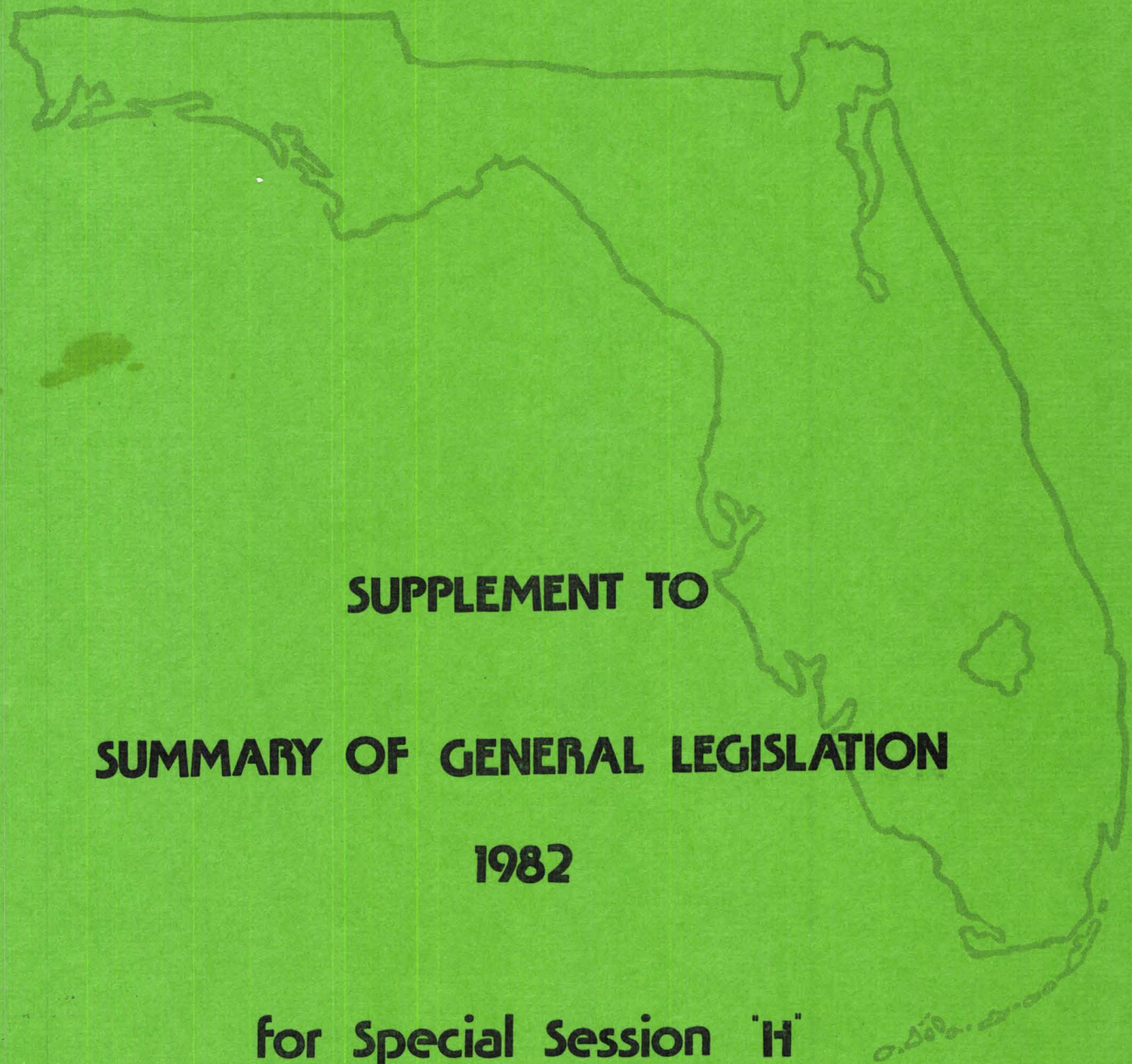


# **FLORIDA LEGISLATURE**



## **SUPPLEMENT TO SUMMARY OF GENERAL LEGISLATION 1982**

**for Special Session "H"  
June 21-22, 1982**

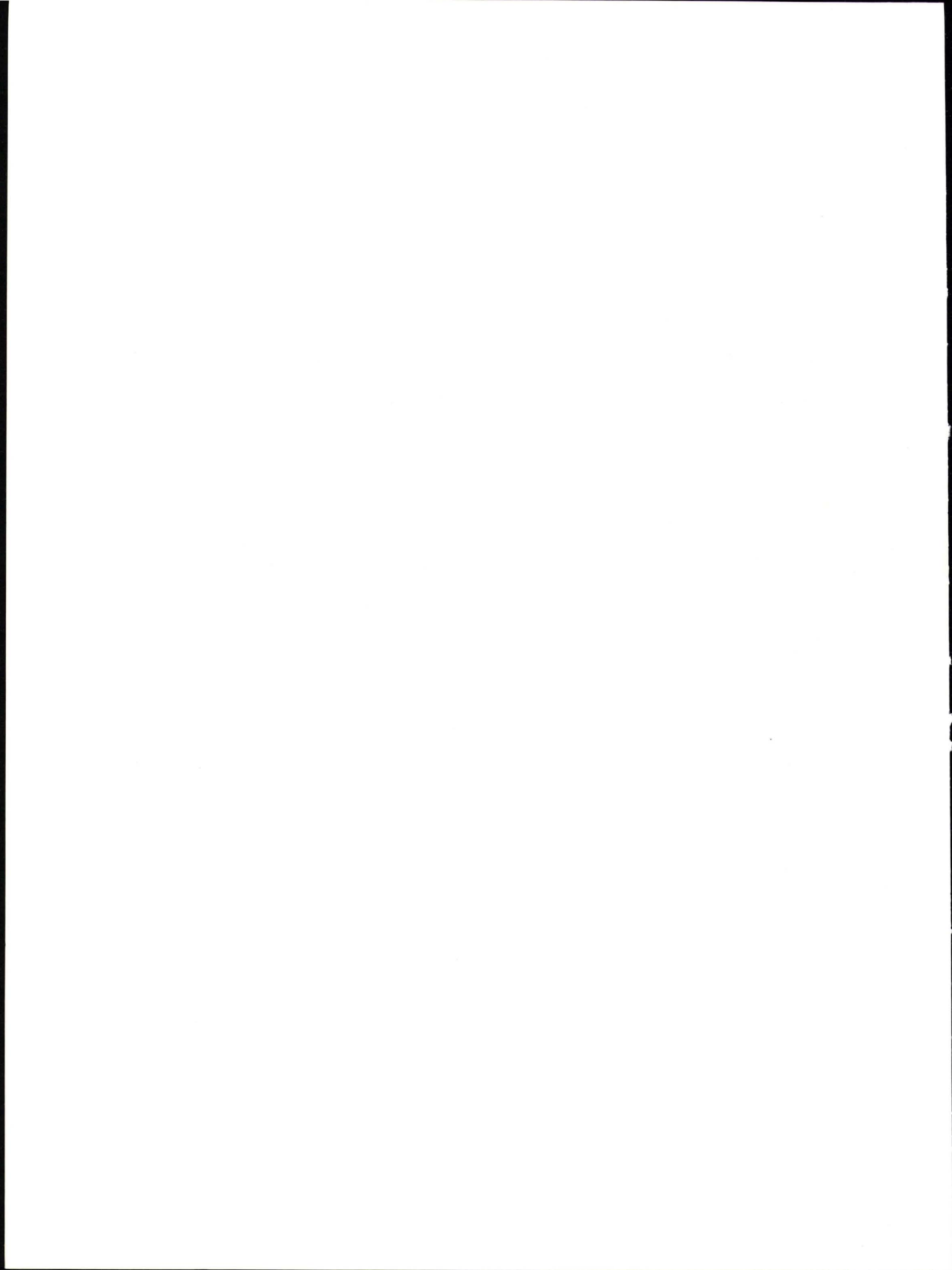






TABLE OF CONTENTS

ARTICLES:	PAGE
Summary of Special Session "H" . . . . .	1
Business Regulation . . . . .	2
Conservation & Natural Resources . . . . .	2
Constitutional Amendments . . . . .	3
Corrections, Probation & Parole . . . . .	3
Courts & Civil Law . . . . .	8
Education - Postsecondary . . . . .	8
Elections . . . . .	8
Health & Rehabilitative Services . . . . .	9
Insurance . . . . .	10
Law Enforcement & Criminal Justice . . . . .	12
State Government . . . . .	16
Taxation . . . . .	17
INDEX:	
By Session Law Chapter Number . . . . .	22
By Subject Matter . . . . .	23
BILL NUMBER - SESSION LAW CROSS REFERENCES . . . . .	29
LEGISLATIVE STATISTICS . . . . .	30





---

Summary of General Legislation, 1982 ... Florida Legislature

---

"H" SPECIAL SESSION, JUNE 21-22, 1982\*

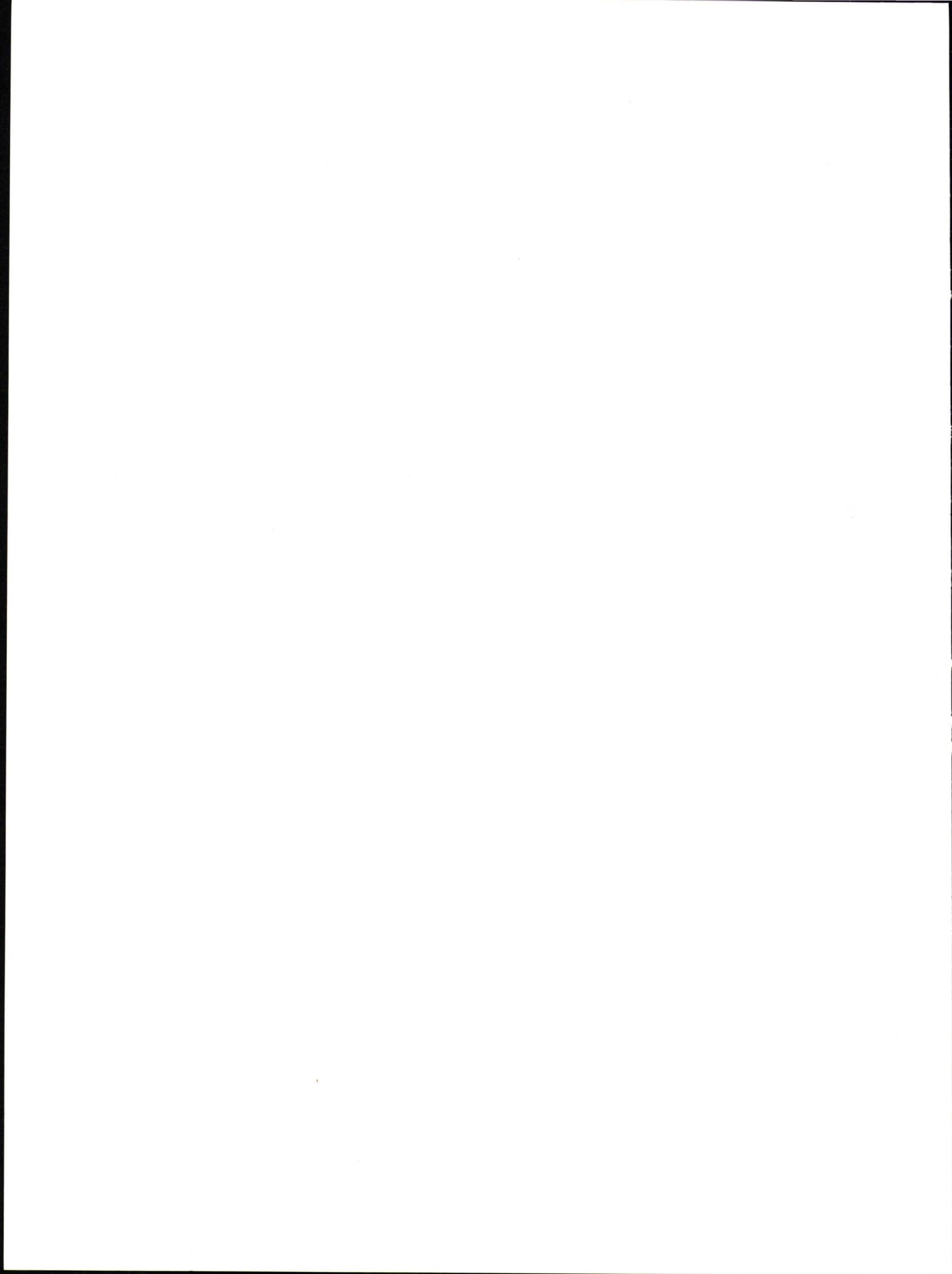
Lawmakers dealt with 9 of the 11 items of business contained in the Governor's amended call for a special session on June 21: 1) the Senate voted down the proposed Equal Rights Amendment to the U. S. Constitution; 2) the Legislature as a whole proposed an amendment to the Florida Constitution which would conform that document to the federal exclusionary rule on evidence; 3) proposed to amend the state constitution concerning pretrial detention and enacted implementing legislation; 4) eliminated "transactional immunity" for witnesses; 5) provided conditional exemption from the public records law for complaints against law enforcement and correctional officers; 6) enacted a package of laws addressing prison overcrowding; 7) reviewed and reenacted the regulatory law on emergency medical technicians; 8) limited premiums and liability of medical practitioners under the state's Patient Compensation Fund; and 9) revised the just enacted local option tax for sports, arts and recreation centers.

Questions concerning the manufacture and sale of teflon coated bullets and bidding procedures regarding Department of Transportation contracts were not resolved.

---

\*Prepared by Legislative Library and appropriate committee staff







### Business Regulation

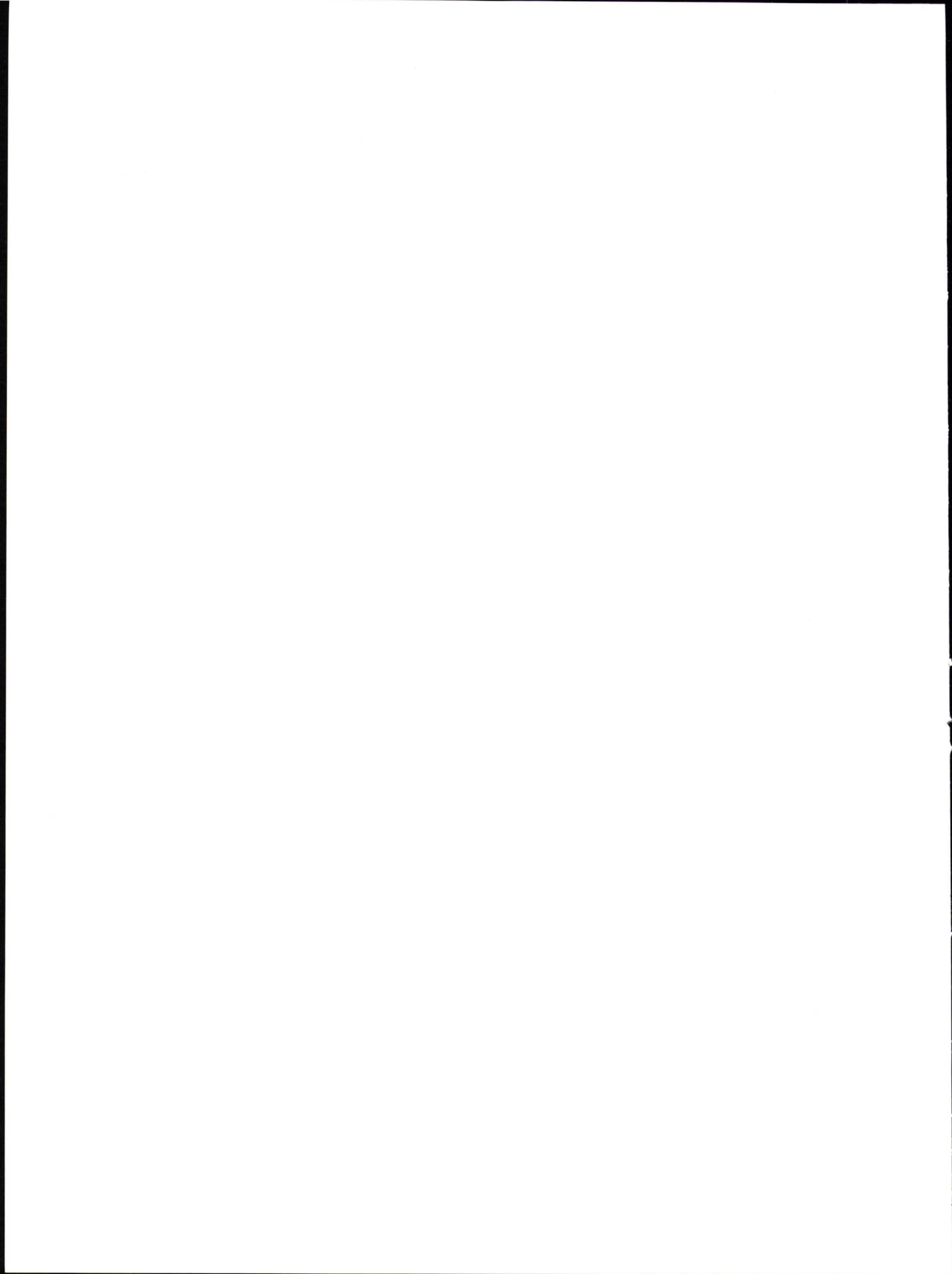
HOUSE BILL 63-H (CHAPTER 82-400) amends Subsections 498.017(1) and (2), F. S., to set land subdivision registration fees of \$4 for each of the first 2,000 lots, parcels, units, or interests registered and a \$2 fee for each additional lot, parcel, unit or interest. The act provides a base fee of \$300 for each registration renewal and alters the additional renewal fee schedule to 50¢ for the first 1,000 lots and 20¢ for each lot above that number. The Division of Florida Land Sales and Condominiums of the Department of Business Regulation is authorized to increase lot fees for registration or renewal by administrative rule up to a maximum of 75¢, and is required to charge subdividers \$250 for filing a no-action letter request exempting the subdivider from provisions of Chapter 498, F. S. The provisions of the act are conformed to a sunset review date of October 1, 1988, for Chapter 498, F. S.

### Conservation & Natural Resources

The summer harvesting season for oysters which begins June 1 in three areas of Franklin County is extended through September by SENATE BILL 23-H (CHAPTER 82-408) which amends appropriate parts of Section 370.16, F. S.

SENATE BILL 22-H (CHAPTER 82-407) prohibits the taking of any shrimp or prawn of a size that counts more than 55 to the pound with heads on in waters south of or between the Apalachicola River and the Choctawhatchee River, and makes a violation of the prohibition a second degree misdemeanor.





### Constitutional Amendments

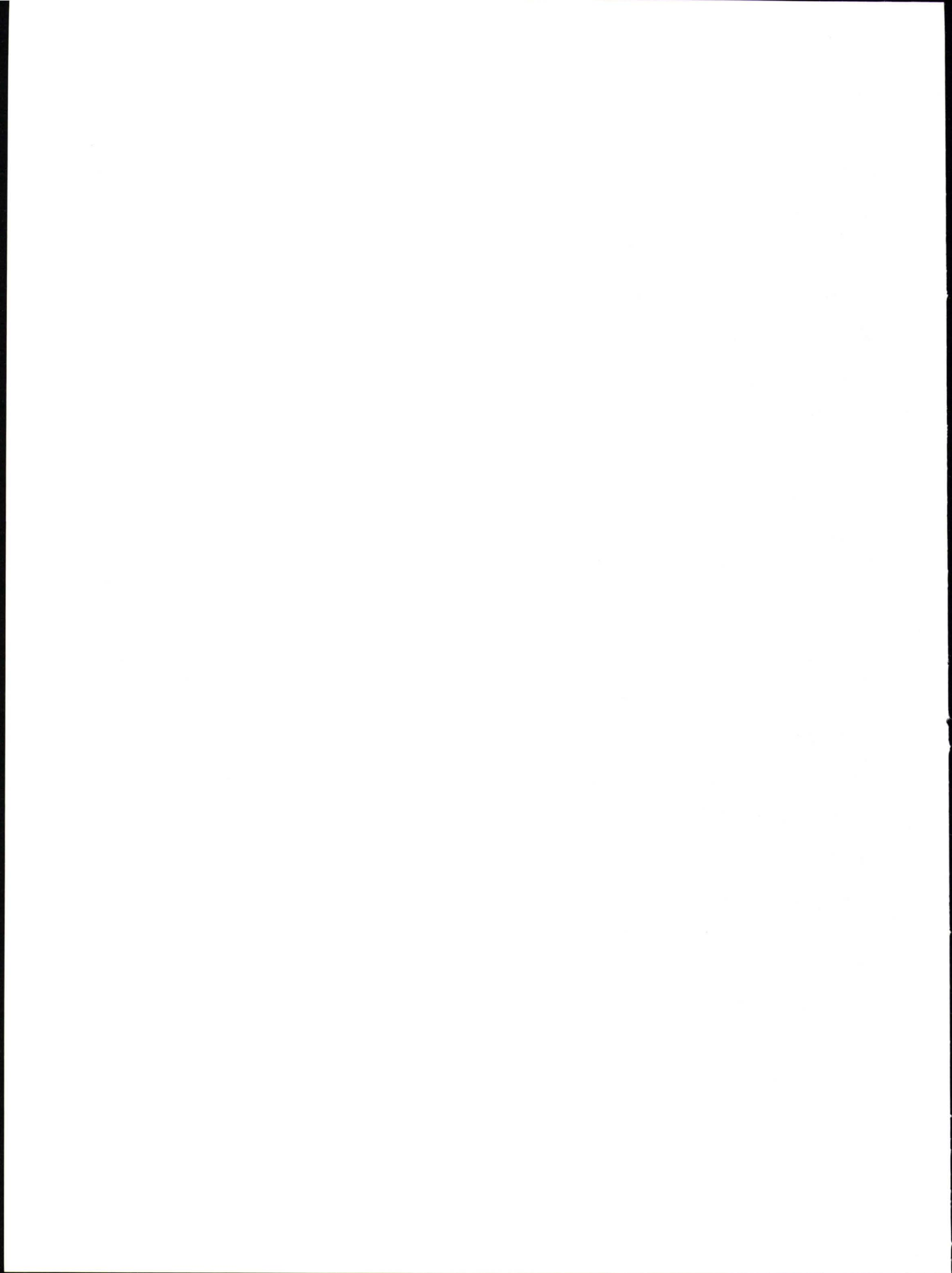
If ratified by the electorate at the November 2, 1982, General Election, HOUSE JOINT RESOLUTION 31-H would conform the interpretation of the right (set out in Section 12 of Article I of the Florida Constitution) to be free from unreasonable searches and seizures to the 4th Amendment to the United States Constitution as construed by the United States Supreme Court. This conformation would include the question of admissibility in court of articles or information illegally seized.

HOUSE JOINT RESOLUTION 43-H, which also is to appear on the November General Election ballot, would amend Section 14 of Article I of the Florida Constitution to permit the pretrial release on reasonable conditions of every person charged with a crime or violation of a municipal or county ordinance, unless charged with a capital or life felony with evident proof of guilt or great presumption of guilt, or unless release of the accused would threaten the physical well-being of the community, the appearance in court of the accused, or the integrity of the judicial process. The amendment would take effect January 1, 1983. Implementing legislation is provided by HOUSE BILL 44-H (CHAPTER 82-398).

### Corrections, Probation & Parole

SENATE BILL 4-H (CHAPTER 82-405) amends Section 112.533, F. S., as amended by Chapter 82-156, Laws of Florida, to provide that complaints against law enforcement and correctional officers, and information relating to such





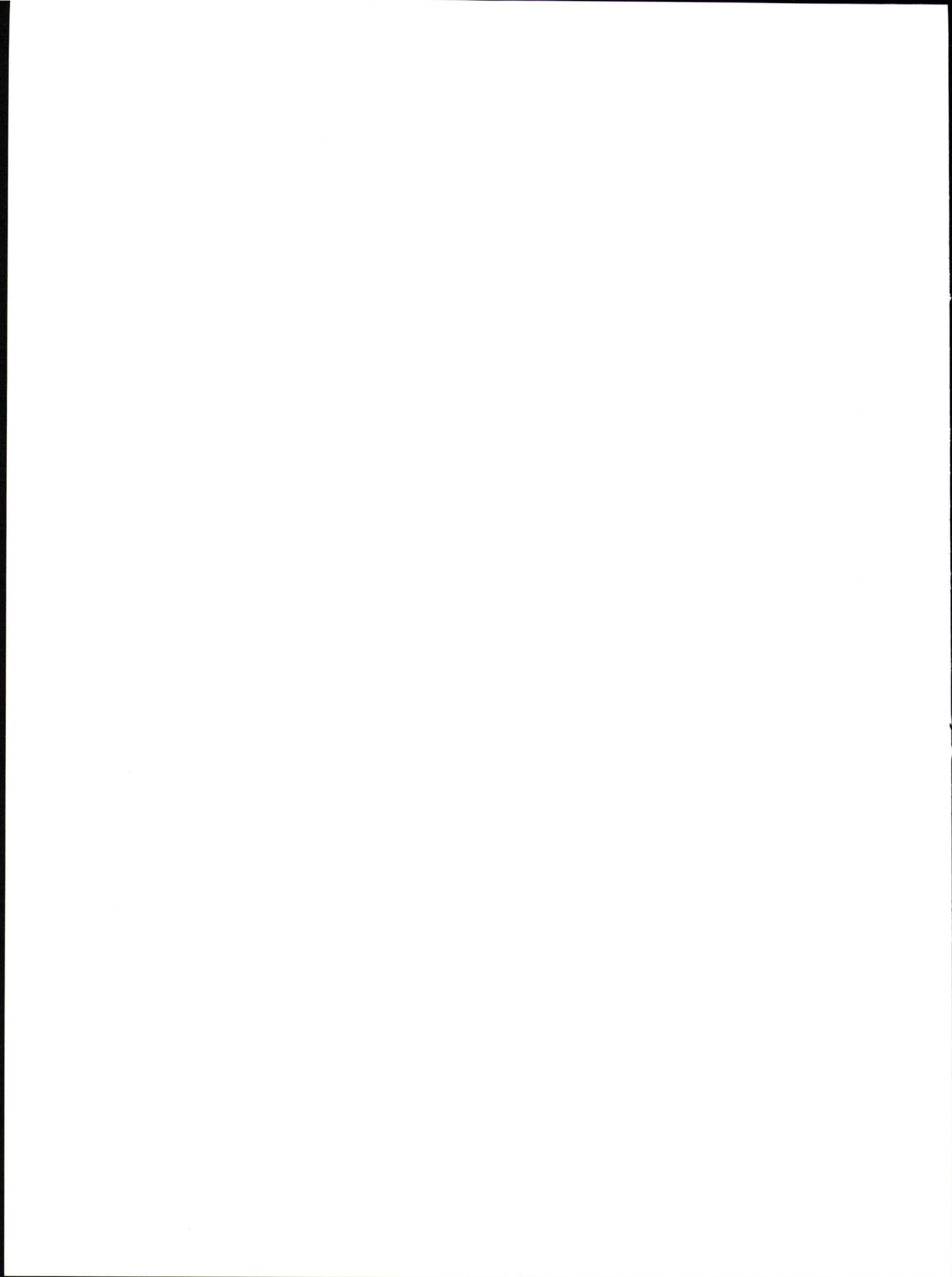
complaints, be exempt from public records until the investigation by the agency has been completed or has ceased to be active. If the investigation does not sustain the complaint, the identities of all witnesses and the officer under investigation shall be exempt from public inspection and shall be deleted from all public records prior to release.

SENATE BILL 6-H (CHAPTER 82-401) amends Paragraph 947.16(1)(e), F. S., to provide that a parole examiner rather than the Parole Commission conduct the initial parole interview of a youthful offender; corrects an effective date in order that provisions of Section 947.16, F. S., as amended by Chapter 82-171, Laws of Florida, apply only to those persons convicted on or after April 20, 1982; and that Section 947.16, F. S., as in effect prior to the amending, shall apply to any person convicted before April 20, 1982.

HOUSE BILL 36-H (CHAPTER 82-395) authorizes the Board of Trustees of the Internal Improvement Trust Fund to purchase federal surplus lands for correctional facilities, using federal land purchasing procedures in lieu of the purchasing procedures required by Section 253.025, F. S.; directs the Auditor General to conduct a performance audit of any purchases made pursuant to this act; and provides that the authorization for such purchases expire July 1, 1983.

HOUSE BILL 37-H (CHAPTER 82-396) creates Section 944.021, F. S., which provides for a corrections overcrowding task force composed of 11 specified members which is to meet monthly for eight months beginning in July, 1982, for the



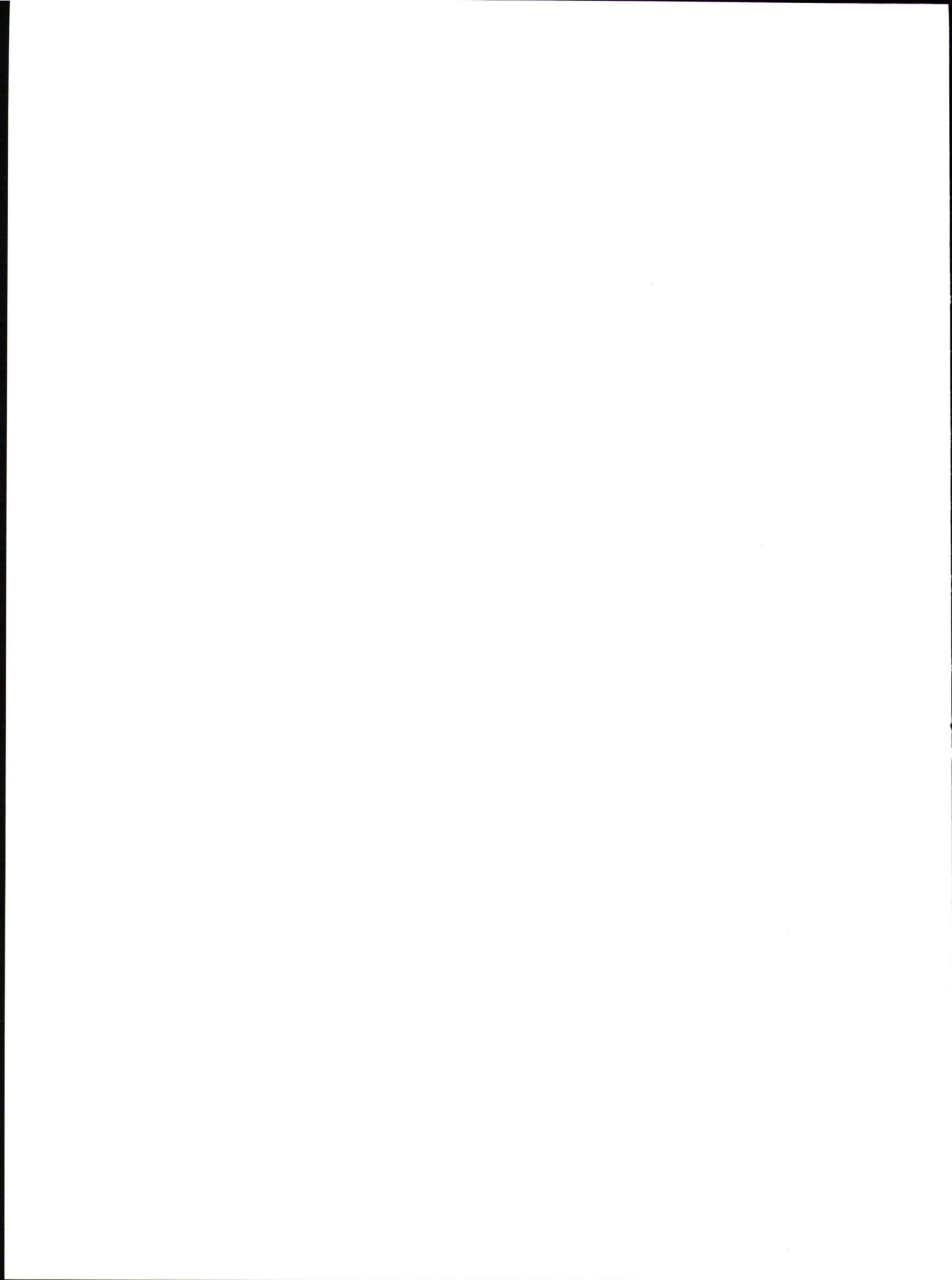


purpose of considering specific issues relevant to overcrowding; requires presentation of a report with recommendations to the Governor and Legislature by February 15, 1983; and calls for creation by the task force of a prospectus for a ten-year plan for corrections with emphasis on establishing population targets in order to decrease the state incarceration rate. The Department of Legal Affairs is to provide staff support for the task force whose members are to serve without compensation, but who shall be entitled to be reimbursed for per diem and travel expenses. The provisions of this act are to expire on April 1, 1983.

HOUSE BILL 39-H (CHAPTER 82-411) creates Section 944.927, F. S., the Local Offender Advisory Council Act, to provide legislative intent with regard to optional pilot projects within the 1st and 8th Judicial Circuits and sentencing alternatives for certain nonviolent offenders; calls for local support to local offender advisory councils in the event that pilot projects in the two circuits are initiated; and authorizes Department of Corrections assistance to local governments, and departmental prescription of standards for programs and services pursuant to the act.

HOUSE BILL 38-H (CHAPTER 82-397) was the result of the Legislature's concern with the overcrowding in Florida's prison system and its attempt to address the problem by providing funds to alleviate the situation. Following is a summary of this supplemental appropriations act prepared by the House Committee on Appropriations.





HOUSE BILL 38-H (CHAPTER 82-397)

Summary of Supplemental Appropriations to address  
Florida's Prison Overcrowding Situation

Department of Corrections

Office of the Assistant Secretary for Programs:

6 positions	\$118,110
-------------	-----------

These positions will handle the increased workload in the Bureau of Offender Records in the Central Office.

Major Institutions:

64 positions	\$978,380
--------------	-----------

Twenty-four positions will handle the increase and orientation at the Reception and Medical Center and at Lancaster Correctional Institution. Forty positions will provide more security/supervision and work related activities for the inmate population at Sumter Correctional Institution. These positions will implement a farm program, advanced roofing and masonry training, dormitory and inside compound security, correctional officer in-service training, drug abuse and psychiatric staffing.

Lump Sum (Increased Inmate Population):

75 positions	\$7,998,145
--------------	-------------

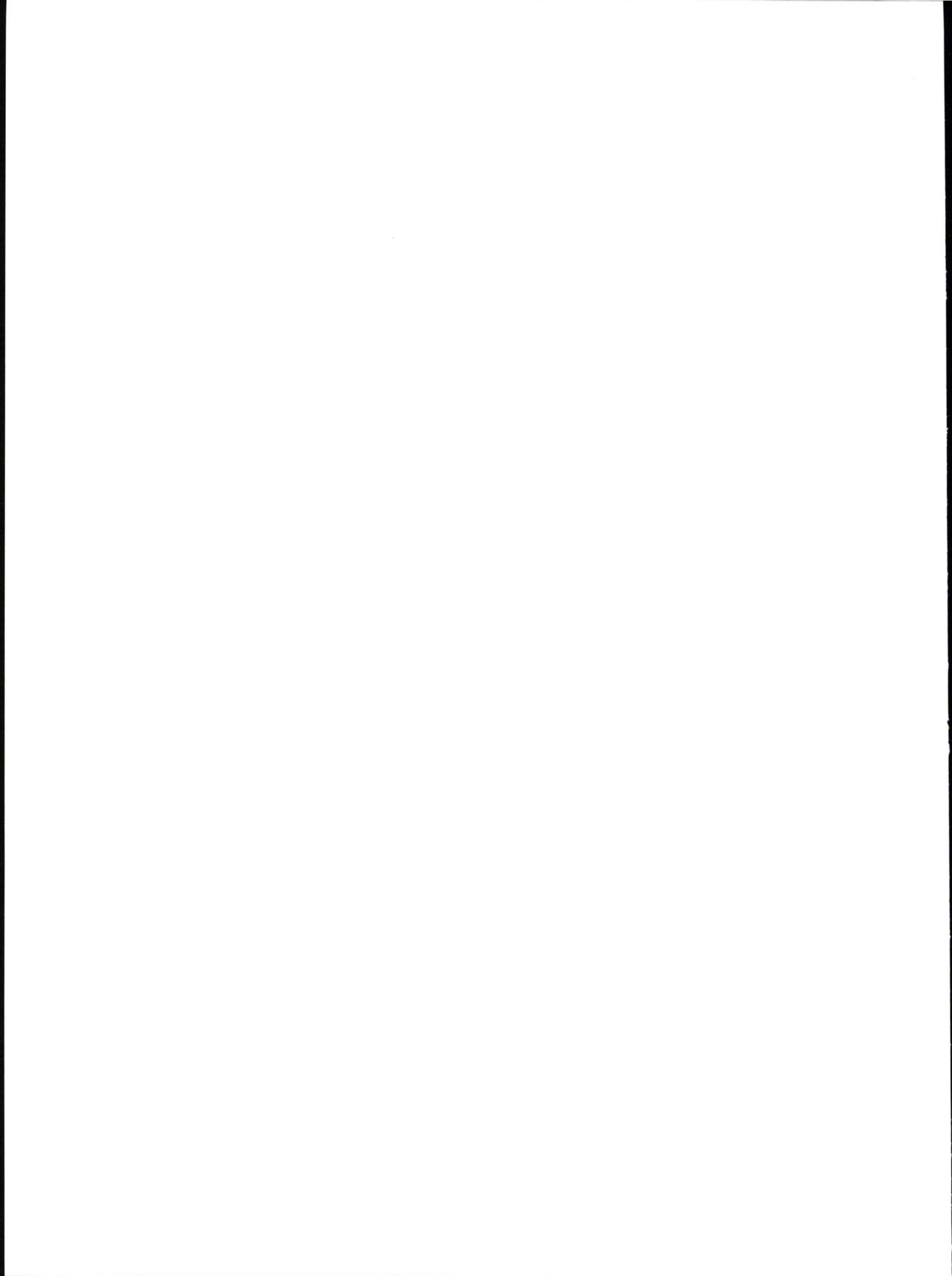
This will provide for construction of 1,100 temporary beds and the necessary operating costs to support 3,216 unfunded daily population in the major institutions, plus 75 additional positions.

Probation and Parole Services:

367 positions	\$4,198,095
---------------	-------------

This provides for a caseload ratio of 1:91 for all offenders, 1:76 for youthful offenders and full funding for investigations.





Parole and Probation Commission

7 positions

\$196,288

This provides for two additional commissioners. However, enabling legislation was not passed.

<u>Permanent Beds</u>	<u>646 Beds</u>	<u>\$11,014,700</u>
Hendry C.I.	312	\$ 6,275,000
Expand 3 C.C.C.*	72	1,203,000
Putnam Corr. Inst.	112	2,500,000
Corr Mental Health Treat. Fac. (Planning)	150	480,000
Sumter Corr Indust. Program - Paper Conversion		556,000

Dade County Economic Development in blighted areas      \$    50,000

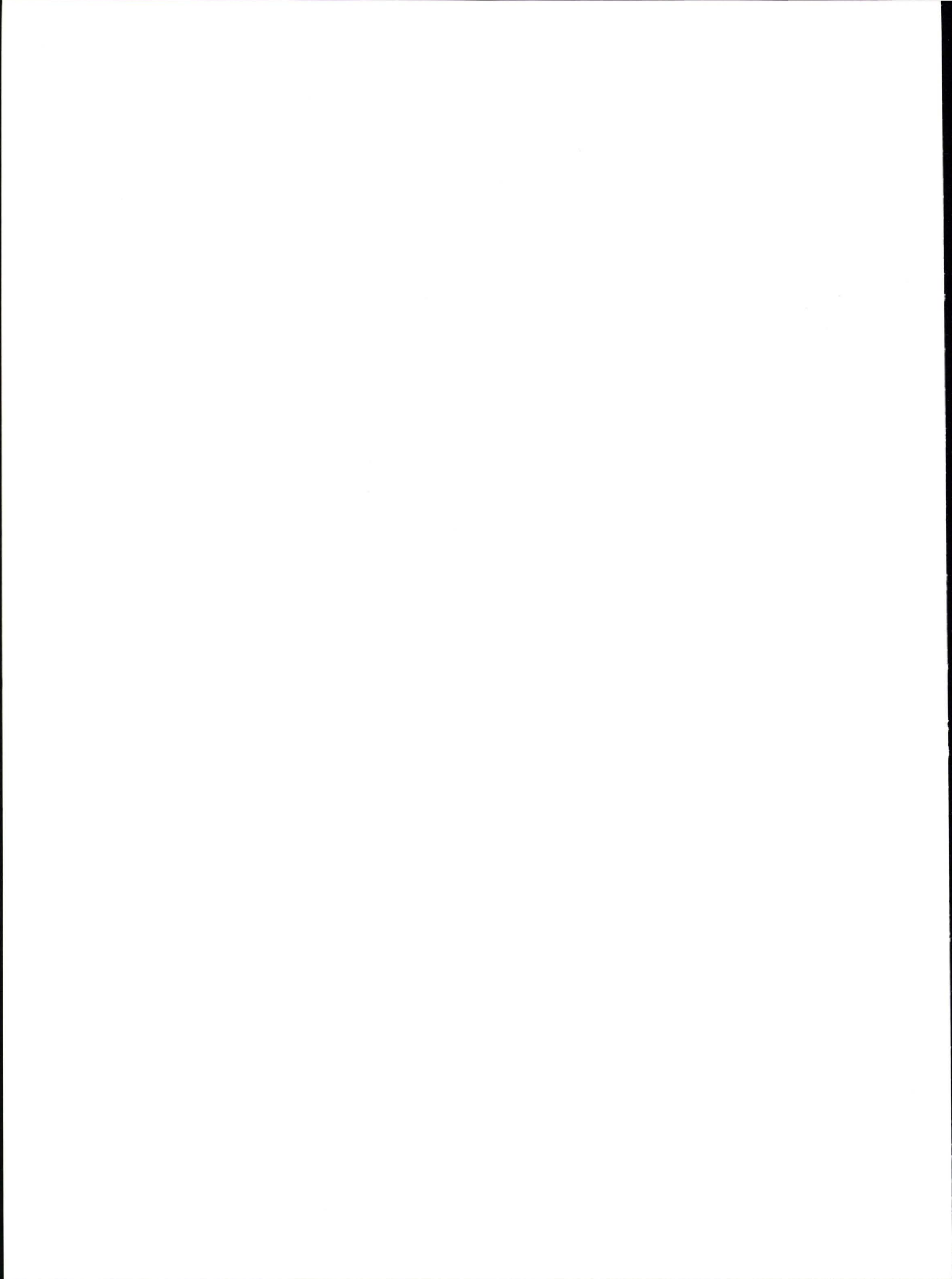
Total this supplemental Appropriations Act\*\*      \$24,553,718

Total Positions      519

\*Community Correctional Centers

\*\*Deduct Probation & Parole Comm. Issue    \$24,357,430





### Courts & Civil Law

SENATE BILL 17-H (CHAPTER 82-406) stipulates that certain additional judges provided for by Chapter 82-238, Laws of Florida, shall be chosen in nonpartisan elections held in 1982 and their terms shall begin on the first Tuesday after the first Monday in January, 1983. The positions are: two additional circuit judges in the Seventeenth Circuit; two additional county court judges for Broward County; and one additional county court judge each for St. Johns and Volusia Counties.

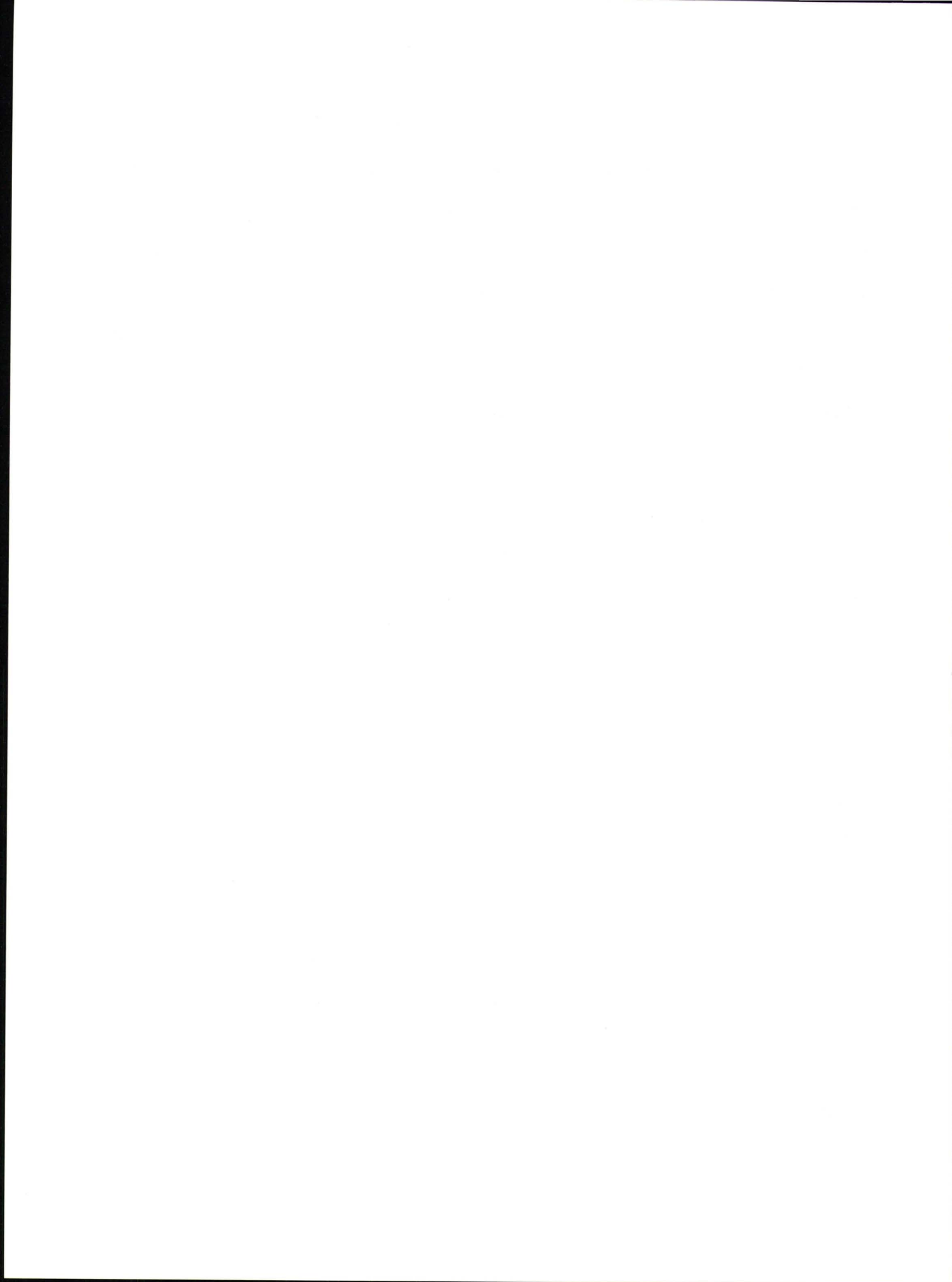
### Education - Postsecondary

The branch campus of the University of West Florida located in Bay County is transferred to Florida State University by SENATE BILL 36-H (CHAPTER 82-413), and the Board of Regents is directed to take all actions necessary to implement the transfer.

SENATE BILL 37-H (CHAPTER 82-412) amends Chapter 82-247, Laws of Florida, to direct the Trustees of the Internal Improvement Trust Fund to immediately deed 10 acres of land at the Florida Atlantic University West Palm Beach Center to the United Way of Palm Beach County, Incorporated, for the construction of a human service center, rather than conditioning the deeding of the tract upon the sale of another 10 acres at the site.

### Elections

Candidates required to dispose of surplus campaign funds





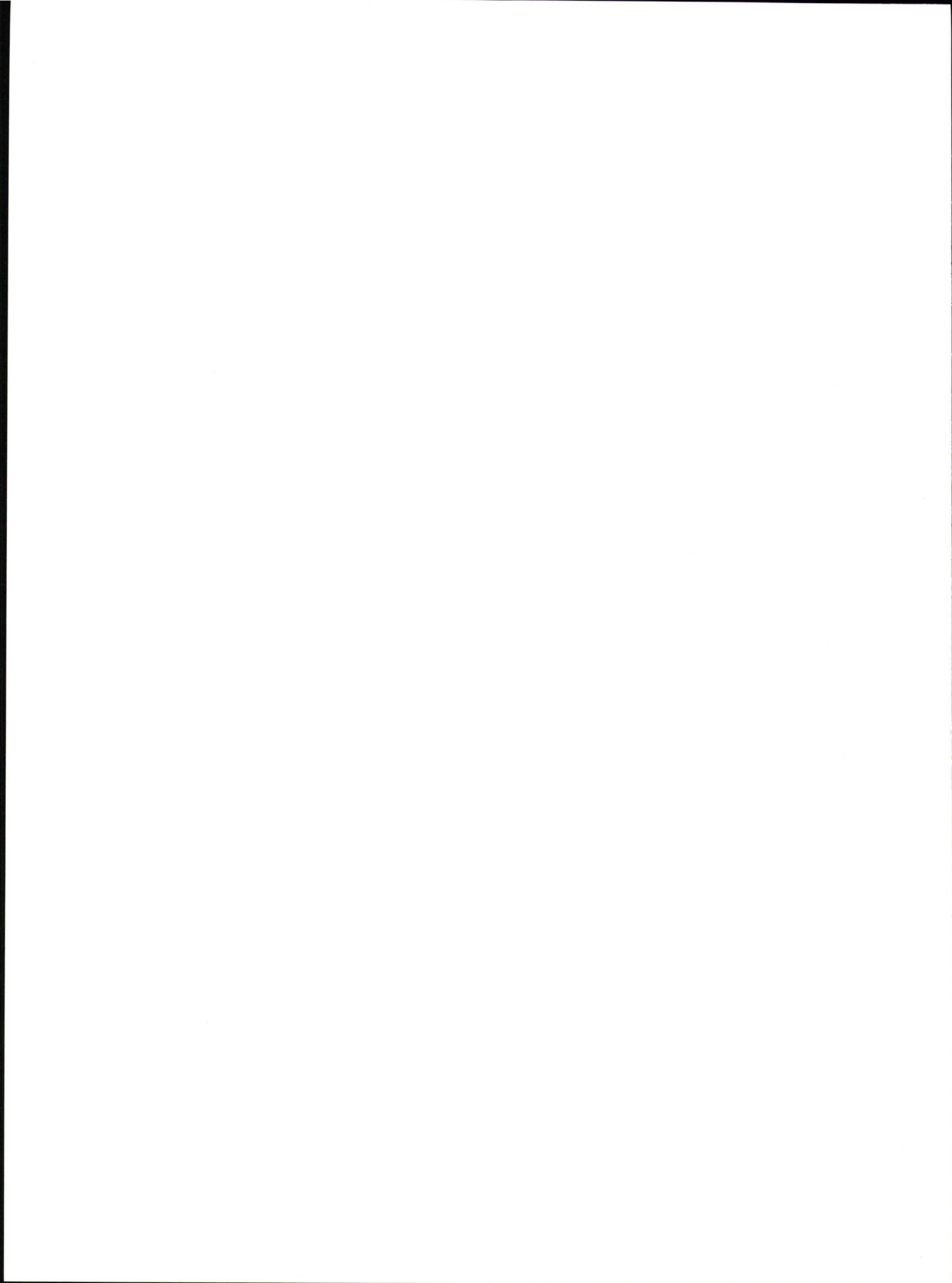
are given the option of donating such funds to the political party of which the candidate is a registered member by enactment of SENATE BILL 34-H (CHAPTER 82-404) which amends Section 106.141, F. S.

#### Health & Rehabilitative Services

SENATE BILL 19-H (CHAPTER 82-402) reenacts, repeals, and revises certain sections of Part III, Chapter 401, F. S., relating to Emergency and Nonemergency Medical Services, which was reviewed pursuant to the Regulatory Sunset Act. The act provides legislative intent, amends and creates definitions, authorizes emergency medical technicians (EMTs) to perform endotracheal intubation and to monitor intravenous fluids, and expands and clarifies the scope of the state emergency medical services (EMS) plan. It also provides standards for education, examination, certification and continuing education for EMTs and paramedics, and authorizes registered nurses access to be certified as paramedics.

This act repeals the requirement of a certificate of public need and convenience for local nonemergency services, thereby deregulating entry into the field of nonemergency services. However, certain minimum safety standards continue to apply and counties may enforce such safety standards if local ordinances meet state standards.

The act requires that by January 7, 1983, the Auditor General, with mandatory consultation from the Department of Health and Rehabilitative Services (DHRS) and the Department of



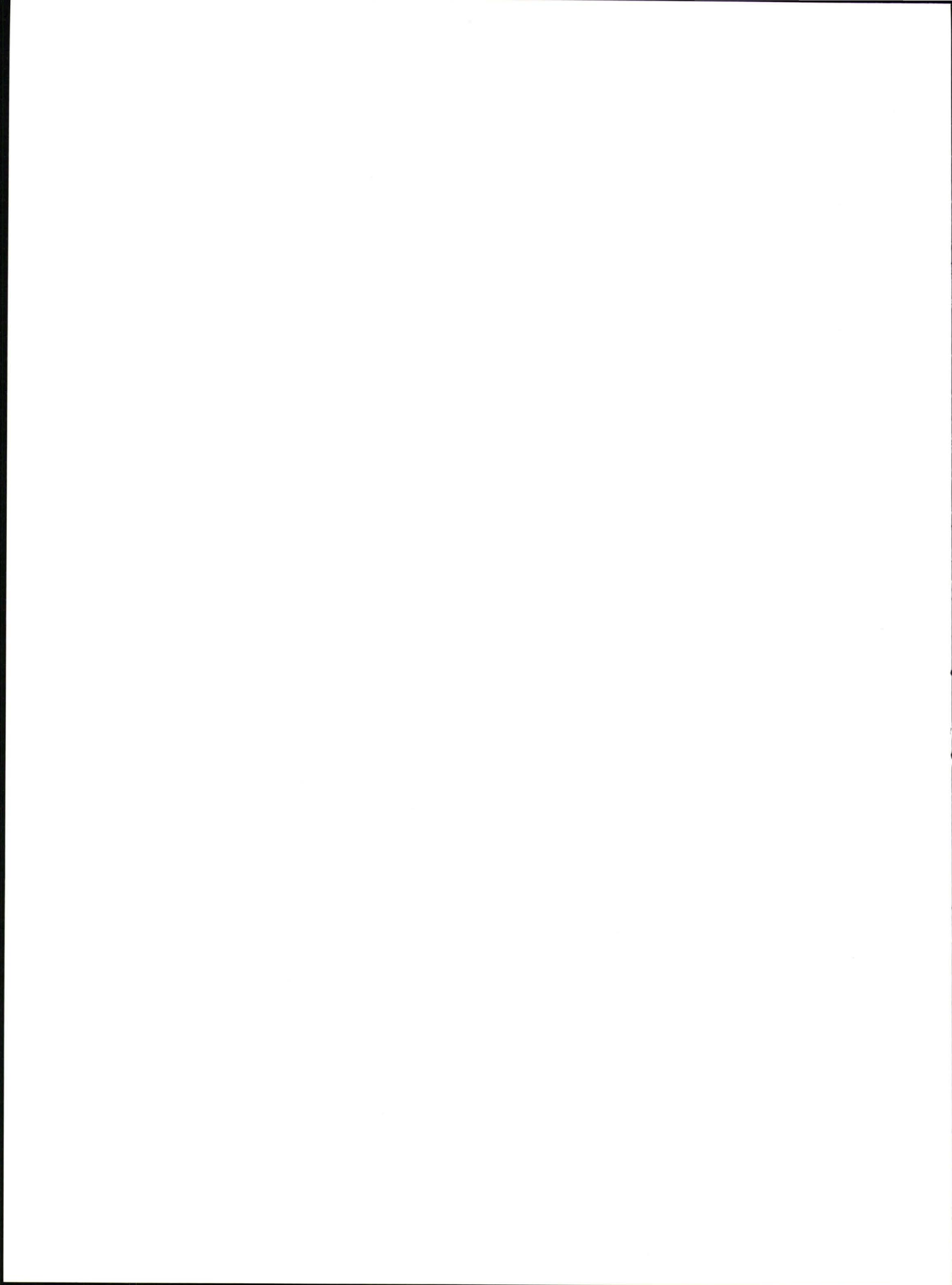
Professional Regulation (DPR), shall conduct a performance audit of DHRS's process of examining, certifying and licensing of 7 allied health professions (technologists, clinical laboratory personnel, lay midwives, emergency medical technicians, paramedics, ambulance drivers, and hearing aid dispensers) and shall recommend either the transfer of these functions to DPR or the maintaining of these functions in DHRS.

#### Insurance

HOUSE BILL 61-H (CHAPTER 82-391) was the result of the Legislature's effort to reduce medical malpractice fees of health care providers. Section 627.351, F. S., is amended by this act to require the Florida Medical Malpractice Joint Underwriting Association to offer protection to the Patient's Compensation Fund physicians against any PCF deficit assessments for the 1982-1983 fiscal year. The rate charged for such protection shall not exceed one-third of the membership fee charged the member by the Fund, and such protection is available only to Fund members defined as licensed physicians, certified physician's assistants, osteopaths, podiatrists, or related professional groups organized for professional activity. These provisions stand repealed as of July 1, 1983.

The act also amends Section 768.54, F. S., to provide that the liability of the Patient's Compensation Fund is not unlimited and to set the maximum limit of such liability for each health care provider at \$1 million, \$2 million, \$3

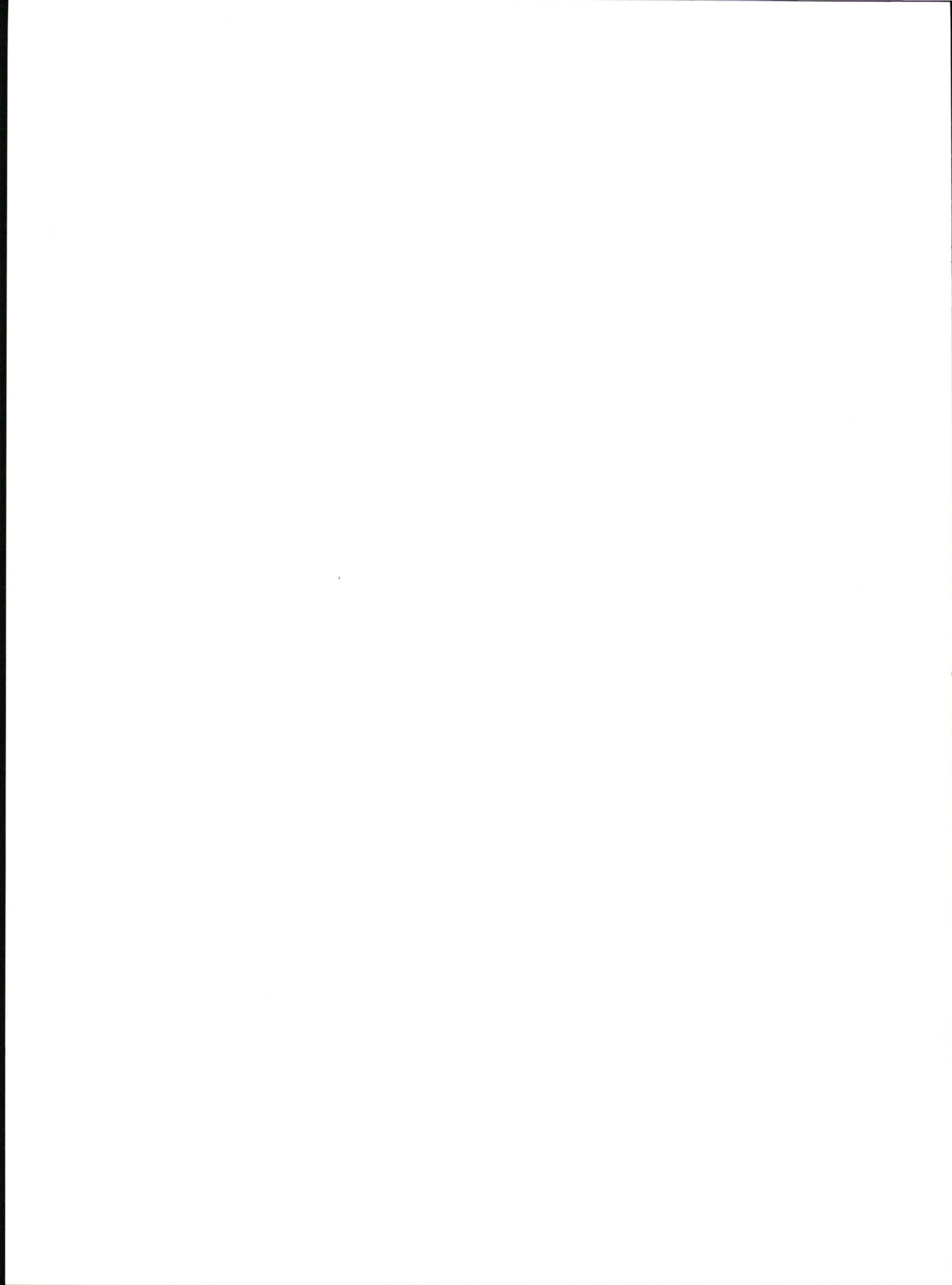




million, \$5 million, \$8 million, or \$10 million per claim, as elected by the health care provider. The PCF is required to offer annual, semi-annual and quarterly payment plans with appropriate service charges established based on certain enumerated considerations. The Medical Malpractice Insurance Advisory Council, adjunct to the Department of Insurance, is created. Its duties will include recommendations to the Department of needed changes in related laws and rules, and it is to cease to exist on July 1, 1983, or earlier at the discretion of the Insurance Commissioner. An appropriation of \$150,000 for fiscal year 1982-1983 is made to the Department of Insurance for expenses of consultants needed for review of medical malpractice insurance, Patient's Compensation Fund, and Florida Medical Malpractice Joint Underwriting Association, and for the Medical Malpractice Insurance Advisory Council's per diem and travel expenses.

HOUSE BILL 10-H (CHAPTER 82-410) amends Section 440.385, F. S., created by Chapter 82-65, Laws of Florida, relating to workers' compensation, to broaden the authority of the Florida Self-Insurers Guaranty Association, Incorporated to include the imposition of fees upon association members or applicants to cover the cost of financial and safety examinations made by the Association.

It also provides a limited state corporate income tax credit to members for assessments made by the Association necessary for the payment of covered claims and associated administrative costs. Refunds and dividends of the Association





are payable to the state within 30 days of receipt by the member.

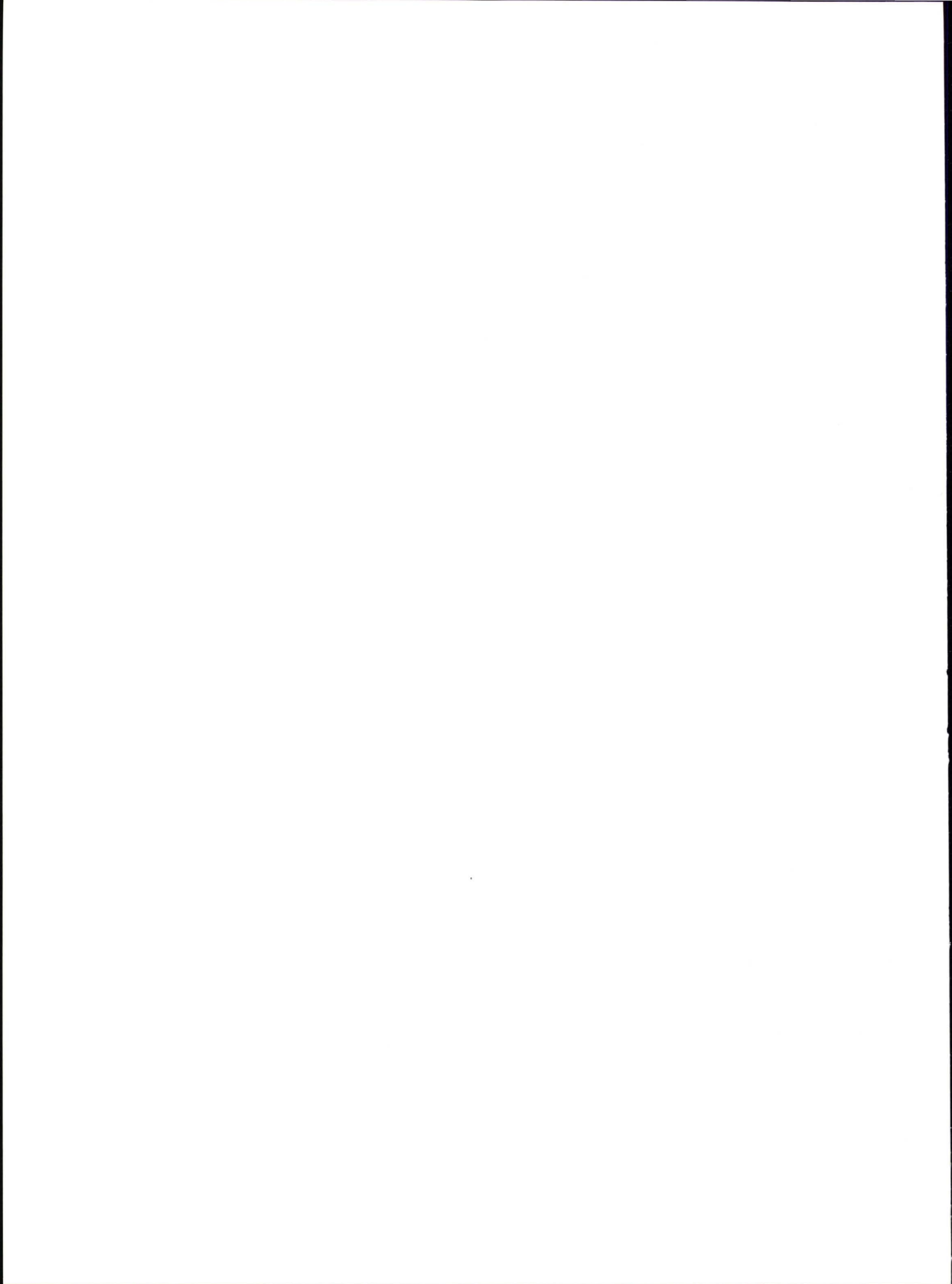
Section 220.13, F. S., is amended to provide that corporate income tax credits for payments to any guaranty association are to be added to federal taxable income prior to apportionment of income for Florida tax purposes in order to avoid duplicate tax offsets.

The tax credit provision sunsets July 1, 1987.

#### Law Enforcement & Criminal Justice

SENATE BILL 26-H (CHAPTER 82-403), relating to driving under the influence of alcohol or controlled substances, amends certain sections of Chapter 316, F. S., as amended by Chapter 82-155, Laws of Florida, which was passed during the 1982 Regular Session of the Legislature.

The enactment: 1) increases the maximum term of imprisonment to which a judge may sentence a convicted offender; 2) specifies that applicable convictions occurring under the previous laws shall be considered convictions for violations of the amended statutes for the purpose of penalties; 3) provides that laws prohibiting driving while intoxicated shall include intoxication by controlled substances and model glue as well as alcoholic beverages; 4) removes the right to withdraw consent to a blood test made when the driver was, by reason on unconsciousness or other physical or mental condition, incapable of refusing consent; and 5) clarifies the applicability of the statute prohibiting issuance of a driver's



license to a person who has been convicted four times of driving while impaired or intoxicated to require that at least one of the convictions be for a violation occurring after July 1, 1982, the effective date of the new legislation. This requirement also applies to the denial of a license to a driver convicted of vehicular manslaughter in addition to DUI.

HOUSE BILL 44-H (CHAPTER 82-398) was adopted as an implementing measure to House Joint Resolution 43-H, a proposed amendment to the Florida Constitution, redefining the right to release pending trial. This act expresses a legislative policy that the community should be protected from persons who reasonably appear, at the time of arrest, to have committed serious criminal offenses, if they pose an unreasonable threat to the safety of the community, if they pose a threat to the integrity of the judicial process, or if they seem likely to fail to appear at trial.

Pretrial detention may be ordered upon a finding of substantial probability based on the accused's past and present pattern of behavior and on the criteria of Section 903.046, F. S., that: 1) the accused has previously violated condition of release; 2) the accused has threatened, intimidated or conspired to threaten or intimidate any victim, witness, juror or judicial officer, with an intent to obstruct the judicial process; 3) the accused poses a threat of harm to the community; or 4) the defendant, if charged with trafficking of controlled substances, will not be likely to appear for trial. A "threat of harm to the community" can only be found where the





defendant is charged with a "dangerous crime," where there is a substantial probability that the defendant committed such crime, where the circumstances of the crime indicate a disregard for the community's safety, or where no conditions of release are reasonably sufficient to protect the community from the defendant. In addition, the court must find one of the following three to be present: 1) that the defendant has been previously convicted of a crime punishable by death or life imprisonment; 2) that the defendant has been convicted of a "dangerous crime" within the past ten years; or 3) that the defendant is currently on probation, parole, or other pretrial release for a "dangerous crime" at the time of the current arrest. This act defines "dangerous crime" to include arson, aggravated assault, aggravated battery, illegal use of explosives, child abuse, hijacking, kidnapping, homicide, manslaughter, sexual battery, robbery, burglary, or conspiracy to commit any such crime.

While this enactment provides presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release, it recognizes that release on monetary conditions is appropriate at times to insure the integrity and effectiveness of the judicial system. This legislation provides that procedures for pretrial release determinations shall be governed by rules adopted by the Supreme Court.

This act provides that the state attorney shall be notified when a person is charged with a crime for which pretrial detention could be ordered and prescribes certain





elements of the notice. It allows the arresting agency to detain a defendant subject to pretrial detention for a period not exceeding 24 hours, prior to the filing of a complaint for pretrial detention by the state attorney; and upon the filing of the complaint, the defendant may be detained pending a hearing. Further pretrial detention may be ordered only upon a special hearing which shall be held within 5 days of the filing by the state attorney. This act places the burden of showing the need for pretrial detention on the state attorney. It further states that the defendant is entitled to counsel and has the right to present and confront witnesses. While a relaxation of the rules of evidence is provided for during the hearing, the enactment states that evidence in violation of the state or federal constitution shall not be admissible, nor shall any testimony of the defendant be admissible to prove guilt in any other proceeding, with the exception of perjury. Pretrial detention, if ordered, shall not exceed 90 days. If convicted, the amount of time served by a defendant during pretrial detention shall be credited to his term of imprisonment. The pretrial detention order may be dissolved when the court finds that a subsequent event has eliminated the basis for detention.

This legislation shall take effect only if the amendment to the Florida Constitution proposed in House Joint Resolution 43-H is approved by the electorate at the 1982 General Election.



HOUSE BILL 2-H (CHAPTER 82-392) amends Section 903.133, F. S., by expanding the types of first degree felonies for which a convicted person can be denied bail upon appeal. This act expands the felonies from "certain drug convictions" to include murder, kidnapping, sexual battery, arson or trafficking in controlled substances. This enactment further repeals Rules 1.130(a) and 3.691(a), Florida Rules of Criminal Procedure, to such extent as they conflict with this act.

HOUSE BILL 20-H (CHAPTER 82-393) amends Section 914.04, F. S., by deleting the mandate that no person shall be prosecuted or subjected to any penalty, including forfeiture, for any evidentiary testimony or documents produced concerning a transaction about which he or she has been compelled to testify or to produce documents. Essentially this act eliminates the above provision for "transactional immunity." This act, however, still mandates that no testimony given or produced pursuant to a subpoena or subpoena duces tecum shall be received against that person upon any criminal investigation or proceeding. (This latter form of immunity is generally referred to as "use immunity.")

#### State Government

SENATE BILL 28-H (CHAPTER 82-409) extends the applicability of certain provisions of Chapter 945, F. S., to cover nonprofit corporations operating prison industry programs on lease from the Department of Corrections. Such provisions permit the sale of goods and services to Florida state and



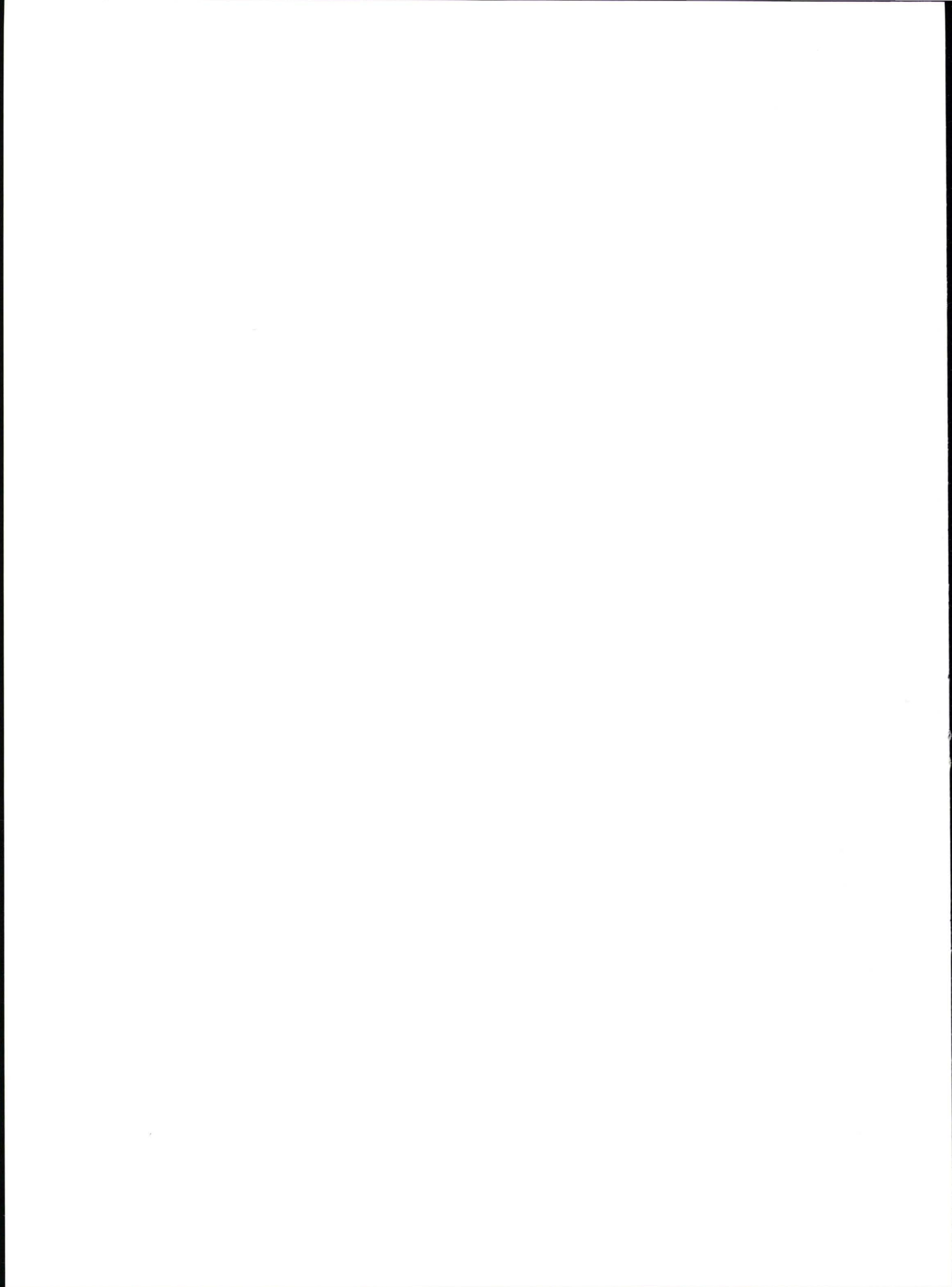


local government agencies, agencies of other states, and federal agencies within the state, and require Florida state agencies to make the prison industry program the vendor of first choice whenever possible. In addition, the applicable requirements cover the type of items manufactured and services implemented, and financing of correctional work programs. Exemption from the provisions of Part I of Chapter 287, F. S., relating to the purchasing duties of the Division of Purchasing of the Department of General Services, also are extended to exempt purchases of commodities or contractual services made by any state agency from prison industry nonprofit corporations organized under Section 945.135, F. S.

#### Taxation

Two acts relating to taxation were passed during Special Session "H": one dealing with the newly-authorized optional sales tax for sports, arts and recreational centers, and one dealing mainly with the corporate income tax.

HOUSE BILL 29-H (CHAPTER 82-394) revises Section 212.057, F. S., created by Chapter 82-231, Laws of Florida, the "Sports, Arts, and Recreation Centers Act," which authorizes counties to levy, for one year (January 1, 1983, through December 31, 1983, or any portion thereof) an additional discretionary 1-cent sales tax for such centers. It revises the criteria for determining when a taxable transaction occurs in a county levying the tax, specifying that property imported into such a county for use therein, on which a tax equal to or





greater than the discretionary tax has not been paid, is subject to the tax. It provides a method for taxing charges for utility, communications and wired television services billed on a monthly cycle. It allows a refund of extra taxes paid by contractors on materials necessary to carry out a contract which is signed before the tax takes effect, as was provided with respect to the sales tax increase and provides penalties for fraudulent attempts to obtain refunds. It specifies that use of the proceeds of the tax includes interest accrued thereto, and that proceeds may also be used for community or recreation centers.

The act provides advertising requirements for the referendum on imposition of the tax and requires more explicit ballot language, including a statement detailing the facilities to be financed and the period during which the tax will be levied. It changes from October 1 to September 15, 1982, the date by which a county may declare its intent not to levy the tax. Such a declaration by the county would allow the most populous municipality in the county to levy the tax. It also authorizes levy of the tax by the most populous municipality if levy by the county is not approved at the required referendum. Such municipal tax levy is also subject to approval by referendum.

A \$1.5 million limitation is imposed on amounts which the Department of Revenue may deduct from proceeds of the tax for costs of administration, and such costs are to be prorated among levying counties and municipalities. Also, the



Department is required to submit by March 1, 1984, a written report to the Legislature and to levying counties and municipalities detailing administrative expenses.

The act specifies that tax proceeds collected after December 31, 1984, shall be transferred to the general fund of the levying local government. It provides brackets applicable to the taxable transactions in counties or municipalities which have adopted the additional, discretionary 1-percent tax, and requires a local government to notify the Department within 10 days of approval of levy of the tax by referendum.

Chapter 82-232, Laws of Florida, enacted at the Special Session "F," relating to the corporate income tax, which was revised during Special Session "G" by Chapter 82-385, Laws of Florida, was further revised by HOUSE BILL 57-H (CHAPTER 82-399). Section 220.03, F. S., is amended to provide a specific deadline of August 26, 1982, by which taxpayers (except those filing an initial return) must make the elections with respect to applicability of those amendments made to the Internal Revenue Code between January 1, 1980, and January 1, 1982. Regarding the election to give indefinite effect to the 1980 Internal Revenue Code, the act specifies that described amendments to the Foreign Investment in Real Property Tax Act of 1980, in addition to the act itself, are included within the meaning of the Code. The act clarifies language in Section 220.13, F. S., which distinguishes, for purposes of adjustments to federal income, installment sales occurring on or before October 19, 1980, and those occurring after said date. It also





expands provisions of Section 221.01, F. S., which require a taxpayer to include its distributive share of any partnership property for which a deduction is allowed under Section 168 of the Internal Revenue Code in computing its liability for the emergency excise tax, specifying that such provisions apply to any taxpayer that directly or indirectly owns an interest in a partnership, trust or other entity which is not treated as an association taxable as a corporation under the Internal Revenue Code and which owns such property.

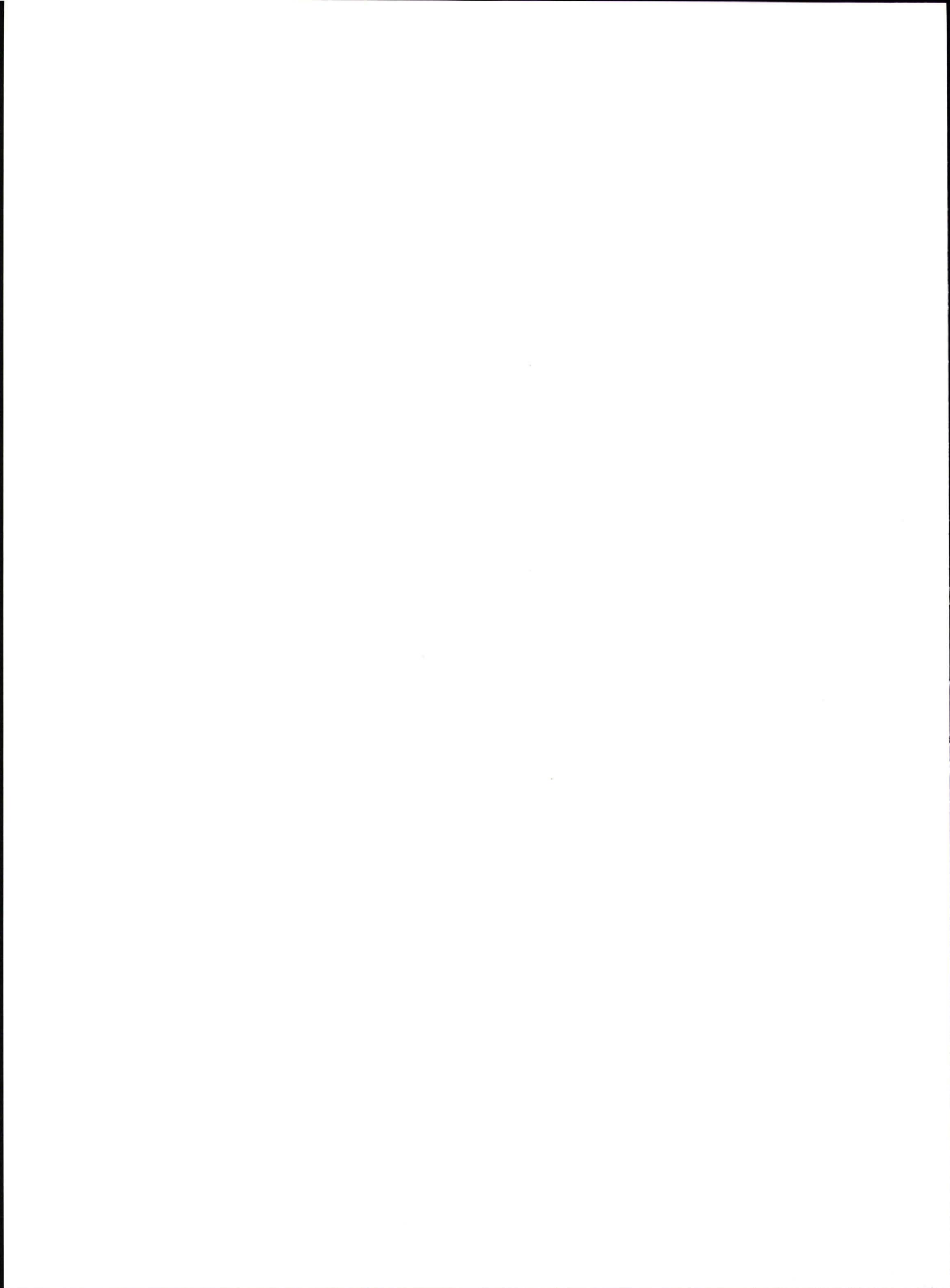
The act also restricts the nonseverability clause which was provided for sections 1 and 3 of Chapter 82-232, Laws of Florida, specifying that those two sections and their subsequent amendments shall be deemed void if any provision of either of them is held invalid. (These two sections provide for the elections as to applicability of amendments to the Internal Revenue Code and impose the emergency excise tax.) All these portions of the act have retroactive effect to apply coextensively with the provisions of Chapters 82-232 and 82-385, Laws of Florida.

In addition to the corporate income tax, this act also deals with several other areas. It amends provisions of Section 166.231, F. S., which allow municipalities to grant an exemption from the municipal public service tax, replacing the term "kilowatt" (which cannot be measured by residential meter) with the phrase "kilowatt hours" (which can). Section 200.065, F. S., is amended to specify that tax levies and budgets for all dependent special taxing districts shall be separately





discussed and adopted at the hearings for the taxing authority to which such districts are dependent, following the discussion and adoption for the superior taxing authority. The act specifically appropriates moneys in the Local Government Half-cent Sales Tax Clearing Trust Fund to the Department of Revenue for appropriate distribution by amendment to Section 212.82, F. S. It also provides an alternative qualification for homes for the aged for tax exemption purposes, including facilities with at least 75 percent occupancy by totally and permanently disabled persons, in addition to those with at least 75 percent occupancy by persons over age 62, by amendment to Section 196.1975, F. S.



LIST OF SESSION LAW  
CHAPTER NUMBERS  
with  
SUMMARY PAGE REFERENCES

82-391	---	10
82-392	---	16
82-393	---	16
82-394	---	17
82-395	---	4
82-396	---	4
82-397	---	5, 6
82-398	---	3, 13
82-399	---	19
82-400	---	2
82-401	---	4
82-402	---	9
82-403	---	12
82-404	---	9
82-405	---	3
82-406	---	8
82-407	---	2
82-408	---	2
82-409	---	16
82-410	---	11
82-411	---	5
82-412	---	8
82-413	---	8

Joint Resolutions

HJR 31-H	---	3
HJR 43-H	---	3, 13, 15





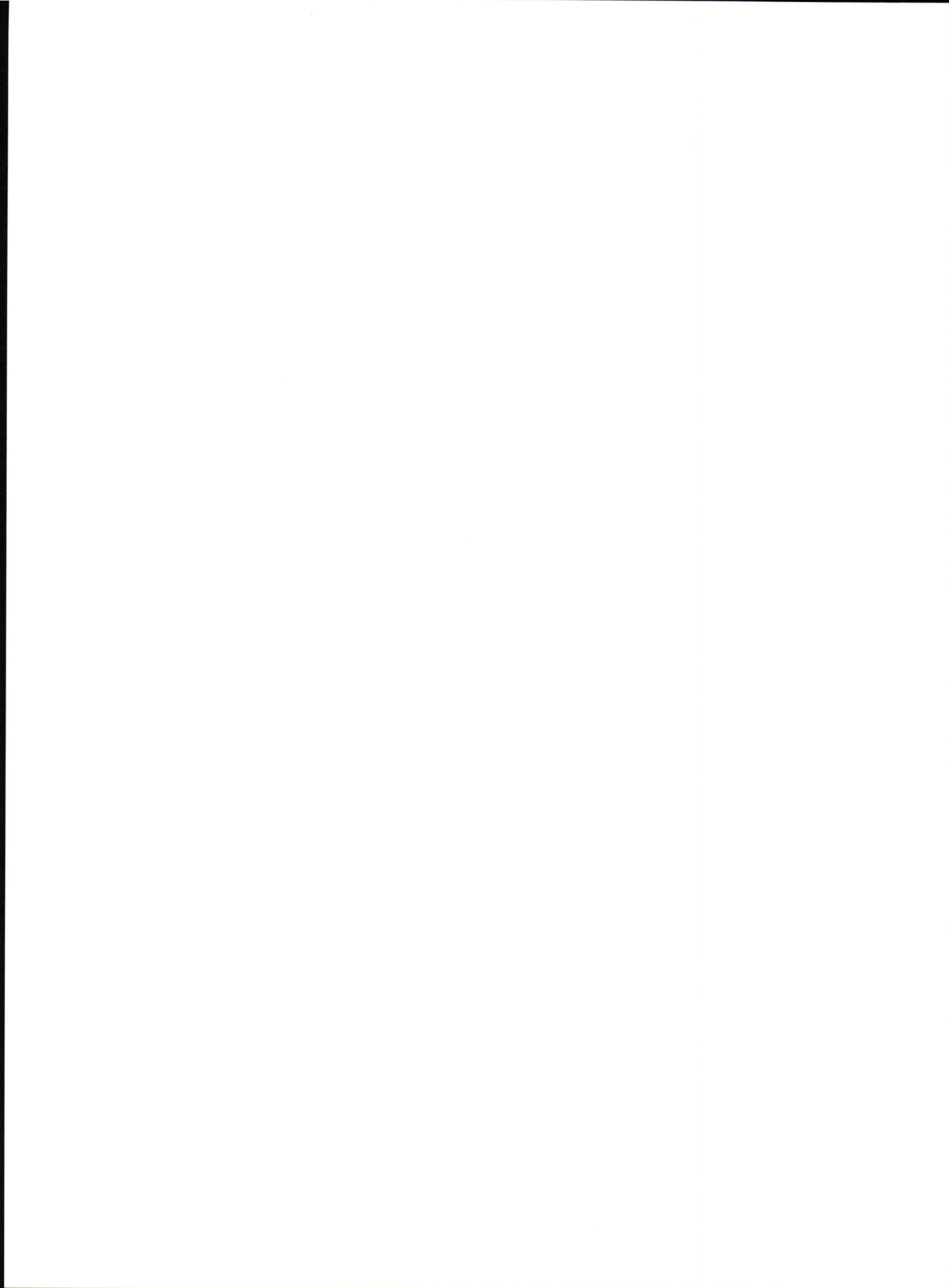
SUBJECT INDEX  
(General Bills Enacted in 1982)\*

<u>Subject</u>	<u>Bill No. (Chapter)</u>
<b>AGED PERSONS</b>	
Tax exemption; alternative qualification, homes/facilities for aged. . . . .	H57-H(82-399)
<b>APPROPRIATIONS</b>	
Commerce Dept; promotion of business opportunities in depressed areas. . . . .	H38-H(82-397)
Corrections Dept.; supplemental appropriations. . . . .	H38-H(82-397)
Medical Malpractice insurance. . . . .	H61-H(82-391)
Parole & Probation Commission; supplemental appropriations . . . . .	H38-H(82-397)
<b>AUDITOR GENERAL</b>	
Federal land purchases audit. . . . .	H36-H(82-395)
Performance audit/health professions; DHRS. . . . .	S19-H(82-402)
<b>BAIL</b>	
Criminal defendants; pretrial release & detention; consideration factors. . . . .	H43-H, H44-H(82-398)
Murder/kidnapping/sexual battery/arson/controlled substances; bail prohibited. . . . .	H2-H(82-392)
<b>BROWARD COUNTY</b>	
Judges, county court; election. . . . .	S17-H(82-406)
<b>BUSINESS REGULATION See: SPECIFIC SUBJECT</b>	
<b>COMMERCE, DEPT. OF</b>	
Depressed areas; promotion of business opportunities . . . . .	H38-H(82-397)
<b>CONSERVATION &amp; NATURAL RESOURCES</b>	
Oysters; harvesting season extended (Franklin County) . . . . .	S23-H(82-408)
Shrimping, size restrictions; Apalachicola/Choctawhatchee Rivers, certain areas. . . . .	S22-H(82-407)
<b>CONSTITUTIONAL AMENDMENTS</b>	
Bail/pretrial release; criminal defendants. . . . .	H43-H
Searches & Seizures; conformance with U.S. Constitution, 4th Amendment. . . . .	H31-H
<b>CORPORATE INCOME TAX</b>	
Reporting & paying; time period provided. . . . .	H57-H(82-399)
Self-Insurers Guaranty Association, Inc. Liability, fee assessment. . . . .	H10-H(82-410)
Tax credits, certain assessments & moneys. . . . .	H10-H(82-410)
<b>CORRECTIONAL INSTITUTIONS</b>	
See also: CORRECTIONS, DEPT. OF; PAROLE & PROBATION	
Overcrowding task force; created. . . . .	H37-H(82-396)
Prison work program products; purchasing & use. . . . .	S28-H(82-409)

(CONTINUED)

(CS-COMMITTEE SUBSTITUTE)

\*Vetoed bills not included. See Session Law Chapter Number listing for Summary page number references.

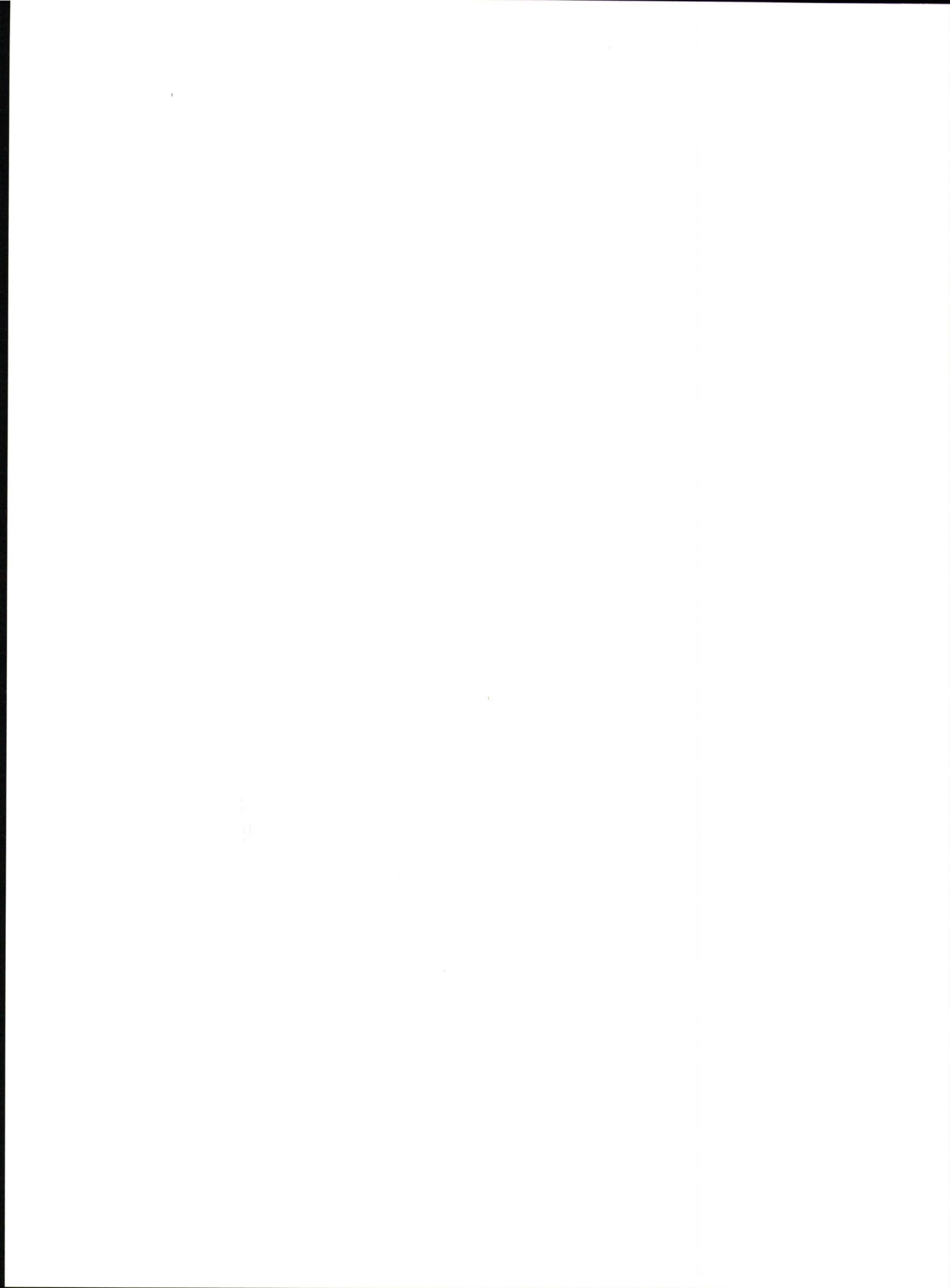




CORRECTIONAL INSTITUTIONS  
(CONTINUED)

- Supplemental appropriations; salaries/capital outlay  
..... H38-H(82-397)
- Surplus federal lands; use for adult correctional institutions  
..... H36-H(82-395)
- CORRECTIONS, DEPT. OF**
  - See also: PAROLE & PROBATION; CORRECTIONAL INSTITUTIONS
  - Local Offender Advisory Council Act created. . . . H39-H(82-411)
  - Overcrowding task force created. . . . H37-H(82-396)
  - Prison work program products; purchasing & use. . S28-H(82-409)
  - Supplemental appropriations; payment of salaries, capital  
outlay, etc.. . . . H38-H(82-397)
- COURTS**
  - Criminal defendants; pretrial release determination. . . H43-H,  
..... H44-H(82-398)
  - Judges
    - Circuit; election for 17th Judicial Circuit. . . S17-H(82-406)
    - County court; election (Broward/St. Johns/Volusia)  
..... S17-H(82-406)
  - Pretrial release, certain criminal defendants; determination  
Implementing legislation. . . . H44-H(82-398)
  - Constitutional amendment proposed. . . . H43-H
  - Searches & seizures; conformance with U.S. Constitution, 4th  
Amendment. . . . H31-H
- CRIMES & PENALTIES**
  - Contractors additional tax; fraudulent attempts to obtain  
refund; penalties. . . . H29-H(82-394)
  - Emergency/Nonemergency Medical Services Act;  
penalties/disciplinary action for noncompliance and  
fraudulent acts. . . . S19-H(82-402)
- CRIMINAL PROCEDURE**
  - Rules 3.130(a) & 3.691(a) repealed re conflicting bail  
provisions. . . . H2-H(82-392)
  - Searches & seizures; info admissible certain circumstances H31-H
- DISABLED PERSONS**
  - Homes for the aged; ad valorem tax exemption. . . H57-H(82-399)
- DRIVER LICENSES**
  - License revocation; driving under influence. . . . S26-H(82-403)
- DRIVING UNDER INFLUENCE**
  - Blood test; refusal rights removed. . . . S26-H(82-403)
  - License revocation; violations after 07/01/82. . . S26-H(82-403)
  - Penalty increased. . . . S26-H(82-403)
- ECONOMIC REVITALIZATION**
  - Depressed areas; promotion of business opportunities  
..... H38-H(82-397)
- EDUCATION, POSTSECONDARY** See: STATE UNIVERSITIES
- ELECTIONS**
  - Campaign funds, surplus; given to political party. S34-H(82-404)
- EMERGENCY MEDICAL SERVICES**
  - Basic life support ambulance service licenses/permits;  
inter-hospital transfer. . . . S19-H(82-402)
  - Emergency & Nonemergency Medical Services Act;  
reviewed/revised/reenacted. . . . S19-H(82-402)
- EVIDENCE**

(CONTINUED)





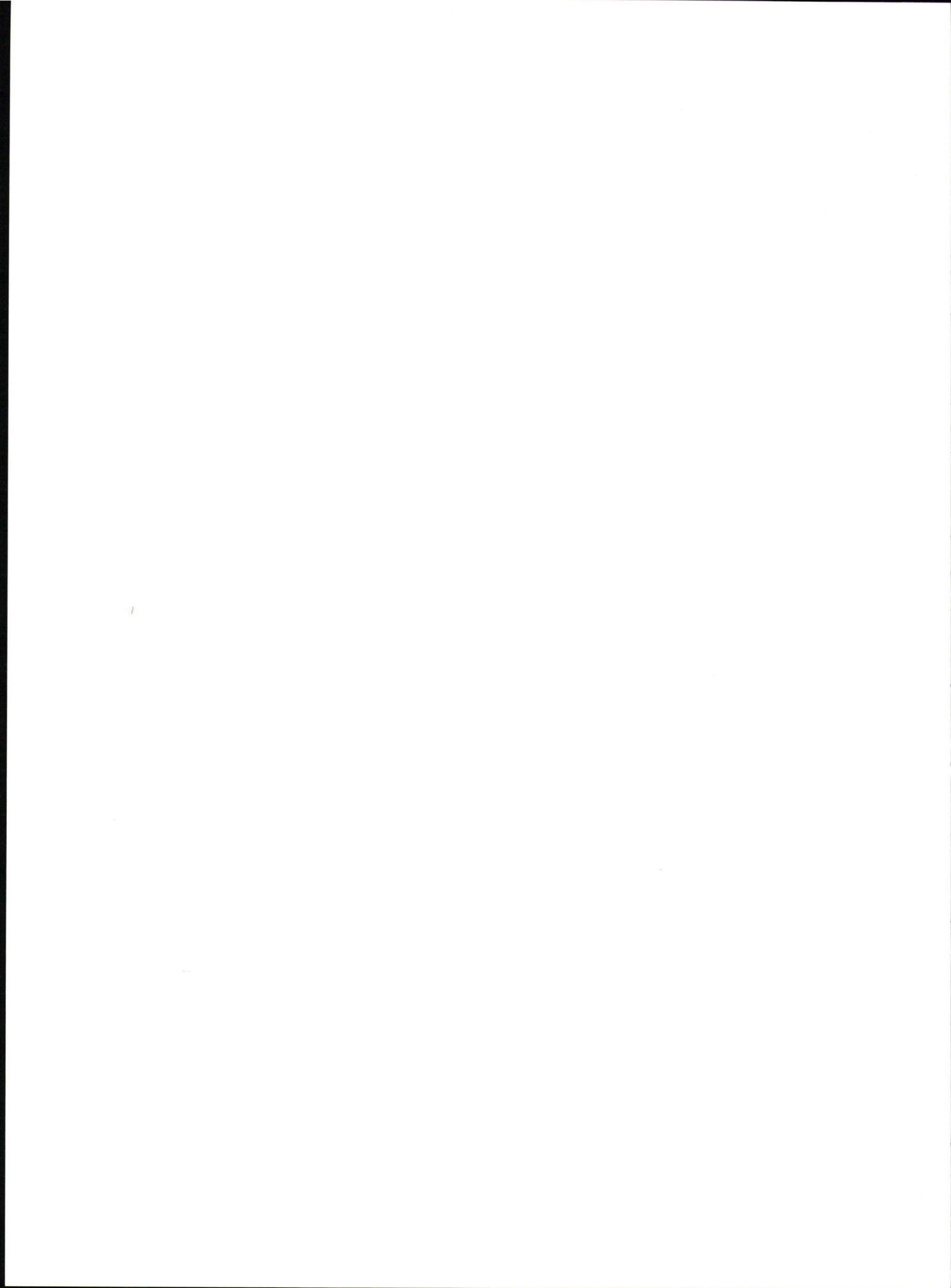
## EVIDENCE

(CONTINUED)

Good faith searches & seizures; court admission, etc. . . . H31-H  
**EXCLUSIONARY RULE**  
Searches & seizures; info admissible certain circumstances H31-H  
**FRANKLIN COUNTY**  
Oysters; harvesting season extended. . . . . S23-H(82-408)  
**GOVERNOR**  
Reports  
Corrections overcrowding task force recommendations  
. . . . . H37-H(82-396)  
**HEALTH & REHABILITATIVE SERVICES, DEPT. OF**  
Auditor General; performance audit re administration allied  
health professions. . . . . S19-H(82-402)  
Basic life support systems; esophageal intubation; performers  
. . . . . S19-H(82-402)  
Emergency & Nonemergency Medical Services Act; reviewed/revised;  
reenacted. . . . . S19-H(82-402)  
**HOMESTEAD EXEMPTION**  
Homes for the Aged; totally & permanently disabled; alternative  
qualification. . . . . H57-H(82-399)  
**INSURANCE, DEPT. OF**  
Medical malpractice  
Patient's Compensation Fund; members protection. H61-H(82-391)  
**INTERNAL IMPROVEMENT TRUST FUND TRUSTEES**  
Authorized to purchase surplus federal lands for correctional  
facilities. . . . . H36-H(82-395)  
**JUDGES/JUSTICES**  
Circuit; election for 17th Judicial Circuit. . . . S17-H(82-406)  
County court; election (Broward/St. Johns/Volusia) S17-H(82-406)  
**JUDICIAL CIRCUITS**  
Election additional judges 17th circuit. . . . . S17-H(82-406)  
Sentencing alternatives; pilot project/1st & 8th circuits  
. . . . . H39-H(82-411)  
**LAND SALES PRACTICES**  
Subdivision registrations; fees specified. . . . . H63-H(82-400)  
**LANDS, FEDERAL**  
Surplus lands; use for adult correctional institutions  
. . . . . H36-H(82-395)  
**LAW ENFORCEMENT OFFICERS**  
Complaints, filed; processing; public records law exemption  
. . . . . S4-H(82-405)  
**LAW ENFORCEMENT** See: **LAW ENFORCEMENT OFFICERS; CORRECTIONS,**  
**DEPT. OF; COURTS; CRIMES & PENALTIES; SPECIFIC**  
**SUBJECT**  
**LEGAL AFFAIRS, DEPT. OF**  
Corrections overcrowding task force; staff support H37-H(82-396)  
**LEGISLATURE**  
Law Revisions  
Ad Valorem Tax Exemptions (Ch. 82-133). . . . . H57-H(82-399)  
Corporate Income Tax (Ch. 82-385, Ch. 82-232). . . H57-H(82-399)  
Correctional officers (Ch. 82-156). . . . . S4-H(82-405)  
Driving While Impaired (Ch. 82-155). . . . . S26-H(82-403)  
Florida Atlantic University (Ch. 82-247). . . . . S37-H(82-412)  
Foods, Drugs & Cosmetics (Ch. 82-225). . . . . S19-H(82-402)

(CONTINUED)





## LEGISLATURE

### Law Revisions (CONTINUED)

General Appropriations Act (Ch. 82-215) . . . . .	H38-H(82-397)
Insurance (Ch. 82-386) . . . . .	H61-H(82-391)
Insurance Code (Ch. 82-243) . . . . .	H61-H(82-391)
Judiciary (Ch. 82-238) . . . . .	S17-H(82-406)
Municipal Public Service Tax (Ch. 82-230) . . . . .	H57-H(82-399)
Parole & Probation Commission (Ch. 82-171) . . . . .	S6-H(82-401)
Patients Compensation Fund (Ch. 82-236) . . . . .	H61-H(82-391)
Sales Tax (Ch. 82-154) . . . . .	H57-H(82-399)
Sales Tax (Ch. 82-231) . . . . .	H29-H(82-394)
<b>Reports</b>	
Auditor General/DHRS/administration allied health professions . . . . .	S19-H(82-402)
Governor/Corrections overcrowding task force recommendations . . . . .	H37-H(82-396)
Revenue Dept.; local govt. 1% optional sales tax for sports, arts & recreational centers; report re administrative expenses. . . . .	H29-H(82-394)
<b>LOCAL GOVERNMENT</b>	
Half-cent Sales Tax	
Distribution of proceeds, Revenue Dept. . . . .	H57-H(82-399)
<b>MEDICAL MALPRACTICE</b>	
Patient's Compensation Fund; members protection. . . . .	H61-H(82-391)
<b>MEDICAL TECHNICIANS, EMERGENCY</b>	
Regulatory laws; reviewed/revised/reenacted. . . . .	S19-H(82-402)
<b>NONPROFIT CORPORATIONS</b>	
Prison work program products; purchasing & use. . . . .	S28-H(82-409)
<b>PALM BEACH COUNTY</b>	
Fla. Atlantic University; land transfer to United Way . . . . .	S37-H(82-412)
<b>PAROLE &amp; PROBATION</b>	
See also: CORRECTIONS, DEPT. OF Commission	
Supplemental appropriations; payment of salaries, capital outlay, etc. . . . .	H38-H(82-397)
Parole Examiner; youthful offenders. . . . .	S6-H(82-401)
<b>PATIENT'S COMPENSATION FUND</b>	
Liability; limited. . . . .	H61-H(82-391)
<b>POLICE OFFICERS</b>	
Public records law exemption. . . . .	S4-H(82-405)
<b>POPULAR NAMES</b>	
Corrections overcrowding task force. . . . .	H37-H(82-396)
Emergency & nonemergency medical services. . . . .	S19-H(82-402)
Local Offender Advisory Council Act. . . . .	H39-H(82-411)
Medical Malpractice. . . . .	H61-H(82-391)
<b>PRISONS See: CORRECTIONAL INSTITUTIONS; CORRECTIONS, DEPT. OF; PAROLE &amp; PROBATION</b>	
<b>PROFESSIONAL REGULATION, DEPT. OF</b>	
Auditor General; performance audit/recommendations re future administration allied health professions by DHRS or DPR. . . . .	S19-H(82-402)
<b>PUBLIC RECORDS</b>	
Law enforcement officers; complaints, filed; certain exempt	

(CONTINUED)

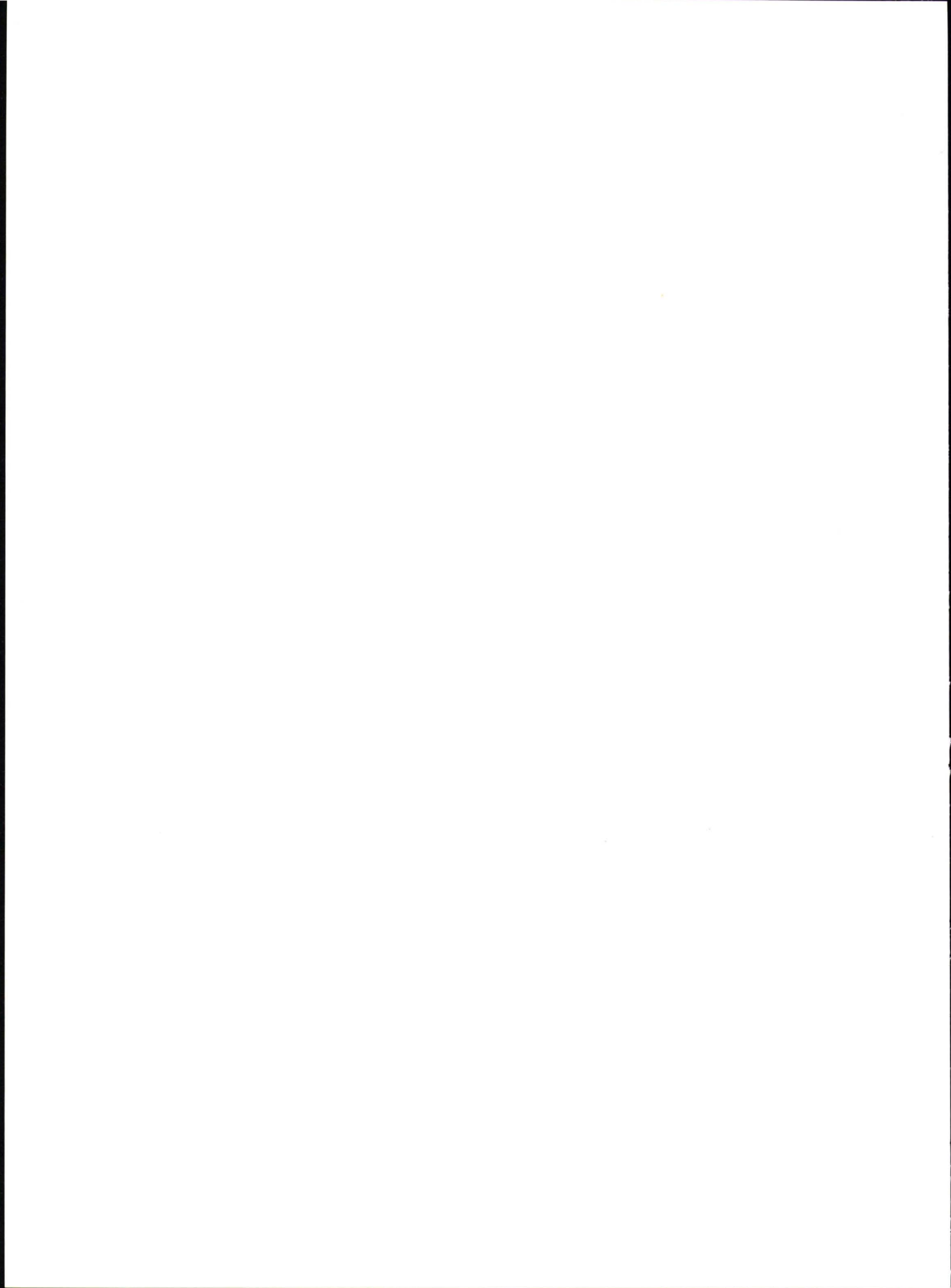




PUBLIC RECORDS  
(CONTINUED)

..... S4-H(82-405)  
REPORTS See under GOVERNOR; LEGISLATURE  
REVENUE, DEPT. OF  
Half-cent Sales Tax Trust Fund; distribution to local  
governments. .... H57-H(82-399)  
SALES TAX See under TAXATION  
SALTWATER FISHING  
Oysters; harvesting season extended (Franklin). . . S23-H(82-408)  
Shrimping, size restrictions; Apalachicola, Choctawhatchee  
Rivers, certain areas. .... S22-H(82-407)  
SEARCHES & SEIZURES  
Articles/information illegally seized; admissibility as  
evidence. .... H31-H  
Rights; conformance with 4th Amendment, U.S. Constitution. H31-H  
SENTENCES  
Sentencing alternatives; community programs for nonviolent  
offenders (1st & 8th judicial circuits). H39-H(82-411)  
STATE AGENCIES  
Correctional work program products; purchasing & use  
..... S28-H(82-409)  
STATE ATTORNEYS  
Pretrial detention certain accused; duties re filing of  
complaint. .... H44-H(82-398)  
STATE GOVERNMENT See: STATE AGENCIES; SPECIFIC SUBJECT OR  
AGENCY  
STATE UNIVERSITIES  
Fla. Atlantic University; land transfer. .... S37-H(82-412)  
University of West Florida, Bay County branch; transfer to Fla.  
State University. .... S36-H(82-413)  
ST. JOHNS COUNTY  
Judge, county court; election. .... S17-H(82-406)  
SUNSET BILLS  
Emergency & nonemergency medical services;  
reviewed/reenacted/revised. .... S19-H(82-402)  
TAXATION  
Corporate Income Tax  
Liability; Self-Insurers Guaranty Assn., Inc.; fee  
assessment/credit. .... H10-H(82-410)  
Reporting & paying; time period provided. . . . H57-H(82-399)  
Homestead exemption, homes/facilities for aged; alternative  
qualification. .... H57-H(82-399)  
Municipal public service tax; exemption. .... H57-H(82-399)  
Sales Tax  
Local Government Half-cent Sales Tax; proceeds appropriated  
to Revenue Dept. for distribution. . . . H57-H(82-399)  
Sports, Arts & Recreation Centers Act; revision re taxable  
transactions. .... H29-H(82-394)  
TRANSACTIONAL IMMUNITY  
Witnesses; provision removed. .... H20-H(82-393)  
USE IMMUNITY  
Witnesses; transactional immunity; provision removed  
..... H20-H(82-393)  
VOLUSIA COUNTY

(CONTINUED)



VOLUSIA COUNTY

(CONTINUED)

Judge, county court; election. . . . . S17-H(82-406)

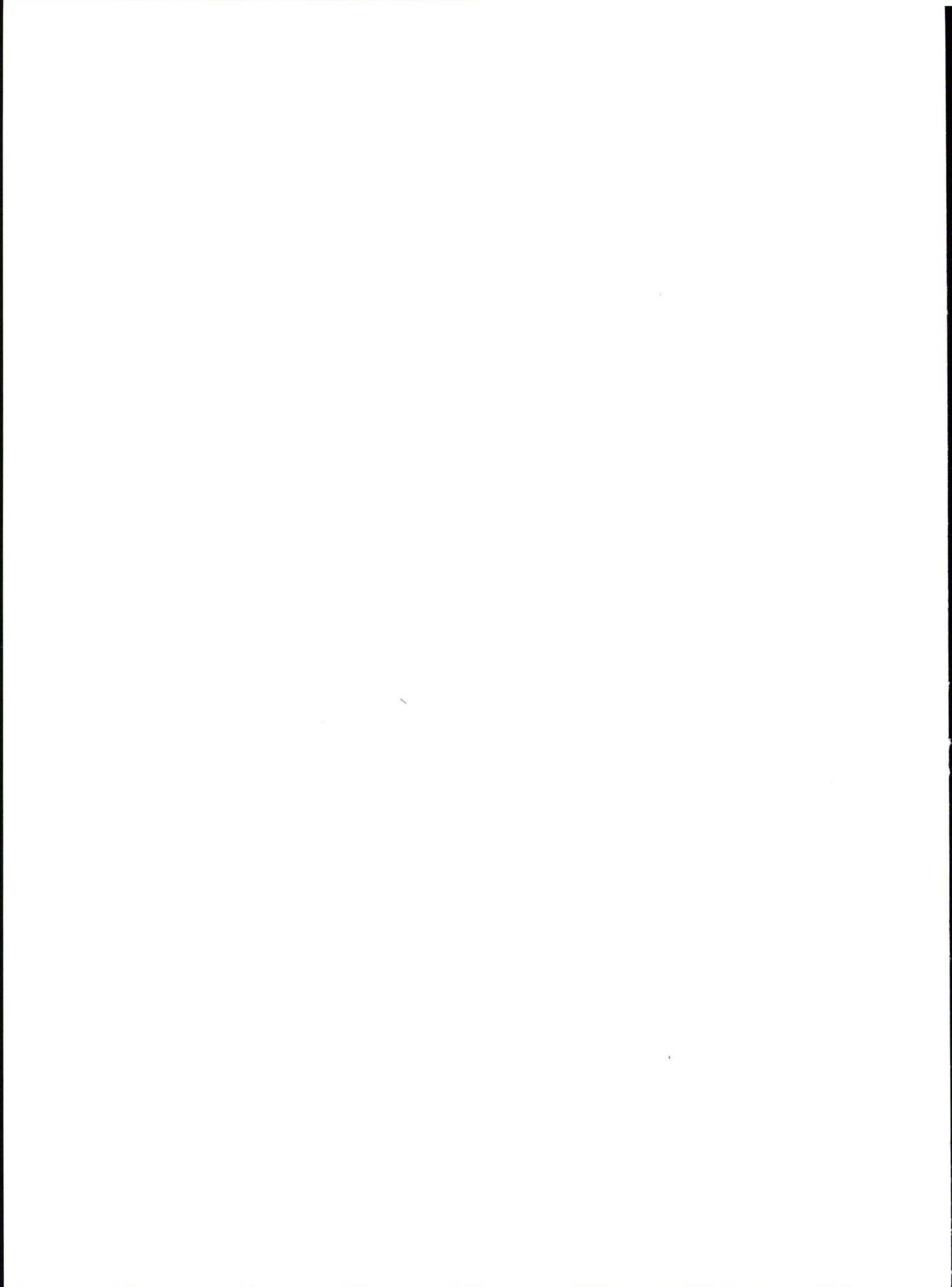
WITNESSES

Transactional immunity; provision removed. . . . . H20-H(82-393)

WORKERS' COMPENSATION

Self Insurers Guaranty Association, Inc.; applicants/members  
fees/add'l adjusted taxable income. . . H10-H(82-410)





LIST OF SENATE AND HOUSE GENERAL BILLS  
PASSED BY THE 1982 "H" SPECIAL SESSION  
OF THE LEGISLATURE  
with  
SESSION LAW REFERENCES

<u>Bill Number</u>	<u>Session Law</u>	<u>Bill Number</u>	<u>Session Law</u>
HB 2-H -----	82-392	SB 4-H -----	82-405
HB 10-H -----	82-410	SB 6-H -----	82-401
HB 20-H -----	82-393	SB 17-H -----	82-406
HB 29-H -----	82-394	SB 19-H -----	82-402
HB 36-H -----	82-395	SB 22-H -----	82-407
HB 37-H -----	82-396	SB 23-H -----	82-408
HB 38-H -----	82-397	SB 26-H -----	82-403
HB 39-H -----	82-411	SB 28-H -----	82-409
HB 44-H -----	82-398	SB 34-H -----	82-404
HB 57-H -----	82-399	SB 36-H -----	82-413
HB 61-H -----	82-391	SB 37-H -----	82-412
HB 63-H -----	82-400		

Proposed Constitutional  
Amendments:

HJR 31-H  
HJR 43-H

