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**FLORIDA LEGISLATURE**

**SUMMARY OF**

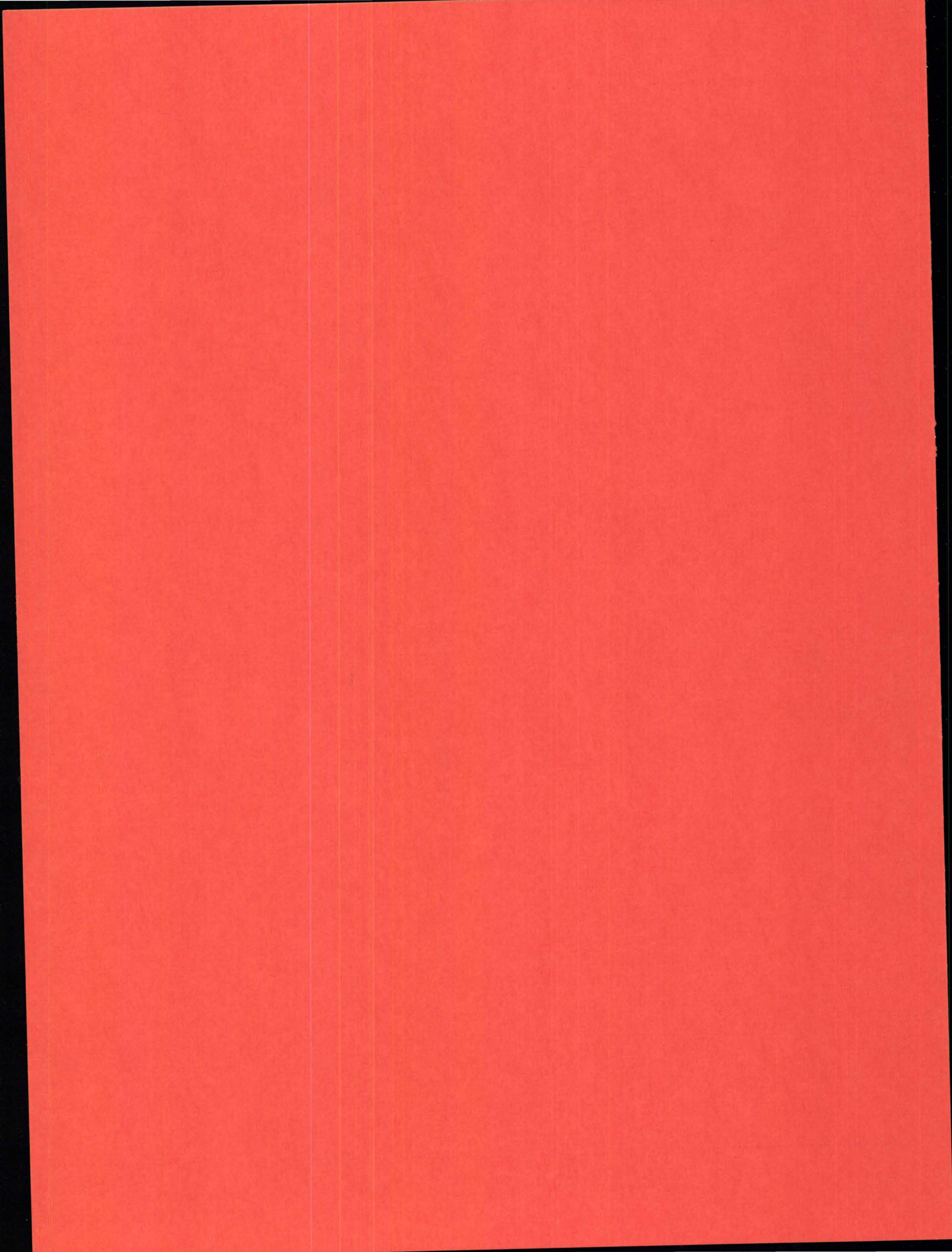
**GENERAL LEGISLATION**

**1981**

*Special Session June 5 - 17*  
*Regular Session April 7 - June 5*

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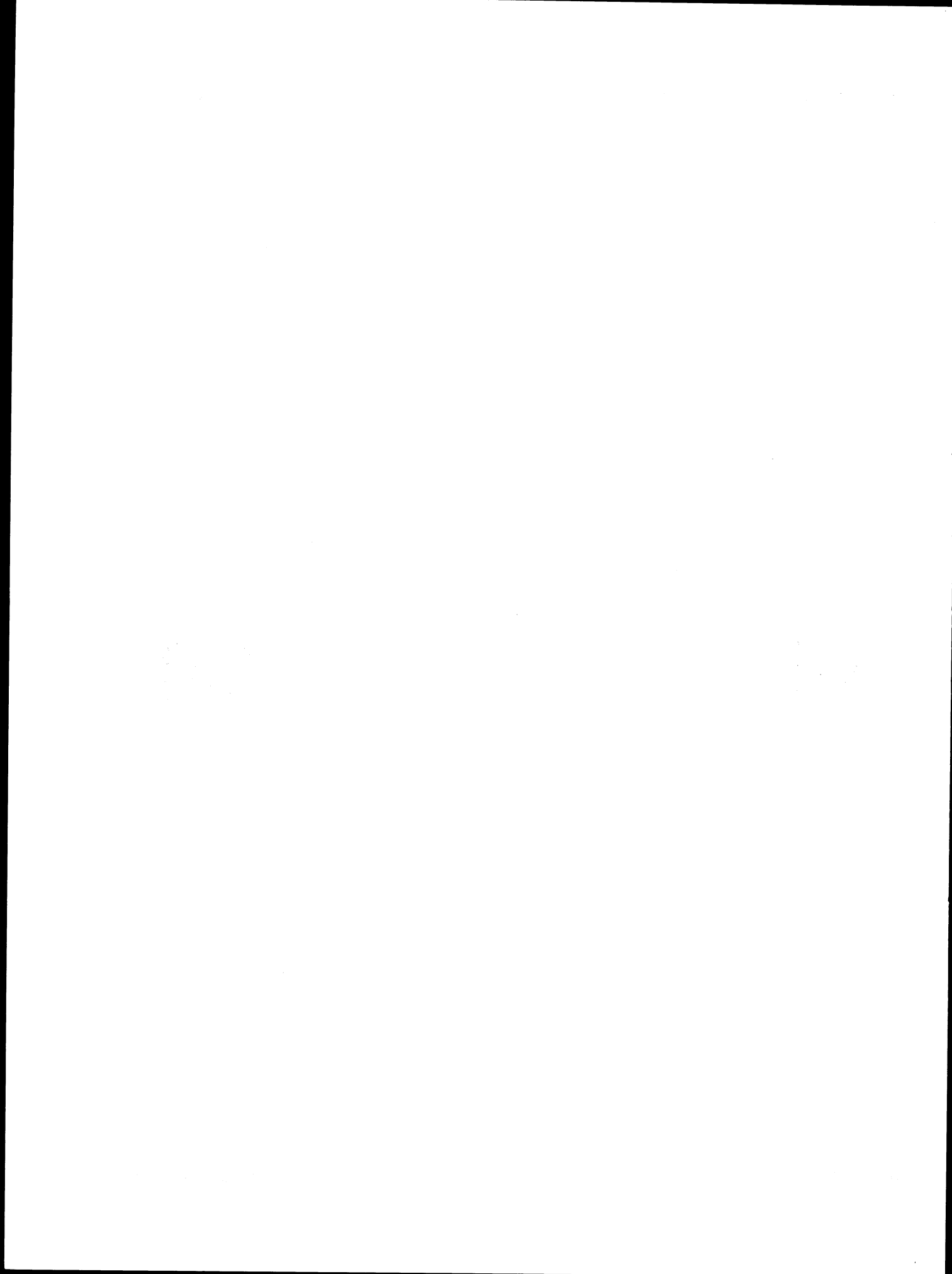
**FLORIDA LEGISLATURE**

**SUMMARY OF  
GENERAL LEGISLATION  
1981**

*Special Session June 5 - 17*

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W. D. CHILDERS  
President



RALPH H. HABEN, JR.  
Speaker



THE FLORIDA LEGISLATURE  
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Representative H. Lee Moffitt

Room 827, Capitol  
Tallahassee, Florida 32301  
Telephone (904) 488-2194

August 24, 1981

Honorable W. D. Childers  
President, and Members  
of the Senate

Honorable Ralph H. Haben, Jr.  
Speaker, and Members  
of the House of Representatives

Dear Members:

I am pleased to furnish you herewith the Summary of General Legislation, 1981, prepared under the supervision and coordination of the Division of Library Services, with the assistance of members of the Legislative staff.

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

Sincerely,

A handwritten signature in cursive script that reads "Tony Fontana".

A. M. "Tony" Fontana  
Chairman  
Joint Legislative Management Committee

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THE FLORIDA LEGISLATURE  
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Representative H. Lee Moffitt

August 13, 1981

B. GENE BAKER, DIRECTOR  
Room 701, Capitol  
Tallahassee, Florida 32301  
Telephone (904) 488-2812

FOREWORD

This book highlights, within broad subject areas, the general laws enacted by the 1981 Regular Session of the Florida Legislature and the special session immediately following. Essentially it is a re-editing of the preliminary summary articles mailed in recent weeks to Legislators and other interested persons. All but a few general laws of local application and all special and local acts are specifically excluded.

The 1981 Florida Legislature authorized an 11.5% increase in spending for Fiscal 1982 against a backdrop of substantial reductions in federal outlays proposed by the new administration in Washington although the precise impact of the federal cuts on the state cannot be determined at this time. In other action the Legislature strengthened the laws governing the solicitation of funds by charities and permitting procedures for electric power plants and transmission lines; provided funding of land acquisition for water management purposes; authorized the lease of prison industries to non-profit corporations; created the Florida Real Estate Time Sharing Act; revised the Juvenile Justice Act; repealed the statewide motor vehicle inspection program; reworked the promulgation format and procedures for administrative rules and amended civil procedures for the resolution of tax controversies.

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 index prepared by the Legislative Information Division.

The Legislative Library wishes to thank the personnel from the Legislative Systems & Data Processing Division and the Legislative Information Division for making possible the utilization of the legislative computer in the preparation of the SUMMARY.

  
B. Gene Baker



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1882-1883

1884-1885

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AGRICULTURE\*

A minimum number of regular agricultural measures were enacted in the 1981 Session of the Legislature. However, pursuant to the 1978 Sundown Act (Section 11.611, F. S.) some 19 advisory boards, committees, commissions, councils and authorities adjunct to the Department of Agriculture and Consumer Services and the Department of Citrus were reviewed and measures passed to either reestablish the entities or repeal them.

A summary of the measures passed by the Legislature relating to agriculture is provided below. Other measures dealing with related issues such as taxes, transportation, soils and water are included in separate parts of this publication. These summaries are provided under the various headings as follows:

Department of Agriculture and Consumer Services

SENATE BILL 204 (CHAPTER 81-128) amends Section 573.850, F. S., to provide for an assessment not to exceed 3 cents per bushel levied against soybean growers to furnish revenue to the Department of Agriculture and Consumer Services to be expended

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\*Prepared by staff of the Senate Committee on Agriculture

for promotion, research and market expansion for soybeans pursuant to the Florida Soybean Marketing Law established by the Legislature in 1970. Prior to this amendment the assessment was limited to 1 cent per bushel. (It was determined by soybean growers that 1 cent per bushel was not sufficient to produce the revenue desired to promote and market the accelerated production of soybeans in Florida.) The 3-cent assessment is required by existing law to be adopted by referendum of soybean growers before implementation by the Department. (See Section 573.841, F. S.)

SENATE BILL 421 (CHAPTER 81-187) amends Section 534.53, F. S., to provide all law enforcement officers with authority to inspect records maintained by livestock auction markets with respect to operations of such markets. Previously, only agents of the Department of Agriculture and Consumer Services were authorized to inspect such records. (The intent of this amendment is to provide law enforcement officers with an additional tool to control theft of livestock.)

HOUSE BILL 434 (CHAPTER 81-20) amends Section 502.191, F. S., to authorize the Department of Agriculture and Consumer Services to define and establish standards for goat milk. The Department is authorized to adopt rules for the regulation of the production, transportation, processing, handling, sampling, examination, grading, labeling and sale of goat milk sold for ultimate consumption within the state or its jurisdiction. (In summary, goat milk is given status equal to cow milk.)

### Department of Citrus

SENATE BILL 747 (CHAPTER 81-97) amends Section 601.39, F. S., to provide the Department of Citrus with additional authority for regulating the sale or shipment of citrus fruit damaged by freezing temperatures. (The severe freeze that occurred in January 1981 throughout the citrus belt caused extensive damage to fruit, and the Department did not have adequate authority to completely assure the wholesomeness of fruit offered for sale.) The act also provides criteria for determining when fruit is freeze-damaged and when it is "seriously" damaged by freezing; specifies powers of the Florida Citrus Commission with respect to freeze damage; provides procedures the Commission will follow when serious freeze damage is inflicted on any citrus producing area; and authorizes the Commission to enter emergency embargo orders to prohibit sale or shipment of freeze-damaged citrus fruit.

### "SUNDOWN" Issues

Of the 19 agricultural advisory entities reviewed by the Legislature, 15 were reestablished and 4 were repealed. Those that were reestablished were assigned a subsequent repeal date of October 1, 1987 (with the exception of the Florida Consumers' Council whose repeal date was established for October 1, 1983), at which time they will be reviewed again and a determination made by the Legislature as to whether they are continuing to perform a necessary function of the state. The entities which were reestablished were modified in many



instances to provide for consistency in operations as advisory bodies. Those entities which were repealed were found to have completed the mission for which they were originally created.

Summarized below are the acts which reestablished the 15 advisory councils, committees and an authority, pursuant to the Sundown Act of 1978, and which provided for the repeal of 4 councils. Also included is a reference list of these acts showing those reestablished and those repealed.

COMMITTEE SUBSTITUTE FOR SENATE BILL 75 (CHAPTER 81-55) amends Section 570.543, F. S., which created the Florida Consumers' Council, and reestablishes said Council subject to a future repeal date of October 1, 1983. The act provides that the Council is to advise and assist the Department of Agriculture and Consumer Services in carrying out its duties, and is to transmit a written summary of its legislative recommendations to the Legislature. The membership of the Council is reduced from a maximum of 20 to 15 and certain of its powers and authority are transferred to the Division of Consumer Services of the Department.

SENATE BILL 90 (CHAPTER 81-62) amends Section 570.23, F. S., which created the State Agricultural Advisory Council, and reestablishes said Council subject to a future repeal date of October 1, 1987. Membership of the Council is increased from 29 to 30, and provision is made for a separate representative from the commercial fertilizer and the commercial pesticide industry to serve on the Council, rather than the one member who formerly represented both of these

interests. Ex officio members without the right to vote were named as the Dean for Extension and Research, Institute of Food and Agricultural Sciences, and the Vice President for Agricultural Affairs, both at the University of Florida.

SENATE BILL 241 (CHAPTER 81-129) amends Section 582.06, F. S., which created the Soil and Water Conservation Council, and reestablishes said Council subject to a future repeal date of October 1, 1987. The provision requiring Council meetings at least once per quarter is deleted.

SENATE BILL 242 (CHAPTER 81-80) amends Section 589.01, F. S., which created the Florida Forestry Council, and reestablishes said Council subject to a future repeal date of October 1, 1987. The act also deletes the provision that the Council meet not less frequently than quarterly.

SENATE BILL 91 (CHAPTER 81-63) amends Section 570.34, F. S., which created the Plant Industry Technical Council ("State Plant Board"), and reestablishes said Council subject to a future repeal date of October 1, 1987. Membership of the Council is increased from 9 to 11 by adding a representative from the foliage plant and tropical fruit interests. The requirement that the Council meet not less frequently than quarterly is removed.

SENATE BILL 88 (CHAPTER 81-123) amends Section 576.091, F. S., which created the Fertilizer Technical Council, and reestablishes said Council subject to a future repeal date of October 1, 1987. Provision is made for calling of Council meetings at the request of the Department, at the request of a

majority of the Council members, or as prescribed by rule, in addition to the prior provision for meetings at the call of the chairman. Stipulation is made that members shall receive no compensation for their services, but shall be entitled to be reimbursed for per diem and travel expenses. Section 570.52, F. S., which had formerly provided authority for such expenses, is repealed by this act.

SENATE BILL 244 (CHAPTER 81-82) amends Section 570.38, F. S., which created the Animal Industry Technical Council, and reestablishes said Council subject to a future repeal date of October 1, 1987. The provision for Council meetings not less than quarterly is deleted.

SENATE BILL 85 (CHAPTER 81-59) amends Section 573.895, F. S., which created the Florida Peanut Advisory Council, and reestablishes said Council subject to a future repeal date of October 1, 1987. Provision is made for the Council to meet at the call of its chairman, at the request of a majority of its membership, at the request of the Department of Agriculture and Consumer Services, or at such times as may be prescribed by its rules.

SENATE BILL 87 (CHAPTER 81-61) amends Section 573.843, F. S., which created the Florida Soybean Advisory Council, and reestablishes said Council subject to a future repeal date of October 1, 1987. Meetings of the Council are provided for at the call of its chairman, request of membership majority, request of the Department, or as prescribed by rules of the Council.



SENATE BILL 86 (CHAPTER 81-60) amends Section 573.869, F. S., which created the Florida Flue-cured Tobacco Advisory Council, and reestablishes said Council subject to a future repeal date of October 1, 1987. The act also provides for meetings of the Council at the call of the chairman, majority of its membership, request of the Department, or as prescribed by Council rules.

SENATE BILL 240 (CHAPTER 81-79) amends Section 570.42, F. S., which created the Dairy Industry Technical Council, and reestablishes said Council subject to a future repeal date of October 1, 1987. The former provision requiring quarterly meetings of the Council is deleted.

SENATE BILL 92 (CHAPTER 81-64) adds Subsection (11) to Section 601.158, F. S., and reestablishes the Citrus Harvesting Research and Development Committee, subject to a future repeal date of October 1, 1987. The new subsection provides for calling of meetings by the chairman, at the request of a majority of the membership, at the request of the Department, or as prescribed by rule.

SENATE BILL 132 (CHAPTER 81-72) amends Section 601.154, F. S., and reestablishes the Marketing Program Administrative Committee, appointed under the Citrus Stabilization Act of Florida, subject to a future repeal date of October 1, 1987. The act provides for meetings of the Committee at the call of its chairman, at the request of a majority of the membership, at Department request, or as prescribed by rule.

SENATE BILL 243 (CHAPTER 81-81) amends Section 616.251, F. S., which created the Florida State Fair Authority, and reestablishes said Authority subject to a future repeal date of October 1, 1987. Provision is made for meetings of the Authority at the call of its chairman, at the request of a majority of its membership, at the request of the Department of Agriculture and Consumer Services, or as prescribed by rules. The Authority is given the power to adopt rules necessary to carry out its duties and responsibilities.

SENATE BILL 89 (CHAPTER 81-236) amends Section 487.061, F. S., which created the Pesticide Technical Council, and reestablishes said Council subject to a future repeal date of October 1, 1987. Membership of the Council is increased from 13 to 15 to include two certified commercial applicators, one of whom shall be an aerial applicator. Provision is made for calling of Council meetings. Members are to receive no compensation for their services, but shall be entitled to reimbursement for per diem and travel expenses. The Pesticide Application Council is repealed (See Section 487.162, F. S.), and its duties are given to the Pesticide Technical Council subject to the provisions of this act.

SENATE BILL 93 (CHAPTER 81-6) rewords Section 601.9914, F. S., to repeal the Canned Juice Quality Council, and the Chilled Juice Quality Council, adjunct to the Department of Citrus. Provision is made for modification by rule of specific citrus juice standards by the Florida Citrus Commission.

SENATE BILL 612 (CHAPTER 81-251) repeals the (Leaf) Tobacco Advisory Council and its authorization to function as a statutory council (Sections 574.04-574.06, F. S.).

Agriculture Related Councils, Committees &  
Authorities - Reestablished or Repealed under  
the Sundown Act

Reestablished:

Florida Consumers' Council - CS/SB 75 (Chapter 81-55)

State Agricultural Advisory Council - SB 90 (Chapter 81-62)

Soil and Water Conservation Council - SB 241 (Chapter 81-129)

Florida Forestry Council - SB 242 (Chapter 81-80)

Plant Industry Technical Council (State Plant Board) - SB 91  
(Chapter 81-63)

Fertilizer Technical Council - SB 88 (Chapter 81-123)

Pesticide Technical Council - SB 89 (Chapter 81-236)

Animal Industry Technical Council - SB 244 (Chapter 81-82)

Florida Peanut Advisory Council - SB 85 (Chapter 81-59)

Florida Soybean Advisory Council - SB 87 (Chapter 81-61)

Florida Flue-cured Tobacco Advisory Council - SB 86  
(Chapter 81-60)

Dairy Industry Technical Council - SB 240 (Chapter 81-79)

Citrus Harvesting Research and Development Committee - SB 92  
(Chapter 81-64)

Marketing Program Administrative Committee - SB 132  
(Chapter 81-72)

Florida State Fair Authority - SB 243 (Chapter 81-81)

Repealed:

Canned Juice Quality Council - SB 93 (Chapter 81-6)

Chilled Juice Quality Council - SB 93 (Chapter 81-6)

Pesticide Application Council - SB 89 (Chapter 81-236)

(Leaf) Tobacco Advisory Council - SB 612 (Chapter 81-251)

Miscellaneous

HOUSE BILL 25 (CHAPTER 81-224) amends Section 828.122, F. S., to prohibit the use of live rabbits to train greyhound dogs for racing. The effective date of this act is delayed until July 1, 1984.

COMMITTEE SUBSTITUTE FOR SENATE BILL 72 (CHAPTER 81-234) prohibits the transportation of dogs and cats into the state for sale unless they have been inoculated against certain diseases within a specified time limit. Each such dog or cat shall at all times be accompanied by an official health certificate signed by a veterinarian licensed by the state of origin, or by an authorized veterinary inspector of the United States Animal Disease Eradication Division. The health

certificate is to contain certain specified information. Any dog or cat offered for sale less than 8 weeks of age is prohibited from being transported into the state. County or city animal control agencies and registered nonprofit humane organizations are exempt from the provisions of this law. (The effect of this law is to control the inhumane inflow of puppies and kittens into the state from outside sources more commonly called the "puppy mills.") The state attorney is authorized to bring an action to enjoin any violation of this act, and penalties are provided for such violations.

HOUSE BILL 616 (CHAPTER 81-157) amends Section 705.19, F. S., to authorize bona fide boarding kennels, in addition to licensed veterinarians, to turn over to the custody of the nearest humane society or dog pound any animal abandoned by its owner for a period of more than 10 days after written notice is given to the owner or his agent. This act provides for a future repeal date of July 1, 1985, of the provisions herein enumerated, pursuant to legislative review as required by the 1976 Regulatory Reform Act. Chapter 474, F. S., (Veterinary Medical Practice) and Section 205.195, F. S., (Veterinary Medical Practice - Local Occupational Licensing) are also included in this repeal and legislative review.

HOUSE BILL 1152 (CHAPTER 81-203) creates the Governor's Conference on the Future of Small Farms in Florida. The Governor shall convene the Conference in 1981 in conjunction with the Commissioner of Agriculture, the University of Florida Institute of Food and Agricultural Sciences (IFAS), and Florida

A & M University. The Executive Office of the Governor shall determine Conference participants, at least 75% of whom shall be members of a small farm family. The purpose of the Conference is to gather information from small farmers and other agricultural experts which will encourage the continuation and enhance the survival of the small farm in Florida. A report of the findings of the Conference shall be forwarded to the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to the 1982 legislative session. The sum of \$100,000 is appropriated from the General Revenue Fund to the Executive Office of the Governor to carry out the purpose of this act which will stand repealed on July 1, 1982.



APPROPRIATIONS\*

Because of fundamental disagreements as to priorities and methods of funding and the resulting protracted deliberations, the Legislature found it necessary, for the second consecutive year, to enact the appropriations authorization at a special session immediately following the regular session. CONFERENCE COMMITTEE REPORT ON HOUSE BILL 30-B (CHAPTER 81-206), the 1981 General Appropriations Act, provides for \$9.326 billion in spending for the fiscal year ending June 30, 1982. Special appropriations acts total \$214.8 million and claim settlements \$1 million for legislative appropriations, amounting to \$9.542 billion. Deducting \$4.7 million in authorizations vetoed by the Governor leaves \$9.537 billion in "total effective appropriations" for the year just begun, an increase of 11.5% over 1980-81 spending. More than 80% of this figure is allocated as follows: Education is to receive 40.2%, Health and Rehabilitative Services 21.9%, and General Government 19.8%.

The pages which follow are selected from this year's edition of Fiscal Analysis in Brief, prepared by the Senate and House Appropriations Committees.

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\*Prepared by staff of the Legislative Library

SUMMARY OF 1981-82  
TOTAL EFFECTIVE APPROPRIATIONS  
(In Millions of Dollars)

	<u>General Revenue Fund</u> \$	<u>Working Capital Fund</u> \$	<u>Trust Funds</u> \$	<u>Total Funds</u> \$
<b>General Appropriations Act</b>				
<u>Operations (Section 01):</u>				
Education	2,828.0	20.0	844.0	3,692.0
HRS	927.1		1,079.2	2,006.3
Criminal Justice	337.1		29.6	366.7
Natural Resources & Environmental Reg.	63.6		57.6	121.2
Legislative Branch	46.0		2.3	48.3
Transportation	152.2		681.8	834.0
All Other Agencies	479.2		1,626.8	2,106.0
<u>Fixed Capital Outlay (Sections 02 and 03):</u>	<u>94.3</u>		<u>57.2</u>	<u>151.5</u>
<b>Total General Appropriations Act</b>	<b>4,927.5</b>	<b>20.0</b>	<b>4,378.5</b>	<b>9,326.0</b>
<b>Special Appropriations Bills</b>	<b>8.5</b>	<b>0.0</b>	<b>206.3</b>	<b>214.8</b>
<b>Claims Bills (Excluding Those from Local Funds)</b>	<u><b>.7</b></u>	<u><b>0.0</b></u>	<u><b>.3</b></u>	<u><b>1.0</b></u>
<b>Total Appropriations</b>	<b>4,936.7</b>	<b>20.0</b>	<b>4,585.1</b>	<b>9,541.8</b>
<b>Less:</b>				
Contingent and Reserve Items	(72.0)	0.0	72.0	0.0
<b>Vetoed Items</b>	<u><b>(3.2)</b></u>	<u><b>0.0</b></u>	<u><b>(1.5)</b></u>	<u><b>(4.7)</b></u>
<b>Total Effective Appropriations</b>	<u><b>\$ 4,861.5</b></u>	<u><b>\$ 20.0</b></u>	<u><b>\$ 4,655.6</b></u>	<u><b>\$ 9,537.1</b></u>

## HOUSE BILL 30-B

Vetoed Appropriations

1981-82

SECTION 01

<u>Item No.</u>	<u>Item</u>	<u>General Revenue</u>		<u>Trust</u>
		<u>Recurring</u>	<u>Non-Rec.</u>	
		\$	\$	\$
128A	Reimburse Holmes Co. (AF)		27,858	
201A	Santa Rosa County - Economic Development - Transportation (Commerce)			250,000
242A	USF Medical School Affiliated Hospital (DOE)	1,407,000		
246A	Cost Factor Study (DOE)		125,000	
349A	Institute of Government - Palm Beach Community College (DOE)		195,000	
349C	Florida School of the Arts - St. Johns River Com. Coll. (DOE)		100,000	
349D	Emphasis on Exceclence Program Miami-Dade Community College (DOE)		100,000	
371	Library Books (DOE)			1,224,525
375C	Center for Employee Relations and Law (DOE)	65,000		
391	USF Medical Center - Planning Public Health Program (DOE)	185,000		
419A	UF Health Center - Out-Patient Clinics (DOE)	360,000		
634	Community Alcoholic Services - Residential Treatment Program (HRS)	100,000		
1042	Lump Sum - Lawsuits related to proviso (JLMC)	50,000		
1135	County Revenue Sharing - Town of Century (DOR)			50,000
1200	Art Grants - Palisades Theatre (DOS)	50,000		
1337A	Communication System Upgrade - Manatee County (DVCA)		400,000	
Total Vetoes		<u>\$ 2,217,000</u>	<u>\$ 947,858</u>	<u>\$ 1,524,525</u>

GENERAL FUNDS OUTLOOK  
1980-81 and 1981-82  
GENERAL REVENUE, WORKING CAPITAL AND FEDERAL REVENUE SHARING FUNDS  
(Millions of Dollars)

	GENERAL REVENUE FUND	WORKING CAPITAL FUND	FEDERAL REVENUE SHARING	TOTAL ALL FUNDS	RE- CURRING FUNDS	NON- RECURRING FUNDS
<u>FUNDS AVAILABLE 1980-81</u>						
Balance Forward	\$ 331.0	\$ 321.7	\$ 1.7	\$ 654.4	\$ 0.0	\$ 654.4
Transfers to Working Capital Fund	(51.5)	51.5	0.0	0.0	0.0	0.0
Midyear Reversions (12/31/80)	7.2	0.0	0.0	7.2	0.0	7.2
FCO Reversions (4/1/81)	6.4	0.0	0.0	6.4	0.0	6.4
Estimated Revenues (5/81 REC)	4,158.2	0.0	34.0	4,192.2	4,158.2	34.0
Working Capital Fund Interest	40.4	0.0	0.0	40.4	0.0	40.4
Appropriation from Trust Fund	2.3	0.0	0.0	2.3	0.0	2.3
Cancellation of Warrants	0.2	0.0	0.0	0.2	0.0	0.2
Revenues Over Estimate(May)	16.1	0.0	0.0	16.1	0.0	16.1
T O T A L	\$4,510.3	\$ 373.2	\$ 35.7	\$4,919.2	\$4,158.2	\$ 761.0
<u>APPROPRIATIONS 1980-81</u>						
Operations	1,938.5(a)	5.2	0.0	1,943.7	1,846.1	97.6
Aid to Local Governments	2,159.3(b)	0.0	35.7	2,195.0	2,128.2	66.8
Fixed Capital Outlay	157.2	0.0	0.0	157.2	0.0	157.2
BSA Ad Valorem Deficit	0.0	72.9(c)	0.0	72.9	0.0	72.9
T O T A L	\$4,255.0	\$ 78.1	\$ 35.7	\$4,368.8	\$3,974.3	\$ 394.5
EXCESS FUNDS AVAILABLE 1980-81	\$ 255.3	\$ 295.1	\$ 0.0	\$ 550.4	\$ 183.9	\$ 366.5
<u>ESTIMATED FUNDS AVAIL. 1981-82</u>						
Balance Forward	255.3	295.1	0.0	550.4	0.0	550.4
Transfer to Working Capital Fund	(124.8)	124.8	0.0	0.0	0.0	0.0
Unused Appropriations 1980-81	26.5	0.0	0.0	26.5	0.0	26.5
Repay of Ad Valorem Deficit	51.4(d)	0.0	0.0	51.4	0.0	51.4
Midyear Reversions (12/31/81)	1.2	0.0	0.0	1.2	0.0	1.2
FCO Reversions (4/1/82)	5.0	0.0	0.0	5.0	0.0	5.0
Estimated Revenues (5/81 REC)	4,640.1	0.0	0.0	4,640.1	4,640.1	0.0
Working Capital Interest	51.3	0.0	0.0	51.3	0.0	51.3
Cancellation of Warrants	0.2	0.0	0.0	0.2	0.0	0.2
Additional Revenue Increases	45.6	0.0	0.0	45.6	43.6	2.0
Additional Revenue Reductions	(74.8)	0.0	0.0	(74.8)	(74.6)	(0.2)
Trust Transfer to GR (HB 324)	4.1	0.0	0.0	4.1	0.4	3.7
T O T A L	\$4,881.1	\$ 419.9	\$ 0.0	\$5,301.0	\$ 4,609.5	\$ 691.5
<u>EFFECTIVE APPROP. 1981-82</u>						
Salaries and Benefits	844.3	0.0	0.0	844.3	844.3	0.0
Other Personal Services	24.4	0.0	0.0	24.4	24.0	0.4
Expenses	223.9	0.0	0.0	223.9	223.0	0.9
Aid to Local Government	2,446.5	0.0	0.0	2,446.5	2,404.3	42.2
Operating Capital Outlay	30.8	0.0	0.0	30.8	24.4	6.4
Food Products	23.2	0.0	0.0	23.2	23.2	0.0
Lump Sum	166.4	0.0	0.0	166.4	140.0	26.4
Special Categories	839.5	0.0	0.0	839.5	769.2	70.3
Financial Assistance Payments	106.3	0.0	0.0	106.3	106.3	0.0
Debt Service	18.4	0.0	0.0	18.4	18.4	0.0
Data Processing Services	30.7	0.0	0.0	30.7	30.7	0.0
Other	2.6	0.0	0.0	2.6	2.6	0.0
Special Appropriations Bills	1.7	0.0	0.0	1.7	1.4	0.3
Fixed Capital Outlay	94.3	0.0	0.0	94.3	0.0	94.3
Cuban Hold Harmless (HB 30B, p38)	0.0	20.0(e)	0.0	20.0	0.0	20.0
PECO FCO FROM GR (HB 31B)	7.5	0.0	0.0	7.5	0.0	7.5
Tourism Emergency (Sec. 5, HB 30B)	1.0	0.0	0.0	1.0	0.0	1.0
SUB TOTAL	\$4,861.5(f)	\$ 20.0	\$ 0.0	\$4,881.5(g)	\$ 4,611.8	\$ 269.7
RESERVE FUNDS	19.6	399.9	0.0	419.5	(2.3)	421.8
LESS: OBLIGATIONS	0.0	102.7(h)	0.0	102.7	0.0	102.7
UNENCUMBERED RESERVE	\$ 19.6	\$ 297.2	\$ 0.0	\$ 316.8	\$ (2.3)	\$ 319.1

- a) Includes \$1.1 million in appropriations from item 1316B in HB 30-B (1981)
- b) Includes \$16.5 million of FCO that is aid to local governments.
- c) Chapter 80-411, Laws of Florida, provided that the Working Capital Fund could be used to maintain the public school base student allocation of \$1,101.38. Revised property tax roll estimates indicate that \$72.9 million will be needed to finance the deficit caused by decreased ad valorem tax roll estimates, of which \$51.4 million is anticipated to be repaid in FY 1981-82.
- d) This revenue source is expected to result from court rulings in favor of state's position regarding the reconciliation of certain contested ad valorem tax rolls (see footnote c and proviso following item 302 in HB 30-B).
- e) Proviso language on page 38 of HB 30-B limits the state's liability to \$20 million for the purpose of compensating for reductions in federal funds in certain educational programs.
- f) This figure does not include \$3.2 million in vetoed general appropriations items.
- g) A contingency appropriation of \$50 million was made from the general fund for road projects if additional funds above what is needed to fund the general revenue portion of the 1981-82 appropriations bill and any special appropriations acts and a \$419.9 million Working Capital Fund are available. See proviso language in HB 30-B, pages 196-197, for details.
- h) Additional monies of \$95 million have been pledged from the Working Capital Fund to meet the cash flow requirements necessary to ensure completion of the Skyway Bridge. Also, \$7.7 million of the Working Capital Fund has been committed in 1982-83 to ensure completion of the addition to the Shands Teaching Hospital.

GENERAL APPROPRIATION ACT FOR THE 1981-82  
CONTINGENCY ITEMS

<u>Item</u>	<u>Appropriation</u> \$	<u>Contingency</u>	<u>Legislative Action</u>
SECTION 01:			
425	63,473	HB 490 or Similar Legislation	HB 490 Passed
426A	150,000	Sb 448 or Similar Legislation	CS Passed
638	877,164	HB 198 or Similar Legislation	HB 198 Passed
1135	2,721	SB 1046 or Similiar Legislation	SB 1046 Passed
634	700,000	CS/HB's 665, 666, 667, 668 and 670 or Similiar Legislation	CS/HB's 665, 666, 667, 668 and 670 passed
851, 853	1,327,810*	Substantive Legislation	CS/SB 973 Died on Calendar
893, 895	(1,327,810)	Substantive Legislation	CS/SB 973 Died on Calendar
862 & 873, 875 - 877, 879 - 881, 883 - 885, 887 - 888, 893 & 895, 901 & 903	1,766,476	Relevant Legislation	HB 1175 Passed as Amended

\*These items represent a proposal to transfer positions and funds between two budget entities and have no net effect on the total dollars appropriated.

**SPECIAL APPROPRIATION BILLS**

Session Law	Bill Number	Subject	General Revenue		Trust Fund
			Recurring \$	Non- Recurring \$	
<u>Senate Bills</u>					
81-261	CS/SB 17	Florida Seniors Committee		3,750	
	CS/CS/				
81-24	SB 103	Law Enforcement	350,273		
81-103	SB 189	Working Capital Fund Loans to School Districts			** (a)
81-248	SB 528	Program Cost Factor Study	125,000		
na	SB 634	FAMU - Bragg Stadium			550,000
81-307	CS/CS/				
	SB 689	Retirement Cost-of-Living Adjustments	170,500		
81-141	SB 906	Florida RICO Act	25,000		
na	SB 970	Relief of Patricia Ann Burke		50,000	
Vetoed	SB 974	Indemnification for loss or damage of art and artifacts	** (a)	** (a)	
Vetoed	SB 1046	Relief of the Town of Hillsboro Beach and Jerry D. Coker		11,006	
na	SB 1093	Relief of Wanda L. McDermon		50,000	
<u>House Bills</u>					
81-231	HB 10B	Indemnification for loss or damage of art and artifacts			** (a)
81-223	HB 31B	Public Education Capital Outlay		7,500,000	205,031,283
na	HB 37	Relief of Donald C. Williams			300,000
na	HB 146	Relief of James G. Andrews			220,000
na	HB 153	Relief of Robert Loudamy and Carol J. Hofacket	499,770		
na	HB 205	Relief of Daniel Robert Knowles			20,000
na	HB 228	Educational Facilities			233,261
81-287	CS/HB 324	Firefighters - Supplemental Compensation			482,000
na	HB 392	Relief of Finley and Jean McMillan		50,325	
na	HB 511	Relief of James R. Mabry		75,000	
81-295	HB 660	State Board of Administration - Consolidation of short-term investment authority	88,000		
81-285	HB 1145	State Treasurer's Employees	133,000		
81-203	HB 1152	Governor's Conference on Small Farms		100,000	
TOTAL (excluding vetoes and local funds)			\$1,391,543	\$7,829,075	\$206,616,544

\* Vetoed  
 \*\* Indeterminate  
 (a) Working Capital Fund  
 (b) Local Impact  
 na Not Available

MEASURES AFFECTING REVENUES AND TAX ADMINISTRATION  
ESTIMATED REVENUE INCREASES/DECREASES 1981-82  
(Millions of Dollars)

			General Revenue		Trust Fund	Local Impact
Session Law	Bill Number	Description	Recurring	Non- Recurring		
<u>Senate Bills</u>						
-181	SB 38	License Plate Fee Increase	---	---	3.6	---
-235	SB 82	Psychologist Licenses	---	---	*	---
-125	CS/SB 97	Prison Industries	---	---	**	---
-67	SB 102	Board of Independent Post-secondary Schools	---	---	**	---
-24	CS/SB 103	Correctional Standards Board	---	---	*	---
-128	SB 204	Soybean Assessments	---	---	*	---
-265	CS/CS/					
	SB 252	Regulation of Solicitors for Contributions	---	---	.1	---
na	SB 257	Sales Tax	*	*	---	---
-50	SB 259	DOR Information Systems and Services Division	---	---	---	---
-240	SB 262	Fishing and Hunting Licenses	---	---	*	---
-297	SB 303	Occupational License Tax Exemption - Public Fairs	---	---	---	*
-132	CS/SB 314	Pari-mutual Wagering	---	---	---	---
-44	SB 317	Community Redevelopment - "Blighted Areas"	---	---	---	---
-299	SB 367	Consumer Finance	---	---	---	---
-133	SB 459	Health Facilities - Accreditation and Certification of Need	---	---	*	---
-179	SB 477	International Banking	---	---	---	---
-92	SB 518	Coconut Grove Playhouse	---	(.2)	.2	---
-260	CS/SB 558	Division of Elections - Fees	---	---	*	---
-33	CS/SB 620	"Save Our Rivers"	---	---	15.7	---
-48	SB 628	Insurance Commissioner's Regulatory Trust Fund	---	---	---	---
-210	SB 632	Conservation and Recreation Lands Trust Fund	---	---	---	---
-273	CS/SB 654	Court-Appointed Attorney's Fees	---	---	*	---
-39	SB 672	Dental Service Plan Corporation Fees	---	---	*	---
-40	SB 797	HRS Burial Fees	---	---	*	---
na	SB 895	Sovereign Immunity	**	**	**	**
-141	SB 906	Florida RICO ACT	---	---	*	---
toed	SB 974	Arts Indemnification	---	**	** (a)	---
-208	SB 1024	DWI Schools	---	---	.1	---
-209	SB 1121	Reorganization of D.O.T.	---	---	(.3)	---

MEASURES AFFECTING REVENUES AND TAX ADMINISTRATION  
ESTIMATED REVENUE INCREASES/DECREASES 1981-82 (Continued)  
(Millions of Dollars)

Session Law	Bill Number	Description	General Revenue		Trust Fund	Local Impact
			Recurring	Non- Recurring		
House Bills						
na	HB 5B	Repeal of the Ad Valorem Tax on Inventories	---	---	---	---
81-1	HB 19	Sales and Use Tax	---	---	---	---
81-221	HB 20B	Sales and Use Tax - Dealer Collection Allowance Reduction	36.0	---	---	---
81-222	HB 28B	Motor Vehicle Licenses - General Revenue Portion to ACI Trust Fund	(72.1)	---	72.1	---
81-206	HB 30B	General Appropriations Act:				
Vetoed		- Transfer from Insurance Commissioner's Regulatory Trust Fund (Section 23)	---	3.7	(3.7)	---
		- Audit Recoveries (pg. 149)	2.8	---	---	---
81-212	HB 101	Motor Vehicle Inspection	(2.5)	---	---	(19.0)
81-287	CS/HB 324	Firefighters - Supplemental Compensation	.4	3.7	(3.7)	---
81-227	CS/HB 379	Acupuncture	---	---	*	---
81-151	HB 439	Motor Fuel and Special Fuel Use Tax	---	---	2.2	2.2
Vetoed	CS/HB 456	Public Education - Non-resident Tuition Fees	---	---	*	---
81-21	HB 492	Refinancing of Water Supply and Distribution Facilities	---	---	---	**
81-116	HB 571	Florida Turnpike Amusement Concessions	---	---	**	---
81-291	HB 602	Motor Vehicle Title Certificates	.8	---	---	---
81-14	HB 603	Documentary Stamp Tax - Procedures	---	---	---	---
81-22	HB 604	Intangibles Taxation - Filing of Returns	---	---	---	---
81-284	HB 607	Ad Valorem Tax Collections - Tax Deeds and Certificates	---	---	---	*
81-191	HB 617	Sale of Alligator Products	---	---	*	---
81-118	HB 621	Motor Vehicle License Plates	---	---	*	---
na	HB 644	Consumer Collection Practices	---	---	*	---
81-295	HB 660	State Board of Administration - Consolidation of Short-term Investment Authority	2.0	---	2.4	---
81-158	CS/HB 665	Beverage Licenses - Decennial Issuances	.1	2.0	---	5.1
Vetoed	CS/HB 747	Cancer Research License Fees	---	---	*	---
81-165	HB 932	Tax on Special Fuels - Monthly Reports	---	---	---	---
81-120	HB 1071	Elevator Inspection Fees	---	---	*	---
81-35	HB 1081	Severance Taxes - New Rate Computations	1.9	---	.8	---
81-175	HB 1088	L. P. Gas Dealer Fees	---	---	*	---
81-177	HB 1115	Land Sales Fees	---	---	*	---
81-202	HB 1131	Wakulla County Commercial Fishing Licenses	---	---	*	---
81-219	HB 1170	Archives, History and Records Management	---	---	---	---
81-178	HB 1171	Civil Procedures in Tax Controversies	**	---	**	---
Vetoed	HB 1214	Conservation and Recreation Lands Trust Fund	---	---	---	---
81-294	HB 1226	Health Facilities Authority Law	---	---	---	---
TOTAL (excluding vetoes)			<u>\$(30.6)</u>	<u>\$ 5.5</u>	<u>\$ 93.2</u>	<u>\$(11.7)</u>

\* Insignificant  
\*\* Indeterminate  
(a) Working Capital Fund  
na Not Available



THREE YEAR COMPARISON - BEFORE AND AFTER 1981 TAX MEASURES

RECURRING GENERAL REVENUE

(Millions of Dollars)

	1979-80 Actual Revenue	1980-81 Revenue Estimate*	Annual Growth Rate	1981-82 Revenue Estimate*	Legis- lative Changes	Revised 1981-82 Rev. Est.	Annual Growth Rate
Sales Tax	\$2,252.1	\$2,530.2	12.3 %	\$2,850.0	\$ 36.8	\$2,886.8	14.1 %
Corporate Income Tax	371.4	408.8	10.1	482.7	-0-	482.7	14.1
Documentary Stamp Tax	144.3	172.5	19.5	188.8	-0-	188.8	9.4
Intangible Tax	13.7	21.1	54.0	48.5	-0-	48.5	129.9
Estate Tax	69.9	64.9	(7.2)	50.0	-0-	50.0	(23.0)
Severance Tax	80.9	134.9	66.7	157.3	1.9	159.2	18.0
Insurance Premium Tax & Lic.	61.6	67.3	9.3	71.9	-0-	71.9	6.8
Beverage Tax & Lic.	289.6	308.0	6.4	323.7	2.1	325.8	5.8
Cigarette Tax	79.0	86.2	9.1	87.7	-0-	87.7	1.7
Pari-Mutuel Tax	61.8	73.7	19.3	74.2	-0-	74.2	.7
Motor Vehicle Lic.	68.7	69.0	.4	72.1	(72.1)	-0-	(100.0)
Public Safety Lic. & Fees	27.0	31.1	15.2	29.9	-0-	29.9	(3.9)
Auto Title & Lien Fees	9.5	10.0	5.3	10.3	-0-	10.3	3.0
Interest Earnings	106.5	132.5	24.4	137.6	2.0	139.6	5.4
Medical & Hospital Fees	30.8	25.8	(16.2)	27.4	-0-	27.4	6.2
Charter Tax	2.9	3.0	3.4	3.1	-0-	3.1	3.3
Securities Tax	1.6	2.0	25.0	2.2	-0-	2.2	10.0
Service Charges	25.5	25.4	(.4)	26.2	-0-	26.2	3.1
Other Taxes, Lic. & Fees	<u>28.2</u>	<u>34.1</u>	<u>20.9</u>	<u>37.9</u>	<u>4.2</u>	<u>42.1</u>	<u>23.5</u>
Total Receipts	3,725.0	4,200.5	12.8	4,681.5	(25.1)	4,656.4	10.9
Less Refunds	<u>24.9</u>	<u>42.3</u>	<u>69.9</u>	<u>41.4</u>	<u>-0-</u>	<u>41.4</u>	<u>(2.1)</u>
Net Recurring General Revenue Collections	<u>\$3,700.1</u>	<u>\$4,158.2</u>	<u>12.4 %</u>	<u>\$4,640.1</u>	<u>\$(25.1)</u>	<u>\$4,615.0</u>	<u>11.0 %</u>

\* Compiled from the Revenue Estimating Conference Report of 5/14/81.



BUSINESS REGULATION\*

The 1981 Legislature enacted several laws affecting the regulation of business entities in the State of Florida, most of which are administered by the Department of Business Regulation. These include changes in the statutes relating to alcoholic beverage licenses, pari-mutuel wagering, public lodging and food service establishments, liquified petroleum gas, land sales, condominiums and cooperatives, solicitation of funds, collection agencies and game promotions. The changes and additions to the laws regulating these business interests are discussed below.

Changes in laws relating to professions and occupations which are administered by the Department of Professional Regulation are discussed in the Summary article, PROFESSIONAL REGULATION.

Alcoholic Beverages

HOUSE BILL 678 (CHAPTER 81-160) creates two new sections in Chapters 564 (Wine Law) and 565 (Liquor Law), F. S., to authorize licensed vinous and spirituous beverage distributors and vendors to conduct tastings directed at the general public

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\*Prepared by staff of the Senate Commerce Committee

of legal consumption age. (No provision is made for malt beverage licensees.) Tastings could be held on any vinous or spirituous vendor's licensed premises and would not be considered a violation of the tied-house evil provision of the beverage laws.

HOUSE BILL 676 (CHAPTER 81-159) creates new Sections 564.07 and 565.16, F. S., to allow distributors of vinous and spirituous beverages to furnish alcoholic beverage menus or lists, commonly called "wine lists," to vendors without being in violation of Section 561.42, F. S., the tied-house evil provision of the beverage laws. (The act does not provide an exemption for malt beverage distributors.)

HOUSE BILL 1003 (CHAPTER 81-166) amends Chapter 561, F. S. (Beverage Law; Administration), to provide that in those cases in which former revocation is grounds to refuse to issue a license, abandonment of a license in the face of suspension or revocation proceedings would also be grounds. The act would extend these provisions to include directors of, and persons with a direct or indirect interest in, a corporation as well as corporate officers. It provides that violations of law or rule by stockholders would be cause for revocation in the case of a corporate licensee. If the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation should obtain a revocation of license against a former licensee of record, such revocation would be effective only to the extent of impairing the qualifications of the former licensee.

Transfer provisions would be amended to provide that anyone with a security interest in a license will be deemed to have an indirect interest in the license and such interest must be disclosed to the Division. A transfer of 10 percent of financial interest, changes in executive officers or directors, divestitures, or resignations in businesses holding liquor licenses would require the Division's prior approval. The act requires any person having a security interest in the license, or a right to a percentage payment from the proceeds of the licensed business, to be qualified by the Division before a license is issued. Certain companies, banks, and savings and loan associations having an interest in a license are exempted from obtaining certain Division approval, and certain shopping centers are not to be considered as having an interest in such licenses.

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 665, 666, 667, 668, 669, and 670 (CHAPTER 81-158) establishes a double drawing procedure for allocation of liquor licenses which become available due to population increases or a dry county voting to allow liquor sales. The drawing procedure involves placing the names of all applicants included in the drawing in one "hat," and numbers indicating priority in another. As each applicant's name is drawn, a number is also drawn to establish his/her rank in the list of licensure consideration. Applicants would be investigated by the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation, in order determined by drawing, to ascertain that all the

qualifications and restrictions imposed on quota licensees are met before license issuance. The act provides that in counties where the number of applicants does not exceed the number of available licenses, no drawing will be held.

The licenses resulting from the 1980 census would be phased in by issuing them at the rate of one-fifth of such available licenses during the next 5 odd-numbered years beginning with 1981. Additionally, starting in 1983, quota licenses would be issued each year to reflect that year's population growth as determined by annual population estimates. When population increases result in new quota licenses, current alcoholic beverage licensees would be permitted to apply for and receive one new quota license per county. The Division would be authorized to issue up to 50 percent of the licenses resulting from the 1980 census to current licensees. No retail licensee would be permitted to acquire an interest in more than 30 percent of a county's licenses. Licensees who already exceed that limit would be grandfathered.

After acquisition of a license, the licensed premises would be required to be open for the sale of authorized beverages during regular business hours at least 6 hours per day for 120 days or more during each 12-month period. Licenses could not be transferred for a period of 3 years from the date of original issuance. The act authorizes a semi-annual renewal system. New license classifications are provided to include importers and brokers or sales agents. The Division is authorized to increase the required bond to the anticipated tax

liability and to increase the frequency with which the taxes are paid, if there is evidence that the security of tax revenues is jeopardized.

In order to perfect an obligation against a liquor license, it must be filed with the Division within 90 days of its creation. (Current law does not require such filing in order to perfect a lien.) Other provisions relating to lienholders are also addressed. The act contains a new provision allowing the Division to complete administrative proceedings against a prior licensee of record even if the license has changed hands through foreclosure. If a revocation is obtained under such conditions, it will be effective only to impair the qualifications of the previous licensee of record.

Finally, licensed airlines are permitted to obtain additional beverage licenses for no more than one passenger waiting lounge at each of their terminals in Florida for use of certain passengers and guests.

#### Pari-mutuel Wagering

COMMITTEE SUBSTITUTE FOR SENATE BILL 314 (CHAPTER 81-132) requires capital improvements to a pari-mutuel facility to be approved by the appropriate local government, unless the local entity is able to demonstrate that the proposed improvement presents a justifiable and immediate hazard to the health and safety of the residents of that municipality, provided the permitholder pays the cost of the building permit, the capital improvement is approved by the Florida Pari-mutuel

Commission, the improvement does not qualify as a regional impact development, and the improvement is contiguous to or within an existing pari-mutuel facility site.

The Division of Pari-mutuel Wagering of the Department of Business Regulation would have the authority to suspend occupational licenses for violation of the provisions of Chapters 550 (Dogracing or Horseracing) or 551 (Frontons), F. S., or the attending Division rules. Additionally, proceedings pending against a licensee may continue regardless of whether the license expires during the proceedings, and a period of ineligibility to obtain a license may be declared under certain circumstances.

Stewards, judges, or managers may impose a civil penalty of not more than \$1,000 for each count or separate offense involving violation of the pari-mutuel laws or rules. All penalties collected would be deposited into a Board of Relief Fund from which moneys may be disbursed for the specific purpose of aiding occupational license holders who become ill or injured in the performance of their duties. Each pari-mutuel association may name a Board of Relief composed of three of its officers to disburse the funds.

No permittee, member of the Florida Pari-mutuel Commission, Division director or employee, steward, judge or other appointed person would be liable for any cause arising from the performance by such person of his duties and the exercise of his discretion with respect to the implementation and enforcement of the statutes and rules governing pari-mutuel



wagering. However, this provision does not limit liability in situations of negligent maintenance of the premises or negligent conduct of the races.

One percent from pari-mutuel pools may be withheld on certain exotic wagers for capital improvements, or to reduce capital improvement debt, when permitholders are unequipped to conduct pari-mutuel pools on triples, trifectas, or similar wagers on three greyhounds in one race. The prohibition on track and fronton attendance by convicted bookmakers would run for 2 years from the date of conviction or final appeal. After the 2-year period, the Director of the Division of Pari-mutuel Wagering may reinstate the person following a hearing.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 546 (CHAPTER 81-154) requires an applicant for a quarter horse racing permit to demonstrate: (a) that the proposed location where the permit will be used is available for such use; and (b) financial ability to satisfy reasonably anticipated operational expenses for the first racing year. Further, the application for permit must state that such permit would be used for quarter horse racing within 1 year if the facility is already constructed, or that substantial construction of the facility would begin in 1 year if it is not yet constructed.

If there has been no previous favorable referendum on a pari-mutuel facility within a county, or an extraordinary vote of the board of county commissioners to allow quarter horse racing, a referendum election on the issue ratified by a majority of the electors in the county must be held prior to

issuance of a permit by the Division of Pari-mutuel Wagering to conduct quarter horse racing. Once issued, no quarter horse permit may be transferred or converted to another type pari-mutuel operation.

#### Game Promotions

SENATE BILL 602 (CHAPTER 81-38) allows the Department of Legal Affairs, under certain conditions, to waive the requirement of establishing a trust account or obtaining a bond in connection with game promotions. Operators who have conducted game promotions in Florida for at least 5 consecutive years, and who have not had any civil, criminal, or administrative action instituted against them by the Department for a 5-year period, would be eligible for possible waiver. A waiver may be revoked for violations specified in Section 849.094, F. S., which regulates game promotions, as determined by the Department of Legal Affairs.

#### Public Lodging and Food Service

HOUSE BILL 689 (CHAPTER 81-161) prevents the repeal of Chapter 509, F. S. (Public Lodging and Public Food Service Establishments), by the Regulatory Reform Act and reenacts the provisions of this chapter as amended. It establishes Sunset review of the chapter for 1990. This act amends Chapter 509, F. S., to reduce the minimum number of inspections on nontransient lodging facilities (those leasing to tenants for 6 months or more) from four to two annually. Transient lodging facilities would continue to be inspected four times annually

as would restaurants. Operators are permitted to remove any guest who fails to make payment of rent by checkout time or fails to pay for food, beverages or services, in the same manner as provided by law for ejection of other undesirable guests. The act requires that the operator request that the guest immediately depart.

SENATE BILL 216 (CHAPTER 81-74) revives and readopts without modification, Section 509.291, F. S., the statutory authorization for the advisory council to the Division of Hotels and Restaurants of the Department of Business Regulation. As required by the Sundown Act, the act provides that the section will again be repealed in 6 years, on October 1, 1987, subject to review by the Legislature.

#### Liquified Petroleum Gas

HOUSE BILL 1088 (CHAPTER 81-175) revises and readopts Chapter 527, F. S., relating to liquified petroleum gas, with certain modifications. In general, a number of changes have been made to the chapter which are intended to clarify many of its provisions and delete obsolete language. A new category of licensing (installation of carburetion equipment) has been created to allow the Division of Liquified Petroleum Gas within the Department of Insurance to license persons wishing to convert motor vehicles to use LP gas as a fuel, the fee for which would be \$100. The act increases the license fee for a dealer in appliances and equipment from \$15 to \$35. In addition, the amount of the bond or liability insurance that

dealers of LP gas, installers, and manufacturers of LP gas equipment must carry is increased from \$25,000 to \$100,000.

A July 1, 1987, repeal of Chapter 527, F. S., is provided for, subject to review by the Legislature pursuant to the Regulatory Reform Act of 1976.

#### Land Sales

COMMITTEE SUBSTITUTE FOR SENATE BILL 233 (CHAPTER 81-78) authorizes the Secretary of Business Regulation to appoint members of the Land Sales Advisory Council, created under Section 498.015, F. S., for initial staggered terms, and for 4-year terms thereafter. The act authorizes vacancies to be filled for the remainder of unexpired terms, and authorizes reimbursement for per diem and traveling expenses in accordance with the guidelines of Section 112.061, F. S. It provides that the Council must meet at the call of its chairman, at the request of a majority of the Council, at the request of the Division of Land Sales, or as may be prescribed by its rules.

The act deletes the Council's authority to recommend, on majority vote, that the Division take administrative action against persons violating the provisions of Chapter 498, F. S. It also deletes the Council's authority to recommend adoption of rules to enforce or implement the chapter, and the requirement that members serve at the Secretary's pleasure. The act revives and readopts the Land Sales Advisory Council and provides for repeal of its statutory authority (Section

498.015, F. S.) on July 1, 1985, when Chapter 498, F. S., is subject to Sunset review.

HOUSE BILL 1115 (CHAPTER 81-177) amends Chapter 498, F. S., the Florida Uniform Land Sales Practices Law to provide, among other things, for the establishment and control of reservation programs and related escrow accounts, and for alternative methods of registration for subdivided lands, effective July 1, 1981. Disclosure that delivery of the lot may be delayed, or may not be possible, is required in the offering statement if the subdivision has not obtained certain permits. A prohibition on dispositions of interests in subdivided lands is imposed on persons in Florida who sell out-of-state lands to nonresidents, unless such persons have valid orders of registration. Additional grounds for suspension or revocation of registration are provided.

Effective July 1, 1982, certain registration, renewal, and other fees are increased, and a \$250 filing fee for reservation programs is imposed.

A July 1, 1985, date is set for repeal of Chapter 498, F. S., subject to legislative review pursuant to the 1976 Regulatory Reform Act.

#### Condominiums and Cooperatives

SENATE BILL 74 (CHAPTER 81-54) reenacts and revises Subsection 718.501(2), F. S., renaming the Condominium Advisory Board, the Condominium and Cooperative Advisory Council. The purpose of this Council is to advise and assist the Division of

Florida Land Sales and Condominiums of the Department of Business Regulation in residential condominium and cooperative problems. An additional member, a nondeveloper cooperative unit owner who is an association board member, is added to the present membership to represent the cooperative area. All members are appointed by the Secretary of Business Regulation to serve staggered 4-year terms, except for the initial appointments of various members for 4-year, 3-year, 2-year and 1-year terms. Council members are entitled to receive reimbursement for per diem and traveling expenses. The Council shall meet at the call of the chairman, at the request of a majority of its membership, at the request of the Division, or at such times as may be prescribed by rule. However, the chairman of the Council, or the Council membership, may call no more than two meetings. The Board's authority to arbitrate controversies between unit owners and their associations, and the authority to utilize hearing officers in the arbitration process, is deleted (See Paragraph 718.501(2)(b), F. S., 1979). The Council is automatically repealed on October 1, 1987, and shall be reviewed by the Legislature pursuant to the Sundown Act.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 306 (CHAPTER 81-185) substantially amends Chapter 718, F. S. (Condominiums), and Chapter 719, F. S. (Cooperatives). Similar changes have been made to both chapters. Several technical changes were made to clarify several of the provisions of each chapter. Further, this act

provides that if a condominium or cooperative association fails to fill vacancies on the Board of Administration sufficient to constitute a quorum, any unit owner may apply to the circuit court for the appointment of a receiver to manage the affairs of the condominium or cooperative until the vacancies are filled. A unit owner is required to give notice to the association and unit owners prior to petitioning the court for a receiver.

In lieu of an escrow account, the Director of the Division of Florida Land Sales and Condominiums of the Department of Business Regulation would have the discretion to accept other assurances (e.g., surety bond or irrevocable letter of credit) in the amount of 10 percent of the total sales price of the condominium or cooperative. The prohibition against escalation clauses in leases is specified to apply only to residential condominiums and cooperatives. Reservations on a proposed condominium are prohibited unless the developer has an ownership, leasehold, or contractual interest in the land. In addition, no resident of a condominium, whether as an owner or a tenant, may be denied access to any available franchised or licensed cable television service nor be required to pay anything above what is normally charged for such services to single family homes within the same franchised or licensed area.

HOUSE BILL 157 (CHAPTER 81-225) amends Chapter 718, F. S., relating to condominiums, to provide that wherever the word "building" is used in a condominium hazard policy it must

include replacements of fixtures, installations, or additions of like kind or quality as the items initially installed. The bylaws of an association existing on or after October 1, 1978, must include, or will be deemed to include, fidelity bonding in the principal sum of not less than \$10,000, for each officer or director of the association who control or disburse association funds. (No dollar amount was previously specified in the law.)

#### Collection Agencies

HOUSE BILL 644 (CHAPTER 81-314) removes collection agencies from any oversight or control by the Department of Business Regulation. However, debt collection practices which are currently prohibited would continue to be prohibited. Enforcement of these prohibitions would be through private civil actions or by injunctive action instituted by the appropriate state attorney. (There would be no change in an individual's right to seek relief through federal remedies.)

The act provides for pro-rata refund of fees to any person who holds a license or certificate under the Consumer Collection Practices law (Part V, Chapter 559, F. S.), and a full refund to those persons whose application for license, certificate, or renewal is pending on the effective date of this act (October 1, 1981). Personnel positions attributable to enforcement or implementation of the Consumer Collection Practices law are abolished, and unexpended balances of appropriations or other funds budgeted for such purposes are returned to the General Revenue Fund.



Part VII of Chapter 599, F. S. (Sale or Lease or Business Opportunities), is amended to provide that the definition of "business opportunity" does not include any sales training course offer by the seller for \$500 or less.

#### Solicitation of Funds

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 252 (CHAPTER 81-265) is a substantial revision of Chapter 496, Part II, F. S. (Law Enforcement Funds Act). In its revised form, Part II is designated the "Law Enforcement and Emergency Service Solicitations of Funds Act."

The act vests the Department of State with authority to regulate activities relating to the solicitation of contributions. It requires that sponsors register with the Department. The definition of "sponsor" is amended to provide that a sponsor is a group or person soliciting contributions by the use of any name implying affiliation or organization for the benefit of emergency service employees or law enforcement officers.

One of the more significant changes is the requirement that each sponsor have a disclosure statement approved by the Department. The statement must detail the purposes and procedures of the sponsor in regard to the fundraising campaign. A copy of the disclosure must be included with all correspondence and printed materials used to solicit and collect contributions. If solicitations are made in person, a disclosure statement must be provided to each person solicited.

When solicitations are made by telephone, the solicitor must inform the person from whom a contribution is solicited that the sponsor is not a charitable organization.

The revision expands the list of acts which are prohibited in connection with the solicitation of contributions. It is unlawful for a sponsor to represent or imply that contributors will be entitled to any special privileges or treatment by law enforcement officers or emergency service employees in the performance of their official duties. No sponsor may use the words "charity" or "charitable" as part of its name. Emergency service employees and law enforcement officials may not solicit contributions while on duty or while in uniform. This does not apply to persons who are not employed by public entities. Violations of the various prohibitions are subject to criminal penalties ranging from first degree misdemeanor to third degree felony.

The act increases registration fees for professional solicitors and sponsors, and the amount of bond to be filed by each professional solicitor. All registration fees are to be deposited in the Solicitations Trust Fund to be used to pay for the administration and enforcement of the act. The categories of organizations that are exempt from registration are expanded to include organizations receiving \$4000 or less during a calendar year. Organizations which are exempt must apply for a letter of exemption from the Department of State.

The act defines "contributions unlawfully solicited." It gives the Department of Legal Affairs authority to bring an

action against either the sponsor or the professional solicitor for whom the violator is acting, or against both, to impose a civil penalty, and for damages and such other relief as the court deems appropriate. The courts are authorized to impose civil penalties not to exceed \$10,000. Any civil penalties, court costs, and attorneys' fees recovered are to be deposited in the Solicitations Trust Fund. In addition, if it appears a crime may have been committed in connection with the unlawful solicitation, the case must be referred to the appropriate state attorney.

HOUSE BILL 410 (CHAPTER 81-112) requires state and local governmental authorities or agencies, established by law for the purpose of operating public transportation facilities, to adopt rules and regulations and to issue permits for the solicitation of funds at such facilities. Each person or group desiring to solicit funds must provide certain information, specified in the act, in order to obtain a permit (valid for 1 year) from the responsible authority. Additionally, after receiving the permit, the person or organization must notify the authority at least 3 days prior to undertaking any solicitation for which the permit was granted, and must again specify the person(s) taking part in the solicitations and the areas where the solicitations will take place.

The act identifies areas in a facility where these activities may be conducted and where they are not allowed; it prohibits certain actions by solicitors and requires them to display an identification badge or insignia (supplied by the

solicitor); and it provides the facility manager with the authority to discontinue solicitation activities in cases of emergency. A person convicted of an initial violation is guilty of a second degree misdemeanor, whereas subsequent convictions are punishable as first degree misdemeanors. The provisions of the act do not apply to rules governing solicitation at airports that were adopted by the appropriate authorities prior to the effective date of this act (October 1, 1981).

COMMERCE\*

The 1981 Legislature passed a number of acts amending or adding to the laws regulating commerce in the State of Florida. Among these new provisions were: amendments to the corporation laws allowing such entities to establish retirement, benefit, and compensation plans, and to purchase life insurance on its officers, directors or employees to fund a stock redemption agreement; granting of rule-making authority to the Department of Commerce, and provision for additional duties for the Divisions of Economic Development and Tourism; removal of the limitation for establishment of branch banks and authorization for banks to provide off-premises armored car services; permitting the establishment of international banking corporations in Florida by certain corporations and providing certain tax exemptions; changes relating to intangible personal property taxes required to be paid on a mortgage securing a loan, and an exemption of mortgage broker's fees from the interest charge computation under certain conditions; amendments to clarify several provisions relating to securities transactions; allowing the sale of a mobile home to be financed by a variable rate contract; amendments to the Uniform

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\*Prepared by staff of Senate Commerce Committee

Commercial Code to clarify the effective period of financing statements filed by transmitting utilities; prohibiting mandatory retirement on the basis of age alone in the private sector; provision for the issuance of age certificates to all children, and authorization for waivers of the requirements of the Child Labor Law under certain circumstances; amendments to the unemployment compensation laws to provide additional grounds for disqualification for benefits, increases in the maximum weekly benefit amount, and ineligibility for extended benefits under certain circumstances; and authorization for modification and updating of the Florida Model Energy Efficiency Code for Building Construction.

#### Corporations

HOUSE BILL 599 (CHAPTER 81-155) clarifies several provisions of Chapter 607, F. S. The clarifying language is not generally intended to make substantive changes in the law. This act, which becomes effective October 1, 1981, provides that a corporation has the power, unless the articles of incorporation provide otherwise, to establish and carry out retirement, benefit, and compensation plans, and to purchase life insurance on its officers, directors, or employees to fund a stock redemption agreement.

Subsection 607.084(2), F. S., will allow a court, when it orders a shareholder meeting, to designate the time and place of the meeting, the form of notice to be given to shareholders, and to set the record date to determine the

shareholders entitled to vote at the meeting. The circuit court will enter such an order upon the proper application to the court by any shareholder where such a meeting has not been held in the preceeding 13 months.

Subsection 607.084(4), F. S., provides notice for a special meeting may be mailed by a class of United States mail other than first-class, if such notice is mailed at least 30 days before the date of the meeting. Mailed notices of special meetings of the Board of Directors shall be by first-class mail.

Section 607.194, F. S., is amended to require restated articles of incorporation to state that such articles only restate and do not further amend the articles except for amendments allowed by Subsection 607.194(4), F. S., and that there is no discrepancy between the original articles as amended and the restated articles, except for the omission of certain historical provisions no longer necessary to the articles. The articles of incorporation filed during a reorganization proceeding may establish an effective date, other than the filing date, of not more than 30 days after the filing date.

Section 607.227, F. S., currently requires that upon completion of a merger of a subsidiary into the parent corporation, the surviving corporation file a copy of the articles of merger in each county where the disappearing corporation has real property. This section is amended to

allow, but not require, the surviving corporation to file such articles.

Subsection 607.274(1), F. S., deals with the jurisdiction of the circuit courts to liquidate the corporation upon the occurrence of certain events. Paragraph (a) of this subsection deals with involuntary dissolutions upon an action by a shareholder. This provision is amended to make clear that only one of the three enumerated events must occur before the action may be entertained by the court.

Also amended are provisions relating to the right of shareholders to dissent, filing of articles of dissolution, and involuntary dissolution actions by creditors. Clarifying and conforming language is also added to several provisions of Chapter 607, F. S., to correct oversights and add consistency.

#### Commercial Development

SENATE BILL 401 (CHAPTER 81-244) grants rule-making authority to the Department of Commerce to carry out the statutory duties and purposes of the Department or its divisions. The Divisions of Economic Development and Tourism within the Department are specifically authorized to make expenditures to carry out their statutory duties. Each division is authorized to provide reasonable and necessary items and services to persons in connection with the performance of promotional and other duties of the division.

The Division of Economic Development is authorized to promote the establishment, preservation, and expansion of small



businesses by providing assistance and information through programs designed to achieve these objectives. In addition, the Division is required to furnish one annual report to the Governor and the Legislature. The report shall cover industrial trends, current business activities in Florida, employment trends, and barriers to the flow of commerce. (The content of the single report is more general and more broad-based than the content of the three separate reports previously required.) The Division is authorized to accept and expend any gift or grant of money made to the Division for any and all purposes within its authority.

The Division of Tourism is authorized to accept grants, payments, or gifts, and to spend such funds in accordance with the terms and conditions of the grants, payments, or gifts. The Division is also authorized to advertise in foreign magazines.

#### Financial Institutions

HOUSE BILL 745 (CHAPTER 81-215) deletes the two branches per year limitation for banks which is specified in Section 658.26, F. S. Heretofore, this section specified that a bank could apply to the Department of Banking and Finance for approval to open a branch office, and upon approval, the bank could establish up to two branches per calendar year within the limits of the county in which the parent bank was located. This section also provided for the establishment of branches by state-chartered banks by merger with any other bank in Florida

upon Department approval. No bank incorporated for less than 3 years could merge with any bank located in another county. Provision was made for the establishment of up to two branches per year by a parent bank that had established a branch located in another county by merger within the limits of the county in which the branch was established by merger.

Under the 1981 amendment, the limitation on the number of branch banks established by either of these methods is removed. Sections of Chapter 658, F. S., added or amended by this act are repealed effective July 1, 1986, subject to legislative review pursuant to the 1976 Regulatory Reform Act.

SENATE BILL 953 (CHAPTER 81-101) specifically authorizes banks to provide off-premises armored car services whether the bank provides those services directly or contracts an outside company to provide those services. The act states that armored car services do not constitute a branch bank for purposes of Subsection 658.26(2), F. S., relating to branching. Sections of Chapter 658, F. S., added or amended by this act, will stand repealed on July 1, 1986, subject to review by the Legislature pursuant to Section 11.61, F. S.

SENATE BILL 544 (CHAPTER 81-250) creates an exception to the present prohibition against corporations without trust powers acting as transfer agents for other private corporations. In order to qualify for this exemption, a Florida corporation would have to be registered with an appropriate regulatory agency which, in the case of a bank, would be either the Federal Deposit Insurance Corporation

(FDIC), the Comptroller of the Currency, or the Federal Reserve Board. In the case of other corporations, the appropriate regulatory agency is the Securities and Exchange Commission.

HOUSE BILL 610 (CHAPTER 81-156) expands the definition of the term "international banking corporation" so as to permit the establishment of an international bank agency in Florida by a corporation organized under the laws of the United States or any state of the United States of America, if certain conditions are met. (Under the Bank Holding Company Act of 1956, a bank holding company is defined as any company which has control over any bank. The term "bank" is defined to mean any institution which accepts demand deposits and which makes commercial loans, but the term does not include any organization which does not do business within the United States except as an incident to its activities outside the United States. Thus, under the definition of international banking corporation in this act, the class of corporations eligible to establish an international bank agency or representative office in Florida would be expanded to include those corporations that may be chartered in the United States, but which engage only in an international banking business.)

Consistent with this change, the reciprocity provision (Subsection 663.04(2), F. S.) of the law is amended to accommodate the prospect that a banking corporation chartered in the United States, rather than in some foreign country, may wish to establish an international banking office in Florida. It also adds a new subsection to the powers section of the

statute (Subsection 663.06(7), F. S.) to make it clear that the act is not intended to allow a United States banking corporation chartered in another state to engage in any domestic banking business.

All sections of Chapter 663, F. S. (Banking Code: International Banking Corporations) affected by this act are repealed July 1, 1986, subject to legislative review pursuant to the 1976 Regulatory Reform Act.

SENATE BILL 477 (CHAPTER 81-179) exempts the receipt of deposits or borrowing, or the extensions of credit by an international banking facility (IBF), from the documentary stamp and intangible taxes. Also exempt from these taxes would be foreign exchange trading or hedging transactions engaged in by IBF's. Additionally, the eligible net income of an IBF, derived from making loans to or placing deposits with foreign persons and from foreign exchange transactions, would be exempt from the franchise tax imposed on banks and savings associations.

For purposes of both the former exemptions from the intangibles and documentary stamp taxes, as well as the new exemptions relating to IBF's, the term "banking organization" is expanded to include state and federal savings associations.

The act requires any banking organization claiming the intangible tax exemption to file a return with the Department of Revenue regardless of any tax liability, and directs the Department to monitor the utilization of the IBF exemptions and

report annually to the Comptroller the names and addresses of all persons claiming the exemptions.

In the financial institutions codes the act provides a definition of an international banking facility and directs the Department of Banking and Finance to define by rule the terms "deposit," "borrowing," and "extension of credit" as they relate to IBF transactions. This new measure also amends the provisions for reserve requirements for banks and savings associations to exclude IBF deposits from the calculation of required reserves. Finally, the act would exempt all IBF transactions from the provisions of the general usury law.

All sections of Chapters 658 and 665, F. S., added or amended by this act are repealed on July 1, 1986, subject to legislative review pursuant to the 1976 Regulatory Reform Act.

HOUSE BILL 600 (CHAPTER 81-117) corrects a clerical error made in the 1980 regular session of the Florida Legislature in the enrolling of Committee Substitute for Senate Bill 348 (Chapter 80-257), relating to the Sunset of the Savings Association Act. The 1981 act returns the law to its original form as passed by both Houses of the Legislature during the 1980 regular session. Certain legislatively determined factors that must be considered by the Department of Banking and Finance, when acting on applications for new associations and new branch offices, are again inserted into specific sections. Also, language requiring certain specific information to be contained in branch office applications is reinserted.

Provision is made for a July 1, 1986, repeal of all sections of Chapter 665, F. S., added or amended by this 1981 act, subject to legislative review in accordance with the 1976 Regulatory Reform Act.

### Mortgages

SENATE BILL 367 (CHAPTER 81-299) would permit the licensee to pass on to the borrower the intangible personal property tax required to be paid on a mortgage securing a loan. A licensee would also be permitted to charge the borrower the costs of repairing collateral property and placing it in condition for sale when such property has been repossessed as a result of default by the borrower.

(The language relating to the penalty for excess charges and the refund of an overcharge in the case of a bona fide error would place the consumer finance companies on an equal footing with other lenders. The act tracks language already in the banking code and would have the effect of subjecting a licensee to the penalty provisions of the general usury law if excess charges were imposed.) It would also clarify the annual examination requirement and would increase the examination fee from \$150 to \$250 for those licensees holding more than \$500,000 in notes payable.

SENATE BILL 613 (CHAPTER 81-95) provides that a mortgage broker's fees would be exempt from the interest charge computation when lending his own funds, if at least 51 percent of the loan is assigned to a permanent lender within 90 days.

(In other words, a broker could finance up to one-half of the loans he arranges, charge the full commission allowed by law, and such commission would still not be considered interest which could possibly render the loan usurious.) This provision would only apply to loans in a principal amount in excess of \$250,000. (This amount is intended to insure that this provision would not apply to most residential transactions.)

For purposes of insuring compliance with the law, a licensee would be required to furnish to the Department of Banking and Finance, on request, a statement identifying the owners of, or participants in, any such loan and the interest of each.

#### Securities Transactions

HOUSE BILL 487 (CHAPTER 81-115) amends for clarification purposes several provisions of Chapter 517, F. S., without the intent to make substantive changes in the law. The definition of "investment adviser" would limit exclusions by requiring that such person have no more than 15 clients within 12 consecutive months in this state. The provision requiring the filing of notice with the Department of Banking and Finance, where a listed financial institution issues an initial subscription of exempt equity securities under Section 517.051, F. S., is repealed. Clarifying language was added to one of the conditions in Paragraph 517.061(12)(c), F. S., to provide that exemptions from registration provisions apply if there are no more than 35 purchases of the securities in any consecutive

12-month period during an offer. Clarifying language was also added relating to the determination of which offers and sales of securities constitute part of the same offering. The inconsistency created in the statute requiring dealers who sell pursuant to Subsection 517.061(14), F. S., to register under the provisions of Section 517.12, F. S., was corrected. Also Subsection 517.211(1), F. S., was amended to make clear that a purchaser of a security sold in violation of this chapter must accept an offer by the seller to rescind the sale within 30 days of receipt or the purchaser loses his rights under this section.

All sections of Chapter 517, F. S., added or amended by this act, are repealed on July 1, 1986, subject to legislative review pursuant to the Regulatory Reform Act of 1976.

#### Retail Installment Sales

COMMITTEE SUBSTITUTE FOR SENATE BILL 977 (CHAPTER 81-102) allows the sale of a mobile home to be financed by a variable rate contract. This type of contract is patterned after the variable rate mortgage which is rising in popularity in real estate transactions.

Specifically, this act defines "mobile home" and then allows the variable rate contract for mobile homes only. The adjustments to the rate of finance charge are to be based on the monthly average yield on U. S. Treasury securities adjusted to a constant maturity of 5 years multiplied by 2.0 (index value). Adjustments can be made every 6 months (6 months must



elapse between charges and 6 months must elapse from the date the contract is executed) and are limited to one-half of one percent a year for any 6-month period. The net adjustment over the term of the contract may not exceed 5 percentage points. The adjustment, subject to one-half of one percent limitation, shall be for the total change in the index value over the 6-month period. Any downward adjustment in the finance charge must be made by the seller if the change is at least one-tenth of one percent in any 6-month period, while an upward adjustment may be waived. If the buyer and seller agree in writing, a change in the finance charge can cause a change in the amount of the payment, the term of the contract, or a combination of the two. The buyer must be given written notification of a change in the rate of the finance charge within 35 days. The notification must contain certain information as specified in the act.

#### Uniform Commercial Code

SENATE BILL 859 (CHAPTER 81-276) amends Section 680.104, F. S., of the Uniform Commercial Code to clarify that a financing statement or continuation statement filed prior to January 1, 1980, by a "transmitting utility" remains effective until a termination statement is filed. In 1979, Subsection 679.403(6), F. S., was amended to exempt transmitting utilities from the requirement of filing a continuation statement every 5 years. The 1981 amendment clarifies that this applies to finance statements filed prior to January 1, 1980, as well as

to statements filed after this date. The definition of "transmitting utility" in Section 679.105, F. S., is also amended to clarify that it includes telephone companies. Technical errors in Chapter 679, F. S., resulting from the 1979 amendments, are corrected.

#### Unlawful Employment Practices

HOUSE BILL 144 (CHAPTER 81-109) prohibits mandatory retirement on the basis of age alone in the private sector. Under this act, it would not be unlawful to reject or terminate an employee where that employee fails to meet bona fide requirements for the job. These provisions would cause no changes to occur in retirement or pension programs or in existing collective bargaining agreements during the life of the contract, or until 2 years after the effective date of this act, whichever occurs first. The act also stipulates that its provisions do not preclude physical and medical examinations of applicants and employees required by an employer to determine fitness for the job sought or held.

#### Child Labor

HOUSE BILL 637 (CHAPTER 81-192) amends Chapter 232, F. S., to provide for the issuance of age certificates to all children, and Chapter 450, F. S., relating to child labor. The act eliminates the requirement for work certificates for minors. For the purposes of the Child Labor Law, a "child" is deemed to be any person who is 17 years of age or younger, with certain specified exemptions. Anyone who employs children is

required to obtain and keep on record proof of each child's age. The permissible work hours for 16 and 17 year olds is extended from 11 p.m. to 1 a.m. on days preceeding school days. The Division of Labor of the Department of Labor and Employment Security may grant, on a case-by-case basis, a waiver of the restrictions imposed by the Child Labor Law in cases where it would be in the best interest of the child. Also, the Division is authorized to enter into agreements with other state agencies for the purpose of administering and enforcing the provisions of the Child Labor Law.

#### Unemployment Compensation

SENATE BILL 291 (CHAPTER 81-137) amends various sections of Chapter 443, F. S., Florida's Unemployment Compensation Law. The act provides that on interstate claims, extended benefits will no longer be paid to claimants who file for such benefits in a state which is in an extended benefit period and who subsequently move to a state which is not in an extended benefit period. This prohibition, however, will not apply to the first 2 weeks of extended benefits. In addition, extended benefits are to be denied to any claimant who fails to meet certain specified criteria, including applying for suitable work and accepting suitable work if it is offered. An individual will be disqualified from receiving unemployment benefits during the period of time in which he is either suspended from work for misconduct connected with his work, or on a leave of absence which he has voluntarily initiated. The

maximum weekly amount that may be paid for unemployment benefits is increased from \$105 to \$125. The increased amount will apply only to benefit years beginning on or after October 1, 1981.

SENATE BILL 237 (CHAPTER 81-42) amends Subsection 443.101(8), F. S., to provide that only receipt of retirement, pension or annuity benefits from a base period employer would disqualify an individual for unemployment compensation benefits and be used to offset the claimant's unemployment benefits. However, if an individual has paid at least one-half of the contributions to his retirement program, then only one-half of the amount of his retirement benefits will be used to offset the unemployment benefits he would otherwise be entitled to receive.

#### Building Construction Standards

COMMITTEE SUBSTITUTE FOR HOUSE BILL 253 (CHAPTER 81-226) amends various provisions of Chapter 553, F. S., relating to state minimum building codes and thermal efficiency standards. This act provides that the Department of Veteran and Community Affairs shall update and maintain the Florida Model Energy Efficiency Code for Building Construction. Annually, the Department is required to determine the most cost-effective energy-saving equipment and techniques available to the consumer and update the Code to incorporate such equipment and techniques. The definition of "exempted building" from such codes is expanded to include any building which is neither

heated nor cooled by a mechanical system designed to modify the indoor temperature and powered by electricity or fossil fuels. "Renovated building" is redefined to include residential buildings undergoing certain specified alterations. All new residential buildings (except for those specifically exempted) are required to have R-19 insulation in the ceilings. All air conditioners sold or installed in the state are required to meet the minimum efficiency rating of the Florida Model Energy Efficiency Code for Building Construction.

The effective date of this act is delayed until December 31, 1981.



CONSERVATION AND NATURAL RESOURCES\*

The 1981 regular session of the Legislature could be characterized by the expression "deliberative restraint." The Speaker of the House of Representatives, in an effort to produce quality legislation which had been adequately considered, urged the members of the House to limit themselves to 8 bills for the session and further charged the membership to deliberate carefully upon each and every bill which was introduced. The Senate followed suit. The result was a legislative session which produced half as many pieces of legislation as is usual and one which proceeded in an orderly and implacable manner to its conclusion, even through the usually frenetic last few weeks of the legislative year. This deliberative approach affected the area of conservation and natural resources, and culminated in fewer and less costly amendments to the current law and a reduced number of new programs.

Pollution Control and Energy

The production of energy and the control of the pollution that energy produces have absorbed the interest of

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\*Prepared by the staff of House Bill Drafting

the Legislature for several years. In 1981 there are four pieces of legislation in this area.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 490 (CHAPTER 81-228) amends the "Florida Air and Water Pollution Control Act" to direct the Department of Environmental Regulation to develop a regulatory process which will enable the ports of this state to maintain authorized channel depths in an environmentally sound, expeditious and efficient manner. The act requires the Department to establish a permit system for the maintenance dredging of deep water ports, and further provides for the disposition of the interest in the Florida Coastal Protection Trust Fund for the acquisition of spoil disposal sites for the ports of St. Petersburg Bayboro Harbor, Jacksonville, Port Canaveral, Ft. Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, Port St. Joe, Tampa, Panama City, Pensacola and other navigable waters of the state, so long as the balance in the fund is greater than \$35 million. The recipient port authority must contribute at least half the site acquisition costs in the form of funds, land or site improvements. Interest in lands bought with Fund moneys are to be held by the Trustees of the Internal Improvement Trust Fund after acquisition through procedures mandated by the statutes. The act provides for reimbursement to the Fund of moneys received from the sale of dredged materials. The act further directs the Department of Natural Resources to establish priorities for the acquisition of sites taking into consideration enumerated factors.



SENATE BILL 632 (CHAPTER 81-210) provides that high priority be given by the state to acquiring, for conservation and recreational purposes, lands within an area of critical state concern if such land cannot be adequately protected by land development regulations. The act authorizes the Board of Trustees of the Internal Improvement Trust Fund to adopt rules to define categories of land for acquisition under the Conservation and Recreation Lands Trust Fund and under the Land Conservation Act of 1972 (Chapter 259, F.S.), and eliminates the descriptions of types of areas intended to be purchased under the Land Conservation Act of 1972 so as to give the Board latitude in adopting rules. The act finally requires the Board to approve, within 45 days after the selection committee submits its list of projects to the Board, the list of projects in the order of priority in which such projects were submitted.

COMMITTEE SUBSTITUTE FOR SENATE BILL 380 (CHAPTER 81-131) had several objectives. The act authorizes the Florida Public Service Commission to establish guidelines and set rates relating to the purchase of power or energy by public utilities from co-generators or small power producers.

Neither a solar electrical generating facility of less than 50 megawatts nor an electrical power plant of the same capacity need be certified under the "Florida Electrical Power Plant Siting Act." Under this Act the Department of Environmental Regulation is authorized to require a fee of \$2,500 from applicants filing a notice of intent to file for certification with respect to power plants, and to require a

certification modification fee not to exceed \$5,000 with formal petitions for modification. Water management districts where plants are to be sited, or any other agency from whom the Department might require studies, are to be reimbursed for costs incurred from the application for certification fee which is not to exceed \$50,000. The Department is required to notify all affected agencies within fifteen days of receipt of a notice of intent to file for certification and to publish public notice that such notice of intent has been received. A reasonable sum is to be withheld by the Department from the application fee to cover costs of post-certification review of activities.

The Department is required to establish by rule a procedure whereby an applicant may enter into a binding agreement with the Department and affected agencies defining the scope, quantity and level of information to be provided in the application, the method of supplying the information, and the nature of supporting documents. The Department is given ten working days rather than ten calendar days to file a statement with the Division of Administrative Hearings of the Department of Administration as to its position on the completeness of the application, and the applicant must respond within fifteen working days of receipt of the application by the Department of Environmental Regulation to a declaration of incompleteness. Any post filing amendment to the application must be served on all parties in receipt of the original application. The Department is required to furnish all

affected agencies including water management districts with a copy of the application within fifteen days of its receipt by the Department.

Water management districts, or any agency requested by the Department to perform studies and prepare reports pursuant to the Siting Act, shall submit them to the Department within five months of receipt of the complete application by the agency. A certification hearing may not be conducted without an affirmative determination of need by the Public Service Commission.

The act finally requires applicants for transmission line corridors to file with the clerk of the county court a notice of certified route in each county in which the corridor will pass, and requires continued filing until the applicant certifies that all the right-of-way within the corridor has been acquired. Appropriate statutes are amended to grant additional time to the Public Service Commission to set a hearing to determine the need for a transmission line and to render a decision.

Lastly, SENATE BILL 633 (CHAPTER 81-252) provides that the Board of Directors of the Canal Authority of the State of Florida shall be the Governor and Cabinet and that the Executive Director of the Department of Natural Resources shall serve as executive director to the Board. The October 1, 1981, repeal of this section (374.031, F. S.) under the Sundown Act (Section 11.611, F. S.) is stayed.

provides that the excise tax on instruments conveying realty is increased to 45 cents per \$100 of value. This increase stands repealed on July 1, 1991, at which time the tax reverts to 40 cents per \$100 or fraction thereof. The act creates the Water Management Lands Trust Fund until July 1, 1992, into which 7.2% of this excise tax total is to be paid. The General Revenue Fund is to receive 79.5% of the tax and the remaining 13.3% is to be deposited in the Land Acquisition Trust Fund. This schedule stands repealed August 1, 1991, and the schedule in place when the act was passed is reinstituted.

The newly created Fund is to be used by the five water management districts in the state for the purchase of lands necessary for water management, water supply, and the conservation and protection of water resources. Moneys may be used for general recreational purposes when there is no conflict with the underlying purpose of the act.

Each water management district must file a five year acquisition plan with the Secretary of the Department of Environmental Regulation and the Legislature by January 15, 1982, and subsequently present annual reports of acquisitions, modifications and additions to the plans.

Specific areas may be acquired by the districts prior to July 15, 1982. After that date additional lands identified in the five year plans may be purchased, but no moneys may be used for rights-of-way for canals or pipelines. The state-to-district funding ratio is 4-to-1, except for the first \$2

million in annual appropriations to each district. The act establishes a percentage formula for each district with respect to the amount of funds available. Moneys not needed to meet current obligations are transferred to the State Board of Administration for investment to the credit of the Fund. Unobligated moneys in the Fund revert to General Revenue when the Fund is terminated.

#### Water and Sewage

Water and sewage control were the subjects of three pieces of legislation which survived the 1981 legislative session.

HOUSE BILL 492 (CHAPTER 81-21) authorizes the issuance of state bonds to refinance the construction of water supply and distribution facilities as defined in the act, and to refinance the construction of air and water pollution control and abatement and solid waste disposal facilities.

SENATE BILL 368 (CHAPTER 81-45) redefines the term "initial cover" for the purposes of the "Florida Resource Recovery and Mangement Act" to mean a 6-inch layer of compacted earth or other suitable material as approved by the Department of Environmental Regulation; while COMMITTEE SUBSTITUTE FOR SENATE BILL 448 (CHAPTER 81-246) directes the Department to conduct a survey and report to the Legislature on or before October 1, 1982, on the overall impact of existing sources of nonpoint pollution discharging into Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater

Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, and Charlotte Harbor, or any tributary thereto, with respect to cost effective abatement and control of pollution in these areas. The "Wilson-Grizzle Act" (Paragraph 403.086(1)(b), F. S.) relating to advanced waste treatment in these areas is repealed.

### Saltwater Fisheries

Florida's saltwater resources are addressed in several pieces of legislation which passed during the 1981 session. Three acts dealt with general areas of concern in the state while two measures address problems in specific locales in the state.

SENATE BILL 285 (CHAPTER 81-267) directs the Department of Natural Resources to establish a program to provide grants to coastal local governments for constructing artificial fishing reefs in saltwaters of the state to enhance saltwater fishing. Grant application procedures and fund allocation criteria are to be established by rule. The act also places a moratorium upon roller net trawler fishing (except in shrimping) and directs the Department to assess the environmental impact of such fishing on reefs.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 309 (CHAPTER 81-311) provides that certain state laws generally regulating the taking of shrimp shall apply only within state waters; exempts bait shrimp caught legally under a live bait license and fishing camps which sell bait shrimp for recreational purposes

from described state regulations; and further provides that shrimp caught under a live bait license may be sold only as bait shrimp and shall be subject to sales tax. The act also declares unattended shrimp traps left in described locations to be a public nuisance and subject to confiscation by the Department of Natural Resources. The applicability of prohibitive specifications relating to shrimp nets is more clearly defined.

HOUSE BILL 249 (CHAPTER 81-286) provides a 5-year closed season on snook fishing between June 1 and July 31 each year so that the Department of Natural Resources might assess the response of the state's snook population to reduced fishing pressure and render a report to the Legislature on February 1, 1987. The act also reduces to two the number of snook which an individual may have in his possession.

Two acts are directed at specific geographical problems in the area of saltwater fisheries. COMMITTEE SUBSTITUTE FOR HOUSE BILL 927 (CHAPTER 81-199) creates a Citrus County Shrimping and Crabbing Advisory Committee to make recommendations to the Department of Natural Resources with respect to opening or closing certain portions of the waters adjacent to Citrus County to shrimping or crabbing. Committee members are to be named by the Citrus County Legislative Delegation. The Sundown Act applies effective October 1, 1987. The act also restricts shrimping and crabbing in specific areas of Wakulla County waters between March 1 and May 1 of each year.

HOUSE BILL 1131 (CHAPTER 81-202) requires a commercial fishing permit for the taking, with a net, of more than 50 pounds per day of saltwater mullet, speckled trout or redbfish in Wakulla County. The act requires the county tax collector to collect a \$5 fee for such a permit from state residents and a \$250 fee with respect to non-residents or aliens. The tax collector is authorized a \$1 fee for each permit but all other moneys are to be deposited in the Motor Boat Revolving Trust Fund through the Department of Natural Resources. The act additionally provides a second degree misdemeanor penalty for violators.

#### Game and Freshwater Fishing

The 1981 session of the Legislature saw the enactment of three bills affecting game and freshwater fishing. SENATE BILL 262 (CHAPTER 81-240) provides that no hunting or fishing license shall be required for any Georgia resident more than 65 years of age for hunting or fishing in Florida, to the extent that a reciprocal provision exists under Georgia law with respect to Florida residents.

Alligator products are addressed in COMMITTEE SUBSTITUTE FOR HOUSE BILL 617 (CHAPTER 81-191) which authorizes the Game and Fresh Water Fish Commission to provide, by rule, for the sale of such products. The law provides for a permit fee of \$100 for each place of business licensed to sell alligator products at retail. The act prohibits the sale of stuffed baby alligators or other similar species and prohibits the sale of



any product manufactured from the hide of any reptilian species which is officially declared endangered. A first degree misdemeanor penalty for violators is provided.

HOUSE BILL 1158 (CHAPTER 81-204) grants year-round hunting and fishing rights to the Miccosukee and Seminole Indian Tribes in their respective reservations and in the Big Cypress Preserve; grants subsistence hunting and fishing rights and frogging rights for food and commercial purposes to the Miccosukee Tribe in its reservation and in a described area, subject to restrictions of the Game and Fresh Water Fish Commission; and permits such Indians to exercise such rights without payment of licensing or permitting fees so long as they are in possession of identification cards. The act allows the Board of Trustees of the Internal Improvement Trust Fund to grant to certain Indians rights to hunt, fish and frog for personal consumption and commercial purposes on land under its jurisdiction, and creates a special improvement district within certain land leased to the Miccosukee Tribe. The act is to take effect when Congress enacts legislation implementing the settlement agreement in a case before the United States District Court for the Southern District of Florida (Miccosukee Tribe of Indians of Florida, et al., Case No. 79-253-Civ-JWK).

#### Regulation of Boats

Two separate pieces of legislation were adopted in the 1981 regular session concerning the regulation of boats.

SENATE BILL 924 (CHAPTER 81-100) revises provisions of state law with respect to the Florida Boat Registration and Safety Law: to provide for enforcement by the Division of Law Enforcement of the Department of Natural Resources; to replace "motorboat" and other specific terms with the term "vessel" in provisions relating to administration, prohibitions against the operation of unregistered vessels, license fees, and title certificates; and to provide for the registration of commercial vessels by tax collectors. The act also provides for the reporting of accidents involving property damage in excess of \$200; revises the time limitation for required reports and provisions relating to agencies which receive such reports; provides powers of arrest with respect to violators of the act; requires accident reports; and provides for the use of the United States Coast Guard Navigation Rules in determination of fault in boat operations and marine accidents. The act finally provides for the authority of the Department with respect to the establishment of restricted areas, and requires safety and lighting equipment in accordance with United States Coast Guard requirements. Vessels may be operated without a certificate of title for 180 days from the date of application for title.

HOUSE BILL 479 (CHAPTER 81-114) defines the terms "racing shell," "rowing scull," or "racing kayak" for purposes of the "Florida Boat Registration and Safety Law."

CORRECTIONS\*

Major legislation passed by the 1981 Legislature in the area of corrections, probation and parole includes acts which: allow judges to retain jurisdiction for the purpose of reviewing parole release orders during the first one-third of the maximum sentence imposed for burglary of a dwelling or occupied structure or conveyance; allow hearing examiners of the Parole and Probation Commission to conduct parole interviews singly rather than in panels of two examiners; prohibit female inmates from retaining their children in prison when such children are born during the period of incarceration; authorize the Department of Corrections to hold money or property of inmates in trust during the period of incarceration and provide for the disposition of such property upon the death of an inmate; authorize the lease of prison industry facilities to a private non-profit corporation organized for such purpose; make the introduction and possession of contraband within a state correctional institution a third degree felony; exempt state correctional institutions from the definition of state property as it relates to Blind Services vending machines and operations; repeal the provision requiring the Department of

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\*Prepared by Senate Corrections, Probation & Parole

Corrections to provide for a reception capability in each region; require that persons put on probation for certain sexual offenses be required to undergo psychological diagnosis and evaluation; and repeal the requirement that prisoners released by reason of an accumulation of gain time undergo supervision upon release. These acts are described in more detail below.

#### Parole and Probation Commission

SENATE BILL 297 (CHAPTER 81-30) amends Subsection 947.16(3), F. S., to add burglary of a dwelling and burglary of an occupied structure or conveyance to the list of designated felonies over which a judge may retain jurisdiction for the purpose of reviewing a parole release order during the first one-third of the maximum sentence imposed. In the event a parole release order is vacated by a judge retaining jurisdiction over any of the enumerated felonies in this subsection, an inmate is to be reinterviewed by the Parole and Probation Commission within 90 days of the vacation, or earlier if the court retaining jurisdiction so orders.

SENATE BILL 382 (CHAPTER 81-322) amends various sections of Chapter 947, F. S., to eliminate references to hearing examiner panels. (The panels, consisting of two hearing examiners, were established by the Objective Parole Guidelines Act of 1978 and were implemented by the Parole and Probation Commission in January, 1980.) Single hearing examiners will now conduct parole interviews and the Parole and Probation

Commission is authorized to set presumptive and effective parole release dates based on the recommendations of one hearing examiner.

Department of Corrections - Correctional Institutions

HOUSE BILL 75 (CHAPTER 81-15) repeals Subsection 944.24(2), F. S., and amends Subsection 944.24(3), F. S., thereby prohibiting women who give birth while incarcerated by the Department of Corrections from retaining custody of their children during the period of incarceration based upon a court order. Subsection 944.24(3), F. S., now requires the Department of Corrections to provide and pay for the care of such children until the children are suitably placed outside of the prison system, rather than maintaining facilities for children and their mothers.

HOUSE BILL 1051 (CHAPTER 81-315) creates Section 945.216, F. S., authorizing the Department of Corrections to collect claims the state may have against an inmate; to accept and administer as a trust money or property received for the personal use or benefit of an inmate, including deposit, withdrawal and investment of monies; and to dispose of such money or property held in trust upon the death of that inmate. (The Department had this authority while a division of the Department of Health and Rehabilitative Services; however, upon becoming a separate department, this authorization was not extended.)

COMMITTEE SUBSTITUTE FOR SENATE BILL 97 (CHAPTER 81-125)

authorizes the Department of Corrections to lease its prison industries operations to a private non-profit corporation established for the purpose of managing and operating such enterprises. In order to lease a facility the corporation must demonstrate that it has sufficient funds to cover initial expenditures and that it will agree to lease all industry programs at the designated location. The Department is charged with providing in the lease or through separate agreement or contract with the corporation: approval of the articles of incorporation by the Governor, and a governing board of directors appointed by the Governor and confirmed by the Senate; the necessary security, a labor supply sufficient for operations, and compensation for inmates for labor performed; orderly transfer of industry employees from state to corporation employment; and proportionate transfer of appropriated funds from the state to the corporation as program components are leased.

The directors are to present articles of incorporation to the Secretary of State within ten days of their appointment. A director may not vote on any matter which would result in direct monetary gain or which would benefit any business interest of the director.

The corporation may request general revenue funds through the Department for the increase, remodeling or renovation of industry facilities, if the rent to be paid by the corporation is sufficient to amortize the costs. In

return, the corporation is obligated to provide sales and technical assistance to the Department. In the event a lease is terminated, the Department is to resume operations of the industries program on monies appropriated by the Administration Commission.

Inmates employed by the corporation would receive wages and would make such payments as reimbursement for the cost of incarceration, court costs, restitution to victims, and support of dependents. Both the Department and the corporation are required to report annually to the Legislature on the status and finances of the industries program.

SENATE BILL 417 (CHAPTER 81-88) repeals Section 944.43, F. S., which provides a penalty for possession of a weapon or explosive device by a person in the custody of the Department of Corrections, and amends Subsection 944.47(1), F. S., to include weapons and explosive substances in the definition of contraband articles. Introduction, removal, or possession of any contraband article, as defined by this subsection, by any inmate or other person on the grounds of a correctional institution, is a third degree felony unless the articles in question have been transmitted through regular channels and have been approved by the officer in charge of the facility.

SENATE BILL 440 (CHAPTER 81-91) amends Paragraph 413.051(2)(d), F. S., to add state correctional institutions to the existing exemptions from the definition of state property included in this section, thereby removing the priority granted to the Division of Blind Services of the Department of

Education, as it related to the placement of vending machines and operation of vending stands in such institutions. Proceeds from existing vending operations in Department of Corrections facilities will continue to be deposited in the Inmate Welfare and Employee Benefit Trust Fund as provided by law.

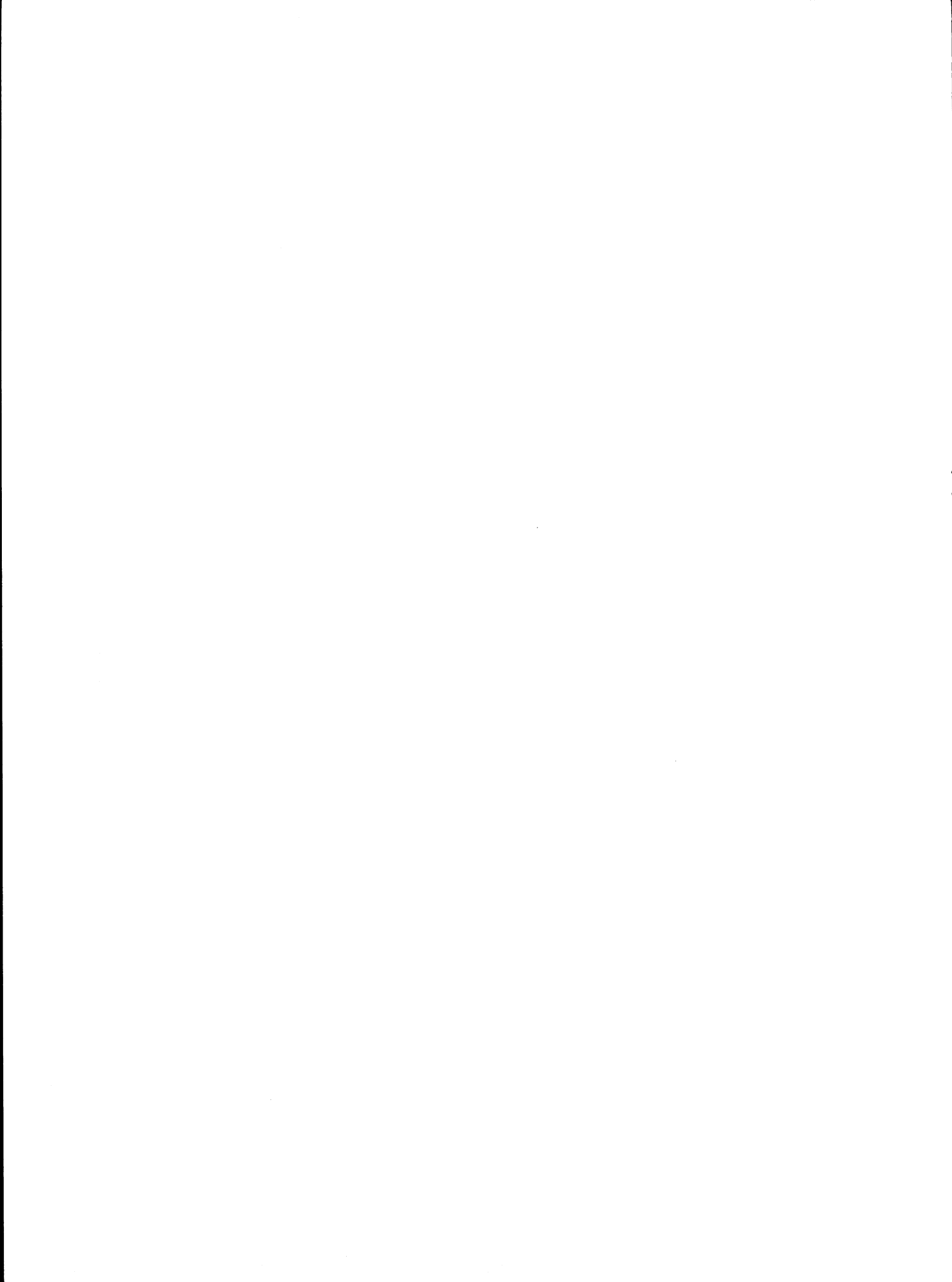
SENATE BILL 441 (CHAPTER 81-323) repeals Subsection 945.09(3) and Paragraph 944.026(1)(b), F. S., which require the Department of Corrections to provide a decentralized reception and classification capability for adult inmates. (With the repeal, the statutes are silent with respect to the administration of reception and classification functions and the Department of Corrections may centralize or decentralize these activities as it sees fit, based on the demands of the system.)

#### Corrections - Community Supervision

HOUSE BILL 799 (CHAPTER 81-198) creates a new Subsection 948.03(2), F. S., to require a psychological diagnosis and evaluation for any offender found guilty of three specified sexual offenses involving children, if probation is to be imposed. If the diagnosis and evaluation indicates a need for treatment, the court must require outpatient counseling as a condition of probation; such counseling to be obtained from a community mental health center, recognized social services agency providing mental health services, private mental health professional, or other professional counseling resources.



HOUSE BILL 1013 (CHAPTER 81-229) amends Section 944.291, F. S., to eliminate the requirement that inmates released by reason of an accumulation of gain time be supervised in the community upon release. Upon the effective date of this act, October 1, 1981, persons under mandatory conditional release supervision will be discharged, and persons whose mandatory conditional release has been revoked for technical reasons will be released from incarceration. Although supervision will no longer be required for gain time releasees, such persons may obtain assistance through the parole and probation field offices of the Department of Corrections.



COURTS AND CIVIL LAW\*

The 1981 Florida Legislature increased the number of judges at the county, circuit, and appellate levels, adopted the Florida Real Estate Time Sharing Act, changed procedures for appointment of attorneys by courts, and amended various provisions relating to probate. Other civil law areas affected include attendance at DWI schools, easements, evidence, family law, involuntary treatment of alcoholics, the interest on judgments, landlord-tenant law, special process servers, torts, and witnesses.

Judges

HOUSE BILL 1175 (CHAPTER 81-220) provides for one additional circuit judge in the Sixth, Eighth, Tenth, Twelfth, Thirteenth, Fifteenth, Nineteenth, and Twentieth Judicial Circuits, two additional circuit judges in the Seventh Judicial Circuit, three additional circuit judges in the Seventeenth Judicial Circuit, and four additional circuit judges in the Eleventh Judicial Circuit; provides for one additional county judge in Dade County, Lee County, and Palm Beach County; provides for one additional judge in Second, Third, and Fourth

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\*Prepared by Senate Legal Research & Drafting Services

District Courts of Appeal; and provides, as of January 1, 1982, for one additional judge in the First District Court of Appeal. The act also requires that in the Seventh Circuit, two judges shall reside in Putnam County and two judges shall reside in St. Johns County, rather than one in each; and removes the requirement that one judge reside in either Putnam County or St. Johns County.

#### Real Estate Time Sharing

COMMITTEE SUBSTITUTE for HOUSE BILL 1068 (CHAPTER 81-172) creates the "Florida Real Estate Time Sharing Act," Chapter 721, F.S. The act provides for regulation of real estate time sharing programs by the Division of Florida Land Sales and Condominiums of the Department of Business Regulation; specifies material to be included in contract to purchase; requires a public offering statement; requires escrow accounts, surety bonds, and other assurances; provides for acceptance of reservations; provides for cancellation by purchaser; provides for filing of advertising material; specifies required records; provides for management; provides for assessments for common expenses and liens to enforce such assessments; provides circumstances for transfer of seller's interest to a third party; requires the disclosure to purchaser of time share exchange programs; creates the Florida Real Estate Time Sharing Trust Fund within the State Treasury for the administration and operation of this chapter; declares time sharing plans not to be securities for the purposes of Chapter

517, F. S.; makes the seller and then the managing entity responsible for obtaining replacement cost insurance; asserts the applicability of all building and zoning laws, ordinances and regulations to time sharing plans; requires a real estate license as a prerequisite to selling time share interests; provides purchaser's remedies; provides for enforcement by the Division, including investigation, cease and desist orders, and civil penalties; and finally, creates from the Florida Land Sales and Condominiums Trust Fund the Florida Land Sales Trust Fund for the administration of the "Florida Uniform Land Sales Practices Law" (Chapter 498, F. S.), and the Florida Condominiums Trust Fund for the administration of the "Condominium Act" and the "Cooperative Act" (Chapters 718 and 719, F. S., respectively).

#### Court Appointed Attorneys

COMMITTEE SUBSTITUTE FOR SENATE BILL 654 (CHAPTER 81-273) requires that in a delinquency proceedings against a dependent child in which the constitutional right to counsel applies, the child's nonindigent parent or legal guardian must provide for his legal services and costs or be liable to a maximum of \$1250 (previously \$1,000) for the cost of services provided by court appointed counsel. Such liability may be enforced by means of a property lien. The court shall determine the amount of the obligation. In cases in which an unresolvable conflict of interest exists in a public defender's representation of two or more indigent defendants, he must move

the court to appoint other counsel who must be either unaffiliated in any way with him or a public defender from another circuit. Expenses of a public defender from another circuit must be borne by the county in which the trial is held. Maximum fee limits are increased for court appointed counsel. In cases in which a defendant is charged with more than one offense, compensation for such counsel must be provided at the rate specified for the most serious offense for which he represented the defendant.

#### Probate and Guardianship

SENATE BILL 175 (CHAPTER 81-27) requires that the elective share of an estate be computed after deducting mortgages, liens, and security interests. A copy must be attached to the notice of petition for administration. Qualified state banks, state savings associations, and federal savings and loan associations are included among the institutions entitled to act as personal representative or curator of an estate or as guardian of an incompetent. Presentation of claim for funeral or burial expenses must be made within 3 months after first publication of the notice of administration, or within 3 years after the decedent's death if no notice was published. Service of informal notice is provided for claims against an estate. Filing of the final accounting and petition for discharge must take place either within 12 months after the date the federal estate tax return

is due or, if no federal return is required, within 12 months after issuance of letters.

SENATE BILL 167 (CHAPTER 81-238) increases from \$5,000 to \$10,000 the value of household furniture, furnishings, and appliances to which the surviving spouse is entitled when the decedent was domiciled in Florida at the time of death, and provides that the surviving spouse is entitled, subject to perfected security interests, to all automobiles held in the decedent's name and used by him or members of his immediate family as personal automobiles.

SENATE BILL 292 (CHAPTER 81-242) redefines the term "title transaction" in the "Marketable Record Title Act." The new definition requires that any instrument, such as a will, or any court proceeding, such as the probate of a will, that affects title to any estate or interest in land describe the land sufficiently to identify its location and boundaries. (The purpose of the expanded definition is to place title searchers on constructive notice of the transfer of an interest in land.) The act also provides that any person whose interest in land is derived from an instrument or court proceeding recorded subsequent to the root of title, which instrument does not contain a description sufficient to identify the location and boundaries of the land, and whose interest is not extinguished prior to July 1, 1981, shall have until July 1, 1983, to file a notice in accordance with the provisions of Section 712.06, F. S., in order to preserve such interest.

### Driving under the Influence

SENATE BILL 1024 (CHAPTER 81-208) creates the Florida DWI Schools Coordination Trust Fund to be administered by the Supreme Court and provides that for each conviction which results in attendance at a DWI school, the school shall collect a \$3 assessment and deposit it into the Fund. The Fund is to be used to administer the DWI Schools Coordinator's Office. The coordinator is required to establish standards for the operation of DWI schools in the state.

### Easements

SENATE BILL 800 (CHAPTER 81-255) provides that easements for the purpose of drainage are among those which survive any tax sales or tax deeds. If not recorded, the drainage easement must be evidenced by a waterway, water bed, or other visible occupation.

### Evidence

SENATE BILL 582 (CHAPTER 81-93) provides that the Florida Evidence Code applies to civil actions and all other proceedings pending on or brought after October 1, 1981; and defines "hearsay" to be any statement other than one made by the declarant while testifying at the trial or hearing, which statement is offered in evidence to prove the truth of the matter asserted.

### Family Law

SENATE BILL 456 (CHAPTER 81-301) provides that a single



person who furnishes more than one-half of the support for a child or other dependent is the head of a family for the purpose of exemption from attachment or garnishment of wages, and also increases from \$10 to \$25 the deposit required of a party applying for a writ of garnishment.

SENATE BILL 439 (CHAPTER 81-90) removes the disability of nonage of a minor adjudicated as an adult and in the custody or supervision of the Department of Corrections, as that disability relates to health care services other than abortion and sterilization.

SENATE BILL 323 (CHAPTER 81-86) includes foreign nations and states of foreign nations in the definition of "state" for the purposes of the Uniform Reciprocal Enforcement of Support Act when such foreign nations or states have been declared by the Attorney General to be a reciprocating state for purposes of the Act.

#### Involuntary Treatment of Alcoholics

SENATE BILL 30 (CHAPTER 81-262) provides that the head of any alcohol treatment resource, his designee, or any peace officer of a county or municipality may petition that a person who is alleged to be an alcoholic or habitual abuser of alcohol, and who resides or is found in that county or municipality, be ordered to an appropriate treatment resource. The person whose commitment is sought is to receive a summons rather than a notice of hearing from the circuit court.

### Judgments

COMMITTEE SUBSTITUTE FOR HOUSE BILL 363 (CHAPTER 81-113) increases the rate of interest on judgments or decrees entered on or after October 1, 1981, from 10 percent per year to 12 percent per year, unless such judgment is rendered on a written contract or obligation which provides for interest at a lower rate.

### Landlord and Tenant

HOUSE BILL 46 (CHAPTER 81-190) applies the Florida Residential Landlord and Tenant Act to any structure or part of a structure that is to be used as a home, residence, or sleeping place and that is furnished with or without rent, as an incident of employment. The duration of the tenancy without agreement as to such is determined by the period for which wages are payable, except that a different duration may be provided for a resident manager of an apartment house or apartment complex by written agreement.

### Special Process Servers

SENATE BILL 280 (CHAPTER 81-266) provides that a special process server appointed by the sheriff shall serve at the pleasure of the sheriff rather than for a renewable term of 4 years, and provides that he shall be authorized to serve process in only the county in which the sheriff who appointed him resides.

## Torts

SENATE BILL 150 (CHAPTER 81-183) redefines "minor children" for the purposes of the Florida Wrongful Death Act to mean children under 25 years of age; and allows the personal representative of a decedent in a wrongful death action to recover the prospective net accumulations of an estate reduced to current money value which might have been reasonably expected but for the wrongful death, in cases in which the decedent is not a minor child and has no survivors.

SENATE BILL 255 (CHAPTER 81-130) exempts the good faith donors or gleaners of food to a bona fide charitable or nonprofit organization from criminal penalties or civil damages arising out of the condition of the food, unless an injury is caused by the gross negligence, recklessness, or intentional misconduct of the donors or gleaners.

## Witnesses

HOUSE BILL 721 (CHAPTER 81-196) defines "disinterested witness" and provides for reimbursing such a witness, upon request, for any costs reasonably incurred in producing, searching for, reproducing, or transporting documents pursuant to a summons. Such reimbursement is to be fixed by the court, agency, or officer before which the proceeding is pending, if the proceeding is one which by law or by rule includes the right to a public trial or hearing and which involves adversary parties. Reimbursement in all other proceedings shall be made by the person or agency requesting the summons. The witness is

authorized to bring a separate action to enforce the payment of such requested reimbursement if payment is not made within 30 days of such a request.

EDUCATION - HIGHER\*

The 1981 Legislature passed several education-related bills which dealt with postsecondary education planning, funding and technical assistance to adult education programs, changes in the administrative functions of the state universities, and "sundown" provisions affecting the continued existence of particular advisory boards and councils. Summaries of these and other measures relating to higher education in Florida are presented below.

Postsecondary Education Planning Commission

COMMITTEE SUBSTITUTE FOR HOUSE BILL 701 (CHAPTER 81-162) establishes the Postsecondary Education Planning Commission to advise the State Board of Education. The Commission is mandated to develop a master plan for postsecondary education for adoption by the State Board. The Commission established by this act stands repealed as of July 1, 1987, subject to legislative review under the provisions of Section 11.611, F. S.

Responsibility for provision of certain programs and facilities which will meet needs unfilled by the state system

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\*Prepared by staff of House Higher Education Committee

of postsecondary education is transferred by this act from the Board of Regents to the State Board of Education.

(Provisions of this law relating to adult general education are discussed below under the heading, General Higher Education.)

#### Board of Regents Expansion

COMMITTEE SUBSTITUTE FOR SENATE BILLS 568 and 277 (CHAPTER 81-139) increases the number of members on the Board of Regents from ten to thirteen, and provides that one of these new members will be the Commissioner of Education who will serve on a continuing basis. The term of members is reduced from nine to six years, except for the student member who will serve for one year. The restriction which allows only one Regent to be selected from a county is expanded to allow two Regents from any county with a population greater than 900,000.

#### General Higher Education

HOUSE BILL 662 (CHAPTER 81-193) provides several "housekeeping" changes in the administration of public higher education. These changes include provisions which: 1) permit university presidents to delegate responsibility for executing research contracts and accepting research grants and donations; 2) forbid salary discrimination on basis of race; 3) permit universities to hire collection agencies for delinquent accounts; 4) place the Council on Equity in Athletics under the Board of Regents; 5) authorize the Commissioner of Education to approve short-term community college loans; 6) authorize

community colleges to establish policies for law enforcement, with criminal investigations prohibited; 7) extend the deadline from June 30, 1981, to December 31, 1981, for New College at the University of South Florida to meet matching funding requirements; 8) correct several cross references in Chapter 240, F. S.; and 9) repeal obsolete language in Chapter 240, F. S.

Statutory revisions necessary to implement the Uniform Coordinated Plan for Vocational Education (mandated by the 1978 Legislature) are provided. These revisions include: 1) adoption of common terminology for vocational education; 2) requiring common course numbering for postsecondary vocational education courses; 3) requiring school district and community college placement personnel to identify areas of curriculum deficiency; and 4) providing for fee deferrals under certain conditions and for settlement of delinquent accounts.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 701 (CHAPTER 81-162) creates the "Florida Adult General Education Act," which defines adult education, provides funding through the Florida Education Finance Program and the Community College Program Fund, and authorizes technical assistance to adult education programs by the Department of Education. (Other provisions of this act are summarized above under the heading, Postsecondary Education Planning Commission.)

COMMITTEE SUBSTITUTE FOR HOUSE BILL 772 (CHAPTER 81-195) removes a fixed 7 1/2 percent interest cap on county higher education facilities bonds (Section 243.27, F. S.) and

abolishes the prior exemption of these bonds from the floating interest ceiling established in Section 215.84, F. S.

SENATE BILL 51 (CHAPTER 81-263) requires state universities to consult with the student government association prior to the approval of projects funded from the Capital Improvement Trust Fund fees or building fees. Institutions operating under the State Board of Regents are to submit copies of the budgets which detail the expenditure of funds received from vending machine collections to the Commissioner of Education, State Board of Education, and the legislative appropriations committees. Such budgets are also subject to approval by the Executive Office of the Governor.

This act also mandates the prohibition of hazing by universities and community colleges in the State of Florida. Each such institution is to adopt a written antihazing policy, and to adopt rules and provide a program for enforcement including penalties for violations. The universities' antihazing policies, rules, and penalties to be imposed are to be submitted for approval to the Board of Regents by September 1, 1981; community colleges are to submit such policies, rules, and penalties to the State Board of Education for approval by the same date.

#### Universities

HOUSE BILL 1124 (CHAPTER 81-201) provides for the following changes in the State University System's administrative laws: 1) the Auditor General is authorized to



inspect student records under conditions maintaining confidentiality; 2) university powers and duties are vested with the university president or his designee; 3) universities are required to negotiate the relative interests of the university and university personnel in the development of trademarks, copyrights, and patents; 4) universities are permitted to provide temporary financing of cost-reimbursable contract research from the sponsored research development fund; and 5) provides for the State Comptroller to disburse funds allocated for salaries in the sponsored research development fund.

#### Sundown Bills

SENATE BILL 81 (CHAPTER 81-58) revives, readopts, and amends Section 413.011, F. S., relating to the Division of Blind Services within the Department of Education. The statute is amended simply to delete a provision relating to reimbursement of members of the Advisory Council for the Blind for fees for the issuance of commissions, and to include a provision relating to meetings of the Council. Subsection 413.011(2), F. S., is repealed on October 1, 1987, subject to review pursuant to the Sundown Act.

SENATE BILL 98 (CHAPTER 81-65) revives, readopts, and amends the statute relating to the State Board of Independent Colleges and Universities (Section 246.031, F. S.). The statute is amended to provide for the Department of Education to perform the payroll, procurement, and related administrative

functions of the Board. In all other functions, the Board is to be independent of the Department. Members may be removed for cause by the Governor. (The July 1, 1982, repeal of this statute, as provided for in Chapter 76-168, is not affected by this act.)

SENATE BILL 102 (CHAPTER 81-67) revives, readopts, and amends the statutes relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (Section 246.201-246.231, F. S.). Members may be removed for cause by the Governor. A one-year temporary or provisional license is provided for, and the license fees are revised. These readopted statutes are repealed as of July 1, 1987, subject to review pursuant to the Regulatory Reform Act of 1976.

COMMITTEE SUBSTITUTE FOR SENATE BILL 137 (CHAPTER 81-73) revives, readopts, and amends the statute relating to the Florida Student Financial Aid Advisory Council (Section 240.421, F. S.). The number of members of the Council is increased to ten, to include a student from a postsecondary institution in Florida. This statute stands repealed as of October 1, 1987, subject to legislative review pursuant to the Sundown Act.

EDUCATION (K-12) \*

The major piece of legislation related to public schools which was enacted by the 1981 Legislature is COMMITTEE SUBSTITUTE FOR SENATE BILL 338 (CHAPTER 81-243) which deals with teacher certification and successful completion of a year-long beginning teacher program. Another act establishes the Florida Council on Educational Management to identify competencies for effective school management leading to certification of school managers by July 1, 1983. Further legislation was enacted to conduct a study of program cost categories in the Florida Education Finance Program, establish criteria to determine eligibility for early admission to kindergarten, and grant authority to district school boards to self-insure in all areas of school liability.

Summaries of these and other measures are presented herein. These include several "daisy chains" from each House: HOUSE BILL 341 (CHAPTER 81-150), HOUSE BILL 1076 (CHAPTER 81-174), SENATE BILL 189 (CHAPTER 81-103), and COMMITTEE SUBSTITUTE FOR SENATE BILL 798 (CHAPTER 81-254), acts wherein a number of educational measures under consideration by the Legislature were amended and included in one vehicle. These

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\*Prepared by staff of House Committee on Education K-12

acts are summarized section by section under the appropriate topic heading, rather than by the "daisy chain" act as a whole.

### Personnel

COMMITTEE SUBSTITUTE FOR SENATE BILL 338 (CHAPTER 81-243) makes several changes to the requirements for initial regular certification of teachers.

The minimum essential generic competencies which must be demonstrated by applicants for initial regular certification were modified to: 1) delete the ability to comprehend and interpret a message after listening; and 2) delete the requirement that applicants must demonstrate orally and in writing the ability to read, comprehend, and interpret professional and other written material.

The act provides that the teacher certification examination consist of two parts: one, covering reading, writing, and mathematics; the other, covering professional skills. It further provides that teacher education majors may take the exam prior to graduation. Provision is made for the temporary certification of certain teachers who have not taken the written certification examination. Those meeting all other certification requirements may be issued an initial temporary certificate for the first year of employment. Further, a maximum of two additional temporary certificates may be issued under rules of the State Board of Education to a person who has passed the reading, writing, and mathematics portions of the written examination, but who has not passed the professional

section. The State Board is required to adopt as a rule, a score required for the issuance of temporary certificates as well as a regular certificate.

Non-degree vocational teachers may be issued an initial temporary certificate if they meet eligibility criteria to be established by the State Board. Vocational teachers may delay meeting the teacher examination requirement until their professional educational requirements are met, provided that all examination requirements are met prior to the beginning of the fourth year of employment.

The year-long internship previously required for initial certification by July 1, 1981, was replaced by a year-long beginning teacher program. Subsequent to July 1, 1982, initial regular certification will require one of two experience criteria: 1) three years of satisfactory out-of-state teaching experience; or 2) successful completion of a year-long beginning teacher program approved by the Commissioner of Education and implemented according to State Board rules which shall be adopted by January 1, 1982.

A beginning teacher program also requires the approval of the Commissioner of Education pursuant to criteria to be adopted by the State Board by January 1, 1982. The Commissioner shall develop such criteria in consultation with the Education Standards Commission. Plans shall include activities for beginning teachers based on classroom application of the minimum essential generic and specialization competencies. "Successful completion" is defined to mean that

the superintendent or chief administrator has recommended the teacher for a second year of employment. Provision is made for a teacher who is not so recommended, due to fiscal shortfall, a decline in enrollment, or a policy decision not related to the performance of the individual, to receive a certified statement of successful completion stating that the employment would have been continued except for such reasons. A procedure involving the Educational Practices Commission is provided for applicants for a regular certificate to appeal the judgment of successful completion of the beginning teacher program. Details of the beginning teacher program include inclusion of beginning teachers in the bargaining unit with other first-year teachers, provision for nonpublic schools to participate in the program, and authorization for districts to fund programs through the inservice education expenditure provided by Subsection 236.081(3), F. S.

The act further requires persons who applied for initial regular or temporary certification, prior to the effective date of this act, to be governed by law and rules in effect at the time of application.

SENATE BILL 275 (CHAPTER 81-241) combines the pre-existing Management Training Act and the Florida Council on Educational Management, with a newly created Florida Academy for School Leaders under a new Management Training Act. The act provides for identification of competencies basic to effective school management and the development of a

competency-based certification program for school managers by July 1, 1983.

The Florida Council on Educational Management is assigned to the Department of Education for administrative purposes and retains its existing duties in addition to identifying procedures necessary to implement the competency-based certification program for school managers. It is also given the duty of serving as the board of directors of the Florida Academy for School Leaders. The Academy is also assigned to the Department for administrative purposes and continues to provide inservice training for school managers. The Council is to develop guidelines for district management training programs. Beginning July 1, 1982, district school boards may submit plans for training candidates and existing school-based managers, to the Commissioner of Education for approval. One requirement for approval is that districts pay in part for such programs at the rate of \$1 per unweighted FTE student with the balance to be paid by the Department. Districts have the option to request technical assistance from the Academy in developing such proposed management training plans.

The Commissioner's required review and appraisal of program effectiveness (from the pre-existing Management Training Act) and salary incentive plan assigned to the Council under pre-existing law, is also retained.

(Item 244D of the General Appropriations Act provides \$600,000 to fund the Management Training Act.)

Section 2 of HOUSE BILL 1076 (CHAPTER 81-174) amends Section 231.40, F. S., authorizing school boards to adopt rules for annual payment of employees for unused sick leave. This payment will equal the employee's daily rate of pay multiplied by 80 percent; however, employees who receive this payment must deduct the paid days from their accumulated leave balance. During and after the 13th year of service employees may receive 100 percent payment of their accumulated sick leave upon termination of employment. Section 3 of this act provides that members of the instructional staff of school districts may be granted sabbatical leaves for periods not to exceed 1 year, and provides funding of salaries paid during such leave time. (Other provisions of this act appear below in this Article under the subheadings General Administration and Curriculum.)

Section 5 of Senate BILL 189 (CHAPTER 81-103) authorizes a county, municipality, community college, or district school board that provides any kind of group insurance or self-insurance plan for officers, employees and their dependents to allow retired former personnel and their eligible dependents to continue to participate in such programs. It provides that the costs of such programs continued for retired employees only may be paid for by the employer or retired employee, while the costs of such programs continued for the dependents of retired employees shall be paid for entirely by the retiree. The act authorizes the commingling of claims experience of retiree groups with that of active employees. Premiums resulting from such commingling or any portion thereof may be paid by the



employer or retired employee. (Other provisions of this act appear below in the Article under the subheading Finance and General Administration.)

HOUSE BILL 1075 (CHAPTER 81-217) defines the relationship of the Education Practices Commission to the Department of Education. When the Commission was created it was assigned to the Department for administrative purposes. Although this act still provides for such assignment to the Department for administrative purposes, it stipulates that the Commission shall not be subject to control, supervision, or direction by the Department. The Department is required to provide property, personnel, and appropriations relating to the Commission's specified powers and duties, but the Commission shall make its own expenditures for personal services, general counsel or access thereto, rent, and other necessities in carrying out its duties and responsibilities. Such expenditures are to be audited by the Department of Banking and Finance. (This relationship is analogous to that of the Public Employees Relations Commission to the Department of Labor and Employment Security.)

HOUSE BILL 133 (CHAPTER 81-16) creates Section 683.16, F. S., designating the annual observance of "Retired Teacher's Day" on the Sunday beginning the third week of November of each year.

### Finance

Section 1 of SENATE BILL 189 (CHAPTER 81-103) authorizes

school boards to implement accounting systems through which monies expended do not exceed budgeted amounts. Section 2 of this amendment authorizes district superintendents to pay board-induced accounts. However, the superintendents must maintain accurate, current statements of accounts due.

Section 4 of this act authorizes school districts, whose ad valorem tax levy for 1980-81 is subject to a delinquency date of June 30, 1981 or later, to borrow from the Working Capital Fund an amount equal to 20 percent of its ad valorem tax levy for 1980-81 to be repaid within 30 days of the delinquency date at an interest rate equal to the average rate earned for the second quarter of 1981. As an alternative, such districts are authorized to borrow an additional 20 percent of their 1980-81 ad valorem tax levy, to be retired from its anticipated tax receipts in the operating and debt service budgets, at any rate deemed reasonable by the district school board not to exceed 18 percent. The act appropriates funds from the Working Capital Fund for this purpose. (Other provisions of this act are summarized above in this Article under the sub-heading Personnel, and below under the sub-heading General Administration.)

HOUSE BILL 63 (CHAPTER 81-143) authorizes school districts to transfer investment funds within or between depositories, or to or from other institutions to a depository account, using electronic, telephonic, or other means, provided that total funds remain constant. Also authorized is investment of funds in interest-bearing accounts such as

Repurchase Agreements or savings accounts. Repurchase Agreements are required to be backed by United States Treasury securities or GNMA's (Government National Mortgage Association). (This act modernizes and streamlines the law and could benefit participating districts by increasing interest earnings.)

HOUSE BILL 1086 (CHAPTER 81-104) amends various provisions of the School Code with respect to financial matters governing district school boards to update obsolete statutory references, and to provide that interest rates with respect to certain bonds and obligations shall be governed by a single provision of law on the maximum rates of interest of government bonds (Section 215.84, F. S.) and not by the former fixed rate of 7 1/2 percent. The act also provides that district school boards may incur obligations for the purchase of school buses, land, and equipment for educational purposes, for the erection, alteration or addition to educational facilities, and for the adjustment of insurance on educational property.

COMMITTEE SUBSTITUTE FOR SENATE BILL 489 (CHAPTER 81-247) amends law relating to the powers and duties of the school board regarding school finance, by requiring boards to purchase insurance or to provide a program of self-insurance or enter into risk-management programs to provide protection against loss due to property damage or liability for which the board, its officers or employees may be responsible. The superintendent of schools is required to recommend to the board programs and procedures necessary to protect the school system

against such loss or damage to school property, or from loss resulting from such liability.

SENATE BILL 528 (CHAPTER 81-248) requires the Department of Education to conduct a Florida Education Finance Program cost factor study to be submitted to the Legislature by March 1, 1983. Such study will analyze: 1) the relationship between program cost factors, expenditures, and FEFP generated funds; 2) the relationship among actual program delivery expenditures; 3) the relationship between actual program delivery costs and program need levels; and 4) actual program cost variations among districts. Such derived cost data shall be used by the Department of Education to develop a program cost review procedure for evaluating FEFP program category costs and annual recommendations for changes in program category costs. Progress Reports in six-month intervals are required of the DOE. Appropriations of \$125,000 each for FY 1981-82 and 1982-83 are provided. The DOE is required to actively seek other revenue sources.

HOUSE BILL 20 (CHAPTER 81-189) provides additional funding to enable school boards to operate a small, isolated high school if the board has chosen to levy the maximum millage permitted by law without a referendum, exclusive of millage for capital outlay purposes, and if the percentage of students passing both parts of the state student assessment test, Part II, has been equal to or higher than the percentage for the state or district, whichever is higher.

(Note: Educational funding in general is provided for in the General Appropriations Act (CONFERENCE COMMITTEE REPORT ON HOUSE BILL 30-B, CHAPTER 81-206) and the Public Education Capital Outlay Act (HOUSE BILL 31-B, CHAPTER 81-223) which are summarized above in the APPROPRIATIONS Article of this SUMMARY OF GENERAL LEGISLATION. Allocations for Education amount to 40.2% of the total appropriations authorized.)

#### General Administration

Section 3 of SENATE BILL 189 (CHAPTER 81-103) requires attendance assistants to file quarterly, rather than monthly, reports of all children returned to schools or homes, of all cases prosecuted, and of all other services performed. (Other provisions of this act appear above in this Article under the sub-headings, Personnel and Finance.)

HOUSE BILL 214 (CHAPTER 81-19) amends the Florida Primary Education Program by deleting the requirement that public school personnel record educational decisions made as a result of basic health data obtained from services of the Department of Health and Rehabilitative Services, which include health screening and results, referral, and follow-up.

HOUSE BILL 64 (CHAPTER 81-144) permits school boards to establish local procedures for disposing of unserviceable instructional materials which are no longer on state adoption, upon approval of the Commissioner of Education.

Section 1 of HOUSE BILL 1076 (CHAPTER 81-174) provides enabling legislation for the Department of Education to

continue the mini-grant program which provides incentive funds for volunteer activities. It defines eligible schools as elementary and secondary schools offering basic programs, and provides a basic-level funding of \$2000 per school with additional funds to be prorated on the basis of the number of eligible schools in the district. (Funding for the volunteer program is provided in the amount of \$319,929 by Item 310 of the General Appropriations Act.) (Other provisions of this act appear above in this Article under the sub-heading Personnel, and below under the sub-heading Curriculum.)

COMMITTEE SUBSTITUTE FOR HOUSE BILL 228 (CHAPTER 81-310) revives and readopts Section 235.06, F. S. This section is also amended to require annual fire safety inspections to be conducted by the Division of State Fire Marshal of the Department of Insurance, or by a local fire department official certified by the state if the Division is unable to make such inspections. Present law, however, retains the prior requirement that facilities be inspected according to standards of the State Uniform Building Code for Public Educational Facilities Construction, and also retains the requirement that the Commissioner of Education is the state official who is empowered to order boards to correct deficiencies or to close schools. The act provides an appropriation of \$233,261 from the General Revenue Fund for personnel and expenses to implement these provisions.

This section of Florida Statutes (Section 235.06) was amended differently, however, during the Special Legislative

Session by HOUSE BILL 31-B (CHAPTER 81-223) which provides that periodic fire inspection shall be conducted by State Fire Marshal certified persons. The report of such inspections goes initially to the school board who then sends a copy of the report to the State Fire Marshal. Reports are to include a plan of action and deficiency correction schedule. Section 54 of this act provides that amendments enacted by the 1981 Regular Session (e.g. HOUSE BILL 228, CHAPTER 81-310) shall be controlled by HOUSE BILL 31-B (CHAPTER 81-223) if in direct conflict.

HOUSE BILL 204 (CHAPTER 81-147) exempts any public or nonprofit school, which operates a carnival, fair, or other celebration for three days or less, from any temporary food service regulations with respect to the requirements of having: hot and cold running water; floors which are constructed of tight wood, asphalt, concrete, or other cleanable material; enclosed walls and ceilings with screening; and certain size counter service.

HOUSE BILL 780 (CHAPTER 81-197) provides that the Department of Education, rather than the Jackson County School district, shall operate educational programs at the Arthur Dozier School for Boys and the Marianna Sunland Center. It further provides that the Department may provide services directly or contract with other public agencies. (Funding is provided through the FEFP in the General Appropriations Act to the Department of Health and Rehabilitative Services, which is

currently operating this program, for up to 90 days during the transitional period of these educational programs.)

#### Curriculum

Section 4 of HOUSE BILL 1076 (CHAPTER 81-174) creates Section 229.8095, F. S., which establishes the "Challenge Grant Program for the Gifted." State funds are to be allocated for exemplary gifted education programs in a school, district, or group of districts. Consideration shall be given to proposed programs developed with the cooperation of a community college, public or private colleges, or a university for the purposes of providing advanced accelerated instruction for public school students. The program shall be administered by the Commissioner of Education based on rules to be adopted by the State Board of Education. (This program was not funded.) (Other provisions of this act appear above in this Article under the sub-headings, Personnel and General Administration.)

Section 9 of COMMITTEE SUBSTITUTE FOR SENATE BILL 798 (CHAPTER 81-254) amends a 1980 law relating to educational centers for gifted junior high school students, to provide that any district may develop cooperatively a program for gifted students with a public university or a community college. It provides for the distribution of up to 20 percent of the cost factor earned through the Florida Education Finance Program (FEFP) to the postsecondary institution for such services. The effective date of this section is July 1, 1982.



Section 6 of this act creates Section 230.2316, F. S., providing for the appointment by the Commissioner of Education and the Secretary of the Department of Health and Rehabilitative Services of members to an advisory board to help develop a five-year multi-agency plan to establish a service network to meet the needs of the severely emotionally disturbed students. The intent of the Legislature is that by 1985-86 there will be a multi-agency network to provide education, mental health treatment, and when needed residential services for severely emotionally disturbed students. The Department of Education is authorized to award grants to district school boards to develop in a rural and in an urban district a pilot multi-agency network component for severely emotionally disturbed students, and the Department of Health and Rehabilitative Services is authorized to use community mental health service funds for the pilot multi-agency network components related to mental health treatment services and residential services. The act states that the network components for severely emotionally disturbed students shall be funded from the FEFP, Department of HRS funds for the emotionally disturbed, and the pilot grant program from the DOE. (However, no appropriations were provided.) (Other provisions of this act appear below in this Article under the sub-heading Student Transportation.)

COMMITTEE SUBSTITUTE FOR HOUSE BILL 701 (CHAPTER 81-162) creates the "Florida Adult General Education Act," and authorizes the State Board of Education to contract with

certain independent institutions to provide programs and facilities. Provisions of this act are contained in this Summary of General Legislation under the HIGHER EDUCATION Article.

Section 3 of HOUSE BILL 341 (CHAPTER 81-150) establishes a grant program for five projects for schools establishing the Ozona Elementary School Model of a computerized instructional management system. The program requires at least an equal match of local funds to state funds which shall not exceed \$2500 per program. (This act was funded at \$12,500 by Item 245E of the General Appropriations Act.) (Other provisions of this act appear below in this Article under the sub-heading, Students.)

#### Students

SENATE BILL 590 (CHAPTER 81-94) requires the Code of Student Conduct to include notice that possession or sale of controlled substances, as defined by Chapter 893, F. S., or weapons by any student while such student is upon school property or in attendance at a school function, is grounds for expulsion.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 559 (CHAPTER 81-283) requires the Department of Health and Rehabilitative Services to require a physician, osteopathic physician, or chiropractic physician applicant for licensure or licensure renewal, to state whether or not such person will accept medicare assignments. The Department will compile a list of physicians

who will accept such assignments and the district offices will maintain the list as public information. In addition, the act requires that school boards deny students admission to school if the students have had no scoliosis examination and no immunizations for poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps, and tetanus. A temporary exemption of 30 school days must be issued for transfer students. Parents or guardians are responsible for compliance with these requirements or for presentation of a physician's written statement of a need for student exemption. Each school must provide the director of the local health unit with an annual report of compliance. Finally, the county health director may declare a communicable disease emergency. This declaration mandates that any student who lacks immunization for the stated disease must be excluded from school attendance. (Other provisions of this act appear in the HEALTH AND REHABILITATIVE SERVICES Article of this Summary of General Legislation.)

HOUSE BILL 197 (CHAPTER 81-18) amends the statute relating to the school health services program by adding a definition of "invasive screening" to mean any screening procedure in which the skin or any body orifice is penetrated. Further, the duties of the Department of Health and Rehabilitative Services, one of which was to meet emergency health needs, shall now be done in cooperation with school personnel. The act amends the procedures related to school health screening regarding parental permission. At the beginning of each school year parents or guardians shall be

informed in writing that their children will receive a medical or physical examination, screening, and treatment. Written permission was previously requested. However, the new law requests exemptions in writing from parents or guardians. The consent established by this measure does not include "invasive screening." If there is a need for such procedure, parental or guardian consent must be obtained prior to performing the screening.

The act also amends the statute relating to school entry medical examinations, by requiring the certification of a school-entry medical examination performed within one year prior to initial enrollment in school. The law previously required that the examination be performed within the last nine months.

Sections 1 and 2 of HOUSE BILL 341 (CHAPTER 81-150) requires the Department of Education, instead of the school districts, to establish criteria to determine eligibility for early admission to kindergarten. The act also amends the statute relating to compulsory school attendance to provide that no child shall be admitted to the first grade who will not attain the age of six years on or before January 1 of the school year in which admission is being sought, unless he has completed kindergarten or has demonstrated readiness to enter the first grade in accordance with State Board of Education rules. The State Board of Education, rather than school districts, may adopt rules under which pupils not meeting the entrance age for first grade may be transferred from another

state if their parents or guardians have been legal residents of that state. The act specifies that regarding the transfer of academic credit from a nonpublic school, the state has no curriculum or academic program control over said schools. (Other provisions of this act appear above in this Article under the sub-heading, Curriculum.)

#### Student Transportation

COMMITTEE SUBSTITUTE FOR SENATE BILL 798 (CHAPTER 81-254) became the vehicle by which laws relating to student transportation were enacted.

(Sections 1-3 of the act put into statute most of the recommendations from the Commissioner of Education's committee for determining hazardous walking conditions.) The act provides for school bus transportation for public elementary school pupils through grade six who are subject to hazardous walking conditions en route to and from school. State funding for such transportation within the two-mile limit would be through the regular transportation formula, subject to certain criteria as specified below:

1. Requests for investigation and identification of perceived hazardous areas are to be inspected by school district representative and appropriate local governmental entity with such findings to be reported to DOE.

2. Upon determination that an area is hazardous, the school board is to request determination by the proper state or

local entity as to whether the hazard will be corrected and request information as to the projected completion date.

3. State student transportation funds are to cease upon correction of hazard or upon the projected completion date, whichever comes first.

4. Separate criteria are established for determining hazardous walking conditions of walkways which are parallel to and perpendicular to the road.

These provisions take effect July 1, 1982.

Section 3 also provides a revision of the school bus transportation formula (allowable per student cost), and authorization for rules to allocate increased per mile amounts, under Subsection 112.061(7), F. S., for transporting certain isolated students by passenger car. Such vehicles must no longer contain students "both ways" in order to receive specified per mile allowances. This provision takes effect July 1, 1981.

Section 4 creates the Earl H. Wright School Bus Replacement Act which aims at providing state funds to replace 10% of the district bus fleet and buses 10 years old or older. Districts must submit plans for the "transportation disadvantaged" to participate in bus-replacement; however, the Commissioner of Education may override the requirement for such services under specified circumstances. This section of the act takes effect July 1, 1981.

Section 8 provides that nonprofit corporations and nonprofit civic associations may enter into agreements with

school boards for school bus transportation of school age children for activities sponsored by these groups. The board must adopt rules which state that compensation must at least equal costs incurred during bus use. The school board is not liable for any mishap during such use. The effective date of this section is July 1, 1981.

(Other provisions of this act appear above in this Article under the sub-heading, Curriculum.)

### Sundown

SENATE BILL 78 (CHAPTER 81-56) reestablishes the State Instructional Materials Councils. The act requires the Commissioner of Education, rather than the State Board of Education, to: appoint members; determine the number of titles to be adopted in each area, not to exceed 15; and receive the report of each Council. The measure also eliminates the \$50 compensation provided to lay members for each day of service, and replaces that with per diem and traveling expenses for each Council member for actual service. (In 1980, the Council spent \$76,326, which included compensation for lay members, the cost of substitute teachers, travel and per diem, and one staff person.) Sections 233.07-233.11, F. S., relating to the State Instructional Materials Councils, stand repealed on October 1, 1987, subject to legislative review pursuant to the Sundown Act.

SENATE BILL 79 (CHAPTER 81-5) abolishes the Educational Television Advisory Council by deleting all statutory reference

to Council requirements and duties. Paragraph 229.805(3) (b), F. S., which provides for the responsibilities of the Department of Education in regard to educational television, is revived and readopted. (The Council spent about \$700 annually for travel and per diem.)

SENATE BILL 101 (CHAPTER 81-182) abolishes the Environmental Education Advisory Council and the Office of Environmental Education in the Department of Education, and gives the Commissioner of Education the responsibility for administering the Environmental Education Act. (Since 1976 the Council has spent \$1414 on per diem and travel.)

COMMITTEE SUBSTITUTE FOR SENATE BILL 130 (CHAPTER 81-71) reestablishes the Industry Services Advisory Council and specifies that the seven Council members shall represent diverse, private sector Florida businesses and industries. The Council is required to advise the Director of the Division of Vocational Education of the Department of Education in the administration of the Industry Services Training Program. The act specifies that members shall receive travel expenses and per diem. (The Council spends about \$337 annually for travel and per diem.) The act provides for reestablishment of the Council subject to repeal on October 1, 1987, pursuant to legislative review under the Sundown Act.

#### Miscellaneous

SENATE BILL 381 (CHAPTER 81-32) provides statutory authorization for gifts, donations, and bequests to the Florida



School for the Deaf and the Blind to be received, deposited in a fund separate from the State Treasury, invested, and expended for the benefit of the School by, and at the discretion of, the Board of Trustees of the School.



ETHICS & ELECTIONS\*

The 1981 Legislature approved legislation amending the Florida Election Code. The various acts include changes to the absentee registration process for overseas citizens, as well as to the regular form of the absentee certificate; changes concerning campaigning for public office; provision for the testing of voting equipment prior to the election; placing of certain elected officials on the state and county executive committees of their respective political parties; and reinstitution of statutory provisions for write-in candidates.

Qualifying by Write-In Candidates

HOUSE BILL 116 (CHAPTER 81-105) amends the definition of "voting machine ballot" to exclude reference to write-in ballots. The definition of "candidate" is amended to include write-in candidates and thereby mandates compliance by write-in candidates with the provisions of Chapter 106, F. S., relating to campaign financing. Write-in candidates, in order to have votes cast for them counted are required to take and subscribe to the oath required of all balloted candidates. This law exempts write-in candidates from paying a filing fee and party

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\*Prepared by the House Ethics & Elections Committee staff

assessment, and requires that blank space be provided for the name of the candidate on the general election ballot. The qualifying period for write-in candidates (63rd day to noon of the 42nd day prior to the 1st primary) is an extension of one week past the regular qualifying period for balloted candidates.

#### Ballot Format and Instructions (HOUSE BILL 116 Continued)

Electors are authorized to write in the name of a write-in candidate in the blank space provided on the ballot for that purpose. In order to vote for a write-in candidate in counties in which electronic or electromechanical voting systems are used, the elector is required to make notation with the marking device following the blank space provided. Wording is provided in the general election ballot instructions for voting for a candidate whose name is not printed on the ballot. The act specifies that votes cast for Presidential and Vice-Presidential write-in candidates shall be counted as votes cast for the presidential electors.

A subheading "Write-in candidate for ... (Name of office) ..." must precede the blank space for the name of a write-in candidate. The subheading requirement applies to counties not using voting machines and to other counties using absentee ballots not designed for electronic or electromechanical tabulation. The form of the general election ballot is to include specific instructions for voting for a candidate whose name does not appear on the ballot and must

provide blank space on the ballot for the names of Presidential and Vice-Presidential write-in candidates.

The ballot instructions and the "Yes" and "No" vote wording of constitutional amendments and public measures are conformed to Chapter 80-305, Laws of Florida, which requires constitutional amendments and public measures to be clear and unambiguous and that the wording of the amendment be of such that a "Yes" vote means acceptance and a "No" vote means rejection.

The supervisor of elections must provide a blank space on the general election ballot under those offices for which a write-in candidate has qualified; however, only one blank space need be provided on the general election ballot if two or more write-in candidates qualify for one office. The location and use of "write-in ballots" in counties in which voting machines are used is specified. The form is prescribed for a write-in ballot which must be cast in the elector's handwriting or that of an aide.

The county canvassing board is to record the votes cast for each write-in candidate who has qualified for office, and the ballots are to be filed with the original statement of returns in a secured package labeled "write-in ballots" and delivered to the supervisor of elections after the official votes have been canvassed. The procedure is described for canvassing write-in ballots in counties in which electronic or electromechanical voting systems are used, and these official election returns must include the results of the write-in

votes. The qualifying period is prescribed for write-in Presidential and Vice-Presidential candidates to coincide with the qualifying period established for balloted candidates, i.e., sixty-third day to noon of the forty-ninth day prior the first primary.

The name of a write-in judicial candidate is prohibited from being printed on the ballot, but such candidates are exempt from paying a filing fee. Space must be provided on the general election ballot for writing in the name of a qualified circuit or county court judge candidate. The name of a balloted candidate who receives a majority of the votes in a primary election shall not appear on the general election ballot, unless a write-in candidate has qualified for such office.

#### Recall Elections

HOUSE BILL 338 (CHAPTER 81-312) provides a definition of "district" and establishes a procedure whereby only the electors of a district may recall the official representing that district and participate in the recall election. Separate recall petitions must be circulated for each district or municipal official sought to be recalled. The act provides a definition for a "recall committee" and simplifies the language on the recall ballot.

Electors will vote on the recall of municipal officials elected at-large and candidates to succeed them at the same election. Vacancies created by the removal of only district

municipal officials will be filled at a special election called by the chief judge of the judicial circuit where the district is located, after it has been determined which municipal officials have been recalled. Vacancies created by the removal of both at-large and district municipal officials will be filled at a special election.

If in a recall election only one member is removed from office, the vacancy shall be filled by the governing body according to the appropriate law for filling vacancies. Procedures are detailed for dealing with the resignation of one or all members of a governing body prior to a recall election.

Political Party Committees Membership (HOUSE BILL 338 Continued)

All precinct committeemen and committeewomen of county executive committees of a political party may be appointed deputy supervisor of elections for the purpose of registration or accepting changes in registration within their precincts. The membership of the county executive committee of each political party will now include as at-large committee members each member of the state Legislature who is a registered member of the political party and resides in that county.

The membership of the state executive committee of each political party will now include as at-large committee members the following officials who are registered members of the political party: 1) All members of the Florida Congressional Delegation; 2) All statewide elected officials (Governor, Lt.

Governor and Cabinet); 3) President of the Senate; 4) Speaker of the House; 5) Minority Leader of each house; and 6) 20 members of each political party (10 with concurrence of the party chairman); 5 appointed by the President of the Senate; 5 appointed by the Speaker of the House; 5 appointed by Minority Leader of each chamber).

The governing body (central committee) of the state executive committee of each political party will also include as at-large committee members the following officials who are registered members of the political party: 1) All statewide elected officials; 2) Up to 4 members of the Florida Congressional Delegation, appointed geographically by the party chairman; 3) President of the Senate; 4) Speaker of the House; and 5) Minority Leader of each House.

Each at-large committee member will be entitled to only one vote. Conducting official "legislative" business will constitute good and sufficient reason for failing to attend an executive committee meeting.

#### Absentee Elector Certification

HOUSE BILL 437 (CHAPTER 81-106) deletes the requirement that an absent elector check a specific reason from those printed on the Voter's Certificate for voting by absentee ballot, but the elector must still affirm under oath that he is voting absentee for one of the reasons listed. The signature of the absent elector must be witnessed by two persons 18 years of age or older. The alternative, permitting a notary or other



specific officer to do so, is eliminated as is the former option allowing a notary, any officer permitted to administer oaths, a supervisor of elections or the latter's deputy to serve as a sole attesting witness.

SENATE BILL 479 (CHAPTER 81-304) also deletes the requirement that an absent elector check a reason on the Voter's Certificate for voting absentee ballot, and requires written affirmation that the elector is voting absentee for one of the reasons listed. However, in contrast to HOUSE BILL 437 (CHAPTER 81-106), this act strikes only the provision relating to notaries, or others authorized to administer oaths, from those authorized to witness the signature of the absent elector, and retains the provision that the supervisor of elections or deputy supervisor may serve as a sole attesting witness.

#### Testing of Voting Equipment

SENATE BILL 288 (CHAPTER 81-29) deals with the preelection test of voting equipment. (At the present time, there are no procedures in the statutes for the preelection testing of voting machines. This act provides uniform testing procedures in all counties using voting machines.)

The Supervisor of Elections or the municipal election official may give written notice (to be acknowledged by signed receipt) to each candidate at the time of qualifying, of the time and location of the preelection test of voting machines; or send such notice by certified mail to the county party

chairman of each political party, or if there is no county party chairman, to the chairman of a local organization representing each opposing side, and to other than statewide candidates not previously notified. Legal notice must appear in a county newspaper of general circulation 15, rather than 10, days prior to an election.

The Department of State must give written notice to each statewide candidate that the machines will be available for testing and the supervisors of elections should be contacted as to the time and location. At the time of the preelection test of voting machines all candidates and representatives attending shall, by drawing lots, appoint one person to select at random up to 5 percent of the machines to be used in the election in the county, or 10 of those machines, whichever is greater. The candidates and representatives may then test all of the selected machines until satisfied. All machines may be checked to make sure the counters are set at zero and the ballots are in proper order. In the case of any voting machine which is unsatisfactory, additional machines shall be tested pursuant to rules adopted by the Division of Elections of the Department of State by October 1, 1981.

In counties using electronic or electromechanical voting equipment, this law provides the same notice requirements for candidates and party chairmen for the preelection test of automatic tabulating equipment as outlined above for voting machines. Each political party may designate one person with expertise in the computer field who will be allowed in the

central counting room while all tests are being conducted and when the official votes are being counted.

#### Elector Registration

SENATE BILL 479 (CHAPTER 81-304) adds language to the Oath of Elector indicating citizenship and residency, but eliminates the stipulation that the physical description of electors requiring assistance be entered on the registration record. In the case of a party affiliation change, the supervisor of elections is to change the elector's prior party affiliation rather than cancelling the prior registration and having the elector reregister. The requirement that precincts have clearly observable boundaries is deleted. The supervisor of elections may provide for registration at places other than the courthouse on the Saturdays preceding the close of registration. The oath of office of a deputy supervisor of elections is to be filed in the office of the supervisor of elections, rather than in the office of the clerk of the circuit court.

Persons eligible to receive lists of registered voters can obtain all of the information on the registration form. The supervisor is required to provide lists containing only persons who have voted, if such a list is requested. The oath to receive lists of registered voters may be taken before any person authorized to administer oaths, rather than only a supervisor or deputy supervisor.

The Department of State must mail to each supervisor of elections the format of the primary and general election ballots not less than sixty days prior to each election. In each instance prior approval of the ballot by the Department is eliminated. Prior approval of voting machine ballots by the Department is deleted and the supervisor of elections is allowed to determine the number of booths or compartments to be used in each precinct, based on a ratio of one booth for each 125 electors and the traditional voting patterns in a precinct.

The date for filing contribution and expenditure reports of political parties is changed from Monday to Friday at prescribed intervals to conform to other reports required by Chapter 106, F. S.

Overseas Registration (SENATE BILL 479 Continued)

All Florida citizens residing overseas may request an absentee registration form by use of the Federal Postcard Application. The "application for absentee registration" is changed to "absentee registration form." Absentee registrations received while the books are closed are effective for subsequent elections and the supervisor of elections must notify the applicant of such fact.

All Florida citizens residing overseas who have notified the supervisor of their overseas address are to be notified of upcoming elections by the supervisor. All purged overseas citizens may be reinstated upon receipt of a Federal Postcard Application by the supervisor of elections. The Division of

Elections may promulgate rules regarding additional specifications of absentee ballot envelopes which are sent overseas, resulting from changes recommended by the Federal Government.

Items which are used as political advertisements may be given away by candidates.

Political Committee Reports (SENATE BILL 479 Continued)

The name and address of the campaign treasurer of a political committee and those of any deputies are to be filed with the officer with whom the committee is required to register. "Campaign fund raiser" is substituted for "testimonial" as a term used in Chapter 106, F. S. The appropriate officials with whom political committees must file are specified. Political committees need to file only with the Division of Elections if the committee is involved with candidates at more than one level of government.

Committees of continuous existence need only report the full name and address of contributors. The occupation of a person contributing over \$100 would also be reported.

The act provides the following reporting schedules: 1) Unopposed candidates file on the Friday preceding the general election; 2) Opposed candidates and all committees file on the first, third, and fifth Fridays of each month and the Friday immediately preceding the election; and 3) Opposed primary candidates filing biweekly reports who are unopposed in the

general election file on the Friday preceding the general election.

A reporting schedule is provided for political committees involved in issue elections when there is no qualifying period upon which to base the beginning of biweekly reports. The report due on the Monday immediately preceding the election is eliminated. The filing officer may first notify the campaign treasurer by telephone regarding incomplete reports. If the information to complete the report is not received within 3 days of the telephone request, a registered mail notice will be sent.

Political committees are to file reports with the officer before whom the committee registers. The name, address and occupation of contributors of more than \$100 must be reported. The occupation of a contributor of over \$100 who is a relative need not be reported provided the relationship to the candidate is reported. The total proceeds from sales of campaign items are no longer required to be reported. The full name and address of each person to whom an expenditure is made on behalf of a committee or candidate is to be reported. Supplemental statements by political committees must be filed on the first Friday of each calendar quarter.

Candidate Surplus Funds (SENATE BILL 479 Continued)

Candidates may be reimbursed for their own contributions to the campaign prior to disposing of surplus funds. A separate office account must be established for retention of

surplus campaign funds by a successful candidate. The amounts of surplus funds which may be retained by elected candidates are increased to: \$10,000 for statewide candidates; \$5,000 for multicounty candidates; \$2,500 multiplied by the number of years in the term of office for legislative candidates; \$2,000 for county or less than countywide candidates; \$6,000 for a candidate for retention as supreme court justice; and \$1,500 for a county or circuit court judge candidate. Expenses from the office account may include travel, expenses incurred in the operation of the office, and employment of additional staff. The elected candidate must report the amount of funds transferred to the office account and the name and address of the bank in which the account is located. A reporting schedule and information for office accounts reports is provided.

The exclusion of campaign messages worn by a person from the definition of "political advertisement" is removed. The abbreviation "pd. pol. adv." may be used on advertisements and campaign literature, but campaign messages designed to be worn are exempted from carrying the term in full or abbreviated.

#### Testimonials (SENATE BILL 479 Continued)

Section 111.012, F. S., is created to regulate the holding of "testimonials" on behalf of "elected public officers." Both terms are defined. A notice of intent to hold a testimonial is required, together with the establishment of a depository and the naming of a treasurer, before the event may be staged or any donations collected. The required information

for the notice is specified. All monetary transactions are to be conducted through the treasurer for the testimonial. The disposition of net proceeds is prescribed, and the information to be contained in the report to be filed within 90 days from the date of the event is detailed in this act. Violation of any provision of the law is made a first degree misdemeanor.

A political poll may be authorized or conducted by a candidate, political committee, or party executive committee so long as complete jurisdiction of the poll is maintained by the candidate, committee or party.

State and county executive committees must file reports on the first Friday of each calendar quarter. Following qualifying, such committees must file reports on the Friday immediately preceding the first primary, second primary, and general elections.

#### Prohibited Acts (SENATE BILL 479 Continued)

The use of state-owned aircraft or motor vehicles by candidates, solely for the purpose of furthering their candidacy, is prohibited and the candidate must reimburse the state in the event he conducts business to further his candidacy while using such aircraft or vehicle on official state business. The use of any officer or employee of the state during working hours to further one's candidacy is barred. These two offenses are punishable as first degree misdemeanors.



HOUSE BILL 1119 (CHAPTER 81-107) prohibits any person from corruptly offering their vote for or against a candidate in return for pecuniary or other benefit and makes such an act a first degree misdemeanor.

the 1990s, the number of people with a mental health problem has increased by 50% (Mental Health Foundation 1999).

There is a growing awareness of the need to address the needs of people with mental health problems in the community. The Department of Health (1999) has set out a vision for the future of mental health care, which includes a focus on preventing mental health problems, supporting people with mental health problems in the community, and providing specialist services for people with severe mental health problems. The vision is based on the principles of recovery, which emphasizes the importance of helping people to live meaningful lives and to achieve their goals.

One of the key challenges in implementing this vision is the need to develop a workforce that is equipped to provide the range of services that are required. This includes a range of professionals, including mental health nurses, social workers, psychologists, and community workers. It also includes a range of support staff, including care assistants and administrative staff.

The Department of Health (1999) has identified a number of key areas for development in the mental health workforce. These include: increasing the number of people working in the mental health workforce; improving the training and development of the workforce; and ensuring that the workforce is equipped with the skills and knowledge that are required to provide the range of services that are required.

One of the key areas for development is the need to improve the training and development of the workforce. This includes a range of activities, including: providing ongoing training and development opportunities for staff; ensuring that staff are equipped with the skills and knowledge that are required to provide the range of services that are required; and ensuring that staff are able to access the support and supervision that they need.

Another key area for development is the need to ensure that the workforce is equipped with the skills and knowledge that are required to provide the range of services that are required. This includes a range of activities, including: providing ongoing training and development opportunities for staff; ensuring that staff are equipped with the skills and knowledge that are required to provide the range of services that are required; and ensuring that staff are able to access the support and supervision that they need.

Finally, a key area for development is the need to ensure that the workforce is able to access the support and supervision that they need. This includes a range of activities, including: providing ongoing training and development opportunities for staff; ensuring that staff are equipped with the skills and knowledge that are required to provide the range of services that are required; and ensuring that staff are able to access the support and supervision that they need.

HEALTH AND REHABILITATIVE SERVICES\*

Laws related to health and rehabilitative services enacted during the 1981 Session include a wide variety of measures. Legislation was passed which substantially amends the Juvenile Justice Act, as well as other provisions of the statutes which relate to children who are alleged to have committed acts of delinquency and violations of traffic laws. Legislation was also enacted making the definition of "child" consistent with other definitions in Section 409.168, F. S.; removing the exemption for preparation of performance agreements on children in the care of agencies for less than thirty days; and providing the Department of Health and Rehabilitative Services (DHRS) with the authority to claim the body of an indigent client for burial. Also passed were provisions requiring that the Indian River Community College provide educational programs for students committed to Florida School for Boys at Okeechobee.

In the areas of Alcohol, Drug Abuse and Mental Health, and Developmental Disabilities legislation was enacted which increases the reimbursement rate for drug rehabilitation programs funded through provisions of Chapter 397, F. S.;

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\*Prepared by House Committee on Health & Rehabilitative Services

changes the name of the Mental Health Program Office of DHRS to the Alcohol, Drug Abuse and Mental Health Program Office; delays the repeal of the provisions of law for the commitment of mentally disordered sex offenders into a treatment program operated by DHRS; and provides for the development of uniform fire-safety standards for residential facilities serving developmentally disabled persons.

Medicaid legislation was passed which extends an outpatient pilot project for indigents for one year; and in the Economic Services area, the Public Assistance Productivity Act was created which outlines state policy in the area of employment services for public assistance recipients. Services provided for the elderly were modified by the passage of legislation relating to hospices, Community Care for the Elderly, Adult Congregate Living Facilities, the creation of a Florida Seniors Committee, and the maintenance of an emergency medication kit by licensed long-term care facilities.

Numerous health related measures passed this Session include provisions which: repeal all conflicting laws which provide for the office of medical examiners, and provisions which require that hospitals offer examinations for cancer of the breast and cervix to all female patients over age 18; provide for the establishment of a pilot geriatric preventive health program in Pasco County; revise procedures relating to acquisition and distribution of cannabis; address the issue of certificate of need and functions of the Statewide Health Coordinating Council; and establish a hematology-oncology care

center program under DHRS. Legislation also passed regarding dimethyl sulfoxide (DMSO); the establishment of the Perinatal Advisory Council to Children's Medical Services; the creation of the State Health Facilities Authority act; the readoption of the existence of District Advisory Councils within DHRS; the retention of clinical laboratory licensing fees; and application and renewal of licensure as a physician, osteopath or chiropractor.

#### Hospice and Community Care for the Elderly

COMMITTEE SUBSTITUTE FOR SENATE BILL 631 (CHAPTER 81-271) specifies in Subsection 381.494(3), F. S., that the certificate of need for hospice shall be determined based on the need for and availability of hospice services, rather than solely on the need for hospice beds. Furthermore, the certificate of need formula used for hospice must discourage regional monopolies and promote competition among providers.

The act also amends Part V of Chapter 400, F. S., to facilitate contractual arrangements between hospice programs and hospitals or nursing homes by prohibiting the delicensure of acute and long term care beds prior to their designation as hospice beds. Such beds, depending on need, may be used as hospice beds, or to provide the type of care for which the bed is licensed. The Department of Health and Rehabilitative Services, however, is prohibited from approving a contractual arrangement if the number of contracted beds exceeds 20 percent of the average number of terminally ill persons receiving

hospice care within the individual hospice. In addition, a hospice shall not contract for the use of a bed in a health care facility or in another hospice that has, or has had within the last 18 months, a conditional license, accreditation, or rating. When a hospice enters into a contract with a health care facility or a service provider, the hospice shall retain the responsibility for planning, coordinating, and prescribing hospice services on behalf of the patient and his family. A hospice which contracts for any hospice service is prohibited from charging fees for services provided directly by the hospice if such services are duplicative of those provided to an individual patient through a contract.

This act also establishes a multi-disciplinary task force to review hospice licensure applications and to conduct annual licensure inspections. Licensure application requirements and task force review criteria are included in the act.

A statutory change to Section 410.024, F. S. (Community-Care-for-the-Elderly core services), exempts certain programs using federal funds from collecting a mandatory contribution from Community Care for the Elderly service recipients when federal regulations prohibit a means test and fees. (The language was developed with the federal Administration on Aging to provide for the use of a portion of the state Community Care appropriation as match for Older Americans Act funds.)

## Seniors Committee

COMMITTEE SUBSTITUTE FOR SENATE BILL 17 (CHAPTER 81-261) creates the Florida Seniors Committee for a period of 12 months. The 15-member Committee shall be responsible for studying the economic impact and needs of Florida's senior population. Thirty days prior to the termination of the Committee, a report of its findings and recommendations shall be submitted to the Governor, President of the Senate, and the Speaker of the House of Representatives. The implementation of the act is contingent upon the availability of federal funds applied for by the Department of Veterans and Community Affairs and it is to be staffed through that Department. The measure provides for General Revenue funds in the amount of \$3,750 to match federal funds that may be forthcoming.

## Health

SENATE BILL 41 (CHAPTER 81-233) repeals all special or local laws which provide for the office of medical examiners, or which conflict with Chapter 406, F. S. (Medical Examiners Act), effective October 1, 1981.

COMMITTEE SUBSTITUTE FOR SENATE BILL 182 (CHAPTER 81-239) provides for the establishment of a pilot geriatric preventive health program in the Pasco County local health unit. In addition, the act authorizes the Department of Health and Rehabilitative Services to establish such programs in two other districts. The intent of the pilot programs is to encourage the development of community-based alternatives to

institutionalization for older persons. Local health units in which pilot programs are established are required to use existing resources, make maximum use of volunteers, and apply for federal and state funding. If necessary, the Department may charge service recipients a sliding fee. The Department is also required to evaluate certain aspects of the pilot programs and present its findings to the President of the Senate and the Speaker of the House on or before January 1, 1983, and annually thereafter.

In response to the shortage of public health physicians, provision is made for the issuance of a Florida public health certificate to any graduate of an accredited medical school who holds a master of public health degree or is board eligible or certified in public health or preventive medicine, or is licensed to practice medicine without restriction in another state and holds a master of public health degree or is board eligible or certified in public health or preventive medicine. An abbreviated oral exam to determine competency would be required, and the certificate holder would be authorized to practice only in local health units. The act further authorizes the Board of Medical Examiners to revoke the certificate for violations of any part of Section 458.316, F. S., or for any reason which would result in revocation of a regular license.

HOUSE BILL 136 (CHAPTER 81-279) revises statutory procedures relating to the acquisition and distribution of cannabis to certified patients in order to comply with changing



federal procedures. Section 402.36, F. S., is amended to allow any state licensed 'hospital pharmacy or federally operated pharmacy to receive the substance from the appropriate federal agency for distribution to certified patients under the "Controlled Substances Therapeutic Research Act."

SENATE BILL 886 (CHAPTER 81-41) repeals Section 395.25, F. S., which requires hospitals (except psychiatric hospitals) licensed by the state to offer, in writing, to every female patient over 18 years of age, a cytologic examination for cancer of the cervix and an examination by manual palpation to determine the possible existence of breast cancer, unless such procedures are considered contraindicated or inappropriate by the attending physician, or unless such tests were performed during the preceding 12 months. The effective date of this repeal is October 1, 1981.

COMMITTEE SUBSTITUTE FOR SENATE BILL 459 (CHAPTER 81-133) provides for the issuance of a certificate of need containing conditions which must be met if the certificate of need is to be issued and remain valid. The act further provides for the functions of the Statewide Health Coordinating Council (SHCC) to include the appointment of a task force to develop a statewide expedited certificate of need review process, and make recommendations to the Legislature regarding: revisions to the state's certificate of need program; allocation of health-related federal funds subjected to block grants; coordination of hospital inspections; state policy on

the reimbursement for health services; and health planning and regulation in the absence of federal requirements.

The Department of Health and Rehabilitative Services is required to charge fees, specified within a range, for the registration and inspection of radiation machines, and must refund those fees already collected prior to the enactment of this legislation. Chapter 395, F. S., is amended by defining "JCAH Accredited Intensive Residential Treatment Programs for Children and Adolescents" as a special hospital providing 24 hour care, and having the primary functions of diagnosing and treating patients to age 18 with psychiatric disorders to restore them to an optimal level of functioning. The Department is authorized to license such programs which have received accreditation from the Joint Commission on Accreditation of Hospitals and which meet the minimum standards developed by the Department.

COMMITTEE SUBSTITUTE FOR SENATE BILL 339 (CHAPTER 81-36) authorizes injunctive relief against persons who violate provisions relating to dimethyl sulfoxide (DMSO), and authorizes licensed podiatrists to prescribe DMSO. The legislation requires that any labeling or advertisement disclose if the DMSO is not approved for human use. The act provides for a repeal of all sections of Chapter 461, F. S., added or amended by this measure, effective July 1, 1985, subject to legislative review under the Regulatory Reform Act.

SENATE BILL 308 (CHAPTER 81-31) establishes the hematology-oncology care center program under the Department of

Health and Rehabilitative Services and authorizes grants and reimbursements to establish and maintain programs as may be contracted for by local health facilities. The legislation provides guidelines for disbursements and reimbursements in the program, and requires statewide reporting and evaluation of data collected from the centers.

COMMITTEE SUBSTITUTE FOR SENATE BILL 298 (CHAPTER 81-84) amends Section 500.16 and Subsection 500.341(6), F. S., to authorize the Department of Health and Rehabilitative Services to issue limited permits for drugs which have not yet received the approval of the federal Food and Drug Administration, but have been otherwise tested and have been found to be safe. The Department is authorized to assess fees to applicants for drug permits.

The act further provides that the Department establish an interim task force study group for the purpose of examining the drug permitting processing in Florida. By September 1, 1981, the task force is to present to the Legislature its findings concerning the need for a drug permitting process within the state, the cost of adequately funding such a program, as well as the possible sources of funding.

SENATE BILL 521 (CHAPTER 81-270) revives, readopts and amends Section 383.20, F. S., relating to the continued establishment of the Perinatal Advisory Council to the Children's Medical Services Program Office within the Department of Health and Rehabilitative Services. Section 383.205, F. S., is created to authorize the appointment of the

Cardiac Advisory Council, also adjunct to the Children's Medical Services Program Office within the Department. Provision is made for membership, terms of members, expenses and reports of both these Councils, and for their repeal on October 1, 1987, subject to legislative review pursuant to the Sundown Act.

COMMITTEE SUBSTITUTE FOR SENATE BILL 133 (CHAPTER 81-237) amends Paragraph 20.19(3)(c), F. S., to provide for the functions and membership of program office advisory councils of the Department of Health and Rehabilitative Services. This legislation provides that separate and distinct appropriations are to be made for advisory council expenses, and requires that the Medicaid Advisory Council be subject to the same provisions as all other program office advisory councils. A biennial report to the Legislature is required documenting certain specified information including accomplishments and expenditures of each program office advisory council.

SENATE BILL 269 (CHAPTER 81-83) amends Subsection 20.19(5), F. S., to revive and readopt the existence of district advisory councils within the Department of Health and Rehabilitative Services. Provisions relating to such councils include: the prohibition of departmental staff from being members of any district advisory council; limiting the number of terms a member of a council may serve to 2; requiring the Department to make separate requests for appropriations for each district advisory council; authorizing, rather than requiring, the designation of subcouncils; and requiring each

council to send at least one member to the annual budget meeting of the Department. The provisions of this act are made subject to repeal and legislative review pursuant to the Sundown Act, effective October 1, 1987.

SENATE BILL 131 (CHAPTER 81-9) revives and readopts Paragraph 381.493(3)(k), F. S., which has the effect of continuing the existence of the Statewide Health Coordinating Council (SHCC). The act also provides a future repeal date of October 1, 1987, subject to review by the Legislature pursuant to the Sundown Act.

HOUSE BILL 1226 (CHAPTER 81-294) creates the State Health Facilities Authority Law through Sections 154.401-154.421 (Part V of Chapter 154), F. S. The legislation provides for the creation of the State of Florida Health Facilities Authority in the Department of Education and provides for the powers of the Authority with respect to assisting regional research hospitals or research centers, which have a contractual or operating arrangement with a regional school of medicine and are located at a regional school of medicine, in the acquisition, construction, financing and refinancing of projects through the issuance of negotiable notes and revenue bonds. The governing board of the Authority is to be five persons appointed by the Governor subject to confirmation by the Senate. No compensation is to be paid members, but they are to be paid expenses incurred while engaged in the performance of their duties. The Division of Bond Finance of the Department of General Services is to

provide necessary staff support to the Authority and ensure that meetings are electronically recorded.

The act also creates Section 395.201, F. S., to require hospitals operated by the Department of Health and Rehabilitative Services and the Department of Corrections to use problem-oriented medical records for their patients.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 559 (CHAPTER 81-283) creates Sections 458.346, 459.0211, and 460.416, F. S., requiring applicants for licensure or renewal of licensure as a physician, osteopath or chiropractor to provide the Department of Professional Regulation with information concerning the practitioner's willingness to accept Medicare assignment for services to patients eligible for Medicare reimbursement. This information is to be provided to the Department of Health and Rehabilitative Services in order that all district offices shall make a list of such practitioners available to the public.

The act further amends Section 232.032, F. S., to modify the list of communicable diseases for which immunizations are required for school attendance in Florida, and provides for temporary exclusion of nonimmunized children from schools if it has been declared that a communicable disease emergency exists. Provision is made for screening for scoliosis in both public and nonpublic schools.

HOUSE BILL 413 (CHAPTER 81-290) amends Subsection 483.051(3), F. S., to allow the Department of Health and Rehabilitative Services to retain and deposit clinical

laboratory licensing fees. Such fees are to be used in administering the Florida Clinical Laboratory Law. (Other provisions of this act are discussed in this Article under the sub-headings, Alcohol, Drug Abuse and Mental Health, Developmental Disabilities, and Social Services.)

#### Long Term Care Facilities

HOUSE BILL 484 (CHAPTER 81-152) amends Section 400.322, F. S., authorizing licensed long term care facilities to maintain an emergency medication kit for the purpose of storing medicinal drugs. Such drugs may be administered to patients under emergency conditions. The act also amends Section 400.427, F. S., to provide for development of procedures for implementation of bonding requirements of Adult Congregate Living Facilities (ACLFs) serving as representative payees or having power of attorney for any residents of the facility.

The Department of Health and Rehabilitative Services is responsible for working with the Department of Insurance, associations of ACLFs, and insurance companies to develop bonding procedures and to explore alternatives to surety bonds. The findings, including procedures, problems, and costs associated with a surety bond, shall be submitted to the Legislature by December 1, 1981.

Finally, the act declares phenylalanine restricted formula (used for the treatment of the inborn metabolic disorder PKU) as a prescription legend drug to be dispensed

only by practitioners authorized by law to prescribe medicinal drugs.

Alcohol, Drug Abuse and Mental Health

HOUSE BILL 198 (CHAPTER 81-146) increases the reimbursement rate for drug rehabilitation programs funded through the provisions of Chapter 397, F. S. The allowable reimbursement for residential rehabilitation programs is increased from a maximum of \$5 per day up to \$8.50 per day for each person referred, and for non-residential day care programs from a maximum of \$2 per day, up to \$5 per day for each person referred.

HOUSE BILL 413 (CHAPTER 81-290) changes the name of the Mental Health Program Office of the Department of Health and Rehabilitative Services to the Alcohol, Drug Abuse and Mental Health Program Office. Paragraph 20.19(4)(f), F. S., is amended to require alcohol and drug abuse programs at the district level. (Other provisions of this act are discussed in this Article under the sub-headings, Health, Developmental Disabilities, and Social Services.)

HOUSE BILL 1120 (CHAPTER 81-293) delays until July 1, 1983 the repeal of the provisions of law for the commitment of mentally disordered sex offenders into a treatment program operated by the Department of Health and Rehabilitative Services, and the disposition of such offenders when they are returned to the committing court upon completion of the treatment program. Section 394.461, F. S., is amended to



authorize the Department to continue to operate a mentally disordered sex offender treatment program on the grounds of the South Florida State Hospital. The act also provides that the Department shall not permit the entry of an offender into a residential sex offender treatment program by any procedure other than that specified in Section 917.012, F. S. The Department is required to submit to the President of the Senate and the Speaker of the House of Representatives a written report on treatment services provided, number of offenders in the program, current status of the offenders, costs involved in operating the program, and statistics on the rate of recidivism for treated offenders. The report is to be submitted no later than thirty days prior to the opening of each annual session of the Legislature. The act also requires the Department of Health and Rehabilitative Services and the Department of Corrections to submit a plan for the delivery of mental health services to persons within the custody of their respective jurisdictions by December 1, 1981. The plan must include a review and evaluation of legal, organizational and budgetary issues, and shall be a joint undertaking of both agencies. The conclusions and recommendations shall be quantified and included in the legislative budget request of both agencies in the ensuing fiscal year. The plan will also include provisions to convert the North Florida Evaluation and Treatment Center to a facility solely for the treatment of mentally disordered sex offenders, except under emergency circumstances, no later than

six months after the opening of the South Florida Evaluation and Treatment Center.

#### Developmental Disabilities

HOUSE BILL 413 (CHAPTER 81-290) amends Subsection 393.067(5), F. S., to provide that the Department of Health and Rehabilitative Services promulgate rules for the development of uniform fire-safety standards for residential facilities serving developmentally disabled persons in accordance with standards established by the State Fire Marshal to differentiate among facilities according to size. The act also amends Section 393.11, F. S., to delete the requirement for a hearing to determine the competency of children involuntarily admitted to residential services of the retardation program upon reaching majority, and instead requires a hearing to determine the appropriateness of continued involuntary placement. (Other provisions of this act are discussed in this Article under the sub-headings, Alcohol, Drug Abuse and Mental Health, Social Services, and Health.)

SENATE BILL 6 (CHAPTER 81-23) designates the recreation buildings at the Sunland Center in Gainesville, Florida, the "John C. Thomas, Jr., Recreation Center," and directs the Department of Health and Rehabilitative Services to erect appropriate signs and markers. Subsection 393.063(23), F. S., is amended to change the designation "Sunland Center" to "major state retardation facility." The Department is directed to promulgate rules by October 1, 1981, for the naming of such

facilities based on local input, with the district administrator in whose district the facility is located to have the authority to make the final decision on name selection.

#### Social Services

HOUSE BILL 413 (CHAPTER 81-290) amends Section 409.168, F. S., relating to children in foster care, to make the definition of "child" consistent with the other definitions in that section, and to remove the exemption for preparation of performance agreements on children in the care of agencies for less than thirty days. The revision regarding performance agreements states that submission of the agreements to the court is not necessary for children in care for less than thirty days if they have not been in care previously during the year. (Other provisions of this act are discussed in this Article under the sub-headings, Alcohol, Drug Abuse and Mental Health, Developmental Disabilities, and Health.)

COMMITTEE SUBSTITUTE FOR SENATE BILL 690 (CHAPTER 81-272) amends Section 402.22, F. S., relating to education programs for students who reside in residential care facilities operated by the Department of Health and Rehabilitative Services to require that the Indian River Community College provide educational programs for the students committed to the Florida School for Boys at Okeechobee. Funding for these programs is calculated pursuant to Subsections 236.081(1), (2), and (5), F. S., with funds allocated from the Florida Education Finance Program. The act also requires the Department of

Education to provide the educational programs for the Arthur G. Dozier School for Boys and the Marianna Sunland Center in Jackson County, either directly by the Department or through contractual agreements with other public educational agencies.

SENATE BILL 797 (CHAPTER 81-40) amends Section 245.08, F. S., relating to disposition of dead bodies of indigents, to give the Department of Health and Rehabilitative Services, as well as any other governmental agency providing residential care to indigents, the authority to claim the body of such a client for burial. The change in the law does not require the Department to claim the body of any indigent, nor does it change the responsibilities or involvement of counties. If the Department does claim the body and provide the burial for one of its clients, it is given the authority to attempt to assess fees for burial pursuant to Section 402.33, F. S.

#### Juvenile Justice

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR HOUSE BILL 1095 (CHAPTER 81-218) substantially amends current provisions of the Florida Statutes which relate to children who are alleged to have committed acts of delinquency and to children who have allegedly violated traffic laws. In the area of juvenile traffic offenses and the jurisdiction of such offenses, the act repeals Subsection 39.01(21), Paragraph 39.11(1)(f), and Section 316.630, F. S. Except for traffic offenses which are classified as felonies, the county court is given jurisdiction in all traffic cases involving children.

The procedures for handling a minor taken into custody for a criminal traffic offense or violation of Chapter 322, F. S., are delineated in the amended Section 316.635, F. S. If law enforcement has been unable to locate an agency that would accept the child for treatment, or has been unable to locate the parent of the child, the changes in Chapter 316, F. S., provide for law enforcement to deliver the child to the appropriate intake office of the Department of Health and Rehabilitative Services for placement in an appropriate substance abuse agency or medical facility, if needed; or for temporary custody of the child to be given to the Department until the Department can locate the child's parent, guardian, or a responsible adult relative. Also, the penalty section of Chapter 316, F. S., was amended to provide the court with additional sanction options which can be used if a child has been found to have committed any one of the offenses listed in Section 316.655, F. S.

Changes in the law regarding traffic offenses do not become effective until October 1, 1981. The changes made regarding acts of delinquency in Chapters 39 and 959, F. S., take effect on July 1, 1981.

Subsection 959.15(1), F. S., is amended to conform the language relating to the period of time a juvenile may be held in detention to coincide with the Rules of Juvenile Procedure and the changes made in Chapter 39, F. S. The major changes in the Juvenile Justice Act, Chapter 39, F. S., other than the traffic offense changes mentioned earlier, deal primarily with:

detention; direct file; process and service; expansion of the court's role in the placement of and retention of a child in a program when the child is committed to the Department; expansion of Community Control requirements; addition of parental liability for actions of a child; expansion of escape provision; and relaxation of release information on juveniles in certain cases. In the area of detention, the criteria for placement in detention care has been expanded to permit the initial detention of a much broader spectrum of children alleged to have committed acts of delinquency. In addition, the act shifts the ultimate responsibility for determination of placement in detention from the intake officer to the state attorney in cases where law enforcement and intake disagree on the need for detention. The length of time a child can be detained prior to having a detention hearing is changed from 48 to 24 hours to conform with the Juvenile Rules of Procedure. Also, children can be ordered by the court to be placed in a jail if the superintendent of the detention home recommends the placement based upon the child being beyond the control of the detention home staff. In the determination of the action to be taken against a child, as delineated in Paragraph 39.04(2)(e), F. S., the state attorney does not have to wait until receiving the recommendation of the intake officer before proceeding. In Subparagraph 39.04(2)(e)4., F. S., the state attorney is given greater flexibility on the type of child on which he can file an information. With the changes, any child 16 or older who allegedly commits a felony, or any child 16 or older who

allegedly commits a misdemeanor, and has a record of two prior delinquent acts one of which is a felony, can be direct filed. In the area of process and service, Section 39.06, F. S., it is no longer mandatory that a guardian ad litem be appointed by the court for a child when the parents or custodians of the child cannot be located.

Section 39.08, F. S., was changed to give the courts the option of requiring a school board to have an educational needs assessment prepared on a child adjudicated delinquent, in order to aid the court in determining the needs of the child. The amendments to Sections 39.09 and 39.11, F. S., relating to disposition hearings and disposition powers, further extend the authority of the court by giving it a much greater role in the determination of the handling of the individual case. The court is now to be given three options by the Department of Health and Rehabilitative Services for placement of the child which the court will rank according to preference. The court is also permitted to require placement in a community control program after the release of the child from the commitment program. In the community control portion of the law, the court may now require school attendance or suitable employment as part of the conditions for community control. Section 39.112, F. S., has been amended to include escape from a halfway house as constituting a felony of the third degree. Finally, Section 39.12, F. S., was amended to allow law enforcement the authority to release to the press the name and address of any child age 16 or older taken into custody for

allegedly committing a felony, or of any child age 16 or older taken into custody for any offense if the child has a record of having committed 3 or more violations of law which, if committed by an adult, would be misdemeanors.

#### Medicaid

SENATE BILL 838 (CHAPTER 81-98) amends Section 409.2671, F. S., authorizing an extension of the outpatient hospital pilot project for one year, until June 30, 1982. (The Department of Health and Rehabilitative Services is conducting the project to test the feasibility of obtaining federal matching funds under the Medicaid program for certain expenditures made by units of local government for hospital outpatient services to eligible Medicaid recipients. Initial authorization for the project was provided by Chapter 78-440, Laws of Florida. The project has been extended by the Legislature the last two years, and the project's authorization was scheduled to terminate June 30, 1981.)

#### Economic Services

SENATE BILL 1025 (CHAPTER 81-258) creates Section 409.027, F. S., the Public Assistance Productivity Act, which provides direction for the state regarding employment services for public assistance recipients by setting forth state policy, listing priority activities, and requiring the development of a state plan, each of which focus on the goal of placing such persons in unsubsidized jobs. The Department of Health and Rehabilitative Services is designated as the agency responsible



for the planning and coordination of the project, and is required to submit a plan to the Legislature and to the Governor by January 1 of each year. A 5-year plan is to be developed and submitted with the annual plan by January 1, 1982. The Departments of Commerce, Labor and Employment Security, and Veterans and Community Affairs, as well as other appropriate state and local agencies, are to cooperate in the development of the annual state plan.

The act also requires the Department of Health and Rehabilitative Services to implement, through a contractual relationship, a demonstration pilot project modeled after the National Women's Employment and Education Model Program conducted in San Antonio, Texas. The purpose of the project is to determine the feasibility of establishing such programs throughout the state. The project would provide on-the-job training, counseling, and placement services to Aid to Families with Dependent Children (AFDC) recipients.



INSURANCE\*

The 1981 Regular Session of the Florida Legislature reenacted certain insurance laws and amended and revised others to provide: a revision of the interest rate limitations on life insurance policy loans, and the standards for valuing reserves and nonforfeiture benefits; continued coverage under disability insurance plans for certain divorced spouses of group members; permanent statutory status for the heretofore temporary Florida Medical Malpractice Joint Underwriting Association, subject to review pursuant to the Regulatory Reform Act; separate regulatory provisions for dental service plan corporations; prohibition of denial of motor vehicle liability insurance based solely on the insured's experience while employed as firefighter or law enforcement officer; mandatory offering of sinkhole insurance by property insurers; tightening of regulations governing home warranty association licensees; eligibility for independent and public adjusters to obtain limited licenses for adjusting certain claims formerly restricted only to company employee adjusters; elimination of the requirement for assessment of fire and casualty insurance companies to fund the Division of Insurance Fraud; and

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\*Prepared by staff of the Senate Commerce Committee

reenactment of statutory authorization for the Florida Fire Safety Board and the Workers Compensation Advisory Council.

#### Life Insurance

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 344 and 741 (CHAPTER 81-289) completely revises the interest rate limitations on life insurance policy loans and the standards for valuing reserves and nonforfeiture benefits under life insurance policies. As amended, Section 627.4585, F. S., will allow life insurance companies to use a flexible loan interest rate for policy loans which will track the Moody's Corporate Bond Index. Presently, an 8 percent interest rate is the maximum rate that can be charged on policy loans. As amended, the law will provide that a life insurance company could elect to use a maximum 10 percent rate or the flexible rate. The flexible rate could increase as often as quarterly by the same amount as the increase in the bond index, provided the index increases by at least a one-half of one percent annual rate during that period. If the bond index decreases by a one-half of one percent annual rate, the loan interest rate must decrease by the same amount. The flexible interest rate can change during the time a loan remains outstanding. The new interest rate provisions apply to policies issued on or after October 1, 1981.

The Standard Valuation Law (Section 625.121, F. S.) and the Standard Nonforfeiture Law (Section 627.476, F. S.) are also amended, substantially revising the method by which life

insurance companies value reserves and nonforfeiture benefits. The amendments to these sections (and the policy loan section) implement the recommendations contained in the model bill drafted by the National Association of Insurance Commissioners. The Standard Valuation Law requires a minimum level of reserves to be maintained in order to guarantee that future benefits can be paid. The law prescribes the maximum rate of interest and other standards companies must use in valuing present reserves. As amended, the interest rate could be a flexible rate based on a 3-year average of the Moody's Corporate Bond Index. Once established at the issuance of the policy the reserve rate is not further adjustable. Similarly, the Standard Nonforfeiture Law would also be amended to authorize use of an interest rate equal to 125 percent of the standard valuation interest rate to be used in determining what present funds will earn in order to pay future cash surrender values and nonforfeiture benefits. Other changes to the valuation methodology are made, such as updating of mortality tables. (In inflationary periods, these changes will allow life insurance companies to lower reserve requirements and lower cash surrender values because use of higher interest rates allows less money to be reserved to pay future benefits. The decrease in costs to the insurance companies may result in a decrease in life insurance premiums. Life insurance rates are not presently regulated and, therefore, any decrease in premiums is dependent upon competition. However, it is unlikely that the new interest

rate provisions will be utilized by life insurance companies until a majority of the states enact similar legislation.)

All sections added or amended within Chapters 625 and 627, F. S., by this act are repealed on July 1, 1982, subject to legislative review pursuant to the Regulatory Reform Act (Section 11.61, F. S.).

#### Disability Insurance

COMMITTEE SUBSTITUTE FOR SENATE BILL 510 (CHAPTER 81-134) creates Section 627.6676, F. S., to require that group disability (health) insurance policies provide continued coverage to divorced spouses of group members, provided the former spouse is dependent for financial support on the group member. The contract may specify the amount and manner in which premiums are to be paid. Certain conditions are listed under which coverage for the former spouse may terminate, including nonpayment of premiums, remarriage, termination of the member's coverage, eligibility for other group coverage, conversion to a nongroup policy, and eligibility for Medicare. The act applies to group policies issued or renewed on or after October 1, 1981. The provisions of this act are repealed on July 1, 1982, and are subject to review by the Legislature pursuant to Section 11.61, F. S.

#### Life Care Contracts

HOUSE BILL 861 (CHAPTER 81-292) addresses several provisions in Chapter 651, F. S., (Life Care Contracts law). The major changes are concerned with liquid reserve

requirements, financial disclosure to members, escrow requirements, the role of the Continuing Care Advisory Council, and financial actions to reduce the possibility of bankruptcy proceedings. This act requires all entrance fees to remain in escrow until long-term financing of the facility has been obtained. Reserves must be maintained in an amount equal to one-half of the yearly debt service and notice must be given to the Department of Insurance when the reserves are depleted below the minimum required. Continuing care facilities are also permitted to invest reserves in accordance with Part II of Chapter 625, F. S., which regulates investments of insurance companies. Grounds for denial, suspension, revocation, or refusal to renew a certificate of authority are provided, as well as duration of suspension period, obligation during suspension, and reinstatement provisions. Administrative fines are set and procedures for delinquency proceedings are expanded. The act sets a repeal date of July 1, 1983, for Chapter 651, F. S., subject to review by the Legislature pursuant to the Regulatory Reform Act of 1976.

#### Medical Malpractice Insurance

HOUSE BILL 279 (CHAPTER 81-4) deletes the expiration date of July 1, 1981, for the Florida Medical Malpractice Joint Underwriting Association created in 1975 to provide medical malpractice insurance to health care providers otherwise unable to obtain such coverage. The original law provided for a temporary association for a period not exceeding 3 years, which

period was extended for another 3 years in 1978. Thus the Association is made permanent. However, the statute itself, Subsection 627.351(7), F. S., is scheduled for repeal on October 1, 1982, subject to review pursuant to the Regulatory Reform Act.

Professional Service Plans (Nonprofit Corporations)

SENATE BILL 672 (CHAPTER 81-39) creates separate regulatory provisions for dental service plan corporations. Formerly regulated under Chapter 641, F. S., Part I, designed for hospital and medical service plans, dental service plans will now be regulated under newly created Part III of Chapter 637, F. S. Required to be licensed with the Department of Insurance, an applicant desiring to provide prepaid dental services must prove that it has \$100,000 working capital or an amount necessary to cover all expenses for a period of 6 months, whichever is greater. Sufficient reinsurance may be obtained in lieu of the capitalization requirements. The applicant must also establish that it has obtained valid contracts with an adequate number of dentists to provide the benefits to the proposed subscribers and that the plan has a reasonable possibility of success. The Department has the authority to approve all rates charged by dental service plans. Annual financial reports must be filed, and all salesmen and solicitors must be licensed with the Department. Existing dental service plans must obtain substantial compliance with the act's requirements within 6 months after the effective date



(July 1, 1981), except that minimum capitalization requirements must be met within 2 years. A July 1, 1988, repeal is provided for, subject to review pursuant to the Regulatory Reform Act.

#### Casualty Insurance

SENATE BILL 652 (CHAPTER 81-253) amends Section 627.7286, F. S., to provide that an insurer providing motor vehicle liability insurance cannot refuse to renew a policy offering coverage for a personal motor vehicle based solely on that person's experience while operating a vehicle as part of his employment as a firefighter or law enforcement officer. Each section of Chapter 627, F. S., which is added or amended by the act is repealed July 1, 1982, and must be reviewed under the Sunset law.

#### Property Insurance Contracts

HOUSE BILL 147 (CHAPTER 81-280) requires property insurers to make sinkhole insurance available for any structure by creating Section 627.706, F. S. Sinkhole insurance must cover physical damage to property caused by the sudden settlement or collapse of the earth due to subterranean voids created by the action of water on limestone or similar rock formation. Contents of personal property are covered to the extent provided in the contract. The act applies to new and renewal policies delivered or issued in Florida on or after October 1, 1981.

The act also amends Section 627.702, F. S., the "Valued Policy Law," which provides that when there is a total loss of

a home (including a mobile home) due to fire or lightning, the insurer must pay the amount specified in the policy. A 1980 amendment provided that the law should not prohibit insurers from repairing or replacing damaged property at the insurers' own expense. In the case of mobile homes, Section 627.702, F. S., authorizes three types of insurance coverages: 1) a stated value policy for which policy limits are paid in the event of a total loss; 2) replacement cost basis; or 3) actual cash value basis. This amendment specifies that when an individual purchases stated value coverage for a mobile home, the insurer may not elect to repair or replace the damaged property.

#### Warranty Associations

COMMITTEE SUBSTITUTE FOR HOUSE BILL 280 (CHAPTER 81-148) amends Part II of Chapter 634, F. S., to provide that a home warranty association's license may be suspended, revoked, or not renewed, if the association has not maintained a net worth equal to one-sixth of the written premiums received for any in force binder or warranty, and that the Department of Insurance may institute these actions without advance notice and hearing if the net worth requirement is not maintained. An association's license must be suspended or revoked if it issues a warranty contract which provides for renewal, and the Department is prohibited from approving any form which is subject to renewal. The current provision, prohibiting

coverage under a home warranty contract in excess of 18 months, is deleted.

Part II (relating to Home Warranty Associations) and Part III (relating to Service Warranty Associations) of Chapter 634, F. S., are repealed as of July 1, 1983, subject to review pursuant to the Regulatory Reform Act.

#### Field Representatives - Adjusters and Agents

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 285 and 308 (CHAPTER 81-282) amends Part V (relating to Insurance Adjusters) of Chapter 626, F. S., to provide that independent and public adjusters may obtain limited licenses to adjust claims in automobile physical damage, fire and allied lines including marine, casualty, workers' compensation, boiler and machinery, disability, or any combination of these insurances. Under the present statute, and until the act's effective date of October 1, 1981, only company employee adjusters may obtain such limited licenses. Part V of Chapter 626, Insurance Adjusters, is repealed on July 1, 1982, and is subject to Sunset review to coincide with the authorized repeal and review of Parts I-IV of this chapter, which also relate to licensing procedures and general requirements of certain insurance field representatives.

#### Insurance Fraud

SENATE BILL 628 (CHAPTER 81-48) eliminates the requirement that all fire and casualty insurance companies be assessed equally for the costs of administration of the

Division of Insurance Fraud, by repealing Subsection 626.989(7), F. S. To the extent necessary to fund the Division, state license tax portions of insurance agents' and solicitors' license fees are to be placed in the Insurance Commissioner's Regulatory Trust Fund, rather than in the General Revenue Fund. The balance of such license fees is to be credited to the General Revenue Fund. The effective date of this act is delayed until July 1, 1982.

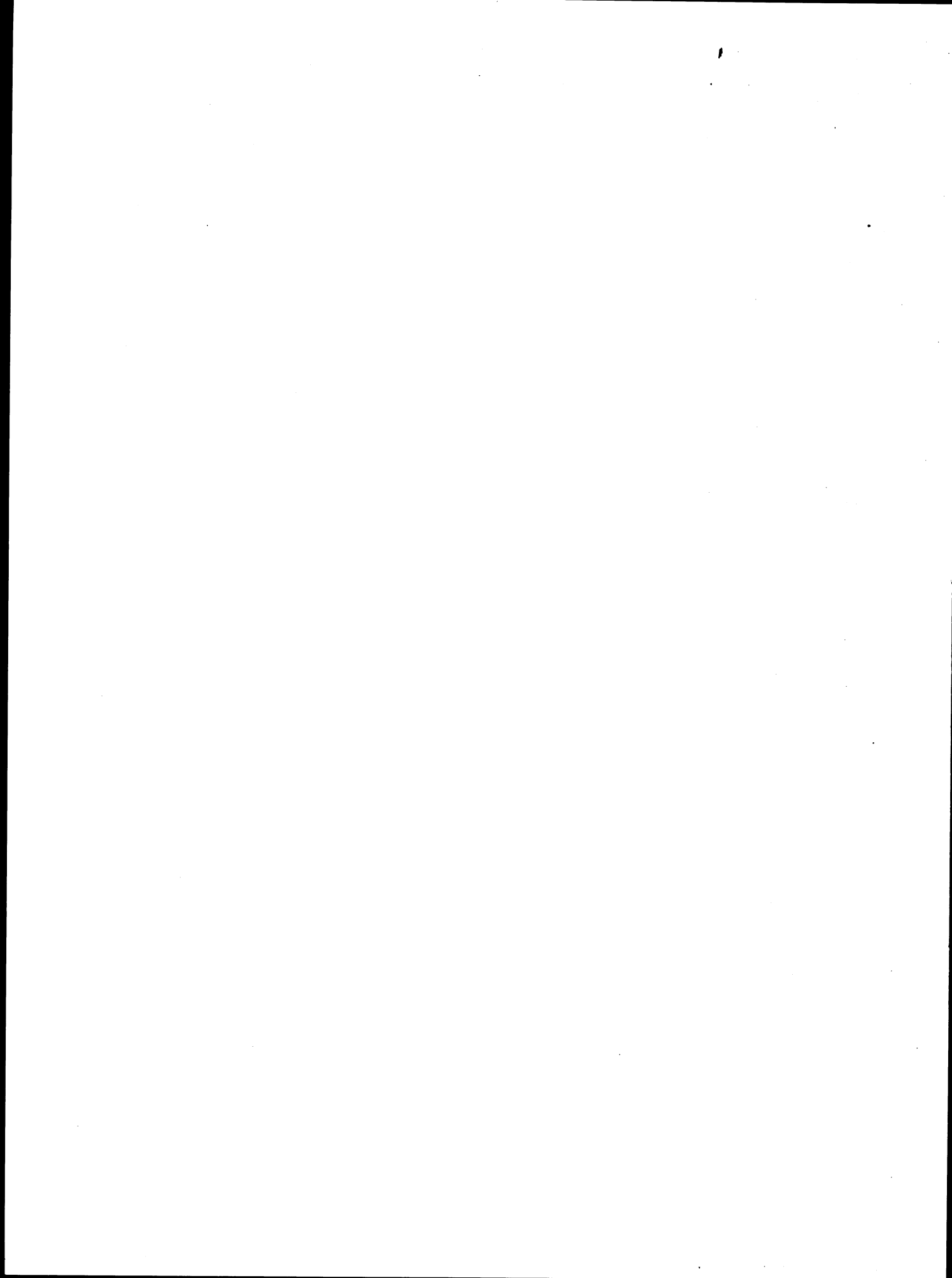
#### Fire Prevention and Control

COMMITTEE SUBSTITUTE FOR SENATE BILL 231 (CHAPTER 81-264) revives and readopts Section 633.511, F. S., with modifications, and provides for future review. Membership on the Florida Fire Safety Board would be increased from five to seven members to accommodate two fire equipment license holders. To be eligible for appointment, fire equipment licensees must hold a current fire equipment license and have been actively engaged in the business for at least 5 consecutive years prior to appointment. Qualifications for appointment to the remaining five positions are readopted. The act empowers the Governor to remove any appointed member for cause.

#### Workers' Compensation

COMMITTEE SUBSTITUTE FOR SENATE BILL 220 (CHAPTER 81-76) reenacts and amends Subsection 440.44(8), F. S., to provide statutory authorization for the Workers' Compensation Advisory Council. As amended, the statute specifies that a fifteen-

member council is to be appointed by the Secretary of the Department of Labor and Employment Security to aid the Division of Workers' Compensation. Initially, staggered terms are provided with four members serving for a term of 4 years, four members for a term of 3 years, four members for a term of 2 years, and three members for a term of 1 year. Thereafter, members shall be appointed for 4-year terms. The act provides for review of this subsection pursuant to the Sundown Act (Section 11.611, F. S.) in 1987.



LAW ENFORCEMENT AND CRIMINAL JUSTICE\*

Activity of the 1981 Legislature in the area of law enforcement and criminal justice resulted in enactments creating the Florida Mutual Aid Plan to be administered by the Division of Local Law Enforcement Assistance under the direction of the Executive Director of the Florida Department of Law Enforcement; merging the Correctional Standards Council in the Department of Corrections with the Police Standards and Training Commission in the Florida Department of Law Enforcement to create the Criminal Justice Standards and Training Commission in the FDLE; renaming the Governors Council for the Prosecution of Organized Crime as the Governors Council on Organized Crime, and expanding its membership and duties; transferring the Medical Examiners Commission from the Department of Health and Rehabilitative Services to the FDLE; and reviving the Criminal Justice Information Systems Council adjunct to the FDLE. Other acts in this area include provisions for clarifying and strengthening laws relating to bail, controlled substances, motor vehicle traffic infractions, substantive criminal law, racketeering, juveniles, purchase and

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\*Prepared by staff of Senate Judiciary-Criminal Committee

sale of precious metals, and the arrest, detention and custody of certain lawbreakers.

#### Law Enforcement Agencies and Administration

SENATE BILL 1104 (CHAPTER 81-142) repeals provisions in Chapter 23, F. S., relating to the hierarchical organizational structure under the Florida Mutual Aid Act, and creates the Florida Mutual Aid Plan under the direction of the Executive Director of the Florida Department of Law Enforcement (FDLE), with administration through the Department's Division of Local Law Enforcement Assistance.

Under the Plan, the Director will coordinate and implement the law enforcement planning and activities for the use of mutual aid among law enforcement agencies and state resources; maintain lists of law enforcement equipment and personnel within the state; coordinate and direct law enforcement services under the Plan; gather information and intelligence relating to law enforcement mutual aid assistance from state agencies to support local law enforcement in times of peril or disaster; integrate the Florida Highway Patrol's participation in the Plan; maintain liaison with the Governor, federal and state agencies, and the Attorney General; and facilitate the flow of information to local law enforcement officials. The new law also authorizes law enforcement agencies to enter into mutual aid agreements as defined in the act. Mutual aid agreements and emergency assistance agreements are to be filed with the Division of Local Law Enforcement



Assistance whose duties under the law are enumerated. The powers, privileges and immunities of participating law enforcement personnel and the duties of participating political subdivisions remain the same as under prior law unless otherwise agreed to in writing. The act provides for the confidentiality of the Plan and the inventory of state and local law enforcement resources.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 103 (CHAPTER 81-24) merges the Correctional Standards Council in the Department of Corrections with the Police Standards and Training Commission in the Florida Department of Law Enforcement in amending various sections of Chapter 943, F. S. The new entity remains in FDLE and is renamed the Criminal Justice Standards and Training Commission. The membership of the new Commission is increased, and is selected to reflect its expanded responsibility. Five-member panels of commissioners are authorized to conduct decertification hearings on law enforcement and correctional officers, the procedures for which are continued from prior law. The Commission is authorized to create regional training councils to assist in assessing regional training plan and facilities needs.

The act requires correctional officers to meet the same qualifications as law enforcement officers in order to be hired. Both correctional officers and law enforcement officers must meet certain training requirements. Salary incentive payments to state correctional officers are authorized. Local

units of government may participate in the salary incentive program with their own funds at their option. Provision is made for doubling and distributing certain court assessments between the Law Enforcement Training Trust Fund and the Correctional Officers Training Trust Fund, pending their merger on June 30, 1984. Counties and municipalities are authorized to levy a like amount for specified law enforcement and correctional education and training activities until the same date, subject to audit of the Auditor General. All rules of the Police Standards and Training Commission and the Correctional Standards Council are to remain in effect until repealed pursuant to this act. On the effective date of the merger, the Criminal Justice Standards Council will be substituted as a party in interest in any legal or administrative proceeding involving either the Police Standards and Training Commission or the Correctional Standards Council. The sum of \$263,842 is appropriated from General Revenue to the Department of Corrections to permit salary incentive payments to eligible employees, beginning January 1, 1982. The Division of Criminal Justice Standards and Training of the Department of Law Enforcement is allocated \$86,431 to allow the transfer of 3 existing positions from the Department of Corrections and the creation of 4 new positions. The applicability of the Sundown Act to various sections of Chapter 943, F. S., is prescribed.

HOUSE BILL 1049 (CHAPTER 81-216) provides a special qualification salary supplement of \$2,000 for each sheriff who meets the qualification requirements established by the

Department of Law Enforcement. This replaces the requirement, formerly found at Subsection 943.21(2), F. S., that a sheriff complete 480 hours of approved training courses to receive the special qualification supplemental salary.

SENATE BILL 426 (CHAPTER 81-89) reestablishes and transfers the Medical Examiners Commission from the Department of Health and Rehabilitative Services to the Department of Law Enforcement, thereby negating the October 1, 1981 repeal of the Commission pursuant to the Sundown Act. The Commission's membership is expanded from 6 to 9 to include a public defender, a sheriff, and a county commissioner. One member of the Commission must be the Director of the Health Program Office of the Department of Health and Rehabilitative Services or his designee. The Commission is to oversee the distribution of state funds among the medical examiner districts, and is empowered to make contracts subject to approval of the Executive Director of the Department of Law Enforcement. The Executive Director must also approve all staffing and budgetary decisions. A medical examiner may be removed or suspended by the Commission for certain specified acts. Previously unlimited terms of examiners are fixed at 3 years, to be implemented on a staggered basis among the medical examiner districts. An examiner is required to submit a budget to the appropriate board of county commissioners. A repeal date of October 1, 1987, is adopted for statutes relating to the Commission pursuant to the Sundown Act.

SENATE BILL 84 (CHAPTER 81-10) revives, pursuant to the Sundown Act, the nine-member Criminal Justice Information Systems Council, which is adjunct to the Florida Department of Law Enforcement (FDLE). (The Council advises the Division of Criminal Justice Information Systems in matters relating to the collection, storage, and dissemination of criminal history, criminal intelligence, and criminal investigative information.) Any member of the Council who fails to attend two consecutive meetings without cause may be removed by the appointing authority (the Governor). A meeting of the Council may be called in one of several ways: by the chairman; at the request of a majority of members; at the request of the Department; or as may be prescribed by rules. Under provisions of the Sundown Act, a repeal date of October 1, 1987, is fixed for the Council.

#### Bail

SENATE BILL 390 (CHAPTER 81-47) amends Section 903.27, F. S., to remove the requirement that the state attorney file a certified copy of an order of forfeiture of bail with the clerk of the circuit court. The clerk of the circuit court shall now carry out the section's requirements without the involvement of the state attorney. Subsection 903.27(3), F. S., is added to provide that no judgment entered prior to the effective date of the act will be invalidated because of the state attorney's failure to file, or the clerk's failure to make a certified copy of the order of forfeiture.

### Controlled Substances

HOUSE BILL 305 (CHAPTER 81-149) amends Subsection 893.147(1), F. S., to conform the intent language of the Model Drug Paraphernalia Act. This subsection was declared unconstitutional, primarily because of the intent language, in Florida Businessmen for Free Enterprise v. State of Florida, No. 80-6954 (N.D. Fla.1980).

SENATE BILL 31 (CHAPTER 81-53) prohibits the sale of any drug or other substance that is falsely represented as a controlled substance. The law further prohibits the sale, manufacture, delivery, and possession with intent to sell of counterfeit controlled substances defined as physically resembling a controlled substance by its trademark, trade name, identifying mark, imprint, number, container, labeling, or other likeness. Penalties are provided.

### Motor Vehicles

SENATE BILL 385 (CHAPTER 81-46) conforms the Florida Nonresident Violator Compact Act to the 1977 version of the law developed as a project of the Council of State Governments which was sponsored by the National Highway Traffic Safety Administration. (Florida becomes the twenty-second jurisdiction to adopt this version of the act, the purpose of which is to guarantee nonresident motorists who receive citations for minor traffic infractions in a party state the same treatment accorded resident motorists.)

SENATE BILL 720 (CHAPTER 81-274) requires any law enforcement agency which recovers a stolen motor vehicle to notify the owner of record by any means available or by certified letter, return receipt requested, if other notification has not been made within 72 hours. The law enforcement agency which initiated the stolen vehicle report is to be notified within 72 hours by teletype or certified letter, return receipt requested.

Substantive Criminal Law

SENATE BILL 307 (CHAPTER 81-85) amends the "Florida Anti-Fencing Act" (Sections 812.012-812.037, F. S.) to include willful misrepresentation of a future act, or a false promise, within the meaning of the phrase "obtains or uses," for purposes of the act. (Under current law a false representation of a past or existing fact is essential to support a conviction.)

COMMITTEE SUBSTITUTE FOR SENATE BILL 54 (CHAPTER 81-121) defines precious metals for purposes of the laws regulating purchases and sales of junk dealers, scrap metal processors, persons dealing in secondhand goods and foundries (Sections 812.049, 812.051-812.052, F. S.) to mean any item previously sold at retail containing any gold, silver or platinum. Information regarding purchases required to be kept by such dealers is expanded and must be submitted to the appropriate police department as well as sheriff within 24 hours of purchase. No articles containing precious metals may be

altered, disposed of or transferred to another county for the next 15 days and must be available for inspection by any law enforcement officer. The prior exemption for gold or silver coin dealers or retail jewelers is deleted, but the purchase of the following is exempted from the requirements of this act: coins with an intrinsic value less than their numismatic value; gold bullion coins; gold, silver or platinum bullion assayed and properly marked or any coin in a jewelry setting.

SENATE BILL 537 (CHAPTER 81-249) is designed to cure a defect of Section 876.13, F. S., which prohibits the wearing of a hood or mask on any public walk or road, and which was struck down by the Florida Supreme Court as being unconstitutionally overbroad in that it could be applied to entirely innocent activities. This act creates Section 876.155, F. S., which provides that the prohibitions against wearing a hood or mask will apply only when the wearer is engaged in specified activities. The law also creates Section 775.0845, F. S., which provides enhanced penalties for persons who wear a hood or mask while committing a criminal offense other than violations of the prohibitions contained in Sections 876.12 through 876.15, F. S. Provisions of the act are declared severable.

SENATE BILL 881 (CHAPTER 81-278) creates Section 775.088, F. S., which provides that any person who is in possession of a concealed firearm or destructive device in the premises of a pharmacy is guilty of a third degree felony. People who are licensed to carry firearms, as well as those who

are authorized to carry firearms by the owner or manager of a pharmacy, are exempted.

HOUSE BILL 176 (CHAPTER 81-281) amends portions of Chapter 769, F. S., to increase the penalties for operating a place of prostitution and living off the earnings of a prostitute (pimping) to a third degree felony. The purchase of the services of a prostitute is made unlawful. The habitual offender provisions become applicable to prostitution itself, thereby giving the judge the option to impose stiffer penalties upon certain repeat offenders. Legal proof of convictions for all offenses committed under Chapter 796, F. S., are to be obtained by requiring that a defendant's fingerprints be affixed to the written judgment of guilt which is required of all convictions under the chapter.

SENATE BILL 254 (CHAPTER 81-43) makes the knowing and willful infliction, without lawful cause or justification, of great bodily harm, permanent disability or death upon a police dog, as defined in this law, a third degree felony.

HOUSE BILL 182 (CHAPTER 81-17) establishes the crime of abandonment of an animal by its owner by defining the terms "abandon" and "owner" and describing the circumstances under which the owner is guilty of committing a second degree misdemeanor. Punishment as an habitual misdemeanant is permitted.

#### Organized Crime

Under SENATE BILL 592 (CHAPTER 81-135) the Governor's



Council for the Prosecution of Organized Crime becomes the Governor's Council on Organized Crime. Its membership is expanded to include a senator and representative appointed by the President and Speaker, respectively. The Governor is to select the chairman from among his five state attorney appointees and shall also name one to act as legal advisor and director to the statewide grand jury. Only the legal advisor or an assistant may attend meetings of the jury. The act specifies that the Council shall: hold public or private hearings to determine the scope and extent of organized crime in Florida; establish priorities for prosecuting organized crime cases throughout the state; publish an annual report to the Governor and the Legislature which will recommend appropriate legislation and funding for the criminal justice system; and provide adequate staff support for the legal advisor. The Council will meet as often as necessary at the call of the chairman or majority vote of the members. Those meetings held primarily to further criminal investigation are specifically exempt from the "Sunshine Law" (Section 286.011, F. S.) and only those members and staff designated by the chairman may attend.

COMMITTEE SUBSTITUTE FOR SENATE BILL 906 (CHAPTER 81-141) provides for substantial revisions of the Florida Racketeer Influenced and Corrupt Organization (RICO) Act, Sections 943.46-943.468, F. S. Presently, the Florida RICO Act provides for the forfeiture of all property used in the course of, intended for use in the course of, derived from, or

realized through racketeering activity. (However, the racketeer frequently frustrates the purpose of the RICO Act by liquidating his assets and removing them from the jurisdiction as soon as the state files a RICO forfeiture action. Forfeiture proceedings are further complicated by the fact that racketeers often invest their ill gotten gains in secret land trusts or foreign corporations.) The terms "RICO lien notice," "investigative agency," "beneficial interest," "real property," "trustee," "criminal proceeding," "civil proceeding," and "alien corporation" are defined for purposes of the RICO Act in this law, and the Attorney General or a state attorney are authorized to file a RICO lien notice at the same time that a RICO forfeiture action is filed in any county where the person named in the forfeiture proceeding owns property. The information to be contained in the notice, which shall apply to one person only, is prescribed. Date of title of the state to forfeited real or personal property is described, and procedures are set in the event forfeited property is rendered unavailable after the filing of a lien notice or civil or criminal proceeding. In regard to property owned in the person's name, the lien continues in effect when the property is sold and thereby preserves the state's interest. In regard to property owned in a secret land trust, the lien does not operate on record title; however, if the trustee sells the property he will be liable to the state for the proceeds of the sale. The term of a RICO lien notice is six years from the date of filing, subject to one six-year

renewal notice by the investigative agency. The agency may release any lien notice in whole or in part. Conditions are prescribed which permit the termination of a lien notice. This law also requires that alien corporations designate a registered office and agent and file annual reports with the Department of State, as conditions for the corporation to be able to own, buy, or sell property in Florida. The Department is allocated \$25,000 for Fiscal 1981-82 to administer the statutory requirements concerning alien corporations which take effect September 1, 1981. Provisions of the act are declared severable.

#### Juveniles

COMMITTEE SUBSTITUTE FOR HOUSE BILL 325 (CHAPTER 81-211) authorizes a court to appoint counsel for a juvenile only if the child and his parents or legal guardians are insolvent. If the parents of an insolvent child are solvent, but refuse to employ counsel for their child, the court must appoint counsel for representation at the detention hearing for the juvenile, or until counsel is provided. Parents who willfully fail to comply with the court's order shall be punished by the court in civil contempt proceedings. If the parents still refuse, the act allows counsel to be appointed for a child to insure that the child will be represented in delinquency proceedings.

COMMITTEE SUBSTITUTE FOR SENATE BILL 516 (CHAPTER 81-269) provides that if a juvenile is indicted for an offense punishable by death or life imprisonment, the child shall be

tried and handled as an adult on that offense, and on all other felonies or misdemeanors charged in the indictment which are based on or connected to the offense punishable by death or life imprisonment. Thus, the juvenile will be tried in adult criminal division on all of these offenses that are part of the same criminal episode. If convicted on the primary charge, the juvenile shall be sentenced as an adult. If convicted on any other charge, the child may be sentenced as a juvenile, as an adult, or pursuant to the Youthful Offender Act (Chapter 958, F. S.). For any subsequent violation of Florida law, the child is to be treated as an adult unless the court imposes juvenile sanctions pursuant to Subsection 39.111(6), F. S.

#### Arrests, Detention, and Custody

HOUSE BILL 109 (CHAPTER 81-108) extends to farmers a qualified privilege to take into custody and detain persons suspected of theft of farm produce. As in the case of merchants, farmers are shielded from civil liability for false imprisonment, false arrest, or unlawful detention. Law enforcement officers are also afforded the same privileges and protections regarding the theft of farm produce as they enjoy in the area of retail theft.

HOUSE BILL 1099 (CHAPTER 81-176) relates to the transport of prisoners. (Presently, it is common practice for sheriffs to hire private transport companies to transport prisoners. However, a recent Attorney General's Opinion (AGO 081-29) stated that sheriffs have no statutory authority to

continue this practice. This act will provide sheriffs with the authority to contract with private transport companies to transport prisoners both within and beyond the limits of the state.) In addition, this law requires the transport company to be insured and makes them solely liable for all prisoners while in their custody. Personnel employed by the transport companies are provided an exemption from law enforcement or correctional training or bond requirements. This act continues the provision that sheriffs will receive the actual and necessary expenses of transporting prisoners, but deletes the 7 cents per mile for actual distance traveled out of state heretofore authorized for sheriffs and their prisoners.

HOUSE BILL 304 (CHAPTER 81-111) revises Subsection 590.02(4), F. S., which presently provides that the Governor may appoint up to 20 special officers to enforce the laws relating to wild animal life, freshwater aquatic life, littering, forests and forest fires. This revision expands the arrest powers of the special officers to cover theft or damage to forest products, and gives these special officers the power to arrest, with or without a warrant, those persons who commit theft or damage to forestry products or other crimes incidental or related thereto.

HOUSE BILL 563 (CHAPTER 81-313) amends Section 901.25, F. S., relating to geographical limitations upon arrests made in fresh pursuit, and creates Section 901.211, F. S., pertaining to strip searches. An officer may now make an arrest in fresh pursuit outside of his jurisdiction but within

the county within which his jurisdiction lies, without being required to notify the officer in charge of that county. Any arrest made in fresh pursuit outside the county of the arresting officer's jurisdiction must continue to comply with the notification provisions heretofore existing.

Under Section 901.211, F. S., strip searches are defined and specifically limited in cases involving an arrest for a traffic, regulatory, or misdemeanor offense. A strip search will be permitted in those instances only when there is probable cause to believe the arrested individual is concealing a weapon, controlled substance, or stolen property, or the arrested individual is committed to county jail after first appearance. The searches are not limited when there has been an arrest for a more serious type of offense. The law also requires that all strip searches be performed by a member of the same sex as the arrested person and in privacy.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 801 (CHAPTER 81-163) provides that the activation of an antishoplifting device or inventory control device constitutes reasonable cause for the detention of a person suspected of shoplifting, provided sufficient notice of such device has been posted. The detention shall be made in a reasonable manner and for a reasonable period of time sufficient for an inquiry into the circumstances surrounding the activation of the device.

LOCAL GOVERNMENT\*

The 1981 session of the Florida Legislature addressed a number of issues concerning local government. The Community Redevelopment Act of 1969 was expanded to permit the use of tax increment bonds to finance redevelopment of areas with inadequate parking and transportation facilities; the Florida Housing Finance Agency was given broader powers to sell bonds and notes to provide funds for low, moderate, and middle income housing; and municipalities were granted greater authority to bargain with applicants for public accounting services. In addition, the Legislature voted to require financial reports in a certain form from various local officers; made it easier for counties to dispose of certain real property; authorized political subdivisions to enact ordinances regulating traffic and parking on state property; made technical changes relating to the sale of local government bonds; and expanded the authority of Dade County to place liens on aircraft at airports operated by the county.

Community Redevelopment

SENATE BILL 317 (CHAPTER 81-44) expands the definition

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\*Prepared by staff of House Committee on Community Affairs

of a "blighted area" for purposes of the Community Redevelopment Act of 1969 which authorizes the designation of a blighted area and the issuance of tax increment bonds to finance redevelopment in the designated area. The bonds are secured by a commitment of the anticipated increase in assessed valuation of property in the project area. Included within the new definition of "blighted area" are sites where there exists faulty or inadequate street layout, inadequate parking facilities, or roadways, bridges or public transportation facilities incapable of handling the volume of traffic flow in the area. The designation of a "blighted area," based solely on the criteria established in this act, would not authorize corporations located in the area to receive the credit on income taxes authorized in Chapter 220, F. S.

#### Florida Housing Agency

HOUSE BILL 1127 (CHAPTER 81-51) amends the Florida Housing Finance Agency Act, Part VI, Chapter 420, F. S. (The Agency is empowered to sell revenue bonds to increase the availability of lower cost housing funds for low, moderate, and middle income families. The original act did not permit the issuance of notes and other short term obligations, agency debt instruments were limited to a minimum five year term, and the use of its loans-to-lenders program was restricted to single family loans.) Under the 1981 amendment the definition of "bonds" is expanded to include notes and other short term obligations; the loans-to-lenders program is amended to allow



multi-family projects; and the Agency is allowed to sell obligations with a term of less than five years. The new measure also authorizes the Agency to provide construction financing, provided the financing is either by a federally guaranteed loan or any agency or instrumentality thereof; limits the term of any loan or mortgage made by the Agency to the term of the bond, debenture or note which funds it; and prohibits anyone from serving as the Agency's bond underwriter within two years after having been its financial advisor.

#### Public Accountants

HOUSE BILL 664 (CHAPTER 81-194) amends Section 473.317, F. S., which prohibits public accountants from making competitive bids for a professional engagement in which the accountant will attest, as an expert in accountancy, to the reliability or fairness of the presentation of financial information. If a person or entity receives more than one proposal for auditing services, the person or entity may rank the applicants in order of preference and then attempt to negotiate fee arrangements with the first-ranked applicant. If negotiations with the first-ranked applicant are unsuccessful, negotiations with that applicant shall be formally terminated, and negotiations with the second-ranked applicant may begin. Negotiations with the other ranked accountants shall be undertaken in the same manner. The act permits municipalities to reopen negotiations with any of the top three ranked firms after beginning negotiations with a lower ranked firm.

### Local Government Financial Reporting

SENATE BILL 650 (CHAPTER 81-96) expands the definition of "local government" in Section 218.31, F. S., to include each clerk of the circuit court, sheriff, property appraiser, tax collector, and supervisor of elections. This change will require the listed officers to submit to the Department of Banking and Finance a financial report covering their operations during the preceeding fiscal year. (Individual reporting of financial data should provide the state with information relating to the costs of the judicial system in order to facilitate possible state assumption of judicial costs.)

### County Property

SENATE BILL 373 (CHAPTER 81-87) permits a county to dispose of its real property by private sale, rather than public bid, if the value of the property is \$1,500 or less and it is determined that the property is of use only to one or more adjacent property owners due to its size, shape, location, and value. The county is required to give to each adjacent property owner notice of its desire to dispose of the property. If two or more owners of adjacent property notify the county of their desire to purchase the land, the county must accept sealed bids from each. It may then either convey the parcel to the highest bidder or reject all offers.

### Traffic Regulation

COMMITTEE SUBSTITUTE FOR SENATE BILL 146 (CHAPTER 81-26)

pertains to local enforcement of traffic and parking regulations on state-owned or state-leased property. Part IV of Chapter 287, F. S., authorizes the Department of General Services to adopt rules regulating traffic and parking on state property and to contract with counties or municipalities to provide security for state property. Under the provisions of this new act political subdivisions and municipalities are permitted to enact ordinances to enforce Department traffic and parking rules for state-owned or state-leased property.

#### Local Government Bonds

SENATE BILL 543 (CHAPTER 81-321) repeals Section 130.012, F. S., which placed a maximum interest rate of 7.5% on local government bonds. (In effect, this repeal is only a technical change in the law, since Chapter 80-318, Laws of Florida, had previously adopted a flexible interest rate on such bonds, and expressly superseded all conflicting statutes.) (See Section 215.84, F. S.) Under the provisions of this new act a local agency, industrial development authority, or health facilities authority is permitted to sell its bonds to a bank which employs a member of such agency or authority; and such a bank is permitted to serve as trustee under a trust indenture relating to such bonds, provided that the member of the agency or authority does not vote on such matters.

#### Airport Liens

SENATE BILL 366 (CHAPTER 81-138) broadens the ability of certain counties to place liens on aircraft landing at an

airport owned and operated by the county. Section 125.021, F. S., previously permitted these counties to place a lien on any aircraft using the airport when payment of landing fees and other charges is not made on demand. The new law permits the county to attach the lien to any aircraft owned or operated by the person owing such fees or charges. The previous exemption from criminal penalties which accrue for removing certain aircraft after a lien has been attached is deleted. The exemption had prohibited criminal punishment in cases where written contract fees and charges are payable at stated intervals.

(The term "county" as used in Section 125.021, F. S., is defined by Section 125.011, F. S., to include only those counties operating under a home rule charter adopted pursuant to Sections 10, 11, and 24, of Article VIII, of the Constitution of 1885, as preserved by Article VIII, Section 6(e), of the Constitution of 1968. Currently, only Dade County has adopted a charter under these provisions; therefore, this act applies only to Dade County.)

MOTOR VEHICLES AND TRANSPORTATION\*

Legislation passed by the 1981 Legislature in the area of Motor Vehicles and Transportation includes: repeal of Part II, Chapter 325, F. S., the statewide periodic motor vehicle inspection program, making it an optional program for the counties; expansion of the number of divisions within the Department of Transportation from four to six; restrictions relating to notarization of certain title transfers; addition of a 50 cent fee to the cost of all license plates sold in the state; authorization for amusement devices which operate by the application of skill at the plazas on the Florida Turnpike, and permission for citrus fruits to be sold at more than one plaza; beginning January 1982, provision of special license plates to be attached to the front of motor vehicles owned by certain public safety personnel; notification of the Department of Highway Safety and Motor Vehicles by the court upon conviction of a person for felony possession of a controlled substance when that person is in actual physical control of a motor vehicle; evidential certification of computer copy of certain records by machine imprint of the Department of Highway Safety and Motor Vehicles or clerk of a court; elevation of the level

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\*Prepared by staff of House Committee on Transportation

of property damage which must occur from a traffic infraction to require a mandatory hearing, from \$250 to \$750; permission for the Division of Economic Development of the Department of Commerce to contract with the appropriate governmental body, instead of only the Department of Transportation, for the construction of transportation projects; authorization for the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles to furnish lists of licensed drivers for a fee of 1 cent per name; exemption of certain commercial vehicles from the requirement of carrying either flares, lanterns or portable red emergency reflectors when they are being operated on the roadway between sunset and sunrise; authorization for the Jacksonville Transportation Authority to construct and operate bicycle paths within the Jacksonville Expressway System; provision of funding for completion of the Interstate Highway System. These and other statutory changes and additions are summarized below.

#### Motor Vehicle Inspection

Part II of Chapter 325, F. S., the periodic motor vehicle inspection program, is repealed by HOUSE BILL 101 (CHAPTER 81-212). The Department of Highway Safety and Motor Vehicles is required to make every reasonable effort to reassign to other available positions those employees of the Bureau of Motor Vehicle Inspection affected by this repeal. Any county which chooses to have a periodic motor vehicle inspection program is authorized to establish one.

## Department of Transportation Reorganization

SENATE BILL 1121 (CHAPTER 81-209) expands the number of divisions within the Department of Transportation from four to six, creating the Division of Preconstruction and Design from the Division of Planning and Programming, and changing the Division of Road Operations into the Division of Planning. The Division of Construction and Division of Maintenance are two new entities, but the Division of Administration and Division of Public Transportation Operations continue unchanged.

### Titles

HOUSE BILL 602 (CHAPTER 81-291) defines a private or casual sale as a sale or assignment of motor vehicle ownership in which none of the parties to the transaction is a motor vehicle dealer licensed pursuant to Section 320.27, F. S., and none of the parties is an insurer who has taken possession or is taking possession of the vehicle or the title thereto, pursuant to a policy of insurance. In the case of a private or casual sale of a motor vehicle, the notary is required to verify that the name of the purchaser is entered in the designated place on the document prior to notarizing the signature of the seller. Also, no title shall be accepted for transfer unless the name of the seller is shown as the owner on the face of the title document. The Department of Highway Safety and Motor Vehicles is to provide warning language on the transfer form for the notary. The provisions of this act become effective on January 1, 1982.

## Motor Vehicle Licenses

HOUSE BILL 621 (CHAPTER 81-118) requires the Department of Highway Safety and Motor Vehicles to issue a special license plate for the front of any vehicle of a certified emergency medical technician, certified paramedic, firefighter or law enforcement officer. The designation on the plate shall reflect that the vehicle is owned by one of the aforesaid public safety officers and shall remain in force only for the period of time that the applicant is actively engaged in such services. The plate is returnable within ten days of leaving service, and the fraudulent procurement of the plate is made a second degree misdemeanor. This act is to take effect January 1, 1982.

SENATE BILL 38 (CHAPTER 81-181) increases the fee on all motor vehicle registrations by 50 cents. The fees collected are to be used to fund the Florida Real Time Vehicle Information System through the System's trust fund created by the Department of Highway Safety and Motor Vehicles.

SENATE BILL 1121 (CHAPTER 81-209) removes the \$10 per passenger seat part of the motor vehicle license fee for buses.

Prior law provided that a certain portion of the revenues derived from motor vehicle licenses must be deposited in the Capital Outlay and Debt Service School Trust Fund and that 36.5 percent of these revenues be deposited in the State Transportation Trust Fund. HOUSE BILL 28-B (CHAPTER 81-222) provides that the portion of these revenues remaining after the above two requirements are met shall be deposited in the ACI



(Advanced Construction of Interstate) Revolving Trust Fund to be used to complete the Interstate Highway System pursuant to an agreement with the federal government.

Although certain provisions of HOUSE BILL 439 (CHAPTER 81-151) address registration requirements for trucks, the act principally treats the taxation of motor and special fuels and therefore is summarized in the TAXATION article.

#### Driver Licenses

HOUSE BILL 288 (CHAPTER 81-3) provides that when the federal law substantially conforms to the state law, any conviction for a traffic violation under federal jurisdiction will result in points being assessed the driver's license and the conviction recorded on the licensee's driving record. (On military bases in Florida, the federal court has substantially adopted the uniform traffic control law for all traffic offenses occurring thereon.) Federal traffic convictions will be recorded in the same manner as convictions from another state are recorded, in that the driver receives one-half the number of points the conviction would receive if it had been made in a Florida court.

HOUSE BILL 621 (CHAPTER 81-118) requires the court to report to the Department of Highway Safety and Motor Vehicles any conviction of a person for felony possession of a controlled substance if such person was driving or in actual physical control of a motor vehicle at the time of such possession. The aforesaid person's license shall be revoked

and he shall not be eligible to receive a limited business or employment purpose license during the term of such revocation. These provisions are effective January 1, 1982.

HOUSE BILL 992 (CHAPTER 81-34) raises from \$250 to \$750 the amount of property damage which must occur from a traffic infraction in order to require a mandatory hearing. Three provisions relating to records as evidence are contained in the act. The first provides that a copy, computer copy, or transcript of all abstracts of accident reports, abstracts of court records of convictions received by the Department of Highway Safety and Motor Vehicles, and the complete driving records of any individual may be certified by machine imprint of the Department, or by machine imprint of the clerk of the court, and shall be received as evidence in any court without further authentication. The second provision allows any court or clerk of a court which is electronically connected by terminal device to the computer data center of the Department to use information obtained by this device from the Department's records without need of certification. The act thirdly provides that for computer copies generated by a court or clerk of court terminal device, entry in a driver's record of the giving of notice of the cancellation, suspension, or revocation of his license shall itself be sufficient evidence that the notice was given and no affidavit proving the giving of such notice shall be required.

SENATE BILL 38 (CHAPTER 81-181) authorizes the Department of Highway Safety and Motor Vehicles to furnish,

upon application, lists of names, addresses, and birth dates of licensed drivers at a cost of one cent per name. Any state agency, state attorney, sheriff, or chief of police requesting such lists shall not be charged for same. However, the aforesaid agencies shall not sell, give away or allow the copying of such information. Otherwise, the agencies may be charged for subsequent lists.

SENATE BILL 1052 (CHAPTER 81-188) conforms the definition of "street or highway" in Chapter 322 (Drivers' Licenses) to the definition of Chapter 316 (Uniform Traffic Control). The definition in both chapters for "street or highway" will now cover places of "whatever nature ... open to the use of the public for purposes of vehicular travel." (This definition will allow law enforcement officers to cite an individual who is driving without a proper license on private as well as public property.)

SENATE BILL 385 (CHAPTER 81-46) which conforms the Florida Nonresident Violator Compact Act to the 1977 text of the act, is discussed in the LAW ENFORCEMENT AND CRIMINAL JUSTICE Article.

#### Traffic Control

SENATE BILL 346 (CHAPTER 81-49) exempts trucks and buses less than 80 inches wide or 30 feet long from the requirement of carrying flares, electric lanterns, or portable emergency reflectors when operating between sunset and sunrise. Any motor vehicle used for transporting explosives or any cargo

tank truck used for transporting flammable liquids or compressed gases is not eligible for the exemption, but motor vehicles fueled by compressed gas now qualify. In certain circumstances reflectors as well as flags may be displayed by parked or disabled vehicles.

The arrest authority of a police officer at the scene of a traffic accident is extended by HOUSE BILL 288 (CHAPTER 81-3) to include offenses committed in connection with the accidents which are covered under Chapter 322, F. S. (Drivers' Licenses).

Under the provisions of SENATE BILL 1121 (CHAPTER 81-209) the Department of Transportation is authorized to establish safety rules for nonpublic-sector buses and to levy a civil penalty of up to \$5,000 per infraction of these rules. Maximum lengths for single unit buses are set at 50 feet and 65 feet for articulated buses with width maximums also prescribed.

HOUSE BILL 992 (CHAPTER 81-34) raises to \$750 the amount of property damage which must occur from a traffic infraction in order to require a mandatory hearing.

#### Limited Access Roadways

Under provisions of HOUSE BILL 571 (CHAPTER 81-116) the Department of Transportation is authorized to grant concessions for amusement devices which operate by the application of skill to be located along the Florida Turnpike. However, games of chance as defined in Paragraph 849.16(1)(a), F. S., or other illegal gambling games are prohibited. The prohibition against

a person or corporation selling citrus at more than one turnpike plaza is deleted.

SENATE BILL 676 (CHAPTER 81-306) authorizes the Jacksonville Transportation Authority to construct and operate bicycle paths within the Jacksonville Expressway System, and exempts such paths from the statutory prohibition against the use of bicycles on expressways.

#### Economic Development

HOUSE BILL 1060 (CHAPTER 81-171) authorizes the Division of Economic Development of the Department of Commerce to contract with the appropriate governmental body, instead of just the Department of Transportation, for the construction of transportation projects which the Division has determined are necessary to facilitate the economic growth and development of the state. However, the Department of Transportation is authorized to advise and assist or plan and construct projects for other governmental bodies upon request, and the Department will be the contracting agency for all state highway system projects. Construction contracts are required to be awarded to the lowest and best bidder when the construction cost, exclusive of local in-kind costs, exceeds \$50,000. In addition, after December 1, 1981, the Division is precluded from expending funds on any project that was under construction, or had been constructed, prior to the initiation of this program.

### Miscellaneous

Certain provisions of SENATE BILL 1121 (CHAPTER 81-209) prohibit a county or municipality from the economic regulation of nonpublic-sector buses engaged in intercity transportation, but reserves the right to such governmental entities to promulgate necessary safety and traffic ordinances.

Other provisions of this same act amend the Florida Insurance Code to bar the sole consideration of a person's driving experience as a law enforcement officer or firefighter in setting personal vehicle insurance rates. These changes to the insurance law stand repealed on July 1, 1982.

SENATE BILL 356 (CHAPTER 81-37) authorizes the Department of Highway Safety and Motor Vehicles to create an employees' benefit fund and to deposit the proceeds from vending machines located in the Department's buildings in the fund.

PROFESSIONAL REGULATION\*

Most of the statutory changes enacted by the 1981 Legislature in the area of professional and occupational regulation were brought about by passage of one omnibus vehicle, SENATE BILL 700, (CHAPTER 81-302). Subjects treated in this measure include changes to expand or improve certain functions and duties of the Department of Professional Regulation, and the hearing officers and regulatory boards functioning thereunder. The act redesignated certain boards and revised or expanded functions of the Department and the appropriate boards concerned with the licensing of accountants, architects, engineers, pilots, pharmacists, and veterinarians. The following summary discusses the changes and revisions brought about by this act under sub-headings denoting the specific profession. The summaries of other acts becoming law are also grouped under the appropriate sub-headings and include provisions relating to acupuncture, and speech pathology and audiology.

The Legislature also chose to regulate the profession of psychology which it had deregulated in 1979. The Board of Psychological Examiners was reestablished under the Department

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\*Prepared by the staff of House Bill Drafting

of Professional Regulation to license psychologists, as well as clinical social workers, marriage and family therapists, mental health counselors and school psychologists, beginning January 1, 1982.

(Acts of the 1981 Session affecting business interests other than those discussed in this Article may be found in this Summary under articles treating specific subjects such as AGRICULTURE, INSURANCE, EDUCATION, etc., or under the COMMERCE or BUSINESS REGULATION Articles.)

#### Department of Professional Regulation

SENATE BILL 700 (CHAPTER 81-302) requires the Department of Professional Regulation, in its investigations of persons regulated by the Department and by the regulatory boards thereunder, to use investigators who meet criteria established by the respective boards. Board members may be compensated for engaging in board-related business other than official meetings, and each board must adopt rules defining "other business involving the board."

Hearing officers who conduct hearings relating to the issuance of licenses by the Department must submit their recommended orders to the appropriate board, rather than to the Department. The board, rather than the Department, shall thereafter issue the final order. Each board shall adopt rules regarding the security and monitoring of examinations, and such rules are to be implemented by the Department.



Board rules relating to practical examinations of applicants for licensure must specify the criteria by which the examiners are selected. Board members are authorized to serve as examiners at practical examinations, with the consent of the board. Boards may, with the approval of the Attorney General, retain independent legal counsel to assist them on a specific matter.

The Department is authorized to exercise investigative powers on its own initiative as well as upon the request of a probable cause panel of a regulatory board. However, the Department may not investigate a complaint against a licensee unless the complaint is in writing and signed by the complainant. The Department is also restricted in its investigation of a licensee unless a complaint has been filed or the Department is specifically authorized by statute. The Department is required to notify the subject of any departmental investigation, advising such person that he/she is being investigated and informing the subject of the substance of the complaint. However, if the Department and the head of the appropriate board agree that such notification would be detrimental to the investigation, or if the act under investigation is a criminal offense, the Department may withhold notification.

Proceedings of probable cause panels of regulatory boards are exempt from the public meetings and records laws until the panel finds the existence of probable cause to proceed against the licensee, or until the subject of the

investigation waives his privilege of confidentiality. The Department is required to refer to the appropriate board any investigation not completed by the Department within one year of receipt of a complaint, and the board is authorized to continue the investigation.

The Division of Legal Services of the Department is renamed as the Division of Regulation.

#### Accountancy

SENATE BILL 700 (CHAPTER 81-302) provides that the work experience of an applicant for licensure as a certified public accountant must have been completed under the supervision of a certified public accountant licensed in this state or another state. The requirements for the reactivation of an inactive license are changed by reducing from 1 year to 6 months the period of inactive status which does not necessitate reapplication for licensure, and by increasing continuing education requirements.

#### Acupuncture

COMMITTEE SUBSTITUTE FOR HOUSE BILL 379 (CHAPTER 81-227) modifies the qualification requirements for the certification of acupuncturists by allowing applicants to substitute two years in an apprenticeship program approved by the Department of Professional Regulation for a two-year program of education in acupuncture at an approved school or college. Participants in an apprenticeship program must serve under the supervision of either a licensed physician, an osteopathic physician, or a

certified acupuncturist, rather than just a certified acupuncturist. Provisions restricting the period of apprenticeship to three years have been removed, and the supervising physician or acupuncturist is required to remain on the premises while an apprentice is performing acupuncture.

Persons beginning an apprenticeship program must apply to the Department for an Identification of Apprenticeship, and fees of up to \$100 are imposed upon the issuance and biennial renewal of the Identification of Apprenticeship.

The components of the practical examination are more specifically provided, and the requirement that the written portion of the examination be prepared in a foreign language is deleted. Acupuncturists who fail to renew their certification within a year of expiration of their certificate are no longer required to submit to reexamination.

The grounds for disciplinary action are changed to conform generally to those with respect to other regulated professions. New grounds for disciplinary action include engaging in sexual activity with a patient, fraudulently soliciting patients, and practicing beyond the scope of professional competency.

#### Architecture

SENATE BILL 700 (CHAPTER 81-302) increases from \$5,000 to \$25,000 the cost of buildings, other than buildings for public use, which a person may design or supervise the construction of, without being licensed as a architect.

## Engineering

SENATE BILL 700 (CHAPTER 81-302) exempts electrical, plumbing, mechanical or air conditioning contractors on certain small construction projects from registering as engineers. The engineering regulatory board is renamed as the Board of Professional Engineers. An additional set of qualification criteria is established to take the engineering examination by extending eligibility to those persons who are graduates of an approved engineering technology curriculum of 4 years or more in a school, college, or university within the state university system, having been enrolled or having graduated prior to July 1, 1979, and having a record of 4 years of active engineering experience of a character indicating competence to be in responsible charge of engineering. Persons who have 10 years or more of active engineering work of a responsible nature and who desire to take such examination must notify the Department of Professional Regulation before July 1, 1984, that they were engaged in such work on July 1, 1981.

The Board may take disciplinary action against any engineer who places or allows to be placed his seal or signature on any plan, design, or specification which was not prepared by him or under his supervision.

## Piloting

SENATE BILL 700 (CHAPTER 81-302) deletes the requirement that the examination of applicants for certification as a pilot or deputy pilot be a written examination. The Board of Pilot

Commissioners is provided with rule-making powers. The maximum number of pilots for Tampa Bay is increased from 18 to 22 and for the Port of Miami from 12 to 14.

#### Pharmacy

SENATE BILL 700 (CHAPTER 81-302) authorizes oral prescriptions by lawfully designated agents of licensed practitioners authorized to prescribe drugs or medicinal supplies.

#### Psychology and Other Mental Health Related Professions

(At the 1979 legislative session, the Legislature reviewed the continued regulation of twenty professions under the Department of Professional Regulation and chose only to deregulate the profession of psychology.) Beginning January 1, 1982, the profession will again be regulated by the state pursuant to COMMITTEE SUBSTITUTE FOR SENATE BILL 82 (CHAPTER 81-235). Also regulated under the act are clinical social workers, marriage and family therapists, mental health counselors, and school psychologists. A Board of Psychological Examiners has been reestablished under the Department to license psychologists, and the Department will regulate the other enumerated professionals. Persons seeking licensure must meet separate qualifications for each such profession and must pass an examination. Licensure by endorsement without an examination is authorized for those applicants already licensed by another state whose requirements are at least as stringent as Florida's. All licenses are to be renewed every two years,

and applicants for renewal may be required to complete continuing education requirements. The Department, or the Board in the case of psychologists, may take various disciplinary actions against licensees and applicants for licensure who commit any of several enumerated acts or omissions. Persons regulated by the act are specifically prohibited from engaging in sexual misconduct, as defined by rule. Any person not licensed under the act who holds himself out as being any such professional is guilty of a first degree misdemeanor.

Persons with certain experience, and meeting specified criteria, must be given a license upon application therefor. Various persons are exempted from licensure altogether, including other health care professionals, government agency employees, Department of Education certified school psychologists, members of the clergy, and certain nonresidents providing services in the state for a very limited period of time. This act is to stand repealed as of July 1, 1988, subject to review by the Legislature pursuant to the 1976 Regulatory Reform Act.

#### Real Estate

SENATE BILL 700 (CHAPTER 81-302) revises restrictions upon the use of video tape instruction by schools teaching real estate practice to provide that such courses of instruction have a single session of live instruction by a currently licensed instructor, not to exceed 3 classroom hours. The

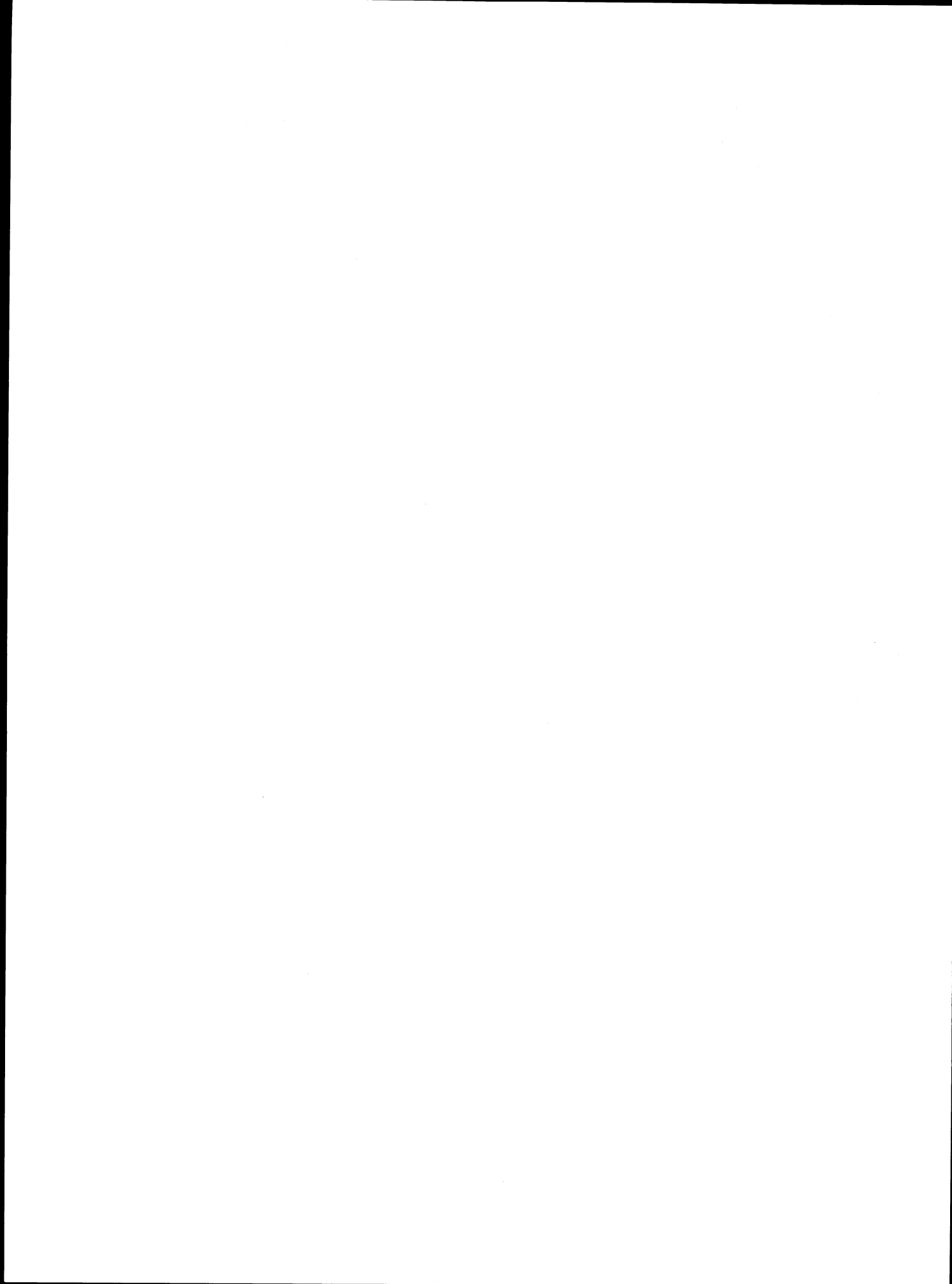
extent to which the Florida Real Estate Recovery Fund may be used to reimburse persons injured by certain acts by real estate professionals is expanded to cover any real estate brokerage transaction, rather than just transactions involving the sale of real property.

#### Speech Pathology and Audiology

COMMITTEE SUBSTITUTE FOR SENATE BILL 80 (CHAPTER 81-57) continues the existence of the Florida State Advisory Council of Speech Pathology and Audiology adjunct of the Department of Education, and expands its membership to seven by adding two members who are neither registered speech pathologists or audiologists, nor members of a closely related profession. A repeal date of October 1, 1987, is set subject to review by the Legislature pursuant to the Sundown Act.

#### Veterinary Medicine

SENATE BILL 700 (CHAPTER 81-302) prohibits the licensure of any person as a veterinarian who is the subject of a pending investigation or prosecution, or who has been convicted of an offense relating to the practice of veterinary medicine.





PUBLIC OFFICERS AND EMPLOYEES\*

Compensation and career service, collective bargaining, perquisites, and retirement were the major areas of the law affecting public officers and employees which were addressed by the 1981 Legislature. The only law that applies to all public officers and employees increases meal and mileage allowance for travel; all the other laws affect a special group or interest.

In the area of retirement, special risk members of the Florida Retirement System who had creditable service under various other systems were authorized to count or purchase credit for such prior service toward retirement. Legislators who have withdrawn from the system were allowed to rejoin and purchase prior service credit. The retirement plan was made noncontributory for a legislator or an elected county officer who is a member of the Elected State Officers' Class. Employer contribution rates and retirement credit were increased for certain other classifications of the Elected State Officers' Class. County elected officers were given the option of participating in the Elected State Officers' Class, and on or after July 1, 1981, any county or school district elected officer may participate in any plan qualified under Subchapter

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\*Prepared by Senate Legal Research & Drafting Services

D, Chapter 1, Subtitle A of the Internal Revenue Code. Prior service credit under the Florida Retirement System was authorized for certain highway patrolmen for time spent in service in highway patrol training schools. Similar credit was authorized under the highway patrol pension plan, and such plan was changed to a noncontributory system. A graduated supplementary cost-of-living adjustment was provided for certain retired state officers and employees, incapacitated teachers, and persons receiving Confederate pensions. The number of hours a retired person may work without being penalized was increased from 600 to 780.

Other legislation provided for: exemption of certain fruit and vegetable inspectors, employees of the Public Employees Relations Commission, and certain graduate and undergraduate students from the law giving public employees the right to organize; fixing of salaries for policymaking positions exempt from career service; exempting certain positions from the career service and providing benefits; legislative review of the Senior Management Services Program; supplemental compensation for qualified firefighters; development of a statewide public defender and state attorney classification and pay plan; development of a state employee and retiree direct deposit plan; removal of the limitation on amount of termination pay for sick leave for community college employees; authorization of termination pay for certain community college employees; elimination of certain certification and commission fees and application forms

required of public officers; and the establishment of a pilot cost containment health insurance plan for state employees in Dade County.

#### Collective Bargaining

COMMITTEE SUBSTITUTE FOR SENATE BILL 606 (CHAPTER 81-305) exempts from the provisions of Part II of Chapter 477, F. S., relating to the right of public employees to organization and representation: any fruit and vegetable inspector whose appointment as such is affected by federal license requirements, federal autonomy regarding investigation and discipline of appointees, or frequent transfers due to harvesting conditions; any employee of the Public Employees Relations Commission; and any graduate student in the State University System employed as a graduate assistant, graduate teaching assistant, graduate teaching associate, graduate research assistant, or graduate research associate; or any undergraduate student in the State University System working part time for such system.

#### Compensation and Career Service

HOUSE BILL 536 (CHAPTER 81-213) provides that, unless the salaries are otherwise fixed by law, the Department of Administration shall fix the salaries for the 10 policymaking positions designated in each department for exemption from the Career Service, but those salaries shall be in accordance with the classification and pay plan established for the Senior Management Service. In the Governor's office the positions of

Planning and Budgeting Deputy Director, Planning and Budgeting Policy Coordinator, State Economist, Deputy Inspector General, and Cabinet Liaison Officer are included in the list of positions which are compensated in accordance with the classification and pay plan established for the Senior Management Service.

The position of personal secretary to an assistant secretary or deputy secretary of a department is exempted from Career Service, and all personal secretary exempt positions, as well as the Executive Director and the Deputy Executive Director of the Commission on Ethics are eligible to receive the same benefits, other than salary, as are provided to members of the Senior Management Services, which includes positions that are primarily policymaking or managerial. The Senior Management Service program is subject to legislative review beginning two years before a repeal date of July 1, 1985 pursuant to the Sunset Act.

Under COMMITTEE SUBSTITUTE FOR HOUSE BILL 324 (CHAPTER 81-287) the state will pay supplemental compensation to qualified firefighters, as defined in the act, who are employed by a municipality, county, special district, authority, or other political subdivision if the firefighter receives a college degree in fire-related subjects as defined by the Division of State Fire Marshal of the Department of Insurance, and if such a degree is not a required condition of employment. For an associate degree, the supplemental compensation will be \$50 per month beginning July 1, 1981. For a bachelor's degree,

the supplemental compensation will be \$60 per month from July 1, 1981 until July 1, 1982, and thereafter it will be \$110 per month. In case of insufficient funds, the amount will be prorated by equal percentages to all eligible firefighters, and the employing agency is not required to fund the deficit. The payments are to be made by the Comptroller to the individual firefighters on requisition through the Division of State Fire Marshal of the employing agency which is required to include the supplemental compensation in its calculations for withholding federal income tax and social security tax. The supplemental compensation cannot be considered in computing any state or local retirement benefits. The compensation and the employer social security tax is to be paid from a special fund to which is appropriated annually the undistributed moneys in the Insurance Commissioner's Regulatory Trust Fund.

COMMITTEE SUBSTITUTE FOR HOUSE BILLS 1142 AND 334 (CHAPTER 81-230) requires the state attorneys of all judicial circuits to jointly develop a classification and pay plan, in accordance with the policies and procedures of the Executive Office of the Governor, and to submit the plan by January 1, of each year to the Judicial Administrative Commission, the President of the Senate, and the Speaker of the House. Each state attorney shall fix, in accordance with the policies and procedures of the Executive Office of the Governor, the salary of the executive director of each circuit in an amount not to exceed 90 percent of the state attorney's salary. The act also

permits the state attorneys to pay assistant state attorneys up to 100 percent of the state attorney's salary.

This act also requires the public defenders to jointly develop a classification and pay plan subject to the same conditions and reporting requirements as applies to the state attorneys. It permits public defenders to fix salaries of assistant public defenders in an amount not to exceed 100 percent of the public defender's salary.

SENATE BILL 869 (CHAPTER 81-277) creates the State Employee and Retiree Direct Deposit Act which authorizes the Department of Banking and Finance to establish a program under which the Comptroller may directly deposit, upon a person's written authorization filed with the Department, the person's state salary or retirement benefits into such person's account at any financial institution equipped to receive such funds by any electronic or other transfer medium which has been approved by the Department. The Department is authorized to contract with authorized financial institutions for the services necessary to implement such a program. The Department is directed to begin depositing retirement benefits under such a program as soon as possible and to include salaries in the program when the program is proven reliable and effective. Such deposit records are exempt from the provisions of Chapter 119, F. S., which requires that public records be open for inspection by any person. Money deposited under such a program is exempted from the requirement that it be disbursed by state warrant drawn by the Comptroller upon the State Treasury,

countersigned by the Governor, and payable to the ultimate beneficiary. The existing provision, authorizing state warrants to provide for direct deposit of state salaries or retirement benefits by any Department approved medium, is repealed.

### Fees

COMMITTEE SUBSTITUTE FOR SENATE BILL 558 (CHAPTER 81-260) deletes the previous requirement that a fee of \$5 be charged by the Secretary of State for providing a certificate with seal for appointment to an office requiring Senate confirmation to any appointed officer, and deletes the exemption of commissions issued to Florida National Guard officers from the required fee of \$10 for each commission issued by the Governor and attested to by the Secretary of State. The act also deletes the requirement that a notary public be a citizen of the United States; deletes the requirement for a prescribed application form which includes signatures of two character witnesses; and provides that fees allowed notaries public shall not exceed those allowed by law to clerks of the circuit court. The statutory assertion that women may be appointed notaries is removed. Any woman who changes her name subsequent to her appointment as a notary must apply for a new commission under her new legal name once her current commission expires.

### Perquisites

COMMITTEE SUBSTITUTE FOR HOUSE BILL 277 (CHAPTER 81-207)

increases the meal allowance and mileage allowance for travel by public officers and employees to attend a convention, conference, or meeting, or to conduct state business. Under this measure, out-of-state travelers will no longer be able to claim per diem, but will be entitled to actual expenses for lodging at a single occupancy rate and to the increased meal allowance. The rate of per diem for in-state travel, however, is increased from \$40 to \$50. If actual expenses exceed \$50 for in-state travel, a public officer or employee may receive, in lieu of per diem, the actual expenses for lodging at a single occupancy rate plus the increased meal allowance. The measure also allows advancement or reimbursement, or a combination thereof, to public officers or employees for the costs of per diem of travelers outside the United States at rates specified by the federal government. Proviso language relating to the mileage allowance is deleted, and the rate is increased to 20 cents per mile or the common carrier fare, as determined by the agency head.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 327 (CHAPTER 81-186) establishes a pilot cost containment health insurance plan for state employees in Dade County to last a maximum of three years. Participation in the program is optional on the part of the employees, and shall be designed to provide financial incentives to the participant who does not annually use available health benefits. The Department of Administration is to prepare an evaluation of the plan containing specific information and covering calendar 1982, the



results of which are to be reported to the Governor and presiding officers of the Legislature not later than February 1, 1983. This act expires July 1, 1985.

#### Retirement

COMMITTEE SUBSTITUTE FOR HOUSE BILL 537 (CHAPTER 81-153) provides that any special risk member of the Florida Retirement System who has creditable service under the State and County Officers and Employees' Retirement System, in a position which satisfies the criteria (except for certification) for special risk membership under the Florida Retirement System, can count such service toward his normal retirement date as a special risk member; however, the percentage value of each such year must not be changed. A special risk member who has taken a refund of contributions for creditable service under the State and County Officers and Employees' Retirement System, and subsequently reclaims it as prior service credit under provisions of the Florida Retirement System, may count such service toward attainment of the normal retirement date for the special risk membership under the Florida Retirement System.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 707 (CHAPTER 81-214) authorizes a special risk member of the Florida Retirement System, or his employer on his behalf, to purchase special risk credit for his past service with a city or special district which has elected to join the Florida Retirement System, if he was employed by the city or special district at the time it began participation. The law also authorizes him to upgrade

his retirement credit for such past service up to 2 percent of his average monthly compensation. The service must satisfy the special risk criteria (except certification) of the Florida Retirement System. A formula is provided for calculating contributions for upgrading the additional special risk credit.

The law also authorizes any legislator who is elected or reelected to office after July 1, 1980, and who has withdrawn from the Florida Retirement System to participate in a plan qualified under Subchapter D, Chapter 1, Subtitle A of the Internal Revenue Code, to rejoin the Elected State Officers' Class and to purchase credit for prior service if he rejoins.

County elected officers are given the option, on or after July 1, 1981, of participating in the Elected State Officers' Class. Their benefits accrue the same as those of other nonjudicial members of the class. From and after July 1, 1981, the employer paying the salary of a member of the Elected State Officers' Class who is a county elected officer must pay the entire contribution of the member which is equal to 19.30 percent of his gross compensation. The employer must withhold one-half of the member's entire contribution for social security coverage.

The law authorizes any county or school district elected officer to participate in a plan qualified under Subchapter D, Chapter 1, Subtitle A of the Internal Revenue Code in effect January 1, 1979, as an alternative to participating in any existing retirement system.

Under the law, the definition of "prior service" is expanded to include service performed in a Florida Highway Patrol Recruit Training School or the Florida Highway Patrol Training Academy prior to taking the constitutional oath of office by any Florida highway patrolman who was hired on or after July 1, 1945, and before January 1, 1967, and for which no retirement contributions were paid. In order to claim credit for such prior service, a member of the Florida Retirement System must pay the total employee and employer contributions which were required to be made to the Highway Patrol Pension Trust Fund during the period claimed plus interest. However, any governmental entity which employed the member may pay up to 50 percent of the contributions and interest required to purchase this prior service credit.

The law converts the Highway Patrol Pension Trust Fund into a noncontributory system effective July 1, 1981. On that date the Department of Highway Safety and Motor Vehicles is required to make all contributions for members. Under the law, a member of the Pension Trust Fund who was a Florida highway patrolman between July 1, 1945 and December 31, 1966, may purchase credit for prior service, performed in a Florida Highway Patrol Recruit Training School or the Florida Highway Patrol Training Academy prior to taking the oath of office and for which no contributions were paid. The requirements for purchasing such credit are similar to those for a member of the Florida Retirement System who is purchasing such credit.

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL 689 (CHAPTER 81-307) provides a graduated supplementary cost-of-living adjustment for state officers and employees who retired on or before July 1, 1980, incapacitated teachers who have served for 20 or more years, and for persons receiving Confederate pensions. The sums of \$151,000, \$16,000 and \$3,500 are appropriated from the General Revenue Fund to the Department of Administration to fund respectively these supplementary cost-of-living adjustments. The number of hours per year which retired persons may be employed without losing certain benefits is increased from 600 to 780. Retirees who exceeded the limitation of employment after retirement prior to the act, will not be required to reimburse the retirement trust fund for benefits received after the limitation was exceeded and shall be entitled to regular retirement benefits. The act deletes the requirement that general revenue funds be used to pay a portion of minimum benefits; provides that any legislator who has withdrawn from the Florida Retirement System may rejoin the Elected State Officers' Class of the system and may purchase prior service credit; requires employers who pay the salary of any legislator who is a member of the Elected State Officers' Class to pay the entire contribution of that member; and increases the employer contribution rate for certain other members of the Elected State Officers' Class and for members of the Florida Retirement System.

HOUSE BILL 151 (CHAPTER 81-145) includes accident disability within the reasons for which sick leave may be

granted to a community college employee, and deletes eligibility for benefits under a state retirement system as a prerequisite for receiving terminal pay for accumulated sick leave. A graduated schedule for computing such terminal pay, which includes years of service, is substituted for the prior formula. Finally, community college boards of trustees are authorized to expend public funds for payment to employees "on account of sickness."

1. The first step in the process is to identify the problem or issue that needs to be addressed.

2. The second step is to gather information and data related to the problem.

3. The third step is to analyze the information and data to identify the root cause of the problem.

4. The fourth step is to develop a plan of action to address the problem.

5. The fifth step is to implement the plan of action and monitor the results.

6. The sixth step is to evaluate the results and make adjustments as needed.

7. The seventh step is to document the process and results for future reference.

8. The eighth step is to communicate the results to the relevant stakeholders.

9. The ninth step is to review the process and make improvements as needed.

10. The tenth step is to ensure that the problem is resolved and the process is completed.

STATE GOVERNMENT\*

Bills passed by the 1981 Legislature in the general category of State Government are difficult to classify. They can, at best, be loosely grouped. There are several enactments affecting organization of the executive branch, a number dealing with cultural affairs, and a few addressing financial matters, public buildings, state purchasing, public records, and miscellaneous subjects. In the main, however, legislation summarized here deals with the general functions of state agencies.

There are common provisions in those laws which represent legislative review of various executive boards, committees, commissions and councils pursuant to the Sundown Act (Section 11.611, F. S.). Members of these bodies who are not otherwise compensated are granted per diem and travel expenses for their services; provision is made for such groups to meet at the call of the chairman, or at the request of a majority of the members, or at the request of the department to which the body is adjunct; and finally, a repeal date of October 1, 1987, is established.

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\*Prepared by staff of Senate Governmental Operations Committee

## Governmental Reorganization

The organizational structures of two executive agencies, the Department of Revenue and the Department of State, were altered by the Legislature this year.

HOUSE BILL 1070 (CHAPTER 81-173) retains the prerogative of the Division of Archives, History, and Records Management of the Department of State to organize itself into as many bureaus as are deemed necessary, but deletes the requirement of Section 267.031, F. S., that the Division be divided into at least four bureaus which the section enumerates. The law authorizes the Division to establish a photographic archives and an oral history program, in addition to its current responsibilities.

The act requires each agency transferring its records to the Division to designate a records management liaison officer, and allows the Division to charge reasonable fees for supplies and services provided by the state records center.

Furthermore, the measure would authorize the Division to impose an administrative fine of up to \$500 a day on any person or business organization exploring for, salvaging, or excavating historical or archeological valuables on state-owned or controlled lands without its written permission. Procedures are provided for notice of administrative hearing and injunctive relief against violators.

SENATE BILL 259 (CHAPTER 81-50) revises Section 20.21, F. S., to create the Division of Information Systems and Services within the Department of Revenue and to provide for the responsibilities and functions of the Division.



Responsibilities include development, maintenance and management of all information systems for tax return processing and taxpayer registration activities, and its functions are inclusive of tax return processing, license registration, taxpayers registration and automation of all information systems. Reflective of this restructuring of the Department, certain functional responsibilities are taken from the Department's Assistant Executive Director and the Division of Collection and Enforcement. The functions of revenue accounting and receipts processing are added to those already assigned the Division of Administration.

#### Cultural Affairs

Sundown reviews of various cultural and preservation oriented entities resulted in most of the following legislation.

HOUSE BILL 1091 (CHAPTER 81-200) revives and readopts the following sections relating to Historic Preservation Boards, which would have been repealed by the Sundown Act on October 1, 1981: 266.01, 266.02, 266.03, 266.04, 266.05, 266.06, 266.07, 266.101, 266.102, 266.103, 266.104, 266.105, 266.106, 266.110, 266.111, 266.112, 266.113, 266.114, 266.115, 266.201, 266.202, 266.203, 266.204, 266.205, 266.206, 266.301 and 266.401, F. S. Thus, existing law providing for the creation of these boards in Pensacola, Tallahassee, St. Augustine, Tampa-Hillsborough County, Boca Raton, and Key West

is continued without substantial change. Next Sundown repeal of these sections is set for October 1, 1987.

SENATE BILL 119 (CHAPTER 81-8) reenacts the Board of Trustees of The John and Mable Ringling Museum of Art, notwithstanding the provisions of the Sundown Act. It further provides that each member of the Board is subject to Senate confirmation.

COMMITTEE SUBSTITUTE FOR SENATE BILL 120 (CHAPTER 81-124) reestablishes the Florida Folklife Council under the Sundown Act and defines its role as advisory to the Secretary of State and the director of the Florida Folklife Program. New provisions for appointment of members are made and the Department of State is required to maintain the Florida Folklife Archives according to approved practices. Informants and participants in the Folklife Program are to be given travel and per diem.

COMMITTEE SUBSTITUTE FOR SENATE BILL 123 (CHAPTER 81-126) repeals Section 267.0616, F. S., the mechanism for review of proposals to create historic preservation boards of trustees by the Historic Preservation Project Review Council. The Council itself, created by Section 267.0615, F. S., is abolished effective October 1, 1981, by the Sundown Act. The law amends Section 267.0617, F. S., to establish project criteria for the historic preservation grants-in-aid program to be operated by the Division of Archives, History, and Records Management of the Department of State.

COMMITTEE SUBSTITUTE FOR SENATE BILL 127 (CHAPTER 81-127) was the result of a Sundown review of the Florida Fine Arts Council in the Department of State. The Council is reestablished as the Florida Arts Council. In addition to statutorily recreating the Council, the legislation establishes review panels to aid the Council in judging art grant applications. The review panels are to be selected by the Secretary of State to represent various artistic disciplines. The panel members will serve for 1-year terms and make recommendations to the Council concerning the award of grants. The Division of Cultural Affairs of the Department will be required to publish, as administrative rules, the criteria used to evaluate art grant proposals. Minor changes were made in the reporting requirements that must be followed by grant recipients, and the Division was given greater latitude for determining what percentage of its grants will go to recipients that do not have to match state funds with other moneys. The Division will also be responsible for giving separate consideration to grant applications made by state-supported institutions from those made by private institutions and individuals. Council and panel members will not be permitted to vote on grant recommendations which may be of personal benefit to them.

SENATE BILL 518 (CHAPTER 81-92) statutorily creates the Coconut Grove Playhouse Trust Fund in Section 265.290, F. S., which will receive revenues paid to the Department of State by lessees or licensees of the Playhouse. The Trust Fund revenues

will be used to maintain and operate the Playhouse property and the state theatre programs thereon.

The law also creates a Corporations Trust Fund within the Division of Corporations in the Department of State. Sections 15.091, and 607.372, F. S., require that certain moneys paid to the Division be placed in the Trust Fund. Section 15.091, F. S., requires that fees paid to the Department under Chapter 679, F. S., the Uniform Commercial Code, also be placed in the Trust Fund. Any amounts in the Trust Fund exceeding \$200,000 at the close of each quarter of the fiscal year will be transferred to the General Revenue Fund. The provisions relating to the Corporations Trust Fund stand repealed on July 1, 1983.

#### Financial and Budgetary Matters

This legislation deals with such matters as deposits and investment of public funds, legislators' expenses, and operating capital outlay.

HOUSE BILL 660 (CHAPTER 81-295) provides for the investment of public trust funds by the State Treasurer, as opposed to the State Board of Administration, which board is composed of the Treasurer, the Comptroller, and the Governor. Investments now made by the State Board of Administration which will be made by the Treasurer include all trust fund moneys of the various agencies except funds in the Florida Retirement System accounts. Specific transfers of investing authority are made for moneys in the severance tax trust funds, the Working

Capital Fund, the Eminent Scholars Fund, Community Development Support and Assistance Fund, Community Service Trust Fund, Revolving Land Acquisition and Site Development Trust Fund, Farmworker Housing Assistance Trust Fund, and certain moneys of the Department of Citrus. These funds, now being invested by the State Board of Administration, are to be transferred to the Treasurer on June 30, 1982. The Treasurer is given two positions and \$88,000 to implement the act.

HOUSE BILL 1145 (CHAPTER 81-285) creates a new Part II of Chapter 18, F. S., to be known as the "Florida Security for Public Deposits Act," effective January 1, 1982. The law requires that all banks and savings associations receiving deposits of public funds be designated by the Treasurer as "qualified public depositories" and pledge specified securities as collateral for those deposits. Depositories will be required to pledge authorized securities having a value of 50 percent of all public deposits in excess of amounts covered by deposit insurance (FDIC and FSLIC).

In lieu of depositing the required collateral with the Treasurer, a depository may place the securities with another bank, trust company, or savings association with the Treasurer's prior approval. Securities may be freely substituted so long as the aggregate value of pledged securities is not diminished. Collateral previously pledged may not be withdrawn by a depository without the prior approval of the Treasurer.

A major new aspect of the deposit security program will be the mutual responsibility of depositories. All public depositories of the same type, i.e., banks as opposed to savings associations, and vice versa, will be required to guarantee the repayment of all public deposits in other like depositories. In the event of any loss not covered by deposit insurance, the collateral pledged by the defaulting institution will be sold to indemnify the depositor to the extent possible. Any remaining loss will be assessed against the other depositories of the same type in proportion to the share of total public deposits held by each of them. Each depository must pay its assessment within three days of notification. In return for payment, public depositors must assign the Treasurer any interest they may have in funds which subsequently may be made available to depositors of a failed depository. The law provides procedures for withdrawal by a depository from the public deposit security program. Savings associations as well as banks are authorized to accept county deposits which may include funds of county constitutional officers. Statutory provisions are conformed to the act and the Treasurer is allocated three positions and \$133 000 to administer it.

SENATE BILL 927 (CHAPTER 81-99) removes from the law the provision that legislators' intradistrict expenses be fixed at \$700 monthly, and directs the Joint Legislative Management Committee to set a uniform amount for intradistrict expenses annually.

SENATE BILL 937 (CHAPTER 81-256) redefines "operating capital outlay" for purposes of Chapter 216, F. S., which establishes budgeting and appropriation procedures and defines categories of expenditures, to exclude items valued below \$100. Section 273.02, F. S., which establishes procedures for marking state-owned tangible personal property in the manner required by the Auditor General, was amended to exclude property valued under \$100. Properties of publicly supported libraries which were previously exempt are now included except for hardback-covered bound books.

#### Public Buildings

The Governor's Mansion and its insurable contents, the state entity that oversees the Mansion, the Historic Capitol, and access to public meetings by the handicapped were addressed by the following enactments:

HOUSE BILL 1157 (CHAPTER 81-316) authorizes the Division of Building Construction and Property Management, Department of General Services, to purchase insurance necessary to cover the contents of the Governor's Mansion which do not belong to the residents, and directs the Governor to have the appropriate government entity develop an inventory of all state owned museum collections, artifacts, relics, or fine arts along with recommendations for insurance required to protect the interest of the state. The Governor is to report these findings to the Legislature by January 15, 1982.

SENATE BILL 11 (CHAPTER 81-232) authorizes the President of the Senate and the Speaker of the House of Representatives to allocate space in the restored Florida Historic Capitol with certain limitations. The act creates the position of Capitol Curator within the Department of State and for appointment by the Secretary of State, as well as providing for the duties of the Curator. Maintenance and security of the Historic Capitol and adjacent grounds are made the responsibility of the Department of General Services, subject to special requirements determined by the Curator.

SENATE BILL 125 (CHAPTER 81-13) creates the eight-member Governor's Mansion Commission to replace the Governor's Mansion Advisory Council scheduled for abolishment on October 1, 1981 under the Sundown Act. The Commission is charged with keeping the structure and furnishings of the Governor's Mansion consistent with the original plan of construction and design. The state rooms of the Mansion are designated and the Commission is required to adopt rules governing the use of state rooms and the acquisition of furnishings and decorations for these rooms. Major changes to the Mansion will be recommended by the Commission and approved by the Governor and Cabinet as head of the Department of General Services. The Commission is authorized to use the services of a part-time curator to catalog a descriptive, photographic inventory of Mansion furnishings and assist with their care, and is authorized to accept gifts and bequests on behalf of the state. Staffing and funding are provided. Maintenance of the building



and grounds will continue to be the responsibility of the Department of General Services whose Division of Building Construction and Property Maintenance shall insure the Mansion, contents and appurtenances thereto.

SENATE BILL 393 (CHAPTER 81-268) prohibits the use of human physical assistance in lieu of mechanical assistance to allow disabled persons to attend public meetings, if the handicapped person objects. If a handicapped person notifies the chairman or director of a public body that he would like to attend a scheduled public meeting, a means which will allow the handicapped to attend, other than human physical assistance, must be provided, or the meeting must be rescheduled at an accessible site. The effective date of this act is delayed until October 1, 1982.

#### Public Records

The only act dealing generally with public records relates to the cost of providing copies.

SENATE BILL 406 (CHAPTER 81-245) specifies the amount that may be charged by agencies for clerical or supervisory assistance associated with making copies of public records. Formerly, the cost to be charged for duplicating public records was subject to approval of the Department of Administration. (The responsibility of approving such costs was actually performed by the Executive Office of the Governor, pursuant to the transfer of Department of Administration responsibilities to the Executive Office of the Governor.) Under this enactment,

the cost will be determined by the agency head and shall be based on the actual salary rate of the personnel providing assistance or service involved in copying public records.

#### State Purchasing

In the area of state purchasing, a commission was established from what formerly had been an advisory body, to direct the state "use law" program, which arranges for the manufacture and sale of commodities by the handicapped. Vendors dealing with the state will be required to follow new time limits if they wish to protest agency decisions relating to bid laws. The disposition of surplus property was simplified.

SENATE BILL 121 (CHAPTER 81-11) is a Sundown rewrite of the law requiring public agencies to purchase certain commodities and services from blind or other severely handicapped vendors. The law renames the "Council for the Purchase of Products and Services of the Blind or Other Severely Handicapped" as the "Commission for Purchase from the Blind or Other Severely Handicapped," within the Department of General Services. Commission membership is expanded to include a representative of political subdivisions. The Commission establishes what items and services are to be produced by qualified nonprofit organizations employing the handicapped, and also establishes prices and specifications. Four of the Commission's eight members are appointed by the Governor; the others serve by virtue of holding other offices in state

government. The appointed members are subject to confirmation by the Senate and are accountable to the Governor for the proper performance of their duties.

SENATE BILL 224 (CHAPTER 81-296) provides time limits for filing and resolving disputes that arise in the process of bidding for or awarding state contracts. Each agency that contracts for electronic data processing equipment, buildings or facilities, commodities, or transportation related goods or services is required to adopt rules that set forth time and notice requirements for contract or bidding disputes. Agencies will be required to give notice of their bid solicitation decisions, or intended decisions, by hand delivery to interested persons, by certified mail, or by posting the notice where the bids were opened. The notice will be required to state that failure to file a protest of the decision within the statutory time limit constitutes a waiver of the aggrieved party's rights to a hearing under the Administrative Procedure Act. The statutory time limit for filing the notice of protest is 72 hours. After filing notice of protest, the affected person will need to file the protest in writing within 10 days. The agency, upon receipt of the notice of protest, will either stop the bid solicitation or contract award process, or continue the process if the agency head asserts an emergency situation exists. A mechanism for informal resolution of disputes is provided which permits 14 days within which the agency and the protestor may come to agreement. If the two parties cannot agree to a resolution within the 14 days, the

protest shall be heard under the provisions of the Administrative Procedure Act.

SENATE BILL 405 (CHAPTER 81-300) eliminates the requirement that the Executive Office of the Governor approve of surplus property dispositions in cases where the property has an estimated value of \$5,000 or more. This property may now be disposed of, after review by the Department of General Services, in the same manner as all other property. The approval of the Division of Motor Pool of the Department is required prior to disposal of motor vehicles, watercraft, or aircraft pursuant to Sections 287.15 and 287.16, F. S.

#### State Agencies

Enactments dealing with state agencies include a wide range of subjects: art indemnity agreements, agency forms, experience requirements for the director of the Division of Veteran's Affairs, elevators, fire safety, surveillance by the Department of Law Enforcement, security for the Governor, condominium associations, establishment of two new advisory councils, as well as the reenactment of several advisory bodies under the Sundown Act.

HOUSE BILL 10-B (CHAPTER 81-231) creates Sections 265.51-265.56, F. S., which authorize the Department of State to enter into agreements, through an application process, with any nonprofit agency, institution, or government in Florida for Department indemnification against loss or damage to works of art, manuscripts and books, and photographs and motion pictures

that are lent by a person, institution, or government not in Florida. Indemnity coverage, which is subject to a \$25,000 deductible per single exhibition, is limited to works of public educational and artistic significance for which federal indemnity is unavailable and which are part of an exhibition with an aggregate value of at least \$1 million. Indemnity claims will be limited to \$1 million for any exhibition, and aggregate claims will be limited to \$3 million.

The Department of Insurance is required to determine whether applicants qualify for indemnity coverage, including such factors as physical security and proper equipment to care for the works. The law provides that the Division of Risk Management, Department of Insurance, will certify the validity of any indemnity claim and authorize payment of the claim by the Comptroller from the Working Capital Fund as defined in Section 215.32, F. S.

The Department of State is required to report annually to the Legislature the amount of paid and pending claims and the aggregate face value of indemnity agreements entered into by the Department during the fiscal year.

The law repeals Senate Bill 974, 1981 Regular Session, which was vetoed by the Governor as containing incompatible funding provisions, and provides for the supremacy of the provisions of this act over conflicting provisions of other 1981 enactments.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 216 (CHAPTER 81-309)  
provides that forms will not be published in the Florida

Administrative Code or Florida Administrative Weekly. Agencies will include forms by reference to title, effective date, and a statement of how affected persons can obtain a copy of the form. Forms used by an agency in its dealings with the public will be filed with the Department of State, which will send a copy to the Joint Administrative Procedures Committee. The form will not become effective earlier than 20 days after it is filed with the Department. The Committee will be authorized to review agency rules to determine whether the economic impact statement accompanying the rule is adequate. The Committee could object to the rule on this basis. The agency would then be required to prepare a corrected economic impact statement or notify the Committee that it refuses to correct it.

Agencies will be allowed to incorporate material by reference in a rule if the material exists on the date the rule is adopted. Change in the incorporated material will not be effective with respect to the rule unless the rule is amended to incorporate the material as changed. If a public hearing is held on a rule, the rule will have to be filed within 21 days after receipt of all material authorized to be submitted at the hearing, within 21 days after receipt of the transcript of the hearing, or within 21 days after adjournment of the final hearing on the rule, whichever occurs latest. If the rule is not adopted within these time limits, the agency will have to withdraw the rule.

HOUSE BILL 327 (CHAPTER 81-288) decreases the experience qualifications required for the Director of the Division of

Veterans Affairs of the Department of Veteran and Community Affairs from 10 years to 7 years, and removes the Director's authority to select an Assistant Director and prescribe his duties or salary or to fix the salaries of other Veterans' Affairs officers appointed by him. The exemption to qualifications for employment as Division Director accorded a person serving as State Service Officer or assistant thereto on June 23, 1977, is repealed. The statutory requirement that the Division make a written report outlining its activities to the Governor, Senate President, and House Speaker every 6 months is changed to require that the report be made annually. Cities or counties desiring to employ a veteran service officer to assist veterans at the local level will be authorized to submit a list of candidates to the Division for certification, instead of selecting the officer from a list of persons furnished by the Division.

HOUSE BILL 1071 (CHAPTER 81-120) makes several changes to Chapter 399, F. S., relating to elevators. Semiprivate elevators, defined as key operated elevators which are not used by the general public, are no longer required to meet standards for accessibility to the physically handicapped if the building is not required to have an elevator or has another elevator which is accessible to the handicapped. The Division of Hotels and Restaurants, Department of Business Regulation, which is granted rulemaking authority for implementing Chapter 399, F. S., will no longer be required to employ inspectors having at least 7 1/2 years of experience. Annual inspection by the

Division is no longer required of all elevators. Those elevators under contract for maintenance and periodic inspection will be inspected once every two years. Annual certification fees for elevators under contract will not exceed \$40. Other elevators will be annually inspected, and the Division will charge an annual certification fee not to exceed \$75.

Annual certificates of competency will be issued by the Division to persons acting on behalf of elevator companies, conclusively establishing the competency of the certificate holder to construct and repair elevators. Upon violation of the terms of the certificate, the Division is authorized to suspend or revoke the certificate or impose civil penalties not to exceed \$1,000. Falsely representing oneself as holding a valid certificate of competency is made a first degree misdemeanor. The Division will impose annual renewal fees for the certificates not to exceed \$50.

Fees for elevator construction are increased from the former maximum of \$50 to a maximum of \$250, and these fees will no longer be based upon the cost of installation. Fines for operation of an elevator after notice to discontinue its use will be increased from the former \$25 to \$100 per day. Elevator companies failing to comply with reasonable Division requests to determine whether the provisions of its service maintenance contract and its implementation ensure safe elevator operation will be subject to an administrative fine



not to exceed \$250 imposed through hearing procedures, with each day of noncompliance a separate violation.

HOUSE BILL 1164 (CHAPTER 81-205) makes several changes to Chapter 633, F. S., relating to fire prevention and control.

First, the act amends Section 633.081, F. S., to provide for triennial certification of fire safety inspectors by the Division of State Fire Marshal, Department of Insurance. Secondly, the law raises the 200-hours "Minimum Standards Course" for firefighter training, provided in Section 4A-37.10, Florida Administrative Code, to 240 hours by amendment to Subsection 633.35(1), F. S., and allows a firefighter to be employed for 1 year before he is required to comply with the training standards. Section 633.34, F. S., is amended to allow the Division to include the medical examination standards of the National Fire Protection Association in the Division's requirements for firefighter medical examinations, and permits the hiring of convicted felons if certain statutory requirements have been met. Section 633.351, F. S., is created to require the Division to void the certification of a firefighter when it determines that the certification was improperly issued or was issued on the basis of false or incorrect information. Finally, the measure makes knowing falsification of the qualifications of a newly employed firefighter a misdemeanor, and repeals provisions relating to reimbursement and grants from the Division to the employing agency.

SENATE BILL 19 (CHAPTER 81-180) exempts policies and procedures of the Department of Law Enforcement relating to criminal intelligence, informants, surveillance, hostages, and security of public figures and witnesses from the definition of a "rule" for Administrative Procedure Act purposes. This will maintain the confidentiality of these policies and procedures by not requiring that they be made public by undergoing rulemaking procedures.

This act also provides that state licensing agencies need not afford licensees an opportunity to show compliance prior to instituting proceedings to revoke, suspend, annul, or withdraw a license. The licensee will have an opportunity to receive a hearing prior to the entry of the final order revoking, suspending, annulling, or withdrawing the license.

COMMITTEE SUBSTITUTE FOR SENATE BILL 26 (CHAPTER 81-52) statutorily specifies that the Department of Law Enforcement, instead of the Department's Division of Criminal Investigation, is responsible for providing security for the Governor, his family, his office, and the Mansion. The Executive Director of the Department is to assign agents to provide this security, and the statutorily prescribed minimum number of 9 agents is deleted.

SENATE BILL 76 (CHAPTER 81-122) reestablishes the Advisory Council on Veterans' Affairs within the Division of Veterans' Affairs of the Department of Veterans' and Community Affairs in substantially the same form it was before Sundown review. Council members need not have wartime service as

previously required, but simply be veterans of the Armed Forces of the United States, and it is the intent of the Legislature that veterans who are not members of any formal veterans' organization be considered in the appointment of Council members. Procedures for convening the Council are prescribed. Its recommendations concerning the operations, duties, and functions of the Division and any other matters relating to the affairs of Florida veterans are to be contained in a semi-annual report to the Governor, presiding officers of the Legislature, and Secretary of the Department. The selection of the Director of the Division from a list submitted to the Secretary by the Council is made optional rather than mandatory.

SENATE BILL 99 (CHAPTER 81-7) reenacts the law which created the State Board of Building Codes and Standards, following a Sundown review. The Board's duties, which include reviewing state building codes and issuing advisory opinions related to the codes, will not be changed. Board members will be made accountable to the Governor for the proper performance of their duties and the Governor will be statutorily authorized to remove Board members for causes affecting their ability to serve on the Board. Methods for call of a meeting of the Board are revised.

SENATE BILL 100 (CHAPTER 81-66) reestablishes the Medical Advisory Board in the Department of Highway Safety and Motor Vehicles at Section 322.125, F. S., notwithstanding the provisions of the Sundown Act. The Board is created with the

responsibility of advising the Department on medical criteria and vision standards relating to the licensing of drivers and reporting to the Department on the physical and mental qualifications of licensed drivers and applicants upon request of the Department. The law provides that all members but one of the 12-18 member Board shall be doctors of medicine licensed to practice medicine and members in good standing of the Florida Medical Association or the Florida Osteopathic Association. The remaining member must be a licensed optometrist and a member in good standing of the Florida Optometric Association.

SENATE BILL 116 (CHAPTER 81-68) reestablishes the State Library Council in substantially the same form as it existed prior to the Sundown review. The Council will continue to advise the Division of Library Services of the Department of State on library policies and services for Florida.

SENATE BILL 117 (CHAPTER 81-69) reestablishes the Balance of the State Prime Sponsor Advisory Council, the State Employment and Training Council, and the Balance of the State Private Industry Council with the same powers and duties they had before the Sundown repeal. The councils will continue to advise the Division of Employment and Training of the Department of Labor and Employment Security on the funding and implementation of CETA (Comprehensive Employment Training Act) programs. The Division shall file an annual report with the Legislature identifying all projects recommended for funding

and all projects approved for funding by the Department Secretary.

COMMITTEE SUBSTITUTE FOR SENATE BILL 122 (CHAPTER 81-12) recreates the Capitol Center Planning Commission in the Department of General Services as permitted in the Sundown Act. The Capitol Center Planning District, over which the Commission exercises zoning authority, is reduced in size by the elimination of a residential area adjacent to the downtown section of Tallahassee. The Commission's duties include adopting zoning ordinances for the District and formulating a long-range plan for Capitol Center development. Commission members are made accountable to the Governor for the performance of their duties and are statutorily prohibited from holding any other state or local office during their terms on the Commission. Members of the Commission appointed by the Governor are subject to confirmation by the Senate.

COMMITTEE SUBSTITUTE FOR SENATE BILL 124 (CHAPTER 81-136) renames data processing advisory committees as "councils," and reestablishes the councils adjunct to each of the 17 major data centers in the state. The heads of agencies served by each data center are authorized to appoint representatives to serve on the councils. The councils review the operations of the state's computer centers and recommend improvements to the Division of Electronic Data Processing of the Department of General Services.

SENATE BILL 128 (CHAPTER 81-70) reenacts the Firefighters Standards and Training Council, Department of

Insurance, notwithstanding the provisions of the Sundown Act. The Council, which is created in Sections 633.30(4), 633.31, 633.32, and 633.33, F. S., is primarily responsible for recommending, to the Division of State Fire Marshal, Department of Insurance, minimum standards for the employment and training of firefighters. The law deletes the previous requirement that members of the Council be confirmed by the Senate, but continues to provide for appointment of Council members by the State Fire Marshal. The previous requirement that the 6 members of the 9-member Council who are members of the firefighting profession have 10 years' firefighting experience is reduced to a 4-year experience requirement. The prior requirement that the Council report its activities and recommendations annually to the State Fire Marshal is deleted.

SENATE BILL 144 (CHAPTER 81-25) removes the authority of the Division of Building Construction and Property Management, Department of General Services, to delegate to ex officio agents of the State Fire Marshal its responsibility for ascertaining compliance with fire safety standards of the State Building Code for proposed state construction or renovation. The law conforms Section 255.25, F. S., to Chapter 80-215, Laws of Florida, which removes the authority of the State Fire Marshal to appoint ex officio agents, and repeals the power of those persons appointed under the State Fire Marshal's prior authority.

SENATE BILL 179 (CHAPTER 81-28) directs the Division of Florida Land Sales and Condominiums of the Department of

Business Regulation to provide annually to each condominium association a summary of declaratory statements and formal legal opinions relating to condominiums that the Division has issued during the previous year. The act also corrects various statutory cross references.

COMMITTEE SUBSTITUTE FOR SENATE BILL 219 (CHAPTER 81-75) establishes an 18-member state Employment Security Advisory Council replacing the state Unemployment Insurance Advisory Council. The Council will advise the Division of Employment Security in the Department of Labor and Employment Security concerning unemployment insurance and employment service programs as did its predecessor.

COMMITTEE SUBSTITUTE FOR SENATE BILL 223 (CHAPTER 81-77) recreates the Tourism Advisory Council in the Department of Commerce, as a result of a Sundown review. The Council's members will be appointed by the Secretary of the Department of Commerce, instead of by the Director of the Division of Tourism. The Council, which formerly advised the Florida Tourism Commission, is made advisory to the Division of Tourism of the Department. The Council makes recommendations relating to the tourism industry.

SENATE BILL 265 (CHAPTER 81-184) reestablishes within the Department of Health & Rehabilitative Services the State Nursing Home and Long-Term Care Facility Ombudsman Committee and corresponding district committees, together with the statewide Human Rights Advocacy Committee and corresponding district committees, pursuant to the Sundown Act.

Similar changes are made in qualification for membership, appointment of members and funding of each type of committee at both the state and district level. Moreover, the Department is required to make a separate request for an appropriation to cover all expenses of each committee, either as a separate lump sum committee expense item or included in a specific appropriation with other expenses in the Governor's budget or in the appropriation acts. Such appropriations are not transferable and must be expended in strict accordance with legislative intent, nor may any other appropriations be transferred to increase the appropriation for advisory councils and committee expenses. Employees of the Department are barred from membership on any of these committees.

The Governor appoints members to each of the two state committees, but if the Governor fails to fill a vacancy by appointment within 120 days, the committee is to do so by majority vote. On the statewide Human Rights Advocacy Committee, member terms are reduced from four to two years which conforms with terms on all other committees reestablished by this act, but at least one member of the state Human Rights Advocacy Committee must have served on a district human rights committee within the preceeding two years. In the appointment of members to the state and district human rights committees, priority consideration is to be given to candidates representing a major departmental client not represented on the committee.



The Department must maintain separate expense records for the statewide and district human rights committees; and adopt procedural rules concerning referral of abuse reports to district committees, availability of client information to statewide and district committees, and reimbursement of state and district committee members for authorized expenses.

The state human rights committee's duties are expanded: to include the development of bylaws covering specific items of information; and, in order to assure statutory consistency, to require review and approval of district committee bylaws which are also prescribed in this act.

The power of the Governor to make appointments and fill vacancies in the district nursing home committees is deleted, but the "starter" provision for district human rights committees which allows the Governor to appoint the first four members of such committees is retained. However, if any of the initial members are not appointed within 120 days of receipt of a request by the Governor, those members are to be appointed by majority vote of the committee. In the case of each type of district committee, vacancies are to be filled by majority vote of the committee subject to approval of the Governor.

SENATE BILL 303 (CHAPTER 81-297) reestablishes the Agricultural and Livestock Fair Council within the Department of Agriculture and Consumer Services in satisfying the requirements of the Sundown Act. The composition of the Council is changed. Certain duties previously assigned the Department are charged to the Council, in consultation with the

Commissioner of Agriculture and the Chief of the Bureau of Fairs and Expositions of the Department's Division of Administration, generally concerning the adoption, administration and enforcement of all laws and rules relating to fairs and expositions. The act also deletes obsolete references and provides that the Department rather than the Council approve the issuance of fair and exposition permits and tax exemption certificates.

SENATE BILL 322 (CHAPTER 81-298) establishes the Florida Housing Advisory Council within the Department of Veteran and Community Affairs to replace the Florida Council on State Housing Goals (Subsection 420.005(3), F. S.), which is repealed by the Sundown Act on October 1, 1981. The Council consists of 15 members appointed by the Governor for 4-year staggered terms to advise the Department in its housing-related duties.

#### Miscellaneous

Laws enacted by the 1981 Legislature covered a broad range of topics, including those listed here in the general government area. These measures establish a commemorative day for retired teachers, set the date of the next legislative session, revise the schedule by which Sunset reviews of regulatory functions are performed, and provide for various other changes.

HOUSE BILL 133 (CHAPTER 81-16) designates the Sunday commencing the third week of November of each year as Retired

Teacher's Day. The Governor is authorized to issue an annual proclamation recognizing the occasion.

HOUSE BILL 190 (CHAPTER 81-110) provides for convening the 1982 Regular Session of the Legislature on January 18, 1982. (The 1982 session of the Legislature will apportion legislative districts, as Article III, Section 16, FLA. CONST., requires apportionment at the regular session in the second year following each decennial census. The date the law sets for convening the Legislature is in lieu of the date provided for in Article III, Section 3(b), FLA. CONST., but is in accord with the constitutional provision therein which allows for another date to be fixed by law.)

COMMITTEE SUBSTITUTE FOR SENATE BILL 239 (CHAPTER 81-318) is a rewrite of the Regulatory Reform Act of 1976 (Sunset), Section 11.61, F. S., to provide for legislative review and repeal during the years 1982 through 1991 of laws which regulate professions, occupations, businesses, industries, or other endeavors. The requirement for a Joint Regulatory Sunset Review Committee is deleted and future repeals are scheduled over a 10-year cycle, rather than the 6 years of the original act. A number of regulatory laws which were not in the 1976 enactment have been added and certain causes of action preserved.

SENATE BILL 709 (CHAPTER 81-140) amends Section 250.23, F. S., to provide that enlisted personnel of the Florida National Guard who are called to state active duty to aid civil

authorities shall be paid \$20 per day in addition to other compensation provided.

SENATE BILL 824 (CHAPTER 81-275) provides educational benefits to dependent children of Florida servicemen who were killed or 100 percent disabled during the attempt to rescue the American hostages held in Iran. (Florida law provides educational benefits to children of servicemen from Florida who have died in action, who have been 100 percent disabled by service-related injuries, or who are missing in action. This legislation will extend the existing benefits to children of the members of the rescue team that was sent to Iran, provided that the serviceman was a resident of Florida on April 25, 1980, the date of the attempted rescue.) The benefits will include expenses for tuition, registration, board, room, rent, books and supplies, and will be payable for 8 semesters, provided the student is in good standing at a state-supported institution of higher learning.

COMMITTEE SUBSTITUTE FOR SENATE BILL 895 (CHAPTER 81-317) amends Section 768.28, F. S., relating to the waiver of sovereign immunity from tort liability for negligence of any state employee acting within the scope of his employment. The act provides that an action against the state, its agencies, or subdivisions can be brought in the county where the property in litigation is located. If the agency or subdivision has an office in the county, suit can be brought where the cause of action accrued. An officer, employee, or agent of the state or its subdivisions would be an adverse witness in a tort action

for damages or injuries brought as a result of his negligence. The liability limitation is raised from the former \$50,000 to \$100,000 per person, and the liability limitation per incident is raised from the former \$100,000 to \$200,000.

SENATE BILL 1099 (CHAPTER 81-303) amends Section 470.024, F. S., to authorize licensed funeral establishments which were operating branch chapels on June 30, 1979, to continue to do so for the sole purpose of providing funeral services. (The statutory authorization to operate branch chapels, Subsection 470.30(8), F. S., 1977, was removed from Chapter 470, F. S., during the 1979 revision of the chapter. The Board of Funeral Directors and Embalmers allowed licensed funeral establishments operating branch chapels prior to the 1979 revision to continue to do so. This law statutorily authorizes the practice.)

The first part of the paper discusses the importance of the research and the objectives of the study. It then presents a literature review of the existing research on the topic. The methodology section describes the research design and the data collection process. The results section presents the findings of the study, and the conclusion section summarizes the main findings and provides recommendations for future research.

The study was conducted in a laboratory setting, and the data were collected using a series of experiments. The results of the experiments were analyzed using statistical methods, and the findings were compared with the results of previous studies. The study found that the research objectives were achieved, and the results were consistent with the findings of previous research.

The study has several limitations, and there are some areas for future research. The study was conducted in a laboratory setting, and the results may not be generalizable to real-world situations. Future research should investigate the effects of the research on a larger sample size and in a more naturalistic setting.

In conclusion, the study found that the research objectives were achieved, and the results were consistent with the findings of previous research. The study has several limitations, and there are some areas for future research.

TAXATION\*

One of the most publicized acts in the area of taxation passed during the 1981 Regular Session increases the documentary stamp tax, allocating the proceeds to a Water Management Lands Trust Fund. The Legislature also enacted substantial administrative revisions in the general areas of sales tax, documentary stamp tax, intangible tax, ad valorem tax collections and exemptions, and procedures in tax controversies.

The Special Fuel Use Tax Act of 1980 was renamed the "Florida Special Fuel and Motor Fuel Tax Act of 1981," revised, and expanded to apply to motor fuel as well as special fuel. Provisions relating to the severance tax on solid minerals were amended, and the tax structure for phosphate rock and heavy minerals was revised.

In the Special Session, the Legislature reduced the dealer's credit for collecting the sales tax on collections over \$1,400. It also implemented a 1980 constitutional amendment (SJR 12-E) and exempted items of inventory from taxation.

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\*Prepared by the staff of House Bill Drafting

## Sales and Use Tax

HOUSE BILL 19 (CHAPTER 81-1) exempts from taxation admissions to the National Football League championship game.

SENATE BILL 257 (CHAPTER 81-319) clarifies language under the sales tax law with respect to an exemption granted in 1980 for admissions to athletic and other events sponsored by public and private colleges and universities and clarifies the amount of money which such colleges and universities must utilize to support women's athletics.

It also revises medical exemptions from the sales tax, specifying that products and supplies, in addition to medicines, dispensed by a pharmacist according to prescription, and hypodermic needles, syringes, compounds and test kits used to diagnose or treat illness, are exempt. It further provides that prosthetic and orthopedic appliances prescribed by a licensed practitioner are qualified for exemption, as an alternative to the requirement that such appliances be included in an exempt list prescribed by the Department of Health and Rehabilitative Services.

The act also revises administrative provisions relating to the sales tax. It increases the registration fee imposed on persons charging admissions tax from \$1 to \$5. It revises provisions which restrict the disposition of credits or personal property belonging to, or debts owed to, a dealer who is delinquent in paying taxes due upon the sale of his business, to specify that any credits, property or debts which exceed the delinquent amount are not subject to such



restriction if the dealer has no prior history of sales tax delinquencies.

It requires dealers to file a return for each tax period, whether or not tax is due. It specifies that penalties apply for failure to timely file a return; that penalties are computed as a percentage of any unpaid tax; and that the \$5 minimum penalty applies to failure to file a return. The act also provides that the Department of Revenue may determine the proportion that taxable sales bear to total sales based on a list or sampling of available records when a dealer's records are inadequate, and that, where records are adequate but voluminous, the Department may make such determination based on statistical sampling if the dealer and Department enter into an agreement to do so.

Enacted in the Special Session, HOUSE BILL 20-B (CHAPTER 81-221) reduces the dealer's credit for collecting the admission or sales tax from 3 percent to 1 percent on amounts of tax remitted in excess of \$1,000 for any reporting period.

#### Inventory Tax

HOUSE BILL 5-B (CHAPTER 81-308), passed during the Special Session, exempts items of inventory from ad valorem taxation. It specifies that fuels used in the production of electricity are considered inventory. It provides that inventory need not be assessed and that application for exemption is not required, and repeals relevant statutes to reflect that fact effective January 1, 1982, which is the

effective date of all provisions of this act except those relating to the Local Government Exemption Trust Fund. The act eliminates the Fund effective July 1, 1982.

Excise Tax on Documents

COMMITTEE SUBSTITUTE FOR SENATE BILL 620 (CHAPTER 81-33) increases the tax on documents conveying lands from 40 cents to 45 cents on each \$100 of consideration, until July 1, 1991. Distribution of the proceeds of the excise tax on documents is revised, with 7.2 percent to be deposited in the Water Management Lands Trust Fund (see discussion in the Article, CONSERVATION AND NATURAL RESOURCES).

Administrative provisions relating to the documentary stamp tax are provided by HOUSE BILL 603 (CHAPTER 81-14). County comptrollers or clerks of the circuit court are authorized to collect the tax without affixing stamps on documents to be recorded provided a notation is made on the document, a register is maintained, and taxes are transmitted monthly to the Department of Revenue. With respect to documents not to be recorded, any person who has averaged \$150 worth of stamps or 50 taxable transactions per month for 6 months is authorized to collect the tax without affixing stamps upon issuance of a certificate of registration by the Department. Such persons are required to keep a journal and to submit reports and remittances monthly to the Department, and such authorization may be canceled if the person does not meet recordkeeping, reporting, and remittance requirements. In both

cases, persons so authorized are subject to audit and must post bond as required by the Department. The act also repeals a penalty for attaching to any original note any other note which is not a renewal of the original note without paying the tax required.

#### Intangible Tax

HOUSE BILL 604 (CHAPTER 81-22) requires every person, regardless of domicile, who owns or has control of intangible property that has a business situs in Florida, to file an intangible tax return. It also provides for proportional valuation of intangibles that are secured by real property situated both in and out of Florida.

Under the provisions of SENATE BILL 983 (CHAPTER 81-257) the Department of Revenue is directed to examine the feasibility of combining the corporate income tax form with the intangible tax form, and the Department of State is directed to cooperate with the Department of Revenue in examining the feasibility of combining the corporation annual report form with said forms. Prior to March 1, 1982, the Department of Revenue is to report its recommendation to the Legislature including any necessary legislation.

#### Ad Valorem Tax Administration

Various provisions relating to ad valorem tax collections are revised under HOUSE BILL 607 (CHAPTER 81-284). The act provides procedures for refunds of payments made in error on land not owned by the taxpayer. It revises provisions

relating to application for tax deeds by certificate holders to specify that the opening bid for homestead property by certificate holders other than the county shall include an amount equal to one-half the assessed value of the property, as is already required of the county; and provides that in either case (non-county or county certificate holder) the requirement does not apply if the certificate was sold prior to January 1, 1982. It also specifies the right of the titleholder to redeem the property prior to issuance of a tax deed.

The act restructures and revises requirements with respect to notice to owner of application for a tax deed. It removes references to personal service of notice and specifies that inability to serve notice shall not affect the validity of the tax deed. It provides that posting of notice is not required for nonagricultural acreage or vacant land. It revises provisions relating to the calculation of interest associated with tax sales, and includes reference to the required amount equal to one-half the value of homestead property in provisions relating to bids of certificate holders and distribution of certain funds. It provides for disposition of undistributed funds after all liens are paid. It also provides for tax collector's commissions on special assessments on the 1981 tax roll, and deletes the separate bond requirement for deputy tax collectors.

HOUSE BILL 1171 (CHAPTER 81-178) deals with civil procedures in tax controversies and applies to Chapters 198 (Estate Taxes), 199 (Intangible Personal Property Taxes), 201

(Excise Tax on Documents), 203 (Gross Receipts Tax), 206 (Motor and Other Fuel Taxes), 208 (Tax on Generation of Hazardous Wastes), 211 (Tax on Severance and Production of Minerals), 212 (Tax on Sales, Use and other Transactions), 220 (Corporate Income Tax), 376 (Pollution Spill Prevention and Control; excise tax on terminal facility operators), and 624 (Insurance Code; premium tax), F. S. It allows taxpayers to contest the legality of any assessment of any tax, interest or penalty under those chapters by filing an action in circuit court or by filing a petition for an administrative hearing under Chapter 120, F. S., the Administrative Procedure Act. The act provides that no action may be brought after 60 days from the date the assessment becomes final and provides for venue and other procedures. If the taxpayer files an action in circuit court, he must pay the contested amount into the court registry or post a bond.

It also authorizes the Department of Revenue to adopt rules for informal conferences for resolution of disputes relating to such assessment, and authorizes the executive director of the Department to enter into written closing agreements with a taxpayer settling his liability for any tax, interest or penalty under the cited chapters, except for motor and special fuel taxes and estimated penalties under the severance tax, corporate income tax, and insurance premium tax. It authorizes the Department to compromise a taxpayer's liability for taxes or interest (except motor and special fuel taxes) on the grounds of doubt as to liability for or

collectability of the tax or interest, and to compromise a taxpayer's liability for penalties, with the exceptions cited with respect to written agreements above, if noncompliance is due to reasonable cause. The act provides for the repeal of provisions in conflict with these procedures. The Department is authorized to issue technical assistance advisements to a person, upon written request, as to its position on the tax consequences of a specified transaction or event. An advisement is not to be issued after issuance of the assessment, and has no precedential value except to the taxpayer for that specific transaction. Confidentiality is provided for the advisements.

#### Ad Valorem Tax Exemptions

HOUSE BILL 1170 (CHAPTER 81-219) revises provisions relating to ad valorem tax exemptions. It requires an applicant using the short form exemption application to affirm that the use of the property and his residency status have not changed since the original application, and requires that an original application be filed for at least 10 percent of all parcels granted an exemption or agricultural classification, such parcels to be randomly selected by the property appraiser.

The act defines "permanent residence," provides factors to be considered in determination thereof, and conforms terminology in Chapter 196, F. S. It provides for reduction of the homestead exemption in proportion to the number of nonresident owners, and specifies property to which homestead

exemptions apply. It also deletes reference to the status of government-owned property in provisions relating to extent of homestead exemption, and provides that the 5-year residency requirement applies to the exemption for disabled veterans confined to wheelchairs.

Taxpayers are required to furnish the property appraiser with residency information on homestead exemption application forms, and additional requirements are provided for such forms. The penalty for knowingly giving false information with respect to a homestead exemption claim is increased to a first degree misdemeanor, punishable by imprisonment up to 1 year or by fine not exceeding \$2,500, or both. The act revises property appraisers' procedures for homestead exemption approval or rejection. It also provides for assessment of taxes and interest on property of certain nonresidents granted a homestead exemption.

#### Tax on Motor Fuels and Special Fuels

HOUSE BILL 932 (CHAPTER 81-165) provides specific information to be included in monthly reports by special fuel dealers to the Department of Revenue. It also specifies that the confidentiality requirements of Section 213.053, F. S., shall not prevent the Department from providing information relative to Chapter 377, F. S. (Energy Resources), to the proper state agency.

HOUSE BILL 439 (CHAPTER 81-151) renames the "Florida Special Fuel Use Tax Act of 1980" as the "Florida Special Fuel

and Motor Fuel Use Tax Act of 1981" and transfers the act to Chapter 207, F. S. It provides that the use tax levied thereunder shall apply to motor fuel as well as special fuel. The definition of "commercial motor vehicles" to which the act applies is revised. The act requires registration of motor carriers with the Department of Revenue, rather than the Public Service Commission. It deletes references to cab cards and provides for identifying devices, emergency and trip permits and annual permits, providing fees therefor and regulating their use.

The act provides procedures for calculation and payment of the fuel use tax, provides for equalized taxes for motor carriers registering in Florida whose base state imposes a tax on Florida-based carriers, and allows a credit against the tax for tax paid at time of purchase on fuel purchased in Florida. It specifies a September 1 - August 31 reporting period and revises penalty and interest provisions. The Department is authorized to require bond of motor carriers. Records are to be kept for 4, rather than 3 years, and motor carriers must give notice of change of address.

The act directs the Department of Revenue and the Department of Highway Safety and Motor Vehicles to develop a form on which both vehicle registration and the fuel use report can be accomplished. It revises the registration period for certain trucks, truck-tractors, semitrailers, and automobiles for hire to December 1 - November 30, and provides for semiannual registration for certain trucks.



It also authorizes the Department of Revenue, Department of Agriculture and Consumer Services, Department of Highway Safety and Motor Vehicles, and Department of Transportation to inspect vehicles, make arrests, and seize property as necessary for enforcement of the act, and directs state agencies to cooperate with the Department of Revenue. It repeals provisions which specify that records and files relating to the act be made available to the public, and provides that information received by the Department in connection with the tax be confidential, except for certain authorized exchange of information with the American Association of Motor Vehicle Administrators.

The act deletes reference to the International Registration Plan (being studied under the provisions of Chapter 80-415, Laws of Florida) replacing reciprocal agreements with other states, and deletes the deadline for phase-in of participation in the Plan. It deletes provisions relating to authorization of implementation of participation in the Plan. It reinstates provisions relating to tax exemption for special fuel used by motor vehicles engaged in interstate travel on the highways of another state that were repealed by Chapter 80-415. It also includes reference to fuels subject to the fuel use tax in sales tax exemption provisions.

#### Tax on Severance of Solid Minerals

Various provisions relating to the severance tax are

revised under HOUSE BILL 1081 (CHAPTER 81-35). The act redefines "value" and "point of severance" and provides additional definitions. It revises exemptions and provides an additional exemption for solid minerals (except phosphate) severed solely for agricultural uses.

The 5 percent tax on severance of solid minerals, except phosphate rock and heavy minerals, is retained, and the tax structure for phosphate and heavy minerals is revised. For 1981, base rates of \$1.67 per ton (phosphate) and \$ .84 per ton (heavy minerals) are provided. For 1982 and thereafter, the base rates are to be adjusted by a base rate adjustment calculated by the Department of Revenue utilizing specified price index data. For 1983, the phosphate base rate is to be reduced by 20 percent, unless additional funding of the Nonmandatory Land Reclamation Trust Fund is approved by law.

The act deletes provisions relating to credit for ad valorem taxes paid. It provides for distribution of the proceeds of the severance taxes. It substantially retains present payment procedures and interest and penalty provisions. It requires producers to keep records for 3 years, provides for inspection and audit thereof by the Department of Revenue, and provides procedures for handling overpayments or deficiencies discovered by audit. It provides for application of confidentiality provisions, and authorizes the Department to promulgate rules.

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Library Council, State. . . . . E/S116(81-68)  
Medicaid Advisory Council. . . . . E/CS/S133(81-237)  
Medical Advisory Board/Highway Safety & Motor Vehicle Dept.  
. . . . . E/S100(81-66)  
Medical Examiners Commission. . . . . S426(81-89)  
Nursing home & long-term care facility obmudsman comms.  
. . . . . E/S265(81-184)  
Peanut Advisory Council. . . . . E/S85(81-59)  
Perinatal Advisory Council. . . . . E/S521(81-270)

CONTINUED)

(E-ENGROSSED; CS-COMMITTEE SUBSTITUTE)

Pesticide Technical Council. . . . . E/S89 (81-236)  
Plant Industry Technical Council. . . . . E/S91 (81-63)  
Prison Industry Commission/Advisory Council. . E/CS/S97 (81-125)  
Ringling Museum Board of Trustees, John & Mable. . E/S119 (81-8)  
~~Senior Management Service.~~ . . . . . E/H536 (81-213)  
Soil & Water Conservation Council. . . . . E/S241 (81-129)  
Soybean Advisory Council. . . . . E/S87 (81-61)  
Speech Pathology & Audiology Advisory Council. . E/CS/S80 (81-57)  
Statewide Health Coordinating Council. . . . . S131 (81-9)  
Student Financial Aid Advisory Council. . . . . E/CS/S137 (81-73)  
Tobacco Advisory Council. . . . . S612 (81-251)  
Tourism Advisory Council. . . . . E/CS/S223 (81-77)  
Tourism Commission. . . . . E/CS/S223 (81-77)  
Veterans' Affairs Council. . . . . E/S76 (81-122)  
Workers' Compensation Advisory Council. . . . . E/CS/S220 (81-76)

SUNLAND CENTERS

Gainesville/Alachua County/John C. Thomas, Jr. Recreation  
Center. . . . . E/S6 (81-23)  
Involuntary admittees, reaching age of majority; hearings  
. . . . . E/H413 (81-290)  
Marianna Sunland Center; operation by Ed. Dept.. . H780 (81-197)  
Renamed major state retardation facility. . . . . E/S6 (81-23)

SUNSET ACT

Regulatory Reform Act renamed Regulatory Sunset Act; generally  
revised. . . . . E/CS/S239 (81-318)

SUNSET BILLS

Consumer Collection Practices/ repeals future repeal  
. . . . . E/H644 (81-314)  
Home warranty associations. . . . . E/CS/H280 (81-148)  
Liquefied petroleum gas, sale of; revived & readopted  
. . . . . H1088 (81-175)  
Nursing home & long-term care facility obmudsman comms.  
. . . . . E/S265 (81-184)  
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Public Lodging & Food Service Establishments. . . E/H689 (81-161)  
Regulatory Reform Act renamed Regulatory Sunset Act & generally  
revised. . . . . E/CS/S239 (81-318)  
Speech Pathology & Audiology. . . . . E/CS/S80 (81-57)

SUNSHINE LAW

Handicapped persons, physically; accessibility requirements  
revised. . . . . E/S393 (81-268)  
Professional Reg. Board complaints; exemption. . E/S700 (81-302)

SUPPORT

Uniform Reciprocal Enforcement of Support Act; reciprocity of  
foreign states/nations. . . . . E/S323 (81-86)

SUPREME COURT

DWI Schools Coordination Trust Fund; administration  
. . . . . E/S1024 (81-208)

TALLAHASSEE, CITY OF

Capitol Center Planning District; certain territory removed  
. . . . . E/CS/S122 (81-12)

TAXATION See also: SPECIFIC SUBJECT

Ad Valorem Tax

(CONTINUED)

(E-ENGROSSED; CS-COMMITTEE SUBSTITUTE)

Ad Valorem Tax

(CONTINUED)

- Collections; various procedures revised. . . . E/H607 (81-284)
- Permanent resident/residences defined re exemption  
. . . . . E/H1170 (81-219)
- Registered property; registrant's responsibility re  
. . . . . E/H1115 (81-177)
- Short form applications. . . . . E/H1170 (81-219)
- Controversies; circuit court jurisdiction; procedures  
. . . . . E/H1171 (81-178)
- Documentary excise tax See: DOCUMENTARY EXCISE TAX
- Excise tax See: DOCUMENTARY EXCISE TAX
- Homestead exemption; permanent resident/residences; defined re  
exemptions. . . . . E/H1170 (81-219)
- Intangible Personal Property Tax
  - Corporate tax forms, combining in one form. . . . S983 (81-257)
  - International banking facilities; exemption. . . E/S477 (81-179)
  - Nonresidents, filing required. . . . . E/H604 (81-22)
  - Property inside/outside state; valuation. . . . E/H604 (81-22)
  - Real property loans; overcharge refunds. . . . E/S367 (81-299)
  - Inventory tax; certain items exempt. . . . . H 5-B (81-308)
  - Land sold for nonpayment of taxes; drainage easement prevails  
. . . . . S800 (81-255)
  - License taxes See: LICENSES & LICENSE TAXES; SPECIFIC SUBJECT
- Motor Fuel Tax
  - Special fuel dealers; reports, information contained in  
. . . . . H932 (81-165)
  - Special Fuel & Motor Fuel Use Tax Act. . . . . E/H439 (81-151)
- Occupational license tax See: LICENSES & LICENSE TAXES;  
SPECIFIC SUBJECT
- Permanent resident/residences defined re exemption  
. . . . . E/H1170 (81-219)
- Phosphate rock & heavy minerals; base rate; distribution  
. . . . . E/H1081 (81-35)
- Sale at public auction; interest rate 1-1/2% monthly  
. . . . . E/H607 (81-284)
- Sales Tax
  - Admission Tax
    - Athletic/other events, public/private colleges/universities;  
proceeds to women's athletics. . . . . E/S257 (81-319)
    - National Football League Super Bowl game exempt CS/H19 (81-1)
    - Private/public colleges & universities athletic events;  
exemption. . . . . E/S257 (81-319)
    - Registration fee. . . . . E/S257 (81-319)
  - Dealer's credit re collection reduced. . . . . H 20-B (81-221)
  - Exemptions
    - Medical products/supplies. . . . . E/S257 (81-319)
    - Prosthetic/orthopedic appliances. . . . . E/S257 (81-319)
    - Retail sales, taxable; determination method. . . E/S257 (81-319)
    - Returns, filing timely; penalty for failure. . . E/S257 (81-319)
    - Sale of business; tax delinquent; notification; certain  
restrictions revised. . . . . E/S257 (81-319)
  - Tax controversies; civil procedure. . . . . E/H1171 (81-178)

(CONTINUED)

(E-ENGROSSED; CS-COMMITTEE SUBSTITUTE)

## Sales Tax

(CONTINUED)

Women's intercollegiate athletic program. . . . E/S257 (81-319)  
Severance of solid minerals; distribution of proceeds

. . . . . E/H1081 (81-35)

Soybeans; assessment increased. . . . . S204 (81-128)

## Tax Collectors

Deputies; separate bond requirement deleted. . . E/H607 (81-284)

Refund of erroneous tax payments. . . . . E/H607 (81-284)

Tax deeds, application by certificate holders; notice to owner

. . . . . E/H607 (81-284)

## TELEVISION

Educational Television Advisory Council; abolishment. S79 (81-5)

## THEATERS

Coconut Grove Playhouse Trust Fund; established. . E/S518 (81-92)

## THEFT

Farm theft; farmers/employees eligible to detain suspects;

liability exemption. . . . . E/H109 (81-108)

Retail stores; detection devices activated; detention

. . . . . CS/H801 (81-163)

## TORTS

Alternative venue in tort actions; claim/judgment amount

increased. . . . . E/CS/S895 (81-317)

## TOURISM See: COMMERCE, DEPT. OF

## TRADE See: BUSINESS OR TRADE; SPECIFIC SUBJECT

## TRAFFIC CONTROL See also: HIGHWAY SAFETY &amp; MOTOR VEHICLES,

DEPT. OF

Damage excess of \$750; mandatory hearing. . . . . E/H992 (81-34)

Disabled/stopped vehicles; 2 red portable reflectors required

. . . . . E/S346 (81-49)

DWI Schools Coordination Trust Fund; assessment, disposition

. . . . . E/S1024 (81-208)

Nonresident Violator Compact Act revised; driver license held

as collateral, etc. . . . . S385 (81-46)

Trucks, carrying flares, lanterns, emergency reflectors;

certain exempt. . . . . E/S346 (81-49)

## TRANSPORTATION

Buses, safety rules by DOT; size; insurance. . . E/S1121 (81-209)

Buses, size restrictions. . . . . E/S1121 (81-209)

Commerce Dept.; contracts re transportation projects

. . . . . E/H1060 (81-171)

Concession stands; gambling games prohibited. . . E/H571 (81-116)

Department divisions; certain renamed & reorganized

. . . . . E/S1121 (81-209)

Facilities, public; solicitation of funds by religious groups

restricted. . . . . E/H410 (81-112)

Motor carriers/commercial vehicles; inspection, seizure by DOT

. . . . . E/H439 (81-151)

Project construction, exceeding \$50,000; no bid; performing

party. . . . . E/H1060 (81-171)

Traffic control See: TRAFFIC CONTROL

Turnpikes, concession stands; gambling games prohibited

. . . . . E/H571 (81-116)

(E-ENGROSSED; CS-COMMITTEE SUBSTITUTE)



**TREASURY, STATE**

Security for Public Deposits Act. . . . . E/H1145(81-285)  
 Trust & agency investments; certain criteria revised  
 . . . . . E/H660(81-295)

**TRUCKS See also: MOTOR VEHICLES**

Trucks, carrying flares, lanterns, emergency reflectors;  
 certain exempt. . . . . E/S346(81-49)

**TRUST FUNDS**

Coconut Grove Playhouse. . . . . E/S518(81-92)  
 Corporations. . . . . E/S518(81-92)  
 Correctional Officer Training. . . . . E/CS/CS/S103(81-24)  
 Criminal Justice Training. . . . . E/CS/CS/S103(81-24)  
 DWI Schools Coordination. . . . . E/S1024(81-208)  
 Inmates. . . . . E/H1051(81-315)  
 Insurance Commissioner Regulatory. . . . . E/S628(81-48)  
 Law Enforcement Training. . . . . E/CS/CS/S103(81-24)  
 Real Time Vehicle Info System. . . . . E/S38(81-181)  
 Relief Fund Bd. established re pari-mutuels. . E/CS/S314(81-132)  
 Water Management Lands. . . . . E/CS/S620(81-33)

**UNEMPLOYMENT COMPENSATION**

Extended benefits; ineligibility, exceptions, etc.  
 . . . . . E/S291(81-137)  
 Extended benefits; suitable work, disqualification, etc.  
 . . . . . E/S291(81-137)  
 Misconduct suspensions; benefit disqualification. E/S291(81-137)  
 Retirement benefits; exception to disqualification. S237(81-42)  
 Weekly benefit amount increased \$125 in lieu of \$105  
 . . . . . E/S291(81-137)

**UNIFORM COMMERCIAL CODE See: COMMERCIAL CODE, UNIFORM****VENDING MACHINES/SERVICES**

Educational institutions, state; budgeting collections  
 . . . . . E/S51(81-263)  
 Highway Safety & Motor Vehicle Dept.; funds deposited employee  
 benefit fund. . . . . S356(81-37)  
 Vending stands at state correctional institutions. . S440(81-91)

**VETERAN & COMMUNITY AFFAIRS, DEPT. OF**

Annual reports to Governor & Legislature. . . . . E/H327(81-288)  
 Housing Advisory Council; created. . . . . E/S322(81-298)  
 Iranian rescue mission participants; children, tuition-free  
 education. . . . . S824(81-275)  
 SENIORS Committee; staffing. . . . . CS/S17(81-261)  
 Veterans' Affairs Council; wartime veteran requirement deleted  
 . . . . . E/S76(81-122)  
 Veterans' affairs officers; appointment, etc. revised  
 . . . . . E/H327(81-288)

**VETERINARY MEDICINE**

Licensure by examination. . . . . E/S700(81-302)

**VOCATIONAL EDUCATION See: EDUCATION****WAKULLA COUNTY**

Commercial fishing permits re mullet/speckled trout/redfish  
 . . . . . E/H1131(81-202)  
 Shrimping & crabbing, boundary lines; closing areas  
 . . . . . E/CS/H927(81-199)  
 Speckled trout; taking/bagging/size; exemption deleted

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(E-ENGROSSED; CS-COMMITTEE SUBSTITUTE)

.....	H1224 (81-403)
<b>WARRANTY ASSOCIATIONS</b>	
Home warranty associations; license suspension/revocation; contract term, form, etc..	E/CS/H280 (81-148)
<b>WATER CONSERVATION</b>	
Water supply & distribution facilities; bond issuance .....	E/H492 (81-21)
<b>WATER MANAGEMENT DISTRICTS</b>	
Documentary stamp surtax; use re land conservation, etc. .....	E/CS/S620 (81-33)
Land acquisition; 5-year plans; restrictions, etc. .....	E/CS/S620 (81-33)
<b>WEAPONS &amp; FIREARMS</b>	
Concealed; carrying in pharmacy unlawful; penalty	E/S881 (81-278)
<b>WELFARE</b> See also: <b>HEALTH &amp; REHABILITATIVE SERVICES, DEPT. OF</b>	
Canned or perishable food, good faith donors; liability protection. ....	E/S255 (81-130)
Employment services, public assistance recipients .....	E/S1025 (81-258)
Task Force on Employment & Training Public Assistance Recipients; continuation. ....	E/S1025 (81-258)
<b>WITNESSES</b>	
Disinterested; document producing, fee reimbursement .....	H721 (81-196)
Medical examiners, expert testimony; fees. ....	S426 (81-89)
Tort actions; government agents considered adverse witnesses .....	E/CS/S895 (81-317)
<b>WORKERS' COMPENSATION</b>	
Workers' Compensation Advisory Council. ....	E/CS/S220 (81-76)
<b>WRONGFUL DEATH</b>	
Claims; minor children, up to 25 yrs. old; recoverables .....	E/S150 (81-183)
<b>X-RAY MACHINES</b>	
Radiation machines; inspection, registration fees .....	E/CS/S459 (81-133)
<b>YOUTHS</b> See: <b>MINORS</b>	

(E-ENGROSSED: CS-COMMITTEE SUBSTITUTE)

LIST OF SENATE AND HOUSE GENERAL BILLS  
PASSED BY THE 1981 LEGISLATURE

with  
SESSION LAW REFERENCES

Senate Bills

<u>Bill Number</u>	<u>Session Law</u>	<u>Bill Number</u>	<u>Session Law</u>
SB 6 -----	81-23	SB 124 -----	81-136
SB 11 -----	81-232	SB 125 -----	81-13
SB 17 -----	81-261	SB 127 -----	81-127
SB 19 -----	81-180	SB 128 -----	81-70
SB 26 -----	81-52	SB 130 -----	81-71
SB 30 -----	81-262	SB 131 -----	81-9
SB 31 -----	81-53	SB 132 -----	81-72
SB 38 -----	81-181	SB 133 -----	81-237
SB 41 -----	81-233	SB 137 -----	81-73
SB 51 -----	81-263	SB 144 -----	81-25
SB 54 -----	81-121	SB 146 -----	81-26
SB 72 -----	81-234	SB 150 -----	81-183
SB 74 -----	81-54	SB 167 -----	81-238
SB 75 -----	81-55	SB 175 -----	81-27
SB 76 -----	81-122	SB 179 -----	81-28
SB 78 -----	81-56	SB 182 -----	81-239
SB 79 -----	81-5	SB 189 -----	81-103
SB 80 -----	81-57	SB 204 -----	81-128
SB 81 -----	81-58	SB 216 -----	81-74
SB 82 -----	81-235	SB 219 -----	81-75
SB 84 -----	81-10	SB 220 -----	81-76
SB 85 -----	81-59	SB 223 -----	81-77
SB 86 -----	81-60	SB 224 -----	81-296
SB 87 -----	81-61	SB 231 -----	81-264
SB 88 -----	81-123	SB 233 -----	81-78
SB 89 -----	81-236	SB 234 -----	81-2
SB 90 -----	81-62	SB 237 -----	81-42
SB 91 -----	81-63	SB 239 -----	81-318
SB 92 -----	81-64	SB 240 -----	81-79
SB 93 -----	81-6	SB 241 -----	81-129
SB 97 -----	81-125	SB 242 -----	81-80
SB 98 -----	81-65	SB 243 -----	81-81
SB 99 -----	81-7	SB 244 -----	81-82
SB 100 -----	81-66	SB 252 -----	81-265
SB 101 -----	81-182	SB 254 -----	81-43
SB 102 -----	81-67	SB 255 -----	81-130
SB 103 -----	81-24	SB 257 -----	81-319
SB 116 -----	81-68	SB 259 -----	81-50
SB 117 -----	81-69	SB 262 -----	81-240
SB 119 -----	81-8	SB 265 -----	81-184
SB 120 -----	81-124	SB 269 -----	81-83
SB 121 -----	81-11	SB 275 -----	81-241
SB 122 -----	81-12	SB 280 -----	81-266
SB 123 -----	81-126	SB 285 -----	81-267

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SB 288	----- 81-29	SB 543	----- 81-321
SB 291	----- 81-137	SB 544	----- 81-250
SB 292	----- 81-242	SB 558	----- 81-260
SB 297	----- 81-30	SB 568	----- 81-139
SB 298	----- 81-84	SB 572	----- 81-320
SB 303	----- 81-297	SB 582	----- 81-93
SB 306	----- 81-185	SB 590	----- 81-94
SB 307	----- 81-85	SB 592	----- 81-135
SB 308	----- 81-31	SB 602	----- 81-38
SB 314	----- 81-132	SB 606	----- 81-305
SB 317	----- 81-44	SB 612	----- 81-251
SB 322	----- 81-298	SB 613	----- 81-95
SB 323	----- 81-86	SB 620	----- 81-33
SB 327	----- 81-186	SB 628	----- 81-48
SB 338	----- 81-243	SB 631	----- 81-271
SB 339	----- 81-36	SB 632	----- 81-210
SB 346	----- 81-49	SB 633	----- 81-252
SB 356	----- 81-37	SB 634	----- 81-324
SB 366	----- 81-138	SB 650	----- 81-96
SB 367	----- 81-299	SB 652	----- 81-253
SB 368	----- 81-45	SB 654	----- 81-273
SB 373	----- 81-87	SB 672	----- 81-39
SB 380	----- 81-131	SB 676	----- 81-306
SB 381	----- 81-32	SB 689	----- 81-307
SB 382	----- 81-322	SB 690	----- 81-272
SB 385	----- 81-46	SB 700	----- 81-302
SB 390	----- 81-47	SB 709	----- 81-140
SB 393	----- 81-268	SB 720	----- 81-274
SB 401	----- 81-244	SB 730	----- 81-259
SB 405	----- 81-300	SB 747	----- 81-97
SB 406	----- 81-245	SB 797	----- 81-40
SB 417	----- 81-88	SB 798	----- 81-254
SB 421	----- 81-187	SB 800	----- 81-255
SB 426	----- 81-89	SB 824	----- 81-275
SB 439	----- 81-90	SB 838	----- 81-98
SB 440	----- 81-91	SB 859	----- 81-276
SB 441	----- 81-323	SB 869	----- 81-277
SB 448	----- 81-246	SB 881	----- 81-278
SB 456	----- 81-301	SB 886	----- 81-41
SB 459	----- 81-133	SB 895	----- 81-317
SB 477	----- 81-179	SB 906	----- 81-141
SB 479	----- 81-304	SB 924	----- 81-100
SB 489	----- 81-247	SB 927	----- 81-99
SB 510	----- 81-134	SB 937	----- 81-256
SB 516	----- 81-269	SB 953	----- 81-101
SB 518	----- 81-92	SB 977	----- 81-102
SB 521	----- 81-270	SB 983	----- 81-257
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Senate Bills

<u>Bill Number</u>	<u>Session Law</u>
SB 1052 -----	81-188
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SB 1104 -----	81-142
SB 1121 -----	81-209

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House Bills

<u>Bill Number</u>	<u>Session Law</u>	<u>Bill Number</u>	<u>Session Law</u>
HB 19 -----	81-1	HB 338 -----	81-312
HB 20 -----	81-189	HB 341 -----	81-150
HB 25 -----	81-224	HB 344 -----	81-289
HB 46 -----	81-190	HB 363 -----	81-113
HB 63 -----	81-143	HB 379 -----	81-227
HB 64 -----	81-144	HB 410 -----	81-112
HB 75 -----	81-15	HB 413 -----	81-290
HB 101 -----	81-212	HB 434 -----	81-20
HB 109 -----	81-108	HB 437 -----	81-106
HB 116 -----	81-105	HB 439 -----	81-151
HB 133 -----	81-16	HB 479 -----	81-114
HB 136 -----	81-279	HB 484 -----	81-152
HB 144 -----	81-109	HB 487 -----	81-115
HB 147 -----	81-280	HB 490 -----	81-228
HB 151 -----	81-145	HB 492 -----	81-21
HB 157 -----	81-225	HB 536 -----	81-213
HB 176 -----	81-281	HB 537 -----	81-153
HB 182 -----	81-17	HB 546 -----	81-154
HB 190 -----	81-110	HB 559 -----	81-283
HB 197 -----	81-18	HB 563 -----	81-313
HB 198 -----	81-146	HB 571 -----	81-116
HB 204 -----	81-147	HB 599 -----	81-155
HB 214 -----	81-19	HB 600 -----	81-117
HB 216 -----	81-309	HB 602 -----	81-291
HB 228 -----	81-310	HB 603 -----	81-14
HB 249 -----	81-286	HB 604 -----	81-22
HB 253 -----	81-226	HB 607 -----	81-284
HB 277 -----	81-207	HB 610 -----	81-156
HB 279 -----	81-4	HB 616 -----	81-157
HB 280 -----	81-148	HB 617 -----	81-191
HB 285 -----	81-282	HB 621 -----	81-118
HB 288 -----	81-3	HB 637 -----	81-192
HB 304 -----	81-111	HB 644 -----	81-314
HB 305 -----	81-149	HB 660 -----	81-295
HB 309 -----	81-311	HB 662 -----	81-193
HB 324 -----	81-287	HB 664 -----	81-194
HB 325 -----	81-211	HB 665 -----	81-158
HB 327 -----	81-288	HB 676 -----	81-159

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HB 678	-----	81-160
HB 689	-----	81-161
HB 701	-----	81-162
HB 707	-----	81-214
HB 721	-----	81-196
HB 745	-----	81-215
HB 772	-----	81-195
HB 780	-----	81-197
HB 799	-----	81-198
HB 801	-----	81-163
HB 823	-----	81-164
HB 861	-----	81-292
HB 927	-----	81-199
HB 932	-----	81-165
HB 992	-----	81-34
HB 1003	-----	81-166
HB 1013	-----	81-229
HB 1036	-----	81-167
HB 1037	-----	81-168
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HB 1039	-----	81-119
HB 1040	-----	81-170
HB 1049	-----	81-216
HB 1051	-----	81-315
HB 1060	-----	81-171
HB 1068	-----	81-172
HB 1070	-----	81-173
HB 1071	-----	81-120
HB 1075	-----	81-217
HB 1076	-----	81-174
HB 1081	-----	81-35
HB 1086	-----	81-104
HB 1088	-----	81-175
HB 1091	-----	81-200
HB 1095	-----	81-218
HB 1099	-----	81-176
HB 1115	-----	81-177
HB 1119	-----	81-107
HB 1120	-----	81-293
HB 1124	-----	81-201
HB 1127	-----	81-51
HB 1131	-----	81-202
HB 1142	-----	81-230
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HB 1152	-----	81-203
HB 1157	-----	81-316
HB 1158	-----	81-204
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HB 1171	-----	81-178
HB 1175	-----	81-220
HB 1226	-----	81-294

**FLORIDA LEGISLATURE - REGULAR SESSION - 1981**

07/15/81 15:21

**STATISTICS REPORT**

	SENATE		HOUSE		TOTAL	
	SUBMITTED	PASSED	SUBMITTED	PASSED	SUBMITTED	PASSED
CONCURRENT RESOLUTIONS	9	3	9	2	18	5
RESOLUTIONS (ONE CHAMBER ONLY)	20	14	41	36	61	50
GENERAL BILLS	1026	204	963	139	1989	343
LOCAL BILLS	43	25	178	145	221	170
GEN BILL/LOC APPLICATION	0	0	0	0	0	0
JOINT RESOLUTIONS	22	0	25	0	47	0
MEMORIALS	2	0	2	0	4	0
BILLS NUMBERED, NOT INTRODUCED	0	0	2	0	2	0
WITHDRAWN	<u>2</u>	<u>0</u>	<u>23</u>	<u>0</u>	<u>25</u>	<u>0</u>
TOTAL	1124	246	1243	322	2367	568
APPROVED BY GOVERNOR	192		134		326	
BECAME LAW WITHOUT SIGNATURE	30		138		168	
VETOED BY GOVERNOR	7		12		19	
BECAME LAW, VETO NOTWITHSTANDING	0		0		0	
FILED WITH SECRETARY OF STATE (JT. RES., CONC. RES., MEM.)	3		2		5	
BILLS TO CONFERENCE COMMITTEE	0		1		1	
BILLS AMENDED	219		263		482	
COMMITTEE SUBSTITUTES	191		147		338	
COMMITTEE SUB FOR COMMITTEE SUB	12		7		19	
FAILED TO PASS SENATE BY VOTE					0	
FAILED TO PASS HOUSE BY VOTE					7	
UNFAVOR COMMITTEE REPORT IN SEN					46	
UNFAVOR COMMITTEE REPORT IN HOU.					31	
BILLS NUMBERED, NOT INTRODUCED					2	
INDEFINITELY POSTPONED					65	
LAID ON TABLE					222	
RESOLUTIONS ADOPTED					50	
WITHDRAWN PRIOR TO INTRODUCTION					25	
WITHDRAWN/FURTHER CONSIDERATION					56	
DIED IN SENATE COMMITTEES					550	
DIED IN HOUSE COMMITTEES					438	
DIED IN CONFERENCE COMMITTEE					1	
DIED ON SENATE CALENDAR					161	
DIED ON HOUSE CALENDAR					163	
DIED IN MESSAGES					34	
BILLS - STATE FISCAL IMPACT					439	
BILLS - LOCAL FISCAL IMPACT					126	
BILLS - PRIVATE SECTOR IMPACT					177	

ation Division

**FLORIDA LEGISLATURE - SPECIAL SESSION "B" - 1981**

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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	1	1	0	0	1
RESOLUTIONS (ONE CHAMBER ONLY)	1	1	0	0	1
GENERAL BILLS	14	0	19	6	33
LOCAL BILLS	0	0	0	0	0
GEN BILL/LOC APPLICATION	0	0	0	0	0
JOINT RESOLUTIONS	0	0	0	0	0
MEMORIALS	0	0	0	0	0
BILLS NUMBERED, NOT INTRODUCED	0	0	12	0	12
WITHDRAWN	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL	16	2	31	6	47
APPROVED BY GOVERNOR		0		6	6
BECAME LAW WITHOUT SIGNATURE		0		0	0
VETOED BY GOVERNOR		0		0	0
BECAME LAW, VETO NOTWITHSTANDING		0		0	0
FILED WITH SECRETARY OF STATE (JT. RES., CONC. RES., MEM.)		1		0	1
BILLS TO CONFERENCE COMMITTEE		0		2	2
BILLS AMENDED		1		4	5
COMMITTEE SUBSTITUTES		1		0	1
COMMITTEE SUB FOR COMMITTEE SUB		0		0	0
FAILED TO PASS SENATE BY VOTE		0		0	0
FAILED TO PASS HOUSE BY VOTE		0		0	0
UNFAVOR COMMITTEE REPORT IN SENATE		1		0	1
UNFAVOR COMMITTEE REPORT IN HOUSE		0		0	0
BILLS NUMBERED, NOT INTRODUCED		0		12	12
INDEFINITELY POSTPONED		0		0	0
LAID ON TABLE		0		0	0
RESOLUTIONS ADOPTED		1		0	1
WITHDRAWN PRIOR TO INTRODUCTION		0		0	0
WITHDRAWN/FURTHER CONSIDERATION		0		0	0
DIED IN SENATE COMMITTEES		5		0	5
DIED IN HOUSE COMMITTEES		0		11	11
DIED IN CONFERENCE COMMITTEE		0		2	2
DIED ON SENATE CALENDAR		8		0	8
DIED ON HOUSE CALENDAR		0		0	0
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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Legislative Information Division



VETOED GENERAL BILLS

Senate Bills:

SB 156 - Vetoed 6/25/81  
SB 293 - Vetoed 7/2/81  
SB 357 - Vetoed 7/8/81  
SB 643 - Vetoed 7/2/81  
SB 974 - Vetoed 7/1/81

House Bills:

HB 166 - Vetoed 7/8/81  
HB 193 - Vetoed 6/25/81  
HB 456 - Vetoed 7/1/81  
HB 687 - Vetoed 7/2/81  
HB 747 - Vetoed 7/2/81  
HB 1214 - Vetoed 7/2/81

