a wrecker call system without specific statutory authority.)



PROFESSIONAL AND OCCUPATIONAL REGULATION\*

The Legislature in 1980 readdressed provisions relating to several of the professions which had been the subject of extensive review and revision during the 1979 regular session. In addition, changes were made in professions reviewed at the 1978 session so as to conform to the regulatory scheme adopted in 1979. Statutory regulation of private employment agencies contained in Chapter 449, F. S., were automatically repealed under provisions of the "Sunset Law" (Section 11.61, F. S.) when the Legislature failed to reenact any regulatory laws in this area. A new profession, acupuncture, was added to the list of professions regulated by the Department of Professional Regulation, and significant changes were made in other professions and occupations, some of which are not under the Department, such as motor vehicle repair. The following summary discusses each such profession and occupation addressed, even though many appear in one omnibus act, and also includes legislation which relates generally to the Department of Professional Regulation.

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\*Prepared by the staff of House Bill Drafting

## Department of Professional Regulation

HOUSE BILL 1758 (CHAPTER 80-406) is the omnibus law which encompasses several of the professions mentioned below and includes a provision which clarifies the responsibility of the Department of Professional Regulation, or the Department of Legal Affairs, to defend any member of any board under the Department of Professional Regulation in any action arising from any act or omission of the board member when acting in his official capacity. Either department is authorized to employ outside counsel for this purpose.

The general requirement that all persons regulated by the Department of Professional Regulation or board thereunder must display notice of licensure and regulation to the public is removed by SENATE BILL 649 (CHAPTER 80-58).

### Accounting

HOUSE BILL 1758 (CHAPTER 80-406) expands the experience requirement imposed upon applicants for licensure as a certified public accountant to specifically include employment by a unit of federal, state, or local government.

### Acupuncture

The practice of acupuncture, defined to be limited to human patients, will be regulated for the first time in the state pursuant to COMMITTEE SUBSTITUTE FOR SENATE BILL 168 (CHAPTER 80-375). The act creates Part II of Chapter 486, F. S., to add acupuncture as a new profession under the Department of Professional Regulation, to be regulated by the

Department rather than by a board under the Department. General qualifications for certification are provided and the Department is authorized to require a period of internship under the supervision of an approved supervising certified acupuncturist. No such acupuncturist may supervise more than three interns and no internship may last more than three years without Department approval. Acupuncture may not be performed upon any person without the person's informed written consent or, if incompetent, the informed written consent of the person's parent, guardian, spouse, or nearest living relative. The Department is authorized to take various disciplinary actions against certified acupuncturists and applicants for certification, and numerous grounds for disciplinary action are specified similiar to those for other professions regulated by the Department.

Licensed physicians, osteopathic physicians, chiropractors, podiatrists, naturopathic physicians, and dentists are exempted from certification and their respective licensing boards are authorized to promulgate rules governing their use of acupuncture. Persons who practice acupuncture without a certificate are guilty of a misdemeanor of the second degree.

### Barbering

Several changes were made in Chapter 476, F. S., relating to barbers, by HOUSE BILL 1758 (CHAPTER 80-406) to conform the chapter to changes made in provisions relating to

other professions during the 1979 legislative session. The renamed Barber's Board is given specific rulemaking authority. The Florida Barbering Practice Commission has been abolished and its duties assumed by the Board. Applicants for licensure need only be a graduate of a licensed barbering school rather than a state-licensed school. The practical demonstration of barbering required for licensure is no longer required to be graded by members of the Board.

Barber's licenses must be renewed every two years and shall revert to inactive status if not renewed at the end of the biennium. Licenses may be voluntarily placed on inactive status by the licensee. Licenses which are inactive for less than one year may be renewed upon payment of a late renewal penalty; otherwise they may be reactivated only upon application to the Department of Professional Regulation. The Board is required to prescribe continuing education requirements as a condition of reactivating a license. Licenses inactive for more than 10 years shall be automatically suspended. The authority of the Department of Health and Rehabilitative Services and county health departments to inspect barbershops is repealed.

### Chiropractic

HOUSE BILL 969 (CHAPTER 80-393) provides for the certification of chiropractic physician's assistants by the Board of Chiropractic. These assistants may perform chiropractic services under the following circumstances: (1)

at the office of the supervising chiropractic physician; (2) when such physician is present; (3) in a hospital when such physician is a member of the staff; or (4) on calls outside the office on the direct order of such physician. The Department of Professional Regulation is required to approve programs for the education and training of such assistants. Trainees are authorized to perform chiropractic services within the scope of an approved program.

The Board is required to formulate guidelines for the review of applications of licensed chiropractic physicians to supervise certified chiropractic physician's assistants. The number of assistants which may be supervised by a chiropractic physician or group of chiropractic physicians is restricted. Any person who wrongfully represents himself to be a certified chiropractic physician's assistant is guilty of a felony of the third degree. The Board is authorized to revoke its approval of a chiropractic physician to supervise assistants. Fees are provided for authorization to supervise such assistants and for the certification of assistants. Supervising chiropractic physicians are liable for the acts or omissions of their assistants.

### Construction

Three laws were enacted relating to the construction industry.

HOUSE BILL 659 (CHAPTER 80-85) increases from 14 to 15 the membership of the Construction Industry Licensing Board so

as to include a person primarily engaged in business as a plumbing contractor. A plumbing contractor is also added to the list of alternate members of the board. General contractors shall not be required to subcontract the construction of main sanitary sewer collection systems and water distribution systems on new site development work, site development work, mobile home parks, and commercial properties. General contractors shall not be required to subcontract the continuation of utility lines from the mains at mobile home parks.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 719 (CHAPTER 80-231) increases from 15 to 17 the membership of the State Board of Building Codes and Standards to include a licensed member of the manufactured buildings industry, and a registered mechanical or electrical engineer. The affiliation of the representative of handicapped persons on the Board is changed.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 27 (CHAPTER 80-386) requires building contractors or developers of one- or two-family residential units to notify a prospective buyer that any deposit made by the buyer (up to 10 percent of the purchase price) must be deposited in escrow unless waived in writing by the buyer. Escrowed funds may be deposited in separate accounts or commingled with other escrow or trust accounts. Provision is made for the placement of escrowed funds in interest bearing accounts with interest payable at closing to the contractor or developer. The contractor or developer may use escrow funds for building purposes only upon procuring a

surety bond payable to the buyer in the amount of the escrow deposit. Where no bond is available, the contractor or developer may borrow funds in the amount of the escrow deposit, or acquire a blanket or master surety bond in an amount equal to or greater than the total amount of escrow deposits received by the builder or developer pursuant to the act. Escrow holders, bonding companies and lending institutions are exempted from accountability for the uses to which escrow funds are put. Several conditions are specified upon the release of funds in interest-bearing escrow accounts.

Escrow deposits and surety bonds purchased pursuant to the act are not subject to certain liens or subrogation in case of default and, after closing, the buyer shall have no right to place a claim on escrow funds for breach of contract. Any person who unlawfully withdraws funds from an escrow account is guilty of a third degree felony. The prevailing party in a civil action under the act is entitled to attorney's fees and costs. The act is deemed to constitute maximum statewide standards. Deposits placed in escrow accounts required by FHA or VA, and deposits made to licensed real estate brokers, are exempt from the act.

### Cosmetology

HOUSE BILL 1758 (CHAPTER 80-406) conforms provisions relating to cosmetology to 1979 regulatory legislation in a manner similar to that with respect to barbering. The Florida Cosmetology Practice Commission is abolished and its duties are

assumed by the renamed Board of Cosmetology. The Department of Professional Regulation is authorized, rather than required, to require licensees to periodically demonstrate their current competency in cosmetology.

SENATE BILL 382 (CHAPTER 80-132) requires, rather than authorizes, any such demonstration of current competency to include continuing education programs. The Department is required to license upon graduation candidates from the Cosmetology Division of the Florida School of the Deaf and Blind and to prescribe fees and types of licenses for such graduates.

#### Dentistry

HOUSE BILL 1758 (CHAPTER 80-406) requires applicants for licensure as dentists to have taken the National Board of Dental Examiners examination within 10 years of the date of application. The scheduled July 1, 1981 repeal of provisions authorizing druggists to fill prescriptions of licensed dentists is deleted.

#### Investigative Agencies and Deception Detectors

HOUSE BILL 1165 (CHAPTER 80-268) substantially revises provisions relating to the regulation of investigative agencies by the Department of State. Various definitions are changed, including the acts which constitute private investigation. The Department is provided with rulemaking powers. Conditions are placed upon the Department's access to criminal justice information. The classifications of licenses which may be

issued are expanded and include classes for interns under the supervision of private investigators and repossessioners. Restrictions applicable to each class are specified. Unarmed watchmen, guards, or law enforcement officers may be employed by private investigative agencies pending approval of their Class "D" license applications. The exemption from licensure for certain law enforcement officers is removed.

New license requirements, including good moral character as defined by the act, are specified. Each agency or branch must have at least one manager who meets specified qualifications. Additional requirements for Class "C" (private investigator), Class "E" (repossessioner), and Class "G" (private investigators, watchmen, guards, and patrolmen who carry firearms) licenses are provided. The license fees for certain classes are increased. The extent of investigation of license applicants, depending upon the class of license sought, is changed. The specified grounds for denial of a license are changed. The requirement that licensees be bonded is abolished, but licensees must still maintain certain insurance coverage. The requirement that each investigative agency be under the direct supervision of the owner or officer upon whose qualifications the agency is licensed is removed. All licenses must be renewed biennially, except those for private investigator interns and repossessioner interns. Provisions requiring supervision of agency branch officers by licensed persons are abolished. The fee for agency change of name applications is increased. All agency employees must be issued

identification cards. Circumstances under which such cards must be returned to the agency licensee are specified.

All licensed private investigators are deemed to be special process servers without the necessity of appointment by the sheriff. The exemption from licensure provided to control burglar or fire alarm protection business is limited. Permanent employees of banks, credit unions, and consumer reporting agencies which are exempt from the act are likewise exempted. Provisions restricting the investigative activities of such banks, credit unions, small loan companies, consumer credit reporting agencies, or collection agencies are deleted.

New grounds upon which the Department may deny, revoke or suspend licenses, impose fines, and take other disciplinary actions are specified. A Division of Licensing Trust Fund is created and the Private Investigative Agency Licensing Law Trust Fund is abolished. Provisions relating to the carrying on of a business in the event of the death of the licensee are deleted. Only agency licensees must obtain city and county occupational licenses. Provisions relating to qualifications for a Class "G" permit (statewide permit to carry a weapon or firearm) are abolished. Temporary Class "G" licenses may only be renewed once. The Department is provided with rulemaking powers with respect to the issuance of certificates to licensees for weapons other than firearms. Licensed repossessors are required to maintain certain records. The prohibition against implications of association with government and government agencies is abolished.

Provisions relating to the regulation of detection of deception examiners by the Department of State are revised as well. License requirements are revised. The maximum license fees for detection of deception examiners and interns are increased and are to be renewed biennially. Licensees need no longer be bonded but must be insured. Provision is made for polygraph intern licenses. The disciplinary actions and grounds therefor applicable to investigative agencies shall apply to detection of deception examiners. This act is made subject to "Sunset" on July 1, 1990.

#### Landscape Architecture

SENATE BILL 351 (CHAPTER 80-218) authorizes the Board of Landscape Architecture to adopt rules necessary to carry out its duties and protect the public. Unlicensed persons are authorized to use the name or title "landscape designer" pursuant to this act and HOUSE BILL 1758 (CHAPTER 80-406). This change is effected by deleting the term "landscape designer" from prohibited acts under Part II of Chapter 481, F. S., the Landscape Architecture law.

#### Liquified Petroleum Gas

HOUSE BILL 694 (CHAPTER 80-390) defines "qualifier" for purposes of provisions requiring the licensure of dealers in appliances and equipment for use of liquefied petroleum gas only; or installation only; and dealers in liquefied petroleum gas, installation, and appliances and equipment for use of such gas and installation. Such dealers are required to pass an

examination prior to licensure by the Department of Insurance. If the person or "qualifier" who passed the examination leaves a business organization licensed as a dealer, the Department must be notified and he must be replaced by another qualifier. Dealers licensed on October 1, 1980 are exempt from such examination.

The Department is given jurisdiction for bulk plant locations for liquified petroleum gas containers of specified sizes in the absence of local zoning laws, and is authorized to inspect premises where liquified petroleum gas or equipment therefor is sold, stored, or being repaired or installed. The Department is further authorized to investigate certain accidents involving liquified petroleum gas. Investigation reports and records shall be open to the public absent a court order authorizing the Department to withhold such records from public inspection. The basis of any such court order is restricted. The Department is authorized to provide certain assistance to local governments and to publish certain safety information.

#### Massage

HOUSE BILL 1758 (CHAPTER 80-406) conforms provisions relating to massage to 1979 regulatory legislation in a manner similar to that with respect to barbering and cosmetology. The Florida Massage Practice Commission is abolished and its duties are assumed by the renamed Board of Massage. The Board is given rulemaking authority. The authority of counties and

municipalities to regulate persons not licensed by the state to practice massage is clarified. General provisions relating to legal services and the investigation of complaints are repealed.

### Motor Vehicle Repair

COMMITTEE SUBSTITUTE FOR HOUSE BILL 287 (CHAPTER 80-139) creates the Florida Motor Vehicle Repair Act. The scope of the act is limited to consumer transactions. Motor vehicle repair shops are required to prepare written repair estimates for repair work exceeding \$50 and the estimate is required to include specified information, including the estimated cost of repair and the basis upon which the estimate is made. A customer may, in writing, waive his right to a written estimate. The right to the estimate and the right to waive the estimate must be disclosed to the customer before repair work is begun. Repair shops are prohibited from charging for making a repair estimate unless prior to the estimate the shop discloses the amount of the charge or the manner in which it will be calculated and obtains authorization therefor on the written estimate. Repair shops may not impose excessive charges for estimates, or require a customer to waive his rights under the act as a precondition to repair of the vehicle.

Procedures are provided for notifying the customer if additional repair work or charges are necessary. If the customer cancels the order for repair after being notified that

the cost would exceed the estimate, the motor vehicle must be reassembled unless reassembly is waived or the reassembled vehicle would be unsafe. Costs of teardown, parts and labor, and reassembly may be charged if the customer was notified of them. Repair shops must provide the customer with an invoice upon completion of the repair, which invoice must contain specified information. In addition, repair shops are required to maintain certain repair records.

Customers may obtain release of their vehicle from a lien for repair work performed by filing a cash or surety bond in the appropriate court. Customers may compel such release in a court action and any repair shop which fails to properly release the vehicle is guilty of a second degree misdemeanor. Customers who fail to post such bond or who stop payment on a credit card charge or check drawn for the repair are prohibited from any recourse under the act to obtain release of the vehicle. Repair shops must also comply with the act in order to enforce its liens. Procedures are provided whereby a person may enforce a lien for labor or services on a motor vehicle by sale of the vehicle. Any customer, the state attorney, and the Department of Legal Affairs, are authorized to bring civil actions for relief from violations of the act. The provisions of this act are to become effective January 1, 1981.

#### Naturopathy

HOUSE BILL 1758 (CHAPTER 80-406) updates references to the Department of Professional Regulation in provisions

relating to the regulation of naturopathic physicians and renames the officers of the Board of Naturopathic Examiners. Licenses will be renewed biennially rather than annually and the Department, rather than the Board, is given certain duties relating to license renewal and proceedings for revocation of licenses. The \$100 limit on the fee for the annual educational program for licensees is deleted. Procedures are provided for biennial renewal of licenses. Licenses not renewed will become inactive and licensees may voluntarily place their licenses on inactive status. Licenses inactive for more than one year must be reactivated upon application to the Department and the Board may require continuing education requirements as a condition of reactivating a license. Licenses inactive for more than 10 years shall be automatically suspended.

#### Osteopathy

HOUSE BILL 1758 (CHAPTER 80-406) requires the Board of Osteopathic Medical Examiners to grant limited licenses to osteopathic physicians licensed to practice in another state, subject to certain conditions. These conditions include supervision if the applicant has not engaged in active practice within the previous five years and a limitation upon the agencies or institutions which may employ the applicant. Provision is made for revocation of a limited license for noncompliance with the specified conditions.

#### Paramedics

HOUSE BILL 1152 (CHAPTER 80-121) requires the Department

of Health and Rehabilitative Services to establish criteria by which certain qualified paramedics may administer intravenous fluids, and intubate the esophagus and trachea with the approval and under the supervision of the Medical Director of the Advanced Life Support System. (While legislative intent is unclear, provisions which call for the expiration of such requirement on July 1, 1981, apparently also would result in the expiration on that date of the Department's certification of paramedics.) The act also requires the Department to establish a procedure for renewal certification with a continuing education requirement of up to 45 hours of units triennially or the alternative of a challenge examination. The Department is to allow 18 months after publication of rules for affected persons to comply. Paramedic certification is to be valid for three years from date of issuance.

#### Pharmacy

HOUSE BILL 1758 (CHAPTER 80-406) modifies qualifications for licensure of pharmacists by examination to require internship programs to be approved by the Board of Pharmacy rather than be programs of accredited schools or colleges of pharmacy. Pharmacists are required to label individual unit doses or unit dose systems for medication dispensed in unit doses at hospitals, nursing homes, or extended care facilities.

#### Piloting

HOUSE BILL 1758 (CHAPTER 80-406) renames the officers of the Board of Pilot Commissioners. All reports of casualties

sustained by a vessel on which there is employed a licensed state pilot or certificated deputy pilot must be reported to the Department of Professional Regulation rather than to the Board. Provisions are deleted relating to investigations of such reports by the Board. The Board's rulemaking powers, together with provisions relating to complaints and disciplinary actions against licensed pilots are repealed.

### Podiatry

HOUSE BILL 310 (CHAPTER 80-111) requires the Board of Podiatry to encourage and develop podiatric residency programs in hospitals in the state. Conditions are placed upon such programs, including the presence of a licensed podiatrist on the hospital staff and a two-year limitation upon the duration of a residency.

### Real Estate

HOUSE BILL 1757 (CHAPTER 80-405) provides that any registration of a real estate broker or salesman which expired between June 30, 1969 and July 1, 1979, solely due to nonrenewal, shall be considered to be inactive and shall be subject to provisions of law relating to the reactivation of inactive licenses. The term "broker" is redefined to include the sale, exchange, purchase or rental of business enterprises or business opportunities, and "real property" is redefined to include interests in business enterprises or business opportunities. Persons presently engaged in the activity of dealing in business enterprises or business opportunities for

another and for valuable consideration may continue to do so without being licensed as a real estate broker or salesman for two years following January 1, 1982, after which time they must be licensed. (The effective date of this act is January 1, 1982.)

Individuals, corporations, partnerships and other entities are authorized to sell, exchange, or lease their own real property without being licensed as a real estate broker or salesman pursuant to HOUSE BILL 821 (CHAPTER 80-307). However, the exemption shall not apply if an agent, employee, or independent contractor is paid a commission strictly on a transactional basis or is employed to make sales, exchanges or leases to customers in the ordinary course of an owner's business of selling, exchanging, or leasing real property to the public. The Board of Real Estate is authorized to order disbursement of funds from the Real Estate Recovery Fund to reimburse brokers or salesmen who are required by a court to pay money damages due to a distribution of escrow moneys in compliance with an escrow disbursement order issued by the Board. A \$10,000 limitation is provided upon such reimbursement.

Schools teaching real estate practice courses to persons seeking initial licensure as a salesman may use video tape instruction pursuant to SENATE BILL 453 (CHAPTER 80-51). All other prescribed courses must be personally taught by a currently licensed school instructor. Continuing education courses required for license renewal may be taught by

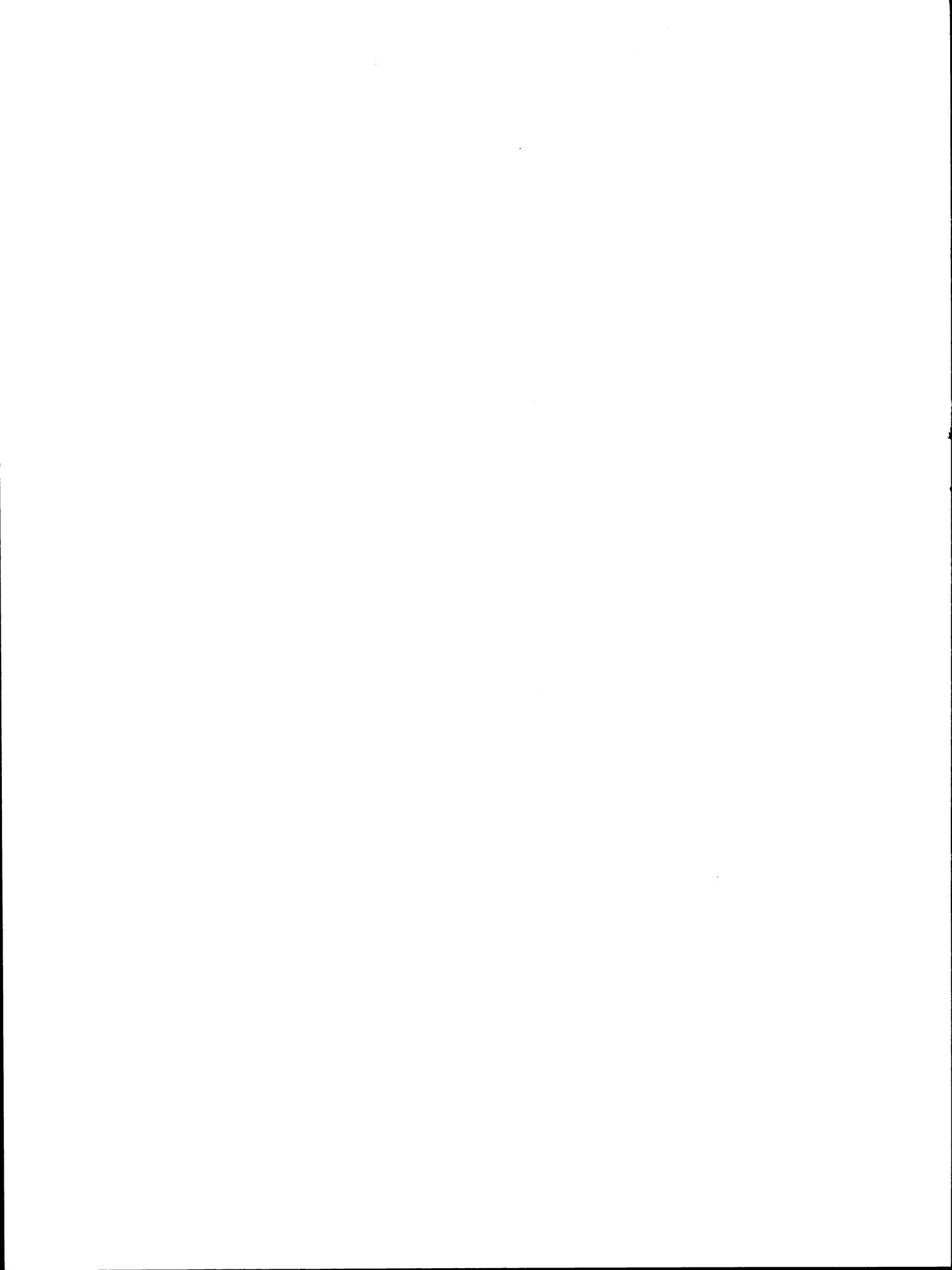
correspondence. Attorneys are exempted from any continuing education requirements. Real estate school instructors licensed on June 14, 1978, are exempted from certain licensure requirements except that they shall be required to be licensed as a broker. Real estate schools are authorized to jointly advertise with an affiliated broker as long as there is a distinctive separation in the advertisement.

### Veterinary Medicine

HOUSE BILL 1758 (CHAPTER 80-406) exempts certified veterinary faculty from licensure as veterinarians. Qualifications are specified for certification. The performance of unauthorized treatment by a veterinarian is added as a ground for disciplinary action. Veterinarians who provide veterinary service on a house-call basis and who do not maintain a veterinary establishment are exempted from provisions requiring a premises permit from the Department of Professional Regulation. Persons providing veterinary medical services are required to maintain medical records.

### Continuing Education Requirements

SENATE BILL 472 (CHAPTER 80-291) authorizes the Board of Nursing Home Administration, the Board of Opticianry, the Board of Podiatry, and the Board of Veterinary Medicine to prescribe continuing education, as a condition for renewal of a license or certificate. The maximum number of hours per biennium is 20 for nursing home administrators and opticians and 30 for podiatrists and veterinarians.



PUBLIC OFFICERS AND EMPLOYEES\*

The major portion of the legislation affecting public officers and employees relates to state-supported retirement systems. The minimum monthly benefits payable to retirees are increased; the Florida Retirement System is reopened to allow transfer from other systems; the number of years of creditable service needed to be eligible for disability retirement is increased; cost-of-living increases are provided for all retirees of all state-supported systems; a one-time retirement bonus is provided; and retirees are permitted to work for a longer period of time without losing any retirement benefits. Other major legislation affecting public officers and employees provides for: the composition and monitoring of local collective bargaining commissions; procedures for the resolution of collective bargaining impasse issues; the creation of a Senior Management Service within the state personnel system; a personal holiday for each state employee; public officers and employees to serve on political party executive committees; counties and municipalities to pay the cost of providing group insurance coverage for retired officers and employees; procedure for removal of officials when a

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\*Prepared by the staff of Senate Legislative Services

procedure is not prescribed in the State Constitution; and the payment of back salary and costs and attorneys' fees for officers who are suspended by the Governor but not removed by the Senate.

### Collective Bargaining

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 83 (CHAPTER 80-214) requires that by October 1, 1980, local public employee relations commissions, established pursuant to local option collective bargaining provisions, shall be appointed for 4-year staggered terms so that the composition of the local commission is as follows: one appointee who, because of his previous vocation, employment, or affiliation, is classified as a representative of employers; one employee who, because of his previous vocation, employment, or affiliation, is classified as a representative of employees or employee organizations; and all other appointees shall be persons who shall not have been classified as representatives either of employers or of employees or employee organizations. The act mandates that such commission composition shall be maintained henceforward.

No ordinance, resolution, charter amendment, rule, or regulation incorporating local provisions or procedures nor any amendments thereto shall take effect until approved by the Public Employees Relations Commission (PERC). The Commission may, upon approval of the local option, transfer any pending cases to the local commission as well as any cases filed after

its approval which are within the local commission's jurisdiction. The Commission may, upon proper notice, require that any amendments to Part II of Chapter 447, F. S., be incorporated into a local option. If the amendments are not submitted within 60 days after notification, the Commission may suspend the operation of the local commission until the required amendment is submitted. After 50 days of suspension, the Commission may transfer any matters pending before the local commission back to itself.

The provisions of Chapter 120, F. S., relating to administrative hearings and procedures, are applicable to local commissions to the same extent they are applicable to the Commission. Notice must be given to the Commission by any party seeking judicial review of any order of a local commission.

HOUSE BILL 1655 (CHAPTER 80-367) requires that a special master appointed by the Public Employees Relations Commission for the resolution of impasses transmit his recommended decision by registered mail to the Commission and to both parties to the dispute within 15 calendar days after the close of the final hearing. Previous law required that the master transmit his recommended decision to the Commission, which then was required to transmit the decision to the parties within five days. Following the resolution of disputed impasse issues by the legislative body of the governmental entity involved, the parties must reduce to writing an agreement which includes those issues agreed upon and those disputed impasse issues

resolved by the legislative body. If the agreement is not ratified by the public employer and by the public employees who are members of the bargaining unit, the action taken by the legislative body shall take effect as of the date the action was taken for the remainder of the first fiscal year which was the subject of negotiations, except that no action of the legislative body shall take effect with respect to disputed impasse issues involving the language of contractual provisions which could have no effect in the absence of a ratified agreement, such as preambles, recognition clauses, and duration clauses.

#### Personnel Management

HOUSE BILL 1754 (CHAPTER 80-404) creates the Senior Management Advisory Committee to assist the Governor and the Legislature in analyzing the effectiveness of the senior management service in state government. The Committee is to consist of seven members, two of whom shall be appointed by the Speaker of the House of Representatives, two by the President of the Senate, and three by the Governor. The law creates the Senior Management Service (as Part V of Chapter 110, F. S.) as a separate system of personnel administration for policy-making and managerial positions in the executive branch which are exempt from the Career Service System. A Senior Management Policy Committee, composed of nine members of the Senior Management Service designated by the Secretary of Administration, is to advise and consult with the Secretary on

matters of policy and administration. The Department of Administration is directed to adopt rules providing for systems of administering the employment, appraisal, and promotion or removal of managers. Such systems are to include a salary and benefit plan which provides appropriate incentives for the recruitment and retention of outstanding management personnel. The Department is required to develop and implement by rule a program providing for periodic rotation of supervisors into positions involving actual duties of subordinates. The rules adopted by the Department must be approved by the Administration Commission. Any action relative to a position in a department headed by a cabinet officer, or headed by the Governor and Cabinet, may be changed by a majority vote of the Administration Commission. The new law provides that no position shall be exempted from the Career Service System if the position reports to a career service position. The salaries of heads of state agencies, unless otherwise fixed by law, will be set by the Department in accordance with the classification and pay plan established for the Senior Management Service. The law exempts from the Career Service System numerous other specified positions in the executive branch, the salaries for which are now to be set in accordance with the Senior Management Service pay plan.

HOUSE BILL 535 (CHAPTER 80-370) reworks existing statutory provisions relating to the preference given veterans in employment, reemployment, reinstatement and promotion by the state and its political subdivisions. Section 295.07, F. S.,

is revised to bar active duty for training from consideration in computing the required consecutive days of active duty during wartime which are necessary to qualify for five preference points in meeting examination qualifications for certain positions. Section 295.09, F. S., is reworded to clarify reemployment, reinstatement or promotion preferences for any employee of the state or its political subdivisions whose career is interrupted by active duty in the United States armed forces. Promotional preference is to apply only to the first promotion after reemployment or reinstatement. Exceptions to noncompetitive positions, for which the veteran is to be given preference, appearing at renumbered Section 295.085, F. S., are specified; and the requirement is repealed that a report be filed with the Division of Veterans' Affairs of the Department of Veterans and Community Affairs when a non-veteran is hired rather than a veteran. In such cases, Section 295.11, F. S., provides that the veteran, not the Division as under prior law, is to seek redress for his grievances through the Career Service Commission or a court of competent jurisdiction. The Division, upon the written request of the aggrieved person, is to investigate the complaint and assist the complainant in every way other than supplying legal assistance. Amended penalty provisions of Section 295.14, F. S., provide: (1) that the Career Service Commission, when finding for the veteran, shall order the offending agency, employee, or officer to comply with the preference provisions, and to compensate the veteran for any loss of wages; (2) when a

civil court finds for the veteran, the court shall require the offending party to pay costs of suit, reasonable attorney's fees, and any damages awarded by the court; and (3) provide that any employee or officer found liable for a second or subsequent violation shall forfeit his position. (This act is also summarized in STATE GOVERNMENT.)

SENATE BILL 1042 (CHAPTER 80-331) grants one personal holiday per year to permanent full-time state employees, except for teaching and research faculty and certain administrative and professional positions of the State University System.

HOUSE BILL 1411 (CHAPTER 80-207) prohibits any officer or employee of the state, or of any county or municipality, from directly or indirectly coercing or attempting to coerce, commanding, or advising any other officer or employee to pay, lend, or contribute any money to any party, committee, organization, agency, or person for political purposes. The law allows any officer or employee of the state or a political subdivision to also serve as a member of the state executive committee or county executive committee of a political party; and no person is to be fired, removed from public office or employment, or required to resign from such office or employment because of membership on such a committee prior to this act becoming a law.

HOUSE BILL 424 (CHAPTER 80-304) authorizes a county or municipality to pay all or part of the cost of providing group insurance for retired officers and employees. The exercise of

this authority shall not be negotiable through collective bargaining.

#### Removal of Officials

SENATE BILL 1174 (CHAPTER 80-333) provides that, when a method for removal is not otherwise provided by the State Constitution or by law, the Governor may, by executive order, suspend from office an elected or appointed state official who is indicted or informed against for commission of any felony, or for any misdemeanor arising directly out of his official conduct or duties, and may fill the office by appointment for the period of suspension. During such suspension, such official may not perform any official act, duty, or function nor may he receive any pay, allowance, emoluments or privileges of office. If convicted, the official may be removed from office by executive order of the Governor. For purposes of the new law, a person who pleads guilty or nolo contendere or who is found guilty shall be deemed to have been convicted in spite of suspension of sentence or a withholding of adjudication. If the official is acquitted, found not guilty, or the charges against him are dismissed, the Governor is required to revoke the suspension by executive order, and the official is entitled to back pay and other emoluments to which he would have been entitled but for the suspension. If an officer who is suspended by the Governor is not removed by the Senate, the Legislature after his reinstatement may provide for the payment, from general revenue funds, of attorneys' fees and

costs or the salary and emoluments of office for the officer from the date of his suspension to the date of reinstatement.

### Retirement

COMMITTEE SUBSTITUTE FOR SENATE BILLS 796 AND 914 (CHAPTER 80-242), as amended by HOUSE BILL 11-D (CHAPTER 80-243), increases the minimum monthly retirement benefit payable to a retired member of any state-supported retirement system who is over 65 years of age, who has at least 10 years of creditable service and who is receiving or is entitled to receive social security benefits, from \$9.50 multiplied by the total years of creditable service to \$10.50 multiplied by the total years of creditable service. The minimum monthly retirement benefit for such a member who is not receiving and is not entitled to receive social security benefits is increased from \$14.50 multiplied by the total years of creditable service to \$16.50 multiplied by the total years of creditable service. The dollar factors used in determining the minimum benefits will not be adjusted in 1980 to reflect any increase in the cost-of-living, but will be adjusted to reflect such increases beginning July 1, 1981.

The law allows members of other state retirement systems to transfer to the Florida Retirement System between January 2, 1982, and May 31, 1982. Any person transferring during such period will become a member of the Florida Retirement System on July 1, 1982, and will retain his rights to survivor benefits under the Teachers' Retirement System from July 1, 1982 until

June 30, 1987, or until fully insured for social security disability benefits, whichever first occurs.

Under the law, any member of the Florida Retirement System who has less than 5 years of creditable service on July 1, 1980, and any person who becomes a member of such system on or after such date, must complete 10 years of creditable service, rather than 5 years of creditable service, in order to be eligible to receive disability retirement benefits for any disability other than one incurred in the line of duty. However, a member who has less than 5 years of creditable service on July 1, 1980, and who becomes totally and permanently disabled after completing 5 years of creditable service, but who has not attained fully insured status for social security disability benefits, is entitled to a monthly disability benefit.

On July 1, 1980, and on each July 1 thereafter, the benefit of all retirees and annuitants under all state-supported retirement systems will be adjusted to reflect changes in the cost-of-living index of up to 3 percent per year.

The law provides a \$300, one-time retirement bonus on September 1, 1980, to all retired members of state-sponsored retirement systems who have 15 or more years of creditable service and who as of June 30, 1980, received a monthly benefit of \$1,000 or less.

The State Treasurer is required to collect the interest, dividends, prepayments, maturities, proceeds from sales, and

other income accruing from assets of the Florida Retirement System Trust Fund or the Florida Survivor Benefit Trust Fund, and to deposit the same directly in a commercial bank to the credit of the State Board of Administration.

HOUSE BILL 1573 (CHAPTER 80-126) permits a retired member of a state-administered retirement system, except a member retired on disability, to work without limitation for an employer who does not participate in a state-administered retirement system and still receive full retirement benefits. Retired members aged 65 or older, who are not retired on disability, may also work without limitation for employers who participate in a state-administered retirement system. Retired members under the age of 65, who are not retired on disability, may work up to 600 hours per year for an employer who participates in a state-administered retirement system or earn up to \$4,000 from such an employer, whichever permits the longest employment, without loss of retirement benefits. If a retiree subject to these restrictions exceeds the maximum amount of work permitted, his retirement benefits shall be suspended for the remainder of the calendar year but shall resume with the start of the next calendar year and continue until the retiree again exceeds the employment limitations. The law provides that any retired member of a state-administered retirement system who is employed by an employer under a state-administered retirement system within one calendar month of retirement shall forfeit retirement benefits for that month. Retired members who are elected or appointed

to an elective public office covered by the Florida Retirement System, and who do not elect to reinstate their membership in the system, shall continue to receive retirement benefits in addition to the compensation received for the elective office without regard to the time limitations otherwise provided by this law.

The law also amends the definition of "prior service" to include employment (prior to employee's membership in the Florida Retirement System) with certain state, county, and municipal employers, either before or during such employer's participation in an existing system.

HOUSE BILL 1744 (CHAPTER 80-130) allows a disability retiree under the Florida Retirement System to elect to receive a reduced disability benefit which shall be payable, for the balance of the 10 years following disability retirement, to a designated beneficiary if death occurs within such period. The law further provides that, upon the death of a retired member or beneficiary receiving monthly benefits under a state-administered retirement system, the monthly benefit being paid shall be paid through the last day of the month of death.

HOUSE BILL 433 (CHAPTER 80-131) permits public defenders to continue participation in the Elected State Officers' Class of the Florida Retirement System. (Public defenders were inadvertently omitted from such class in a law which was enacted in 1979.) The law authorizes a county court judge or other member of the Elected State Officers' Class to purchase additional retirement credit for service as a county solicitor,

judge of a small claims court, or justice of the peace prior to January 1, 1973. The time period is extended to December 31, 1980, during which persons eligible to be members of the Elected State Officers' Class may transfer to such class.

The definition of "creditable service" for purposes of the Florida Retirement System is amended to include the period from November 1972 to January 1973, which would have been served by an elected county commissioner but for the enactment of Chapter 67-510, Laws of Florida, if this inclusion would give any person affected sufficient creditable service to qualify for retirement benefits.

HOUSE BILL 1684 (CHAPTER 80-128) specifies that the normal retirement date for purposes of calculating early retirement benefits of regular members of the Florida Retirement System and of members of the Elected State Officers' Class shall be age 62; for purposes of calculating early retirement benefits of special risk members shall be age 55; or, for a special risk member who has 25 years of creditable service, shall be age 52. The law provides that benefits payable to a beneficiary of a member whose employment was terminated by death after 20 years of creditable service shall be based on the average monthly compensation and creditable service as of the date of the member's death, and this benefit shall be reduced by five-twelfths of one percent for each month by which death precedes the normal retirement date or the date on which the member would have attained 30 years of creditable service had he survived and continued his employment, whichever

provides a higher benefit. Retirement credit for leaves of absence may be purchased at the contribution rate in effect at the time of purchase for the class of membership from which the leave of absence was granted.

STATE GOVERNMENT\*

The scope of legislation enacted by the 1980 Legislature in the area of state government touches on a broad variety of subject matters. The major issues addressed include changes in laws to bring about minor governmental reorganization; transfers of certain functions within state agencies; and amendments and enactments dealing with financial and budgetary matters, state purchasing, public buildings, public records, cultural affairs and historic preservation.

Governmental Reorganization

While the Legislature did not undertake any major reorganization of state government this year, there were some transfers of functions and authorizations of authority within such agencies as the Department of State, Department of Community Affairs and Department of Commerce.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 717 (CHAPTER 80-391) establishes a Division of Administration within the Department of State. The internal audit function within the Department of Revenue is transferred from the assistant executive director to the executive director of the Department of Revenue, and the

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\*Prepared by House Committee on Governmental Operations

assistant executive director is assigned the responsibility of investigative services. The act also shifts from the Department of State to the Joint Administrative Procedures Committee of the Legislature the responsibility of identifying and requesting repeal of any rules or provisions of rules which reiterate or paraphrase any statute or for which the statutory authority has been repealed. The Department is also required to contract with a publishing firm by July 1, 1981, for the publication of the Florida Administrative Code, resulting in publication on a timely basis and in a more useable form with a notice of adoption, the text of all proposed rules, and other user aids.

HOUSE BILL 1530 (CHAPTER 80-210) repeals the statutory authority (Section 288.105, F. S.) for the Economic Development Advisory Committee, located in the Division of Economic Development, Department of Commerce.

The Division of Veterans' Affairs of the Department of Veterans' and Community Affairs is empowered, under HOUSE BILL 765 (CHAPTER 80-61), to issue identification cards to resident veterans certified as wholly permanently and totally disabled by the Veterans Administration as a result of their service. The purpose of the card, which is to be requested in writing, is for proof of entitlement to any state benefits due such veterans. The Division is responsible for the design and content of the card and for rules covering card eligibility, application procedure, issuance and control. The cards are valid for four years and may be renewed. Unlawful acts

concerning the cards are enumerated. The statutes are conformed to fit the new name of Department of Veterans' and Community Affairs and to reflect changes in the composition of the Department's Interdepartmental Coordinating Council of Community Services brought about by governmental reorganization. The effective date of this act is delayed until January 1, 1981.

HOUSE BILL 535 (CHAPTER 80-370) reworks existing statutory provisions relating to the preference given veterans in employment, reemployment, reinstatement and promotion by the state and its political subdivisions. Section 295.07, F. S., is revised to bar active duty for training from consideration in computing the required consecutive days of active duty during wartime which is necessary to qualify for five preference points in meeting examination qualifications for certain positions. Section 295.09, F. S., is reworded to clarify reemployment, reinstatement or promotion preferences for any employee of the state or its political subdivisions whose career is interrupted by active duty in the United States armed forces. Promotional preference is to apply only to the first promotion after reemployment or reinstatement. Exceptions to noncompetitive positions, for which the veteran is to be given preference, appearing at renumbered Section 295.085, F. S., are specified; and the requirement is repealed that a report be filed with the Division of Veterans' Affairs of the Department of Veterans' and Community Affairs when a non-veteran is hired rather than a veteran. In such cases,

Section 295.11, F. S., provides the veteran, not the Division as under prior law, is to seek redress for his grievances through the Career Service Commission or a court of competent jurisdiction. The Division, upon the written request of the aggrieved person, is to investigate the complaint and assist the complainant in every way other than supplying legal assistance. Amended penalty provisions of Section 295.14, F. S., provide: (1) that the Career Service Commission, when finding for the veteran shall order the offending agency, employee, or officer to comply with the preference provisions, and to compensate the veteran for any loss of wages; (2) when a civil court finds for the veteran, the court shall require the offending party to pay costs of suit, reasonable attorney's fees, and any damages awarded by the court; and (3) provide that any employee or officer found liable for a second or subsequent violation shall forfeit his position.

SENATE BILL 889 (CHAPTER 80-327) directs the State Fire Marshal to study the need for early warning fire detection systems in multi-family dwellings, and to submit a report including findings and recommendations to the Legislature no later than January 1, 1981.

SENATE BILL 169 (CHAPTER 80-215) authorizes county, municipal and special district fire chiefs or their agents, and other persons designated by local governments having no organized fire departments, to enforce within their respective jurisdictions fire prevention laws and rules prescribed by the State Fire Marshal. Persons so acting shall be deemed agents

of their respective jurisdictions and not agents of the State Fire Marshal.

COMMITTEE SUBSTITUTE FOR SENATE BILL 179 (CHAPTER 80-342) amends various provisions of Chapter 633, F. S., relating to fire prevention and control. Automatic alarm systems, fire hydrants, and hydrant mains are excluded from the definition of "fire protection system," and the term "pre-engineered system" is defined. Licensed plumbing contractors are exempted from certification requirements for installation of standpipe systems and certain related items, and contractors who were actively engaged in the occupation of installing fire protection systems for five years prior to January 1, 1975, are exempted from examination requirements. Under the enactment, contractors (i.e. anyone who installs, tests, services, etc., fire protection systems) are divided into three categories: (1) Contractor I, who must be proficient with all types of systems except pre-engineered systems; (2) Contractor II, who must be proficient with water systems only; and (3) Contractor III, who must be proficient with chemical systems only. A separate examination for each class of certificate is provided for, with the initial application fee set at \$150 for all categories, and renewal fees set at \$75 for Contractor I and \$50 for Contractor II and Contractor III.

#### State Agencies - General Functions

Acts dealing with state agencies include a broad range of subjects: travel reimbursements and other incidental

expenses; state parking facilities; land acquisition procedures within the Department of Natural Resources; more efficient performance in filing of Uniform Commercial Code documents, and less restrictive use of reproductions of the great seal of the State of Florida.

COMMITTEE SUBSTITUTE FOR SENATE BILL 706 (CHAPTER 80-224) directs the Department of Commerce to adopt rules by which the Department may make advancements or reimbursements to state officers and state employees for travel and entertainment expenses incurred with respect to duties of the Department. An annual report is to be made to the Legislature by December 30 of each year summarizing entertainment and incidental expenses incurred within the United States and all travel, entertainment, and incidental expenses incurred outside the United States. Effective date of the act is January 1, 1981, provided implementing rules are approved and adopted by that time. Otherwise the effective date will be July 1, 1981.

HOUSE BILL 1613 (CHAPTER 80-212) permits any Cabinet member to incur and be reimbursed for per diem and travel expenses for the purpose of educating and informing the public as to his or her official duties.

HOUSE BILL 867 (CHAPTER 80-200) permits the Department of Commerce to incur expenses for membership dues of Department employees in associations and other organizations associated with commerce, and for the presentment of plaques and certificates expressing appreciation to persons who are not

state employees for outstanding and meritorious service to the tourist industry or economic development of the state.

The Legislature this year reconsidered the use to which the great seal of the State of Florida can be put. SENATE BILL 1147 (CHAPTER 80-59) removes the prohibition against the use of the great seal of the State of Florida for the purposes of advertising or promoting the sale of any article of merchandise or for any other commercial purpose. Any facsimile or reproduction of the great seal shall be manufactured, used or displayed only upon approval of the Department of State.

SENATE BILL 792 (CHAPTER 80-107) authorizes mental health district boards and certain mental health agencies and alcohol treatment programs or facilities to utilize the state communications system under conditions established by the Division of Communications of the Department of General Services.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1077 (CHAPTER 80-225) authorizes the Department of General Services to assign parking spaces in the Capitol Center area to state agencies for its own use or for reassignment. Payment of parking fees shall thereafter be through the individual agencies rather than the Department. The requirement that parking fees be uniformly applicable is deleted. The Department may also rent parking spaces to providers of certain services. All fees collected by the Department shall be deposited in the Supervision Trust Fund effective July 1, 1980, at which time the Capitol Center Parking Trust Fund is abolished and any balance therein

transferred to the new fund. Other provisions of this act take effect January 1, 1981.

SENATE BILL 1342 (CHAPTER 80-334) increases the filing fees for any document filed pursuant to the Uniform Commercial Code and directs that any money so collected be deposited in a Bureau of Uniform Commercial Code Special Contingency Trust Fund to be established. The proceeds of this trust fund are to be used for the purchase of a microfiche system, and for an audit and verification of data maintained by the Bureau of Uniform Commercial Code of the Division of Corporations of the Department of State. This law also directs the Bureau to reduce an existing backlog within 120 days of the effective date of this act (August 1, 1980). After the backlog is eliminated, the Bureau will be required to file all Uniform Commercial Code documents within three working days, and verify the data file and convert the existing system to microfiche within 24 months after this act goes into effect.

HOUSE BILL 294 (CHAPTER 80-356) requires the Department of Natural Resources to retain certain records in accordance with record retention schedules established under Chapters 119 and 267, F. S. The enactment also permits the Department to utilize reproductions as originals in judicial proceedings. In an attempt to resolve some ambiguities arising as to whether each division within the Department could individually undertake land acquisitions, amendments are included to Sections 375.021 - 375.065, F. S., which basically insert the "Department of Natural Resources" in place of the "Division of

Recreation and Parks" or any reference thereto. The Board of Trustees of the Internal Improvement Trust Fund may substitute federally mandated acquisition procedures when necessary to receive federal funds, and is allowed to utilize Land Acquisition Trust Fund monies to satisfy encumbrances on lands forfeited to the state under the RICO (Racketeer Influenced and Corrupt Organization) statute. The act also provides penalties for any person defaulting, damaging, or disturbing the surfaces of any cave or similar formation.

#### Financial and Budgetary Matters

Legislation discussed under this heading deals with such things as the data processing equipment utilized in implementing budget procedures; state-owned tangible personal property; the creation of a system for the unification and coordination of financial data systems; clearing accounts; and investment of public funds.

SENATE BILL 300 (CHAPTER 80-46) requires that all data processing equipment utilized in implementing the budget system procedures of Section 216.141, F. S., be transferred to an agency within the executive branch of state government by July 1, 1982.

SENATE BILL 415 (CHAPTER 80-380) provides that reimbursement to revolving funds for uninsured losses and theft be made from the fund in which the responsible operating department is budgeted. This law also amends the definition of the term "operating capital outlay" for the purposes of state

law relating to planning and budgeting, and the definition of the term "property" for the purposes of state law relating to state-owned tangible personal property. (By making the definition of "operating capital outlay" and "property" the same, all expenditures from operating capital outlay will be identified by marking, carried in the inventory records, and capitalized in equipment fund accounts.) Publicly supported libraries are exempt from the provisions of this section dealing with record and inventory of certain property, including hardback covered bound books valued at \$25 or more and tangible personal property of a nonexpendable nature costing \$50 or more.

SENATE BILL 1020 (CHAPTER 80-45) provides a mechanism for the unification and coordination of financial data systems to comprise the Florida Fiscal Accounting Management Information System (FFAMIS). The FFAMIS would provide state agencies with the ability to share financial data in an accurate and usable form by utilizing standardized procedures. There would initially be seven subsystems; each subsystem having a designated agency to serve as functional owner. The Department of Revenue is to be the functional owner of the Revenue and Regulation Subsystem; the Executive Office of the Governor - Planning and Budgeting Subsystem; the Department of Banking and Finance - State Automated Management Accounting Subsystem; the State Treasurer - Banking and Collateral Securities Subsystem; the Department of General Services - General Services and Purchasing Subsystem; the Department of

Administration - State Personnel Payroll Information Subsystem; and the State Board of Administration - Investment and Debt Control Subsystem. To implement and coordinate the entire system there is created as a part of the Administration Commission, the Fiscal Accounting Information Board, composed of the Governor, Comptroller, and Treasurer aided by a coordinating council. It will be the duty of the council to conduct necessary studies to develop a five-year plan for the design and implementation of the FFAMIS and to make recommendations to the Board concerning policy alternatives and solutions.

This act also revises procedures to be used by the Executive Office of the Governor, by state agencies, and by the Legislature for submission and implementation of budgets. The nature of the information to be contained in agencies' and in the Governor's budget requests is specified; new procedures for handling Fixed Capital Outlay requests are established; the timetable for submission of requests is revised; and the Governor's budget recommendations to the Legislature must include a balanced budget statement.

HOUSE BILL 522 (CHAPTER 80-39) prohibits the establishment of any clearing account outside the State Treasury unless approved by the State Treasurer.

HOUSE BILL 1586 (CHAPTER 80-317) authorizes the investment by the State Board of Administration of up to 25% of various funds available for investment in mortgage pass-through certificates on Florida real property mortgages and obligations

of the Federal National Mortgage Association. This act also provides that the State Treasurer, as custodian of securities owned by the Florida Survivor Benefit Trust Fund, shall collect income accruing from sales and other assets and deposit said monies with respect to the Florida Retirement System in a commercial bank to the credit of the State Board of Administration. The Board shall thereafter remit to the Florida Retirement System Trust Fund such amounts as may be requested by the Director of the Division of Retirement of the Department of Administration.

COMMITTEE SUBSTITUTE FOR SENATE BILL 559 (CHAPTER 80-103) amends Section 18.10 to authorize the State Treasurer to make certain investments of surplus funds in: (1) Obligations of the Federal Farm Credit and Federal Home Loan Bank obligations. (2) Obligations of the Federal Home Loan Mortgage Corporation. (3) Obligations guaranteed by the Government National Mortgage Association. Other provisions of this act are summarized in the EDUCATION article.

#### State Purchasing

HOUSE BILL 1408 (CHAPTER 80-284) encourages state agencies and persons under contract with state agencies to contract with small businesses for commodities and services. The Division of Economic Development of the Department of Commerce is required to establish and administer programs to conduct studies, workshops, and seminars dealing with small businesses. The Small Business Advisory Council within the

Division is directed to develop policy initiatives which serve to strengthen and facilitate small business activity in this state.

HOUSE BILL 1524 (CHAPTER 80-374) centralizes service contracting procedures for all state agencies within the Division of Purchasing, Department of General Services. The Division is given the authority to promulgate rules to stipulate classes of services and procedures for procuring these services. "Contractual services" is defined to mean the rendering by a contractor of its time and effort rather than furnishing of specific commodities, and applies only to services rendered by individuals and firms who are independent contractors and not performing the duties of an authorized position. Agencies' needs for or use of services including particular specifications will not be impaired or interfered with by the Department. When the price of a service is less than \$2,500, agencies may enter into a contract employing procurement procedures set forth in rules promulgated by that agency. Where practicable, the standard acquisition procedures for service contracts will include competitive procurement methods. Programs will be developed by the Division to disseminate information regarding contractual service procurement methods and forms. The effective date of this act is delayed until July 1, 1981.

#### Public Buildings

Five measures relating to public buildings passed the

Legislature this year. Two of them deal with construction bonds; one exempts construction of specialized educational facilities from the competitive bidding requirement; one requires state agencies to consider local governmentally owned buildings when seeking rental space; and the last provides a change in the definition of "local government" and "local governing body" when used in context with building construction regulations.

COMMITTEE SUBSTITUTE FOR SENATE BILL 33 (CHAPTER 80-32) requires that the payment provisions of all bonds furnished by the contractor for certain public work contracts, regardless of form, shall be construed and deemed statutory bond provisions.

COMMITTEE SUBSTITUTE FOR SENATE BILL 420 (CHAPTER 80-54) permits the director of the Department of General Services to delegate to state agencies the authority to exempt any person entering into a construction contract amounting to \$25,000 or less from executing a payment and performance bond, and provides immunity from personal liability to officials granting such exemption.

COMMITTEE SUBSTITUTE FOR SENATE BILL 476 (CHAPTER 80-55) exempts specialized educational facilities from the competitive bid requirements for leasing, if the executive head of any state agency certifies in writing that said facility is available from a single source and that the competitive bid requirements would be detrimental to the state. This act also provides a criminal penalty for the injury or destruction of

art work displayed in public buildings. The penalty is commensurate with the amount of injury.

SENATE BILL 772 (CHAPTER 80-294) requires that any state agency entering into a lease agreement consider local governmentally or publicly owned buildings in addition to state-owned buildings. A Public Facilities Conversion Revolving Trust Fund is created, to be administered by the Department of General Services, for the purpose of renovating publicly owned facilities.

SENATE BILL 693 (CHAPTER 80-106) amends Subsection 553.71(1), F. S., as to the definition of "local government" and "local governing body" as used in context with building construction regulations.

#### Public Records

For the most part, legislation dealing with public records creates exemptions to the basic requirement that public records be open for inspection.

SENATE BILL 565 (CHAPTER 80-222) makes confidential, with enumerated exceptions, certain returns, reports, accounts, or declarations required to be filed with the Department of Revenue.

SENATE BILL 1142 (CHAPTER 80-1) exempts from the provisions of the public records act any videotape or video signal which, under an agreement with an agency, is produced, made, received by, or in custody of a federally licensed radio or television station or its agent.

SENATE BILL 368 (CHAPTER 80-150) requires all boards, commissions, and agencies to include in the notice of any meeting or hearing, the statement that if a person wishes to appeal any decision made at the meeting or hearing, he must have a record of the proceedings and may need to ensure that a verbatim record is made of the testimony and evidence upon which the appeal is to be based.

#### Cultural Affairs and Historic Preservation

The following acts relating to the theater, fine arts, various museums, and historical festivals around the state of Florida were passed by the 1980 Legislature:

SENATE BILL 941 (CHAPTER 80-159) directs various divisions within the Department of State to promote programs which substantially emphasize American artistic and cultural creativity. The Secretary of State is designated "Florida's Chief Cultural Officer" and encouraged to develop relationships between the state and foreign cultural officers in order to promote Florida as the center of American creativity. The Secretary of State shall also serve as the state's protocol officer and in consultation with the Governor and other officials develop and publish a Florida protocol manual. This law also provides for the establishment of a museum store at the Museum of Florida History in Tallahassee; and for the establishment of a nonprofit organization to promote and encourage the knowledge and appreciation of Florida history, and to cooperate with historical societies and other

organizations to provide funding and promotional support for the programs of the Museum of Florida History. The act creates the Museum of Florida History Trust Fund and provides that all profits from sales at the museum store, and gifts and donations received by the Bureau of Historical Museums of the Department of State, be deposited in the Fund.

HOUSE BILL 1195 (CHAPTER 80-141) expands the duties of the Florida State Museum, at the University of Florida, to include the sustained development of natural resources and a greater appreciation of human cultural heritage. This measure also establishes a State Medical Museum with the Florida State Museum to serve as a depository for materials enhancing the mission of the College of Medicine in teaching, research and public service. The medical museum will be directed by a ten-member council appointed by the President of the University of Florida upon recommendation of the Dean of the Medical College.

COMMITTEE SUBSTITUTE FOR SENATE BILL 425 (CHAPTER 80-48) increases from five to nine persons the membership of the Board of Trustees of the John and Mable Ringling Museum of Art, and designates the museum as the official art museum of the State of Florida with the purpose and function of acquiring and preserving objects of art. The Board of Trustees of the museum is authorized to accept credit card payments and tour vouchers.

HOUSE BILL 1633 (CHAPTER 80-288) establishes within the Department of State, the State Theater Program as a means of providing statewide quality theater programs, including the development of theater educational programs in public schools

and universities, and a workforce of professionals for the film and theater industry within the state. A State Theater Board is created consisting of representatives from the various theater groups in the state. The act also provides for state theater contract organizations and requires annual postaudits of the financial accounts of such organizations. Admission fees to a performance of a state theater, under provisions of a state theater contract, which is sponsored in whole or in part by a contract organization, shall be wholly retained by the organization.

HOUSE BILL 1674 (CHAPTER 80-319) provides for the reenactment of the Florida Fine Arts Council through enactment of the "Florida Fine Arts Act of 1980." The act sets forth a clear description of the duties and responsibilities of the Division of Cultural Affairs of the Department of State, particularly in the area of grant awards. A Fine Arts Trust Fund is created for the deposit of donations and cash incomes received by the Division. The Secretary of State is designated as Florida's Chief Cultural Officer; membership and duties of the Florida Fine Arts Council are provided; and the State Orchestra, Dance, and Opera Programs are created and are to be administered as part of the Division of Cultural Affairs. A report on these programs is to be prepared by the Secretary of State and submitted to the Legislature by February 1, 1981.

SENATE BILL 395 (CHAPTER 80-82) recognizes "Calle Ocho-Open House 8," a festival celebrating the cultural heritage of women and men who migrated to this country from Hispanic

countries, as a Florida Historical Festival. This festival is presented annually by the Kiwanis Club of Little Havana and the Hispanic citizens of Dade County.

#### Miscellaneous - Executive Functions

SENATE BILL 177 (CHAPTER 80-148) provides that each member of the Commission on Human Relations be compensated at \$50 per day for each day of actual attendance to Commission duties in addition to per diem and travel expenses.

SENATE BILL 802 (CHAPTER 80-182) authorizes transfer of a \$250,000 1979 appropriation to the Governor's Council on Physical Fitness and Sports, provided the United States Olympic Committee does not designate Florida as the site of the 1981 National Sports Festival. This money is to be used for a study to investigate the resources required to host the Pan American Games in Florida, to facilitate such a designation as host to such games, to provide means of obtaining federal assistance in hosting such games, to finance future bids to host the National Sports Festival, and to sponsor the Sunshine State Games. The act also authorizes the creation of Sunshine State Games direct-support organizations, and makes certain provisions to regulate the functions of such organizations.

HOUSE BILL 162 (CHAPTER 80-227) provides that in the event the Governor calls the members of the National Guard into active duty for the purposes of enforcing the law, preserving the peace, securing the rights and lives of citizens, protecting property, or participating in ceremonies, such

members of the militia may not be penalized in their employment in any way because of absence due to active duty.

TAXATION\*

A substantial amount of legislative activity during the 1980 Regular and Special Sessions centered on two areas of concern: the implications of enforcement of full valuation of property for ad valorem tax purposes, and the need for energy conservation. Resulting legislation includes the "TRIM," or "truth in millage" act, and various tax exemptions for energy-efficient devices and activities, with portions of the acts in both of these areas contingent upon approval of constitutional amendments. Provision was also made for exemption of the sale of gasohol from the "first gas tax," and a credit against ad valorem taxes for businesses producing gasohol or engaged in distillation of ethyl alcohol.

The Legislature also enacted the Special Fuel Use Tax Act of 1980, and provided administration procedures for the optional additional 1-cent fuel tax. It provided a method for local governments to grant economic development tax exemptions to new and expanded businesses (again subject to approval of a constitutional amendment). It addressed the area of leasehold estates in government-owned property; provided for tax on generation-skipping transfers; authorized district school

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\*Prepared by House Bill Drafting

boards to levy additional ad valorem tax for new construction and repair of existing facilities; provided certain intangible tax exemptions; changed the collection dates for the gross receipts tax on utility services, and increased the penalty for late payments of such taxes.

### "Trim"

A great deal of attention during the 1980 legislative sessions was focused on "truth in millage" legislation, in response to the move toward full valuation for ad valorem tax purposes. The act that was finally passed during the first special session was HOUSE BILL 4-D (CHAPTER 80-274). Known as the "TRIM" law, the act contains numerous provisions relating to property tax containment, tax administration, school funding, and various other subjects. It was amended during the June 30, 1980 Special Session by SENATE BILL 18-E (CHAPTER 80-261) and will be discussed here as amended.

Within the general area of property tax containment, the act includes three main subjects: millage limitations for 1980-81; substantially expanded millage and budget adoption procedures and taxpayer notice; and increases in the homestead exemption.

The act provides that, unless authorized by extraordinary vote of the governing body, no county, city, or special district shall increase property taxes for 1980-81 more than 8 percent above the prior year. Excepted are: proceeds from taxes on newly constructed property; new costs imposed by

state-mandated programs not funded by the state; millage necessary for fixed capital outlay required by court order; and revenues that would have been raised by a taxing authority which levied less than the certified rate for 1977 or 1978, or less than the maximum allowed without referendum (under Chapter 79-332, Laws of Florida) for 1979, had maximum allowable rates been levied. For 1980-81, school districts are allowed to exceed the limitation on nonvoted discretionary millage under specified conditions, provided that such millage cannot exceed 1.6 mills. A board may by majority vote raise 108 percent of the discretionary revenue produced by 1.6 mills for the prior year; or, by a majority plus one vote, it may raise 110 percent of such revenue. Or, again by a majority plus one vote, a millage may be levied which would insure that the rate of increase over the prior year in total Florida Education Finance Program funds per weighted FTE student for the district is not less than the statewide average increase.

The act provides that millage shall be set only by the governing bodies of taxing authorities pursuant to general or special law. It revises budget and millage setting procedures and provides for state monitoring of compliance therewith. It requires taxing authorities to compute a "rolled back" millage rate which, excluding new construction, additions to structures, deletions, and property added due to boundary changes, will provide the same tax revenue as the prior year, and prohibits formal action regarding budget adoption until public hearings are held. It requires one hearing to adopt a

tentative budget and millage rate, preceded by personal "Notice of Proposed Property Taxes," and a second hearing to adopt a final budget and millage rate, preceded by a quarter-page newspaper advertisement. The millage rate adopted at the final budget hearing cannot exceed the rate tentatively adopted at the first hearing, unless, prior to the final hearing, each taxpayer is sent personal notice of his taxes under the two rates. County, school district, and water management district budget provisions are amended to conform to the new requirements. The "Notice of Proposed Property Taxes" will provide each taxpayer with detailed information regarding his old and new assessment, prior year property taxes, current year taxes under proposed budgets, current year taxes if no budget increase is adopted, and the time and place of budget hearings. In addition, the act requires that tax bills be accompanied by a statement showing, for each taxing authority, total taxes if the rolled-back rate were adopted, total taxes under rates actually adopted, and the difference thereof. The act also allows extension of taxes prior to completion of Property Appraisal Adjustment Board hearings if completion of the hearings prior to extension would be the sole cause of a delay in issuance of tax bills beyond November 1.

Supplementing the "TRIM" law for the year 1980, SENATE BILL 18-E (CHAPTER 80-261) provides specific deadlines, allows shortening of required time periods, and provides for adjustments to required notices in order to facilitate

implementation, particularly with respect to the increased homestead exemptions to be voted on October 7, 1980.

If SENATE JOINT RESOLUTION NO. 4-E (proposing an amendment to Sections 6 and 8 of Article VII of the State Constitution) allowing increased homestead exemptions is approved in October, the homestead exemption for nonschool levies will be increased to \$15,000 for 1980 taxes, \$20,000 for 1981, and \$25,000 thereafter. This increase would be repealed upon the effective date of any amendment to Section 4 of Article VII of the Constitution providing for the assessment of homestead property at a fraction of its just value. The "TRIM" act implements this increase, requiring 5 years residency to qualify and specifying that the increase does not apply unless a county's assessment roll is approved by the Department of Revenue. Related provisions eliminate reimbursement to local governments for the additional homestead exemption for persons over 65, and increase the homestead exemption equivalent for units in homes for the aged to \$25,000 for school levies.

Procedures of Property Appraisal Adjustment Boards, provision for interim assessment rolls, and review procedures of the Department of Revenue comprise those aspects of the "TRIM" bill relating to tax administration.

The time period during which a taxpayer may file a petition with a Property Appraisal Adjustment Board is extended to 30 days after notice of assessment. Petitioners before a board are authorized to request that they be sent a copy of their property record card, and they may be represented before

the Board by an agent (former law allowed representation by an attorney only). Petitioners are also allowed to seek relief directly in the circuit court, whether or not they have first petitioned the Board. Petitioners are prohibited from introducing before the Board evidence previously requested in writing by the property appraiser and deliberately denied to him. The act deletes a requirement that a special master be a resident of the county, and requires that a special master be either a tax attorney or professional appraiser. No special master is allowed to represent a person before a board in any tax year during which he has served that board as a special master. Other provisions allow a condominium homeowner's association or a mobile home association to present evidence and testify before the Board, and allows the Board to consider assessments on comparable properties when hearing petitions. Newspaper ads providing notice of budget hearings for taxing authorities, and mandated by Paragraphs 200.065(3)(c) and (d), F. S., need not meet the general requirements as to size of ad and type face (no smaller than quarter-page and 18 point) specified for other notices in the millage fixing process. A requirement for publishing a list of individual exemptions approved and disapproved by the property appraiser is deleted.

With respect to interim assessment rolls, the act allows any taxing authority within the county to request the local circuit court to authorize the commencement of interim roll procedures, and also allows interim roll procedures to be instituted if recommended by the property appraiser, provided

that the county commission does not disagree. The valuations on the interim roll are to be those of the roll submitted to the Department of Revenue, if the roll was disapproved; or those of the prior year roll updated for new construction and ownership changes, if the current roll was late. The revised hearing and notice requirements already discussed apply to interim rolls. Taxes based on interim assessments are provisional and subject to recomputation upon approval of the roll unless the court waives the recomputation requirement.

The act also contains provisions relating to assessment roll litigation and review. It gives property appraisers and taxing authorities standing to contest rules or orders of state agencies, including roll disapprovals and assessment level determinations, and provides venue for such actions in Leon County. It provides that venue for actions by the Department of Revenue to mandate performance of duties by tax officers or officials is in the local circuit where the duties are to be performed, and requires a meeting between the executive director of the Department and the property appraiser before institution of any action to compel reappraisal of property or adjustment of tax rolls. It abolishes the Assessment Administration Review Commission, authorizes an additional judge and clerical position in the Leon County circuit court, and appropriates \$90,836 therefor, contingent upon certification of need by the Supreme Court.

Review of county assessment rolls is to be performed on a two-year, rather than four-year cycle. The act specifies

eight real property classes, plus the aggregate real and personal property rolls which must be studied in each county, and requires separate study of land and building valuations. It specifies statistical measures to be used and requires professionally accepted methodology. It also requires evaluation of local procedures for granting institutional exemptions and agricultural classifications, and advances by two months the schedule for notification to the property appraiser of defects in his roll. If a county's assessment roll is disapproved twice in any four-year period, the Governor is to appoint a 3-member performance review panel. If the panel finds unsatisfactory performance, the appraiser's salary is reduced \$2,000. Also, the Auditor General is required to perform a performance audit of the Department at least every three years.

School funding is another significant area treated in the "TRIM" act. Procedures for determination of required local effort and discretionary school levies are revised, and provision is made for equalization of required local effort.

Beginning in 1980-81, required local effort will be specified in the General Appropriations Act as an aggregate dollar amount rather than a millage rate. The Commissioner of Education is directed to compute each school district's required local effort millage using the most recent tax roll data as submitted to the Department of Revenue, and to advise the districts thereof. Also, each district's nonvoted discretionary millage is limited to a maximum of 25 percent of

the required local effort millage, excluding the two mills authorized for capital outlay and maintenance by SENATE BILL 769 (CHAPTER 80-381) summarized below.

Beginning with 1982-83 taxes, the required local effort millage for each school district will be adjusted by an equalization factor computed to insure that total required local effort dollars raised in a district equal the amount the unadjusted required local effort millage would produce if the county's assessment level were equal to the statewide average level. The resulting additional millage or millage deduction required for equalization applies to the subsequent year's required local effort. The act includes limitations which essentially provide that a district can exceed the 8-mill school millage cap if necessary for equalization, but the basic required local effort plus equalization will not prevent a district from levying its full discretionary millage, and a total millage levy in excess of 10 is neither required nor authorized.

Finally, the "TRIM" law contains several other miscellaneous provisions. It provides that filing of a sales disclosure form showing fees, costs and terms of a sale is optional, rather than mandatory, at the time of deed recordation, and specifies that such costs are presumed to be "usual" in the absence of filing.

The act increases certain service charges and provides additional charges to be collected by tax collectors for administrative duties relating to issuance of motor vehicle,

mobile home, and aircraft licenses and registrations, recordation of motor vehicle liens, registration of noncommercial vessels, and issuance of boat title certificates. It also requires that an on-line computer system with access to the Department of Highway Safety and Motor Vehicle's data center be installed in all tax collectors' and license tag agents' offices, contingent on availability of state funds.

Another provision allows cities and counties to increase occupational license taxes, up to 100 percent for taxes \$100 or less, 50 percent for taxes between \$101 and \$300, and 25 percent for taxes over \$300; however, license taxes for utilities subject to a franchise fee cannot be increased.

The act defines "construction work in progress" as certain tangible personal property in the process of being installed in improvements to real property, and specifies that such construction work in progress is not taxable until substantially completed.

The act also amends requirements relating to the qualifications of residents of units in homes for the aged which are deemed to be used for charitable purposes, providing that a surviving spouse of a qualified couple is also qualified, and that income limitations do not apply to certain totally and permanently disabled veterans.

#### Ad Valorem Tax for School Capital Outlay

SENATE BILL 769 (CHAPTER 80-381) authorizes each district school board to levy additional ad valorem tax, not to

exceed 2 mills, the tax receipts to be used for additional new construction, remodeling, maintenance, renovation and repair of existing facilities, and school bus replacement. This additional tax levy must be authorized by board action each year. School boards levying any such capital outlay tax are authorized to borrow funds from the state Public Education Capital Outlay and Debt Service Trust Fund after July 1, 1980, to begin projects. Taxes received from the tax levy are to be used to repay such borrowed funds by December 31, 1980. (Other provisions of this act are summarized below under the sub-heading Gross Receipts Tax in this article, and in the EDUCATION article.)

#### Ad Valorem Tax Exemptions

SENATE BILL 326 (CHAPTER 80-253) provides a tax exemption for community centers owned and operated by a private nonprofit corporation and used predominantly for educational, literary, scientific, religious or charitable purposes. The structure must be open to use by the general public. The exemption does not apply to condominium common elements, or if alcoholic beverages are served or consumed on the premises. This act will take effect January 1, 1981, and shall first apply to taxes levied against the 1981 assessment rolls.

The tax-exempt status of property owned by governmental units is the subject of COMMITTEE SUBSTITUTE FOR SENATE BILL 744 (CHAPTER 80-368). Property of entities composed entirely of governmental agencies, or property conveyed to a nonprofit

corporation which would revert to the governmental agency, is entitled to tax exemption. The act also deals with leasehold estates or any possessory interest created thereby in government-owned property which is undeveloped or predominantly used for residential or commercial purposes, and upon which rental payments are due in consideration thereof. Such estates are to be taxed only as intangible personal property. The exemption for the first \$20,000 of property does not apply, and revenues from the tax thereon shall be returned to the local school board. If, however, no rental payments are due, the leasehold estate is to be taxed as real property. Property leased for 100 (rather than 99) years or more, or property financed, acquired or maintained by funds acquired through bonds issued pursuant to Parts II, III and V of Chapter 159, F. S., shall be deemed "owned" for purposes of determining its tax status. The act applies beginning with 1980 tax rolls, and administrative provisions for late collection for 1980 are provided.

The act states the intent of the Legislature that on and after July 1, 1981, no party to a leasehold interest regulated pursuant to the act shall, when real property taxes and leasehold fees are combined, be required to pay any amount for such fees and taxes in excess of the amount due for real property taxes required upon the fair market value of the leasehold interest.

Any agreement entered into with a local governmental authority prior to January 1, 1969, for use of public property

under which it was agreed in a written instrument or by special act that no real property taxes would be paid by the licensee or lessee, shall be deemed a license or management agreement for the use or management of public property and shall not be subject to real property tax.

Finally, the act appropriates \$10,000 to the University of West Florida to conduct a study regarding the taxation of leasehold interests on Santa Rosa Island. The results of the study are to be submitted to the Legislature by March 1, 1981.

SENATE BILL 867 (CHAPTER 80-347) provides implementing law for a constitutional amendment allowing counties and municipalities to grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, and will take effect if that amendment (Senate Joint Resolution 9-E) is approved by the electors at a special election in October of this year. If approved, the tax exemptions would first apply to the taxes levied for the year 1981. The implementing act directs boards of county commissioners and municipal governing bodies to call a referendum, on their own vote or upon petition of 10 percent of the electors, to determine whether to grant such exemptions. If approved, the governing authority may, at its discretion by ordinance, exempt from ad valorem taxation 100 percent of the assessed value of all improvements to real property made for the use of a new business and all tangible personal property of such new business, or 100 percent of the assessed value of all added improvements to real property which are made to

facilitate the expansion of an existing business and of the net increase in all tangible personal property acquired to facilitate such expansion of an existing business.

The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by the electors. The exemption remains in effect for 10 years with respect to any particular facility, and the authority to grant the exemption may be renewed for another 10-year period by referendum. Any person desiring the tax exemption must file a written application which includes certain specific information and requests the adoption of such an ordinance. Before the governing authority acts on the application, the property appraiser must submit a report evaluating the fiscal impact of the exemption and determining whether the applicant is qualified.

Portions of HOUSE BILL 1506 (CHAPTER 80-163), discussed below under the sub-heading Sales and Use Tax, also depend on approval of a constitutional amendment (Senate Joint Resolution 15-E) by the electors allowing tax exemption for real property on which a renewable energy source device is installed and operated. The act specifies that the exemption shall be no greater than the lesser of the assessed value of the property less other exemptions; the original cost of the device including cost of installation; or 8 percent of the property's assessed value following installation. No exemption may be granted for more than 10 years, and the exemption applies only to devices installed between January 1, 1980, and December 31,

1990. "Renewable energy source device" is defined to include various equipment for collecting, transmitting, storing or using solar energy, wind energy, or energy from geothermal deposits, and certain heat pumps, related water heating systems, and waste heat recovery systems. The effective date of these provisions will be January 1, 1981, if the constitutional amendment allowing such exemptions is approved.

#### Ad Valorem Tax Administration

HOUSE BILL 472 (CHAPTER 80-2) relates to advertisement of real or personal property subject to delinquent taxes. Certain specific requirements to be used regarding newspaper advertising are deleted and replaced with the requirement that such advertisements be in accordance with Chapter 50, F. S., relating to legal and official advertisements.

A procedure for the conveyance of Murphy Act lands to the former owner is provided by COMMITTEE SUBSTITUTE FOR HOUSE BILL 275 (CHAPTER 80-228). The act provides for the owner as of June 9, 1939, or those claiming by, through, or under such owner, to apply on a form furnished by the Board of Trustees of the Internal Improvement Trust Fund. Upon receipt of the application and certified documentation from the applicant that the land has been assessed to, and taxes paid by, the applicant or his predecessor in title for the previous 20 years, the Board shall convey to the applicant by quitclaim deed all title rights and interests in such land, and shall reserve no mineral rights in such land for the state.

## Sales and Use Tax

HOUSE BILL 1506 (CHAPTER 80-163) provides several energy-related sales tax exemptions. The purchase of machinery and equipment necessary for the production of electrical or steam energy resulting from the burning of fuels other than residual oil is exempted, if the energy is used for manufacturing tangible personal property for sale. The purchaser must sign an affidavit that the items are qualified for this exemption, and a person furnishing a false affidavit is liable for the tax plus a 100 percent penalty and for fine and punishment as provided for a second degree misdemeanor.

The act also provides an exemption for the period January 1, 1980-July 1, 1985, for transactions relating to central air conditioning systems, heat pumps, water heating systems, and compressor/condenser replacement units which meet specified energy efficiency standards.

The list of exempt boiler fuels is expanded under the act to include recycled oil, waste oil, and solid waste material used as a fuel. Also, the act further defines "industrial machinery and equipment" for purposes of the exemption for machinery and equipment used in new or expanded businesses.

SENATE BILL 257 (CHAPTER 80-213) provides that the admissions tax shall not apply to charges made for entering or staying upon a boat for the privilege of fishing. It also exempts from taxation sales of utilities and fuels to owners of residential models.

## Motor Fuel Tax

Under the provisions of SENATE BILL 566 (CHAPTER 80-104) persons who are not distributors who purchase taxable motor fuel for the purpose of resale are required to maintain and keep records for three years, rather than one year.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 859 (CHAPTER 80-415) creates the Florida Special Fuel Use Tax Act of 1980, which imposes an 8-cent per gallon tax on special fuel purchased or consumed for operation of a commercial motor vehicle by a motor carrier within the state. The act requires that commercial vehicles operated by a motor carrier in this state be registered with the Public Service Commission and issued a cab card. Motor carriers operating registered vehicles are exempt from the special fuel tax imposed under Chapter 206, F. S., on purchases from Florida retail dealers; however, vehicles whose mileage for the preceding 12 months was solely in Florida are to be taxed only under Chapter 206. Registration and reporting periods are to be determined jointly by the Department of Revenue and the Public Service Commission.

The act provides administrative and enforcement procedures similar to those provided with respect to the tax on motor and special fuels. These include provisions relating to: record retention and inspection; hearings; refund of erroneously or illegally collected taxes; procedures for estimate and collection of unpaid taxes; procedures upon discontinuance or transfer of business; enforcement and arrest powers of the Department of Revenue; accessibility of records;

and exchange of information with other states. Proceeds of the tax are to be deposited into a Special Fuel Use Tax Clearing Trust Fund, and are to be distributed in the same manner as the tax on motor and special fuels. Penalties similar to those applicable with respect to the motor and special fuel tax are also provided, including penalty and interest on unpaid taxes and a second degree misdemeanor penalty for willful refusal to make required reports and returns or to register, and for making false statements or claiming exemption to which one is not entitled.

The Department of Highway Safety and Motor Vehicles, in cooperation with the Department of Revenue and the Florida Public Service Commission, is required to determine whether or not it would be beneficial to the State of Florida to enter into the International Registration Plan developed by the American Association of Motor Vehicle Administrators, with an in-depth report submitted to the Governor and Legislature no later than February 1, 1981. An appropriation of \$10,000 is made for the purpose of conducting the required study. If the report indicates that it would benefit Florida to enter into the International Registration Plan, full implementation of participation would be authorized not later than July 1, 1982, with budgetary and jurisdictional details to be enacted by the 1981 Regular Session of the Legislature.

The act also contains provisions relating to the tax on special fuels. It specifies that the Department of Revenue has the authority to assess and collect the tax, penalty, and

interest from persons who purchase, receive or dispose of special fuel in violation of law. It imposes qualifications on certain exemptions from the tax; among these is a requirement that the dealer deliver the fuel into the purchaser's storage facilities in certain cases, and that certain purchasers furnish an exemption certificate. Finally, it provides that any person who issues an incorrect or fraudulent resale or exemption certificate, or who does not inform a dealer to whom a certificate was issued of a change to nonexempt status, is guilty of a second degree misdemeanor and liable for taxes due plus interest and penalties.

Among the energy-related exemptions provided in HOUSE BILL 1506 (CHAPTER 80-163), more fully discussed above under the sub-heading Sales and Use Tax, is an exemption for special fuel consumed by a power take-off for the purpose of compacting solid waste.

HOUSE BILL 1623 (CHAPTER 80-397) relates to the additional 1-cent tax on motor and special fuels which may be imposed by a county for transportation purposes. It provides that the governing body of the county, by joint agreement with municipalities within the county, may provide for those transportation purposes and for distribution of the tax proceeds within both incorporated and unincorporated areas. Administrative provisions are established with respect to the tax, providing for remittance of the tax to the Department of Revenue and specifying that it be returned on a monthly basis to the county, authorizing the Department to promulgate rules

and prescribe necessary forms, and providing for application of various provisions of Chapter 206, F. S., relating to motor and other fuel taxes.

SENATE BILL 903 (CHAPTER 80-77) exempts the sale of gasohol from the entire "first gas tax" (4 cents) from July 1, 1980. After July 1, 1985, the sale of gasohol is exempt from 2 cents of the 4 cents tax until July 1, 1987, when the exemption expires. Also, the sale of gasohol is exempt from the "seventh cent tax" from July 1, 1980, until July 1, 1983. Any new or expanded business which is engaged in the distillation of ethyl alcohol or producing gasohol is allowed a credit against ad valorem taxes. The credit allowed for a business will be available for the year in which ad valorem taxes are first levied against it and for seven years thereafter, or until January 1, 1988. To be eligible for the credit, the business must file a notice with the local property appraiser.

#### Tax on Severance of Solid Minerals

HOUSE BILL 1687 (CHAPTER 80-400) provides that when a severance tax return is not filed by April 1 for any taxes due for the preceding year, or when a deficiency in taxes is due to negligence or intentional disregard of the law, the Department of Revenue shall levy a penalty of 5 percent per month on the delinquent amount (but not to exceed 25 percent of the total tax due), plus 12 percent annual interest on the unpaid balance. However, the Department may waive or compromise

penalties, and in certain cases may waive interest, if noncompliance is due to reasonable cause.

#### Gross Receipts Tax

SENATE BILL 769 (CHAPTER 80-381) changes the collection dates of the tax on gross receipts for utility services from semi-annual to quarterly collections, and changes the penalty for late payments from 10 to 18 percent of the amount of such taxes due. (Other provisions of this act are summarized above under the sub-heading Ad Valorem Tax for School Capital Outlay in this article, and in the EDUCATION article.)

#### Excise Tax on Documents

Exemptions from the documentary stamp tax were provided by SENATE BILLS 416 (CHAPTER 80-220) and 568 (CHAPTER 80-136). The former exempts promissory notes executed for students to receive financial aid from federal or state educational assistance programs or financial aid programs administered by state universities or community colleges. The latter, which is more fully discussed under the sub-heading Intangible Tax below, exempts all taxable documents issued in connection with the conduct of an international banking transaction by a banking organization.

#### Intangible Tax

SENATE BILL 568 (CHAPTER 80-136) exempts from taxation intangible personal property arising out of an international banking transaction and owned by a banking organization, and

requires banking organizations to file returns describing such property. The act defines "international banking transaction" as the financing of: the exportation from or importation into the United States, or between jurisdictions abroad, of tangible personal property or services; the production, storage, or transportation of property or services so identifiable; and contracts or activities to be performed substantially abroad, except transactions secured by mortgage or other lien upon real property in the state. The act also specifies that all bills, notes or accounts receivable, obligations or credits, wheresoever situated, arising out of the sale of services in this state by a person representing business interests in this state which may claim domicile elsewhere, are taxable.

An exemption from the intangible personal property tax for the assets of a corporation registered under the Investment Company Act of 1940 (11 U.S.C. 72, 107; 15 U.S.C. 80a-1 to 80a-52) is provided by HOUSE BILL 1088 (CHAPTER 80-117).

### Estate Tax

COMMITTEE SUBSTITUTE FOR SENATE BILL 572 (CHAPTER 80-153) replaces the term "executor" with "personal representative" throughout Chapter 198, F. S., relating to estate taxes; and defines "personal representative" to include those presently included as "executors" plus any other person required to file a return or pay tax under the chapter. The act extends the chapter to provide for a tax on generation-skipping transfers. Where the original transferor is a Florida

resident the amount of the tax equals the amount allowable as a credit for state legacy taxes under the Internal Revenue Code to the extent such credit exceeds the aggregate amount of all valid taxes on the same transfer actually paid to states other than Florida. Where the original transferor is not a Florida resident, but real or personal property in Florida is transferred, the amount of the tax equals the amount allowable as a credit for state legacy taxes under the Internal Revenue Code, reduced by an amount which bears the same ratio to the total state tax credit allowable for federal generation-skipping transfer tax purposes as the value of the transferred property taxable by all other states bears to the value of the gross generation-skipping transfer for federal generation-skipping transfer tax purposes. Every person required to file a return reporting a generation-skipping transfer under federal statutes and regulations is required to file a copy of the federal return with the Florida Department of Revenue. Delinquent taxes bear interest at the rate of 1 percent per month.

HOUSE BILL 860 (CHAPTER 80-24) increases the rate of interest on estate taxes when the time for payment of the taxes has been extended, from one-half of 1 percent to 1 percent per month.

HOUSE BILL 858 (CHAPTER 80-16) provides that the interpretation and construction of Florida's estate tax laws shall be based on the estate and inheritance tax laws of the United States effective January 1, 1980, rather than 1979.

Corporate Income Tax

HOUSE BILL 857 (CHAPTER 80-15) supplies the annual update (from January 1, 1979 to January 1, 1980) of the definition of the United States Internal Revenue Code for corporate income tax purposes.

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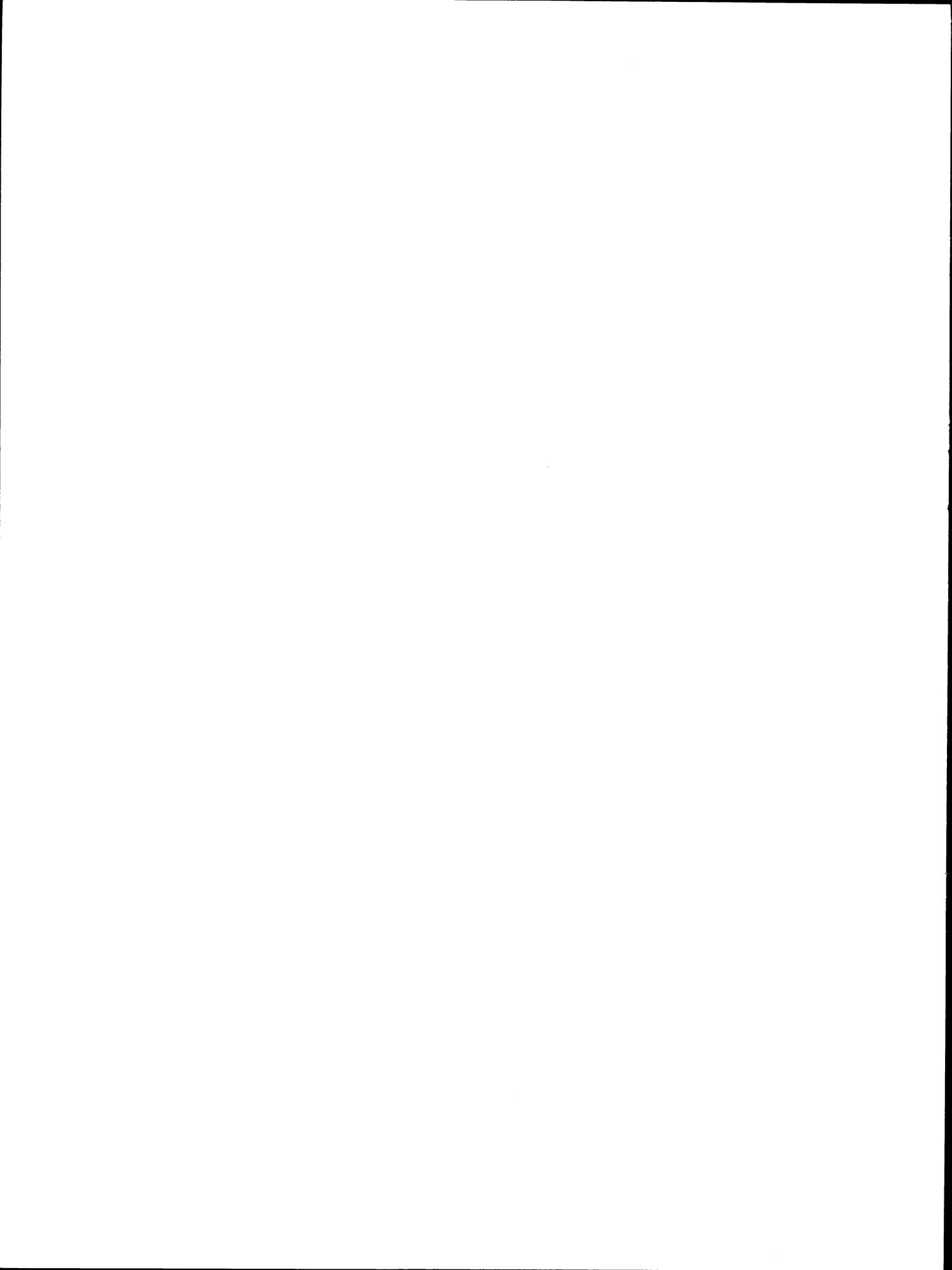
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- Real estate school; video tape instruction re license. . . . .  
. . . . .E/S453(80-5)
- School Boards See: School Boards under SCHOOLS**
- School Buses**
  - Aged/disabled; use re transportation . . . . .E/H1796(80-41)
  - Hazardous areas in 2-mile limit. . . . .E/CS/H524(80-27)
  - Own/operate/rent/lease for certain purposes. . . . .CS/H317(80-26)
  - Replacements; 2-mill levy re. . . . .E/S769(80-38)
  - Transportation contracts private parties; sales . . . . .  
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- School Millage See: Millage under TAXATION**
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- Clarified re personal/accident disability/extended. . . . .E/H951(80-116)
- District school systems; terminal pay . . . . .E/H954(80-392)
- HRS educational personnel; transfer sick/annual . . . . .E/S487(80-240)
- School bds., employees/noninstructional staff .E/H951(80-116)
- Sponsored research; principal investigators training programs;  
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- Academic Scholars Fund . . . . .E/CS/CS/H1442(80-314)
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- Parent criminal liability; exception. . . . .E/H430(80-56)
- Unmarried parent, child care center unavailable; exemption  
. . . . .E/CS/S170(80-21)
- Dissertation/thesis/essay; sale/purchase prohibited . . . . .E/S264(80-378),  
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- Certificate of completion award. . . . .E/S687(80-325)
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- Private schools; contract amount established . . . . .E/S487(80-240)
- Third graders attending full-time special program;  
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- HRS student residents; educational implementation date  
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- Immunizations; physician/nurse liability exemption. . . . .E/S95(80-79)
- Medical examination, certification required.E/CS/H769(80-197)
- Migrant farmworker students; full-time student computation  
. . . . .E/S484(80-239)
- Nonresident parents; \$50 tuition fee permissible. . . . .E/H325(80-303)
- Prayer/meditation; period of silence. . . . .E/S118(80-336)
- Promotion, 3rd grade students; handicapped/non-English  
speaking; criteria . . . . .E/CS/S822(80-295)
- Tests, printing contracts . . . . .E/H954(80-392)
- Tests, statewide assessment program; schedule flexibility;  
standards effective time. . . . .E/H954(80-392)
- Transportation, hazardous area defined . . .E/CS/H524(80-279)
- SunCoast Area Teacher Training Program. . . . .H1829(80-410)
- Superintendent, salary; setting specifications . . . . .H309(80-31),E/CS/S1293(80-377)
- Teacher Education Centers Council abolished. . .E/CS/H97(80-190)

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Teachers

- Appointment/promotion/transfer/dismissal, etc.; rules . . . . .E/CS/S822(80-29)
  - Certificates
    - Competency essentials; exams, etc. . . . .E/S264(80-37)
    - Education Centers Council abolished. . . .E/CS/H97(80-19)
    - Education Practices/Standards Comm. duty re complaints . . . . .E/CS/H97(80-19)
    - Exceptional children, special training re detection . . . . .E/S687(80-32)
    - Regular, temporary, part-time & substitute .E/S264(80-37)
    - Suspension/revocation, Ed. Practices Commission. . . . .E/CS/H97(80-19)
  - HRS educational personnel; transfer sick/annual . . . . .E/S487(80-24)
  - Investigations by Professional & Reg. Dept. licensees . . . . .E/CS/H97(80-19)
  - Preparation, pilot program re; funding/reports .H1829(80-41)
  - Retirement at 70 yrs. w/o superintendent recommendation . . . . .E/CS/S822(80-29)
  - Vacation leave accrued; terminal pay. . . . .E/S687(80-32)
- Tests
- Printing contracts re test security . . . . .E/H954(80-392),E/S687(80-32)
  - Statewide assessment program; schedule flexibility; standards effective time. . . . .E/H954(80-39)
- Transportation See: School Buses; Students; this heading**
- Transportation Disadvantaged Coord. Council/Commr. member . . . . .E/H1796(80-41)
  - Veterans, training & education; state approving agencies, unit DOE & Veterans' Affairs Div.. . . . .E/H864(80-14)
  - Vocational-technical centers included student services . . . . .E/CS/S822(80-29)

**ELECTIONS**

- Ballots, official amount printed & provided counties . . . . .E/S618(80-29)
- Campaign contributions donated charities/deposited savings accounts. . . . .E/S618(80-29)
- Constitutional amendments; ballot title & text furnished by Se of State. . . . .E/H536(80-30)
- Election districts/precincts; descriptions repealed. . . . .CS/H63(80-18)
- Executive committees; merit system officers/employees. . . . .E/H1411(80-20)
- Judicial officers; ballot language changed . . . .E/H536(80-30)
- Party affiliation, change; procedure . . . . .E/S618(80-29)
- Political executive comms.; career service employees . . . . .E/H1411(80-20)
- Polling places; selection; notice to electors. . .CS/H63(80-18)
- School finance elections. . . . .E/CS/S822(80-29)
- Special elections re proposed Constitutional Amendments See: CONSTITUTIONAL AMENDMENTS**

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Supervisors of Elections

- Ballots, official amount printed & provided counties. . . . .E/S618(80-292)
- . . . . .E/S60(80-20)
- Clerks/inspectors, etc; payment . . . . .E/S60(80-20)
- Constitutional amendments; ballot title & text furnished by  
Sec. of State . . . . .E/H536(80-305)
- Employees working with voting machine cos.; approval. . . . .E/S60(80-20)
- . . . . .E/S60(80-20)
- Petitions; signature verification . . . . .E/S60(80-20)
- Polling places; selection; notices, etc.. . . .CS/H63(80-189)
- Pollworker certificates . . . . .E/H191(80-264)
- Registration Books
  - Names removed; circumstances . . . . .E/S618(80-292)
  - Party change, books closed; prohibited . . .E/S618(80-292)
  - Residence/name changes . . . . .E/S618(80-292)
  - Salary; increase; qualifications; requirements. . . . .E/CS/S1293(80-377)
  - . . . . .E/S618(80-292)
  - Voter educational programs/materials, nonpartisan . . . . .E/S618(80-292)
  - . . . . .E/S618(80-292)
  - Voter I.D. cards; replacement. . . . .E/S618(80-292)

**ELECTRICAL POWER PLANT SITING**

- Transmission line siting; need/permits/certification . . . . .E/CS/S1052(80-65)
- . . . . .E/CS/S1052(80-65)

**ELEVATORS**

- Handicapped persons, accessibility requirements revised. . . . .E/S898(80-383)
- . . . . .E/S898(80-383)
- Public agencies; licensing/inspection fees exempt.E/S898(80-383)

**EMERGENCY MEDICAL SERVICES**

- Athletes, injured; treatment by physicians; liability immunity . . . . .E/H168(80-263)
- . . . . .E/CS/H273(80-277)
- Life-support service rescue vehicles; color schemes, etc.. . . . .E/CS/H273(80-277)
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- Life-support services using paramedics; directorship . . . . .E/H272(80-109)
- . . . . .E/H1152(80-121)
- Paramedics; educational & training criteria established. . . . .E/H1152(80-121)
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- Private cars, red lights; physicians going to emergency. . . . .E/S577(80-176)
- . . . . .E/S577(80-176)

**EMINENT DOMAIN**

- Rights-of-way, county; D.O.T. acquisition . . . .E/H1373(80-312)

**EMPLOYERS/EMPLOYEES See also: PUBLIC OFFICERS & EMPLOYEES;**

- STATE OFFICERS & EMPLOYEES; COLLECTIVE BARGAINING**
- National Guard employees called to active duty; penalizing prohibited. . . . .E/H162(80-227)
- Veterans' reemployment/reinstatement; preferential treatment . . . . .E/H535(80-370)
- . . . . .E/H535(80-370)

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- Clotheslines/solar collectors/other energy devices; zoning, prevention prohibited. . . . .E/H1506(80-163)
- Dishwashers, installation requirements. . . . .E/H1506(80-163)
- Energy Efficiency Code for Bldg. Construction; adoption. . . . .E/CS/H347(80-193)
- . . . . .E/CS/H347(80-193)

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Energy Research & Development Task Force created . . . . .E/CS/CS/S80(80-16  
 . . . . .E/CS/S1052(80-6  
 Energy Research Demonstration Program . . . . .E/CS/S1052(80-6  
 Geophysical searches re oil/gas/minerals; permits .H1400(80-28  
 Grants, federal; Energy Institute, clearinghouse . . . . .E/CS/CS/S80(80-16  
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 Home Energy Assistance Program; HRS administrator. . . . .E/CS/CS/S80(80-16  
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 Public funds; investment state energy conservation programs  
 . . . . .E/CS/S1052(80-6  
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 Research & Development Task Force . . . . .E/CS/CS/S80(80-16  
 State office bldgs.; retrofit/new parts installed existing  
 bldgs. re energy conservation. . . . .H1556(80-28  
 Swimming pools; waste heat recovery systems, heat pumps, etc.  
 . . . . .E/H1506(80-16  
 Thermal Efficiency Code  
 Buildings with heated/cooled area less than 1500 sq. ft.;  
 exemption deleted. . . . .E/CS/H347(80-19  
 Maximum statewide code . . . . .E/CS/H347(80-19  
 Water heaters; heat traps/timers. . . . .E/H1506(80-16  
 Water heaters; 125 degree thermostat setting. . . . .E/H1506(80-16

**ENGINEERING**  
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**ENVIRONMENTAL REGULATION, DEPT. OF**  
 Coastal construction/excavations; permit requests. .S841(80-18  
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 noncommunity water systems waived. . . . .S19-E(80-41  
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 Rules; adoption to conform with federal standards . . . . .CS/S1260(80-6  
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 Sanitary sewage treatment; effluent standards .E/H738(80-37  
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- FINANCIAL MATTERS See: SPECIFIC SUBJECT
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  - Speeding fines; disposition by clerk, etc. . . . .CS/S625(80-179)
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- FIRE PREVENTION & CONTROL
  - County/municipal/special dist. fire department chiefs/agents;  
law/rule enforcement. . . . .E/S169(80-215)
  - Fire extinguisher services; license/permit fees increased. . . . .E/CS/S179(80-342)
  - Fire protection systems; fire mains; sprinklers; preengineered  
systems, etc. . . . .E/CS/S179(80-342)
  - Multi-family dwellings; early warning fire detection . . . . .S889(80-327)
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  - See also: SALTWATER FISHING
  - Licenses; subagents' charge increased to 50 cents. .H264(80-369)
- FLORIDA ADMINISTRATIVE WEEKLY See: ADMINISTRATIVE WEEKLY, FLA.
- FOREIGN
  - Acupuncture examinations, foreign languages . .E/CS/S168(80-375)
  - Advertising, cooperative; tourism/economic devel. . . . .E/H1504(80-209)
  - Alien children; new birth certificates. . . . .E/S56(80-166)
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  - Commerce Dept. offices, foreign countries . . . .E/H1698(80-401)
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  - Adults; Nursing Home & Long-Term Care Facility Ombudsman  
Comm. . . . .E/CS/CS/H798(80-19)
  - 18-21 yr. olds in high school; service provided. . . . .E/CS/S491(80-17)
  - Foster parents; preservice/in-service training program. . . . .E/CS/CS/S357(80-10)
  - Health & Rehabilitative Services Dept. review & report re foster  
children . . . . .CS/S533(80-17)
  - Zoning restrictions prohibited. . . . .CS/S584(80-15)
- FRANKLIN COUNTY**
  - Apalachicola Bay; shrimping 7/14-8/15, 1980. . . . .E/H5(80-29)
  - Shrimping Apalachicola Bay 7/14-8/15, 1980; effective date of  
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- FRAUDULENT PRACTICES**
  - Communications fraud . . . . .E/H21(80-2)
  - Gasoline credit cards; noncoverage of gasohol sales. . . . .E/S903(80-7)
- FUNERALS & FUNERAL DIRECTORS**
  - Preneed funeral service/burial contracts; 3-yr. review . . . . .S492(80-13)
- GAMBLING**
  - Wire service; furnishing/using prohibited . . . . .E/H1517(80-27)
- GAME & FRESH WATER FISH COMMISSION**
  - Aquatic plant control; White Amur fish, etc. use; approval  
authority. . . . .E/H1691(80-12)
  - Fishing/hunting/trapping licenses; subagents service charge for  
sale increased. . . . .H264(80-36)
  - Hunting licenses/permits; disabled state residents . . . . .E/S679(80-18)
- GARDENING**
  - Community gardening program (Broward/Dade/Duval/Orange/Palm  
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- GAS, OIL & DIESEL FUELS**
  - Gasohol
    - Corporations distilling; corporate tax credit. .E/S903(80-7)
    - Motor fuel tax exemption . . . . .E/S903(80-7)
  - Gasoline credit cards; overall fuel purchase power.E/S903(80-7)
  - Geophysical searches re oil/gas/minerals; permits; land  
reclamation. . . . .H1400(80-28)
  - Motor Fuel Tax See: TAXATION
  - Service stations, self-service; full service to disabled with  
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  - Standards, below; \$1000 bond in lieu of confiscation . . . . .H368(80-27)
- GASOHOL See: GAS, OIL & DIESEL FUELS; TAXATION**

**GENERAL SERVICES, DEPT. OF**

- Construction contract \$25,000/less; bond exemption . . . . .CS/S420(80-54)
- Contractual service procurement; competitive methods;  
negotiations . . . . .E/H1524(80-374)
- Inventory/marketing property; hardback books included. . . . .E/S415(80-380)
- Parking, Capitol Center; trust fund abolished.E/CS/S1077(80-225)
- Public buildings; lease space/local governmental units . . . . .E/S772(80-294)
- Purchasing, Division of
  - Contractual service procurement; competitive methods;  
negotiations . . . . .E/H1524(80-374)
  - Uniform procurement policies/procedures/practices;  
establishment. . . . .E/H1524(80-374)
- Specialized ed. facilities; competitive bid exemption. . . . .CS/S476(80-55)
- State office bldgs.; retrofit/new parts installed existing  
bldgs. re energy conservation. . . . .H1556(80-286)
- Thermal Efficiency Code; certain exemptions deleted. . . . .E/CS/H347(80-193)

**GENERIC DRUGS See: PHARMACIES/PHARMACISTS****GEOLOGY**

- Caves, defacing/damaging/disturbing natural formations, etc.;
- prohibited. . . . .E/H294(80-356)

**GOVERNMENTAL REORGANIZATION See also: STATE AGENCIES/****DEPARTMENTS**

- Blood Labeling Act renamed Blood Transfusion Act . . . . .E/CS/S1188(80-351)
- Building Codes & Standards Bd.; member increase. . . . .E/CS/H719(80-231)
- Children, Youth & Families Prog. Office created HRS. . . . .E/S1277(80-187)
- Construction Industry Licensing Bd.; plumber member. . . . .E/H659(80-85)
- Contraband Transportation Act, Uniform; renamed Contraband  
Forfeiture Act . . . . .E/CS/S93(80-68)
- Crimes Compensation Bureau created Labor & Employment Security  
Dept. . . . .E/S89(80-146)
- Economic Development Advisory Committee abolished .H1530(80-210)
- Education Practices Commission & Education Standards Commission  
created Ed. Dept. . . . .E/CS/H97(80-190)
- Fiscal Accounting Management Info System created .E/S1020(80-45)
- Judicial Council abolished; duty transfer Attorney Gen. . . . .H1777(80-320)
- Medical Museum, State; creation in State Museum .E/H1195(80-141)
- Mosquito control dists. created, Legislative special act . . . . .E/H914(80-281)
- Nursing Home Ombud. Com. renamed Nursing Home/Life-Care Facility  
Ombud Com. . . . .E/CS/CS/H798(80-198)
- State Dept.; Administration Div. established. .E/CS/H717(80-391)
- Sunshine State Games direct-support organization .E/S802(80-182)
- Teacher Ed. Centers Council abolished. . . . .E/CS/H97(80-190)

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Veteran & Community Affairs Dept. created . . . . .E/H765(80-6  
Water control dists.; created, special act of Legislature. . .  
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**Appointments See: APPOINTMENTS**  
Energy grants, federal; clearinghouse . . . .E/CS/CS/S80(80-16  
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. . . . .E/H448(80-35  
National Guard; called to active duty; no employment penalties  
allowed . . . . .E/H162(80-22  
Physical Fitness Council; Olympic Committee appropriation  
transfer. . . . .E/S802(80-18  
Recommended appropriations/revenues/supporting info/balanced  
budget statement. . . . .E/S1020(80-4

**Reports**

Community Revitalization Boards. . . . .E/H1878(80-25  
Hazardous Waste Policy Advisory Council .E/CS/CS/H311(80-30  
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Saltwater Fisheries Study & Advisory Council. . . . .  
. . . . .E/CS/H874(80-16  
Solicitation of Contributions Study Commission. . . . .  
. . . . .CS/S138(80-14  
Workfare Task Force . . . . .E/CS/S1218(80-18  
State agency budgets; recommendations/review, etc. . . . .  
. . . . .E/S1020(80-4

**GRAND JURY See: JURY OR JURORS**

**GROUP LIVING HOMES See: FOSTER HOMES; NURSING HOMES; HEALTH &  
REHABILITATIVE SERVICES, DEPT. OF**

**GUARDIANS & WARDS**

Public guardians for retarded person's property matters. . . .  
. . . . .E/S411(80-17

**HANDICAPPED PERSONS See: DISABLED/HANDICAPPED PERSONS**

**HAZARDOUS WASTES See: SOLID & HAZARDOUS WASTE MANAGEMENT**

**HEALTH & REHABILITATIVE SERVICES, DEPT. OF**

See also: SPECIFIC SUBJECT

**Abortions**

Clinics; rule-making authority . . . . .E/H1240(80-41  
Fetal remains; rules re disposal; penalty. . . .H1434(80-20  
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**Adoption See: ADOPTION**

**Adult Congregate Living Facilities See: NURSING HOMES**

**Aged Persons See: AGED PERSONS**

Anatomical gifts materials; use of patient care funds prohibit  
. . . . .E/S430(80-13

**Arthritis See: ARTHRITIS**

Birth certificates for alien children; issuance . .E/S56(80-16

Blood banks; duties re uniform system of financial reporting .  
. . . . .E/CS/S1188(80-35

**Certificates of Need See: SPECIFIC FACILITY**

Children, Youth & Families Program Office created. . . . .  
. . . . .E/S1277(80-18

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- Community care for elderly/service system created. . . . .E/CS/S722(80-181)
- Crimes Compensation Commission transferred to Labor & Employment Security Dept. . . . .E/S89(80-146)
- Diabetes Centers, created; duties. . . . .E/H1296(80-62)
- Drug products; labeling/identification, etc.; rules. . . . .E/H1055(80-245)
- Drugs See: **DRUGS & DRUG ABUSE**
- Emergency medical services See: **EMERGENCY MEDICAL SERVICES**
- Foster children; review & report to Legislature .CS/S533(80-175)
- Foster Homes/Parents See: **FOSTER HOMES**
- Group living homes; zone restriction prohibited .CS/S584(80-154)
- Home Energy Assistance Program; administrator. . . . .E/CS/CS/S80(80-167)
- Hospice care . . . . .E/CS/S628(80-64)
- Hospitals See: **HOSPITALS/AMBULATORY SURGICENTERS**
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    - 40-yr. limitation on bond financing. . . . .E/SJR82
    - Loads on trucks; nylon strapping/lock chains used to secure. . . . .H499(80-229
    - LP gas; safety regulations, etc. . . . .E/H694(80-390
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    - Rights-of-way, private property; condemnation . . . . .E/H1373(80-312
    - Road & Bridge Dist. Commissioners; resident members. . . . .E/H914(80-281
    - Road Arbitration Bd.; hearing re matters concerning \$50,000/les . . . . .E/S864(80-346

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(E-ENGROSSED; CS-COMMITTEE SUBSTITUTE)

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. . . . .H499(80-229)

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SB 83	----- 80-214	SB 343	----- 80-255
SB 89	----- 80-146	SB 344	----- 80-36
SB 90	----- 80-96	SB 346	----- 80-256
SB 91	----- 80-341	SB 348	----- 80-257
SB 92	----- 80-78	SB 349	----- 80-258
SB 93	----- 80-68	SB 351	----- 80-218
SB 95	----- 80-79	SB 357	----- 80-102
SB 100	----- 80-97	SB 367	----- 80-219
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SB 119	----- 80-168	SB 383	----- 80-47
SB 130	----- 80-321	SB 388	----- 80-151
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SB 168	----- 80-375	SB 416	----- 80-220
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SB 493	----- 80-142	SB 885	----- 80-328
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SB 821	----- 80-326	SB 1319	----- 80-226
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SB 841	----- 80-183		

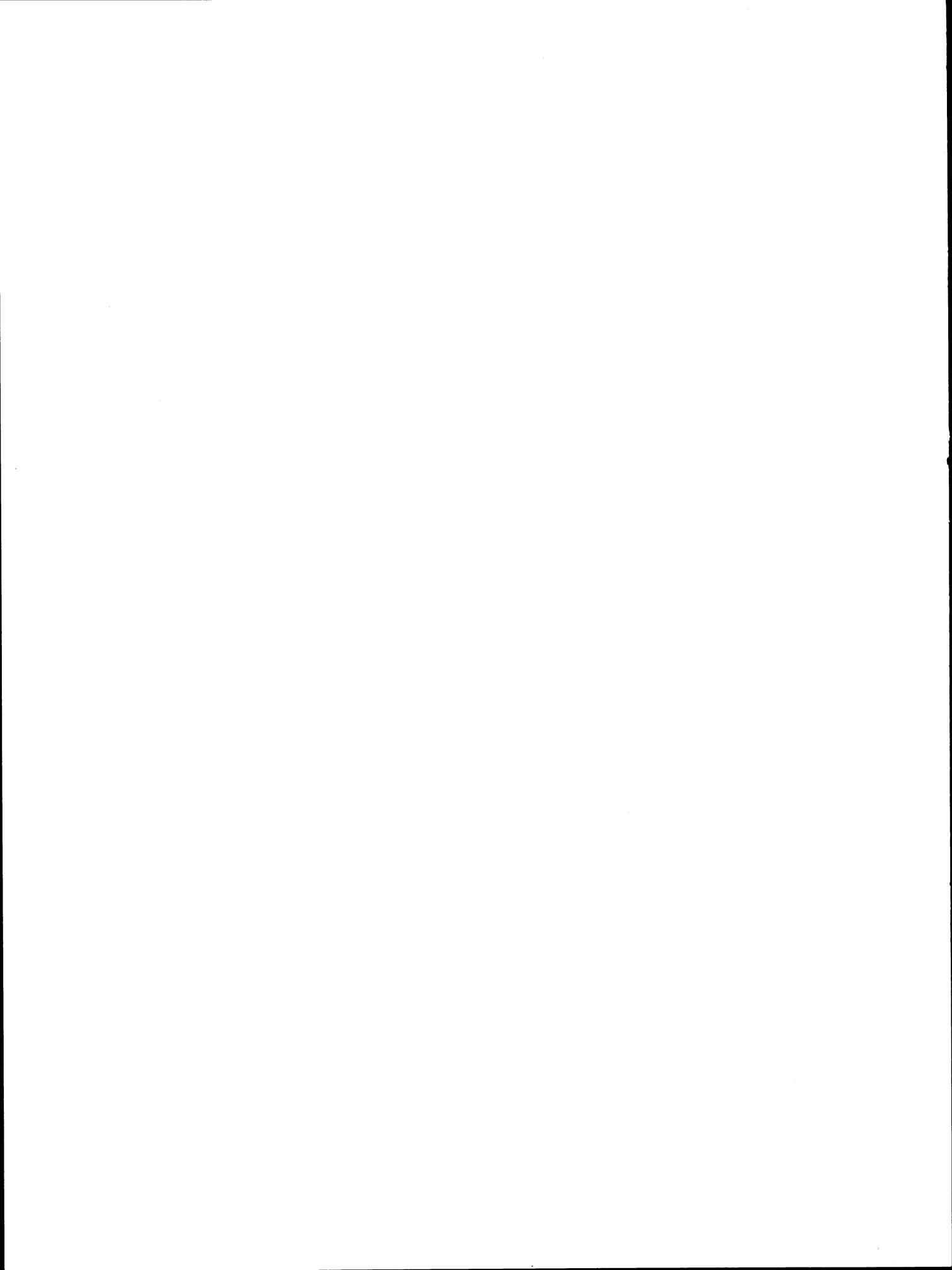
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HB 309	----- 80-31	HB 718	----- 80-86
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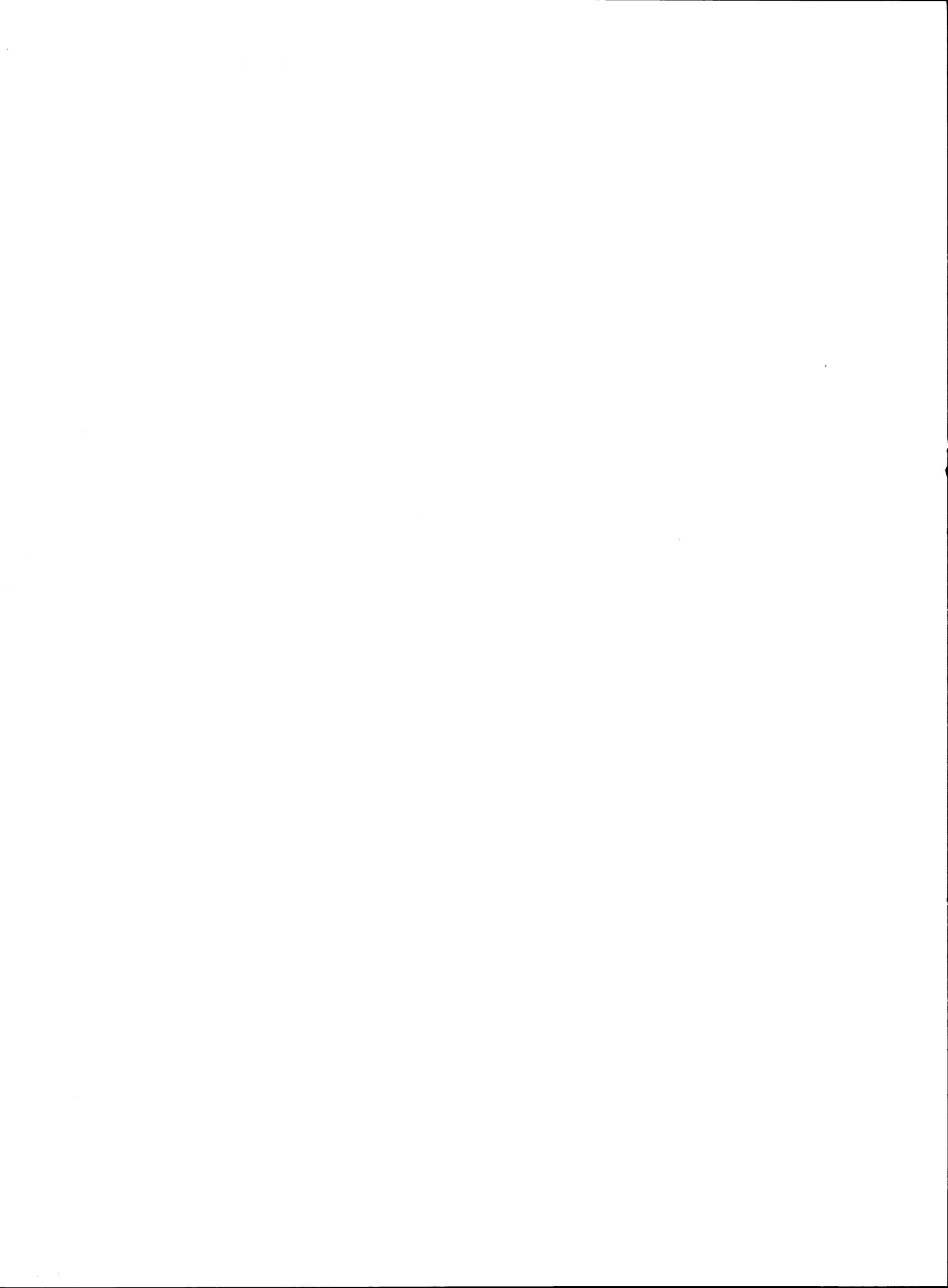
House Bills

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HB 1018	----- 80-204	HB 1530	----- 80-210
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HB 1091	----- 80-118	HB 1572	----- 80-287
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HB 1165	----- 80-268	HB 1623	----- 80-397
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HB 1289	----- 80-311	HB 1674	----- 80-319
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HB 1776	-----	80-407
HB 1777	-----	80-320
HB 1796	-----	80-414
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HB 1826	-----	80-409
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FLORIDA LEGISLATURE - REGULAR SESSION - 1980

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STATISTICS REPORT

	SENATE		HOUSE		TOTAL	
	SUBMITTED	PASSED	SUBMITTED	PASSED	SUBMITTED	PASSED
CONCURRENT RESOLUTIONS	20	7	33	13	53	20
RESOLUTIONS (ONE CHAMBER ONLY)	21	17	37	33	58	50
GENERAL BILLS	1227	205	1554	244	2781	449
LOCAL BILLS	65	44	159	124	224	168
GEN BILL/LOC APPLICATION	0	0	1	0	1	0
JOINT RESOLUTIONS	41	4	55	5	96	9
MEMORIALS	5	1	12	2	17	3
BILLS NUMBERED, NOT INTRODUCED	9	0	3	0	12	0
WITHDRAWN		<u>7</u>		<u>27</u>		<u>34</u>
TOTAL	1395	278	1881	421	3276	699
APPROVED BY GOVERNOR		188		227		415
BECAME LAW WITHOUT SIGNATURE		52		137		189
VETOED BY GOVERNOR		9		4		13
BECAME LAW, VETO NOTWITHSTANDING		0		0		0
FILED WITH SECRETARY OF STATE (JT. RES., CONC. RES., MEM.)		12		20		32
BILLS TO CONFERENCE COMMITTEE		2		2		4
BILLS AMENDED		194		354		548
COMMITTEE SUBSTITUTES		220		214		434
COMMITTEE SUB FOR COMMITTEE SUB		9		11		20
FAILED TO PASS SENATE BY VOTE		1		1		2
FAILED TO PASS HOUSE BY VOTE		2		6		8
UNFAVOR COMMITTEE REPORT IN SENATE		33		2		35
UNFAVOR COMMITTEE REPORT IN HOUSE		0		39		39
DIED IN SENATE COMMITTEES		748		238		986
DIED IN HOUSE COMMITTEES		52		722		774
DIED IN CONFERENCE COMMITTEE		1		0		1
DIED ON SENATE CALENDAR		0		2		2
DIED ON HOUSE CALENDAR		11		220		231
DIED IN MESSAGES		20		4		24
BILLS - STATE FISCAL IMPACT		0		460		460
BILLS - LOCAL FISCAL IMPACT		0		182		182
BILLS - PRIVATE SECTOR IMPACT		0		276		276

Compiled by  
Legislative Information Division

FLORIDA LEGISLATURE - SPECIAL SESSION "E" - 1980

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STATISTICS REPORT

	SENATE		HOUSE		TOTAL	
	SUBMITTED	PASSED	SUBMITTED	PASSED	SUBMITTED	PASSED
CONCURRENT RESOLUTIONS	0	0	0	0	0	0
RESOLUTIONS (ONE CHAMBER ONLY)	0	0	0	0	0	0
GENERAL BILLS	8	8	7	0	15	8
LOCAL BILLS	0	0	0	0	0	0
GEN BILL/LOC APPLICATION	0	0	0	0	0	0
JOINT RESOLUTIONS	10	10	10	0	20	10
MEMORIALS	1	1	0	0	1	1
BILLS NUMBERED, NOT INTRODUCED	0	0	6	0	6	0
WITHDRAWN		0		0		0
TOTAL		<u>19</u>		<u>0</u>		<u>19</u>
			<u>23</u>		<u>42</u>	
APPROVED BY GOVERNOR		7		0		7
BECAME LAW WITHOUT SIGNATURE		1		0		1
VETOED BY GOVERNOR		0		0		0
BECAME LAW, VETO NOTWITHSTANDING		0		0		0
FILED WITH SECRETARY OF STATE (JT. RES., CONC. RES., MEM.)		11		0		11
BILLS TO CONFERENCE COMMITTEE		0		0		0
BILLS AMENDED		2		0		2
COMMITTEE SUBSTITUTES		0		0		0
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		0		0		0
DIED ON HOUSE CALENDAR		0		17		17
DIED IN MESSAGES		0		0		0
BILLS - STATE FISCAL IMPACT		0		0		0
BILLS - LOCAL FISCAL IMPACT		0		0		0
BILLS - PRIVATE SECTOR IMPACT		0		0		0

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BILLS RESCINDED AND WITHDRAWN

1980 REGULAR SESSION: S 0574, S 0575, H 0323, H 0829  
1980 SPECIAL SESSION D: S 0002

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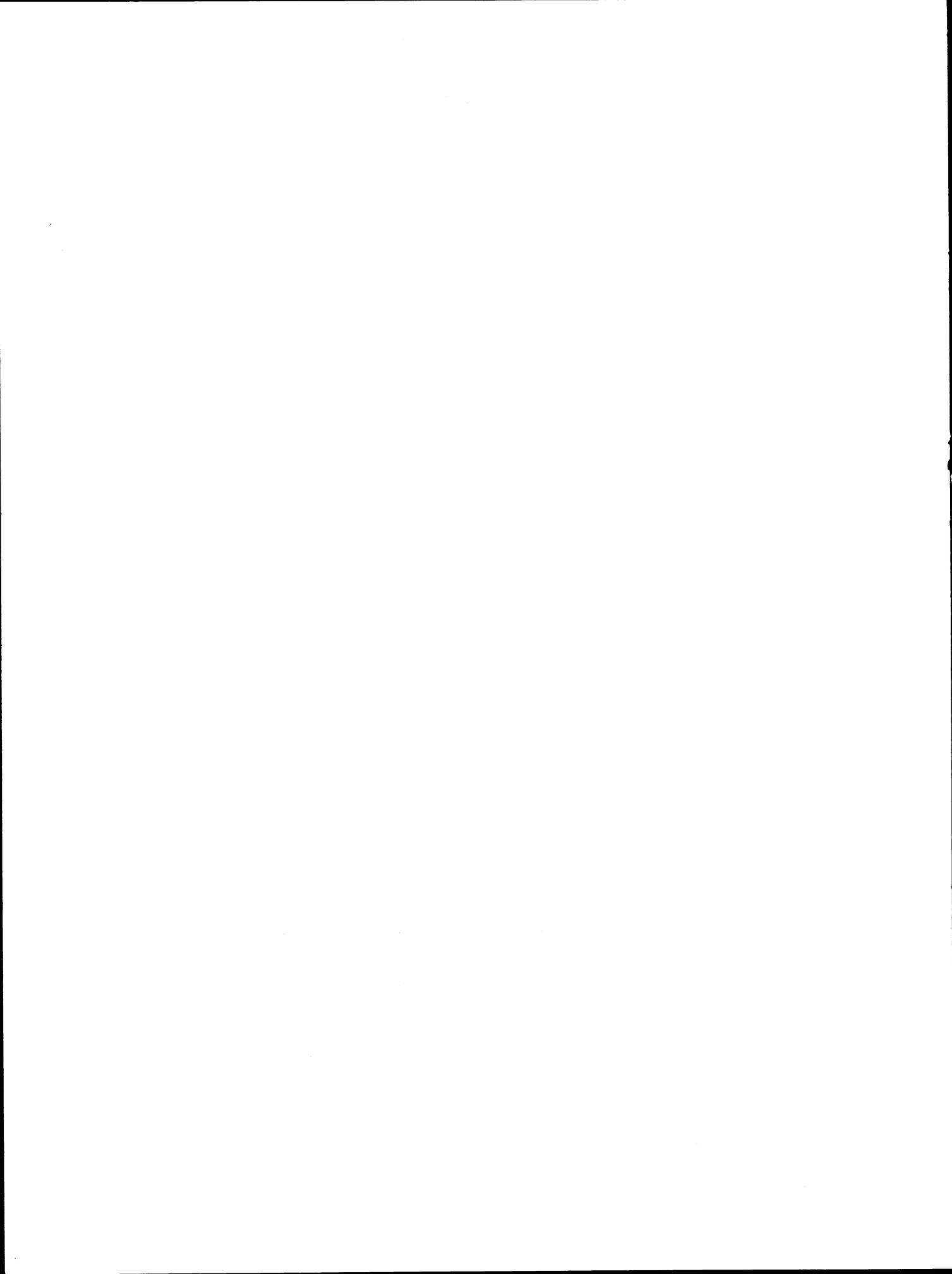
STATISTICS REPORT

	S E N A T E		H O U S E		T O T A L	
	SUBMITTED	PASSED	SUBMITTED	PASSED	SUBMITTED	PASSED
CONCURRENT RESOLUTIONS	0	0	0	0	0	0
RESOLUTIONS (ONE CHAMBER ONLY)	0	0	0	0	0	0
GENERAL BILLS	8	8	7	0	15	8
LOCAL BILLS	0	0	0	0	0	0
GEN BILL/LOC APPLICATION	0	0	0	0	0	0
JOINT RESOLUTIONS	10	10	10	0	20	10
MEMORIALS	1	1	0	0	1	1
BILLS NUMBERED, NOT INTRODUCED	0	0	6	0	6	0
WITHDRAWN	0		0		0	
TOTAL	<u>19</u>	<u>19</u>	<u>23</u>	<u>0</u>	<u>42</u>	<u>19</u>
APPROVED BY GOVERNOR		7		0		7
BECAME LAW WITHOUT SIGNATURE		1		0		1
VETOED BY GOVERNOR		0		0		0
BECAME LAW, VETO NOTWITHSTANDING		0		0		0
FILED WITH SECRETARY OF STATE (JT. RES., CONC. RES., MEM.)		11		0		11
BILLS TO CONFERENCE COMMITTEE		0		0		0
BILLS AMENDED		2		0		2
COMMITTEE SUBSTITUTES		0		0		0
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		0		0		0
DIED ON HOUSE CALENDAR		0		17		17
DIED IN MESSAGES		0		0		0
BILLS - STATE FISCAL IMPACT		0		0		0
BILLS - LOCAL FISCAL IMPACT		0		0		0
BILLS - PRIVATE SECTOR IMPACT		0		0		0

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BILLS RESCINDED AND WITHDRAWN

1980 REGULAR SESSION: S 0574, S 0575, H 0323, H 0829  
1980 SPECIAL SESSION D: S 0002

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VETOED BILLS

Senate Bills:

SB 310 - Vetoed July 4, 1980  
SB 347 - Vetoed June 25, 1980  
SB 364 - Vetoed July 2, 1980  
SB 512 - Vetoed July 2, 1980  
SB 523 - Vetoed July 2, 1980  
SB 624 - Vetoed June 17, 1980  
SB 828 - Vetoed July 4, 1980  
SB 1229 - Vetoed July 2, 1980  
SB 1304 - Vetoed July 2, 1980  
SB 3-D - Vetoed July 10, 1980  
SB 9-D - Vetoed July 10, 1980

House Bills:

HB 940 - Vetoed July 4, 1980  
HB 1330 - Vetoed July 4, 1980  
HB 1620 - Vetoed July 10, 1980  
HB 1865 - Vetoed July 10, 1980  
HB 7-D - Vetoed July 10, 1980

