1984

Session Law 84-214

Florida Senate & House of Representatives

Follow this and additional works at: https://ir.law.fsu.edu/staff-analysis

Part of the Legislation Commons

Recommended Citation


This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.
###Committee Records

<table>
<thead>
<tr>
<th>H/S</th>
<th>Committee</th>
<th>Year</th>
<th>Record Series: Folder title, etc.</th>
<th>Loc. Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>H</td>
<td>Comm. ATM</td>
<td>89</td>
<td>HS 2nd</td>
<td>19/1278</td>
</tr>
<tr>
<td>S</td>
<td>ECCA</td>
<td>89</td>
<td>1995</td>
<td>18/1353</td>
</tr>
</tbody>
</table>

- [ ] continued on reverse

###Senate/House Journals

<table>
<thead>
<tr>
<th>Page #</th>
<th>Date</th>
<th>Page #</th>
<th>Date</th>
</tr>
</thead>
</table>

###Committee/Floor Tapes

<table>
<thead>
<tr>
<th>H/S</th>
<th>c/f</th>
<th>Committee/subcommittee name</th>
<th>Date</th>
<th>#</th>
<th>Location Cite</th>
</tr>
</thead>
</table>

###Other Documentation

<table>
<thead>
<tr>
<th>Record Series Title, folder title, etc.</th>
<th>Location Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>H/S</td>
<td>Committee</td>
</tr>
<tr>
<td>-----</td>
<td>-----------</td>
</tr>
</tbody>
</table>

**NOTES**
## S 0440 GENERAL BILL/CS by Health and Rehabilitative Services, Rehl and others

**Effective Date:** Upon becoming law.

03/05/84 SENATE Prefiled
04/13/84 SENATE Referred to Finance, Taxation and Claims
04/13/84 SENATE Introduced, referred to Finance, Taxation and Claims
04/12/84 SENATE On Committee agenda-- Finance, Tax, & Claims, 04/12/84, Not considered
04/13/84 SENATE Extension of time granted Committee Finance, Taxation and Claims
04/19/84 SENATE On Committee agenda-- Finance, Tax & Claims, Temporarily postponed; On Committee agenda-- Finance, Tax & Claims, 04/23/84, 2:00 pm, Rm. 1C
04/23/84 SENATE Comm. Report: CS placed on Calendar by Finance, Taxation and Claims - SJ 00181
04/27/84 SENATE CS read first time - SJ 00187
05/17/84 SENATE Placed on Consent Calendar; CS passed; YEAS 34 NAYS 0 - SJ 00316; Immediately certified - SJ 00326
05/17/84 HOUSE In Messages
05/21/84 HOUSE Received, placed on Calendar - HJ 00488
06/01/84 HOUSE Died on Calendar

## S 0441 GENERAL BILL by Health and Rehabilitative Services, Rehl and others

**Effective Date:** Upon becoming law.

03/05/84 SENATE Prefiled
04/13/84 SENATE Referred to Finance, Taxation and Claims
04/13/84 SENATE Introduced, referred to Finance, Taxation and Claims
04/23/84 SENATE On Committee agenda-- Finance, Tax, & Claims, 04/23/84, 2:00 pm, Rm. 1C
04/23/84 SENATE Comm. Report: CS placed on Calendar by Finance, Taxation and Claims - SJ 00181
04/27/84 SENATE CS read first time - SJ 00187
05/17/84 SENATE Placed on Consent Calendar; CS passed; YEAS 34 NAYS 0 - SJ 00316; Immediately certified - SJ 00326
05/17/84 HOUSE In Messages
05/21/84 HOUSE Received, placed on Calendar - HJ 00488
06/01/84 HOUSE Died on Calendar

## S 0442 GENERAL BILL/CS by Finance, Taxation and Claims, Mann and others

**Effective Date:** Upon becoming law.

03/05/84 SENATE Prefiled
04/13/84 SENATE Referred to Finance, Taxation and Claims
04/13/84 SENATE Introduced, referred to Finance, Taxation and Claims
04/12/84 SENATE On Committee agenda-- Finance, Tax, & Claims, 04/12/84, Not considered
04/13/84 SENATE Extension of time granted Committee Finance, Taxation and Claims
04/19/84 SENATE On Committee agenda-- Finance, Tax & Claims, Temporarily postponed; On Committee agenda-- Finance, Tax & Claims, 04/23/84, 2:00 pm, Rm. 1C
04/23/84 SENATE Comm. Report: CS placed on Calendar by Finance, Taxation and Claims - SJ 00181
04/27/84 SENATE CS read first time - SJ 00187
05/17/84 SENATE Placed on Consent Calendar; CS passed; YEAS 34 NAYS 0 - SJ 00316; Immediately certified - SJ 00326
05/17/84 HOUSE In Messages
05/21/84 HOUSE Received, placed on Calendar - HJ 00488
06/01/84 HOUSE Died on Calendar

## S 0443 GENERAL BILL by Hair (Identical H 0710)

### Ballon Mortgages

**Effective Date:** 10/01/84.

03/05/84 SENATE Prefiled
04/03/84 SENATE Introduced, referred to Judiciary-Civil, Commerce, Economic, Community and Consumer Affairs
04/03/84 SENATE Introduced, referred to Judiciary-Civil, Commerce, Economic, Community and Consumer Affairs - SJ 00040
04/13/84 SENATE Extension of time granted Committee Judiciary-Civil
04/27/84 SENATE Extension of time granted Committee Judiciary-Civil
05/11/84 SENATE Extension of time granted Committee Judiciary-Civil
05/25/84 SENATE Extension of time granted Committee Judiciary-Civil
06/01/84 SENATE Died in Committee on Judiciary-Civil

## S 0444 GENERAL BILL by Castor and others (Identical H 0352)

### Deer Hunters

**Effective Date:** 10/01/84.

03/05/84 SENATE Prefiled
04/03/84 SENATE Introduced, referred to Natural Resources and Conservation
04/03/84 SENATE Introduced, referred to Natural Resources and Conservation - SJ 00040
04/10/84 SENATE On Committee agenda-- Natural Res. & Cons. 04/12/84, 9:30 am, Rm. H
04/12/84 SENATE Comm. Report: Favorable, placed on Calendar by Natural Resources and Conservation - SJ 00120
06/01/84 SENATE Placed on Consent Calendar; Died on Calendar

## S 0445 GENERAL BILL by Plummer (Similar Eng/H 0277)

### Municipal Motor Vehicle Racing Act

**Effective Date:** Upon becoming law.

03/05/84 SENATE Prefiled
04/13/84 SENATE Referred to Economic, Community and Consumer Affairs
04/03/84 SENATE Introduced, referred to Economic, Community and Consumer Affairs, Commerce
04/03/84 SENATE Referred to Economic, Community and Consumer Affairs, Commerce - SJ 00040
04/13/84 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
04/26/84 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
05/04/84 SENATE On Committee agenda-- ECCA, 05/08/84, 2:00 pm, Rm. H
05/08/84 SENATE Comm. Report: Favorable, placed on Calendar by Economic, Community and Consumer Affairs - SJ 00244
05/10/84 SENATE Now in Commerce - SJ 00244
05/24/84 SENATE Withdrawn from Commerce - SJ 00432; Placed on Calendar

---

**Notes:**

- **S 0440** General Bill/CS by Health and Rehabilitative Services, Rehl and others (Similar CS/H 0482)
- **S 0441** General Bill by Mann (Similar H 0584, Compare Eng/S 0730)
- **S 0442** General Bill/CS by Finance, Taxation and Claims, Mann and others (Similar CS/H 0800, Compare H 0284)
- **S 0443** General Bill by Hair (Identical H 0710)
- **S 0444** General Bill by Castor and others (Identical H 0352)
- **S 0445** General Bill by Plummer (Similar Eng/H 0277)
05/30/84 SENATE Placed on Consent Calendar; Iden./Sim. House Bill substituted; Laid on table under Rule, Iden./Sim./Compare Bill passed, refer to HB 277 (Ch 84-214) - SJ 00547

S 0446 GENERAL BILL by Childers, Don (Compare CS/H 0523)

Ultralight Aircraft & Operators: defines term "ultralight"; provides for registration of ultralight pilots, instructors, & ultralight aircraft; provides operational conditions for ultralights, provides for future review & repeal Creates 330 42 Effective Date. 10/01/84
03/05/84 SENATE Prefiled
03/14/84 SENATE Referred to Transportation, Appropriations
04/03/84 SENATE Introduced, referred to Transportation, Appropriations - SJ 00040
04/16/84 SENATE Extension of time granted Committee Transportation
04/18/84 SENATE On Committee agenda - Transportation, 04/18/84, 9:00 am, Rm. C

S 0448 GENERAL BILL/CS by Transportation, Childers, Don (Compare CS/H 0522)

Ultralight Aircraft & Operators: defines term "ultralight"; provides for registration of ultralight pilots, instructors, & ultralight aircraft; provides operational conditions for ultralights, provides for future review & repeal Creates 330 42 Effective Date. 10/01/84
03/05/84 SENATE Prefiled
03/14/84 SENATE Referred to Transportation, Appropriations
04/03/84 SENATE Introduced, referred to Transportation, Appropriations - SJ 00040
04/16/84 SENATE Extension of time granted Committee Transportation
04/18/84 SENATE On Committee agenda - Transportation, 04/18/84, 9:00 am, Rm. B

Continued on next page
CONTINUED ON NEXT PAGE

- **H 0274 GE. HERALD BILL** by Johnson, R., M. and others (Similar S 0164)
  - Effective Date: 07/01/84.

- **H 0275 GENERAL BILL** by Carlton

- **H 0324 GENERAL BILL** by Johnson, R. W. and others (Similar Eng/S 0184)
  - Unemployment Compensation, provides disqualification for benefits based on sick pay, extends temporary period during which general payment of benefits may be suspended; by mail to certify for payment of benefits are authorized, etc. Amendments adopted; Effective Date: 07/01/84.

- **H 0374 GENERAL BILL** by Johnson, R. W. and others (Similar Eng/S 0184)
  - Unemployment Compensation, provides disqualification for benefits based on sick pay, extends temporary period during which general payment of benefits may be suspended; by mail to certify for payment of benefits are authorized, etc. Amendments adopted; Effective Date: 07/01/84.

- **H 0403 GENERAL BILL** by Johnson, R. W. and others (Similar Eng/S 0184)
  - Unemployment Compensation, provides disqualification for benefits based on sick pay, extends temporary period during which general payment of benefits may be suspended; by mail to certify for payment of benefits are authorized, etc. Amendments adopted; Effective Date: 07/01/84.

- **H 0404 GENERAL BILL** by Johnson, R. W. and others (Similar Eng/S 0184)
  - Unemployment Compensation, provides disqualification for benefits based on sick pay, extends temporary period during which general payment of benefits may be suspended; by mail to certify for payment of benefits are authorized, etc. Amendments adopted; Effective Date: 07/01/84.

- **H 0405 GENERAL BILL** by Johnson, R. W. and others (Similar Eng/S 0184)
  - Unemployment Compensation, provides disqualification for benefits based on sick pay, extends temporary period during which general payment of benefits may be suspended; by mail to certify for payment of benefits are authorized, etc. Amendments adopted; Effective Date: 07/01/84.

- **H 0406 GENERAL BILL** by Johnson, R. W. and others (Similar Eng/S 0184)
  - Unemployment Compensation, provides disqualification for benefits based on sick pay, extends temporary period during which general payment of benefits may be suspended; by mail to certify for payment of benefits are authorized, etc. Amendments adopted; Effective Date: 07/01/84.

- **H 0407 GENERAL BILL** by Johnson, R. W. and others (Similar Eng/S 0184)
  - Unemployment Compensation, provides disqualification for benefits based on sick pay, extends temporary period during which general payment of benefits may be suspended; by mail to certify for payment of benefits are authorized, etc. Amendments adopted; Effective Date: 07/01/84.

- **H 0408 GENERAL BILL** by Johnson, R. W. and others (Similar Eng/S 0184)
  - Unemployment Compensation, provides disqualification for benefits based on sick pay, extends temporary period during which general payment of benefits may be suspended; by mail to certify for payment of benefits are authorized, etc. Amendments adopted; Effective Date: 07/01/84.

- **H 0409 GENERAL BILL** by Johnson, R. W. and others (Similar Eng/S 0184)
  - Unemployment Compensation, provides disqualification for benefits based on sick pay, extends temporary period during which general payment of benefits may be suspended; by mail to certify for payment of benefits are authorized, etc. Amendments adopted; Effective Date: 07/01/84.

- **H 0410 GENERAL BILL** by Johnson, R. W. and others (Similar Eng/S 0184)
  - Unemployment Compensation, provides disqualification for benefits based on sick pay, extends temporary period during which general payment of benefits may be suspended; by mail to certify for payment of benefits are authorized, etc. Amendments adopted; Effective Date: 07/01/84.

- **H 0411 GENERAL BILL** by Johnson, R. W. and others (Similar Eng/S 0184)
  - Unemployment Compensation, provides disqualification for benefits based on sick pay, extends temporary period during which general payment of benefits may be suspended; by mail to certify for payment of benefits are authorized, etc. Amendments adopted; Effective Date: 07/01/84.

- **H 0412 GENERAL BILL** by Johnson, R. W. and others (Similar Eng/S 0184)
  - Unemployment Compensation, provides disqualification for benefits based on sick pay, extends temporary period during which general payment of benefits may be suspended; by mail to certify for payment of benefits are authorized, etc. Amendments adopted; Effective Date: 07/01/84.

- **H 0413 GENERAL BILL** by Johnson, R. W. and others (Similar Eng/S 0184)
  - Unemployment Compensation, provides disqualification for benefits based on sick pay, extends temporary period during which general payment of benefits may be suspended; by mail to certify for payment of benefits are authorized, etc. Amendments adopted; Effective Date: 07/01/84.

- **H 0414 GENERAL BILL** by Johnson, R. W. and others (Similar Eng/S 0184)
  - Unemployment Compensation, provides disqualification for benefits based on sick pay, extends temporary period during which general payment of benefits may be suspended; by mail to certify for payment of benefits are authorized, etc. Amendments adopted; Effective Date: 07/01/84.
A bill to be entitled

An act relating to municipalities; creating the
"Municipal Motor Vehicle Racing Act of 1984";
providing a definition of "racing event";
providing for the issuance of permits;
providing for the duties and responsibilities
of municipalities and permitholders; providing
that racing events are declared a public
purpose; providing that racing events shall not
be deemed a public or private nuisance;
limiting liability with respect to racing
events; providing that the permitholder must
restore the course to its prerace condition;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title.--This act shall be known and
may be cited as the "Municipal Motor Vehicle Racing Act of
1984."

Section 2. Definition.--For the purposes of this act,
the term "racing event" means a motor vehicle race which is
sanctioned by a nationally or internationally recognized
racing organization, and includes preparations, practices, and
qualifications for the race.

Section 3. Permits; duties and responsibilities.--
(1)(a) A municipality may provide for the issuance of
a permit allowing the person to whom the permit is issued to
conduct a racing event on the highways, streets, or parks
within the limits of the municipality. A person shall not
(4) A person issued a permit under this act shall reasonably protect private property rights and not prevent access to governmental facilities.

(5) With respect to any racing event held pursuant to this act, a municipality may do all of the following:

(a) Provide for the temporary closing or obstructing of highways or streets, alleys, sidewalks, and parks located in the municipality.

(b) Reroute pedestrian and vehicular traffic.

(c) Waive ordinances and traffic regulations, including speed limits and traffic control devices.

Section 4. Racing event declared a public purpose.--A racing event held under this act and any action taken by a municipality or a permitholder pursuant to this act shall be considered as being for public purposes, including the promotion of commerce and tourism, and for the benefit of the citizens of the municipality and the state.

Section 5. Racing events not a nuisance.--A racing event held pursuant to this act and the actions of the municipality or the permitholder taken pursuant to this act shall not be considered or found to be a public or private nuisance.

Section 6. Liability.--A municipality that issues a permit under this act shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property. After a permit is issued, the state shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property.

Section 7. Restoration.--A person issued a permit under this act shall provide for the restoration of all...
highways or streets, alleys, sidewalks, buildings, and parks
to a condition substantially similar to their condition as
existed before the racing event so that the highways or
streets, alleys, sidewalks, buildings, and parks are suitable
for their normal use.

Section 8. This act shall take effect upon becoming a
law.

*********************************************

HOUSE SUMMARY

Creates the "Municipal Motor Vehicle Racing Act of 1984."
Defines a "racing event" as a motor vehicle race which is
sanctioned by a nationally or internationally recognized
racing organization, including preparations, practices,
and qualifications for the race. Authorizes
municipalities to issue permits to qualified persons to
conduct racing events. Declares a racing event a public
purpose and provides that such events shall not be deemed
a public or private nuisance. Provides that a
municipality that issues a racing event permit and, under
described circumstances, the state shall not be liable
for damages resulting from the racing event. Requires
the permitholder to restore the race course to its
prerace condition.

CODING Words in smaller through type are deletions from existing law, words underlined are additions.
A bill to be entitled
An act relating to municipalities; creating the
"Municipal Motor Vehicle Racing Act of 1984";
providing a definition of "racing event";
providing for the issuance of permits;
providing for the duties and responsibilities
of municipalities and permit holders; providing
that racing events are declared a public
purpose; providing that racing events shall not
be deemed a public or private nuisance;
limiting liability with respect to racing
events; providing that the permit holder must
restore the course to its prerace condition;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title.--This act shall be known and
may be cited as the "Municipal Motor Vehicle Racing Act of
1984."

Section 2. Definition.--For the purposes of this act,
the term "racing event" means a motor vehicle race which is
sanctioned by a nationally or internationally recognized
racing organization, and includes preparations, practices, and
qualifications for the race.

Section 3. Permits; duties and responsibilities.--
(1)(a) A municipality may provide for the issuance of
a permit allowing the person to whom the permit is issued to
conduct a racing event on the highways, streets, or parks
within the limits of the municipality. A person shall not
conduct a racing event in a municipality unless the person has been issued a permit under this act.

(b) A municipality may charge a reasonable fee for the issuance of a permit under this act.

(2) Prior to the issuance of a permit under this act, the municipality shall determine all of the following:

(a) That the person applying for the permit has adequate insurance to pay any damages incurred because of loss or injury to any person or property.

(b) That the person applying for the permit has demonstrated prior experience in conducting a racing event on highways, streets, or parks.

(c) That adequate security and necessary facilities will be provided during the racing event.

(d) That the person applying for the permit has demonstrated the ability to protect the health, safety, and welfare of the citizens of the municipality and those attending the racing event.

(3) A person who is issued a permit pursuant to this act may do all of the following for the purposes of a racing event conducted pursuant to this act:

(a) Limit access to the racing event area and any area from which the racing event may be viewed.

(b) Provide for viewing and pit areas or any other area necessary to conducting the racing event.

(c) Charge an admission fee to persons viewing the race or entering the racing event area.

(d) Take any other action reasonably necessary for purposes of a racing event under this act.

(4) A person issued a permit under this act shall reasonably protect private property rights and not prevent access to governmental facilities.

(5) With respect to any racing event held pursuant to this act, a municipality may do all of the following:

(a) Provide for the temporary closing or obstructing of highways or streets, alleys, sidewalks, and parks located in the municipality.

(b) Reroute pedestrian and vehicular traffic.

(c) Waive ordinances and traffic regulations, including speed limits and traffic control devices.

Section 4. Racing event declared a public purpose.--A racing event held under this act and any action taken by a municipality or a permitholder pursuant to this act shall be considered as being for public purposes, including the promotion of commerce and tourism, and for the benefit of the citizens of the municipality and the state.

Section 5. Racing events not a nuisance.--A racing event held pursuant to this act and the actions of the municipality or the permitholder taken pursuant to this act shall not be considered or found to be a public or private nuisance.

Section 6. Liability.--A municipality that issues a permit under this act shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property. After a permit is issued, the state shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property.

Section 7. Restoration.--A person issued a permit under this act shall provide for the restoration of all...
highways or streets, alleys, sidewalks, buildings, and parks

to a condition substantially similar to their condition as

existed before the racing event so that the highways or

streets, alleys, sidewalks, buildings, and parks are suitable

for their normal use.

Section 8. This act shall take effect upon becoming a

law.

*************************************************

HOUSE SUMMARY

Creates the "Municipal Motor Vehicle Racing Act of 1984."

Defines a "racing event" as a motor vehicle race which is

sanctioned by a nationally or internationally recognized

racing organization, including preparations, practices,

and qualifications for the race. Authorizes

municipalities to issue permits to qualified persons to

conduct racing events. Declares a racing event a public

purpose and provides that such events shall not be deemed

a public or private nuisance. Provides that a

municipality that issues a racing event permit and, under

described circumstances, the state shall not be liable

for damages resulting from the racing event. Requires

the permitholder to restore the race course to its

prerace condition.

CODING: Words in strike through type are deletions from existing law, words underlined are additions.
GENERAL ACTS
RESOLUTIONS AND MEMORIALS
ADOPTED BY THE
EIGHTH LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968
During the Second Regular Session
April 3, 1984 through June 1, 1984

Volume I, Part One
Published by Authority of Law
Under Direction of the
JOINT LEGISLATIVE MANAGEMENT
COMMITTEE
TALLAHASSEE
1984
CHAPTER 84-213

LAWS OF FLORIDA

CHAPTER 84-213

Section 3. This act shall take effect July 1, 1984.

Approved by the Governor June 14, 1984.

Filed in Office Secretary of State June 15, 1984.

CHAPTER 84-214

House Bill No. 277

An act relating to municipalities; creating the "Municipal Motor Vehicle Racing Act of 1984"; providing a definition of "racing event"; providing for the issuance of permits; providing for the duties and responsibilities of municipalities and permitholders; providing that racing events are declared a public purpose; providing that racing events shall not be deemed a public or private nuisance; limiting liability with respect to racing events; providing that the permitholder must restore the course to its prerace condition; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title.--This act shall be known and may be cited as the "Municipal Motor Vehicle Racing Act of 1984."

Section 2. Definition.--For the purposes of this act, the term "racing event" means a motor vehicle race which is sanctioned by a nationally or internationally recognized racing organization, and includes preparations, practices, and qualifications for the race.

Section 3. Permits; duties and responsibilities.--

(1)(a) A municipality may provide for the issuance of a permit allowing the person to whom the permit is issued to conduct a racing event on the highways, streets, or parks within the limits of the municipality. A person shall not conduct a racing event on a highway, street or in a park in a municipality unless the person has been issued a permit under this act.

(b) A municipality may charge a reasonable fee for the issuance of a permit under this act.

(2) Prior to the issuance of a permit under this act, the municipality shall determine all of the following:

(a) That the person applying for the permit has adequate insurance to pay any damages incurred because of loss or injury to any person or property.

(b) That the person applying for the permit has demonstrated prior experience in conducting a racing event on highways, streets, or parks.

(c) That adequate security and necessary facilities will be provided during the racing event.
(d) That the person applying for the permit has demonstrated the ability to protect the health, safety, and welfare of the citizens of the municipality and those attending the racing event.

(3) A person who is issued a permit pursuant to this act may do all of the following for the purposes of a racing event conducted pursuant to this act:

(a) Limit access to the racing event area and any area from which the racing event may be viewed.

(b) Provide for viewing and pit areas or any other area necessary to conducting the racing event.

(c) Charge an admission fee to persons viewing the race or entering the racing event area.

(d) Take any other action reasonably necessary for purposes of a racing event under this act.

(4) A person issued a permit under this act shall reasonably protect private property rights and not prevent access to governmental facilities.

(5) With respect to any racing event held pursuant to this act, a municipality may do all of the following:

(a) Provide for the temporary closing or obstructing of highways or streets, alleys, sidewalks, and parks located in the municipality.

(b) Reroute pedestrian and vehicular traffic.

(c) Waive ordinances and traffic regulations, including speed limits and traffic control devices.

Section 4. Racing event declared a public purpose.--A racing event held under this act and any action taken by a municipality or a permitholder pursuant to this act shall be considered as being for public purposes, including the promotion of commerce and tourism, and for the benefit of the citizens of the municipality and the state.

Section 5. Racing events not a nuisance.--A racing event held pursuant to this act and the actions of the municipality or the permitholder taken pursuant to this act shall not be considered or found to be a public or private nuisance.

Section 6. Liability.--A municipality that issues a permit under this act shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property. After a permit is issued, the state or county shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property. If a municipality, county, or the state is insured against liability for damages for any negligent or wrongful acts, omissions, or occurrences resulting from a racing event, the provisions of this subsection shall not apply, to the extent of such coverage provided by the insurance policy.

Section 7. Restoration.--A person issued a permit under this act shall provide for the restoration of all highways or streets, alleys, sidewalks, buildings, and parks to a condition substantially similar to their condition as existed before the racing event so that the
highways or streets, alleys, sidewalks, buildings, and parks are suitable for their normal use.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor June 14, 1984.

Filed in Office Secretary of State June 15, 1984.

CHAPTER 84-215

Senate Bill No. 473

An act relating to telephone company regulation; amending s. 364.02, F.S.; excluding certain entities from the meaning of "telephone company": providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4) of section 364.02, Florida Statutes, is amended to read:

364.02 Definitions.--

(4) The term "telephone company," when used in this chapter, includes every corporation, company, association, joint stock association, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every city or town owning, operating, or managing any telephone line or part of telephone line used in the conduct of the business of affording telephonic communication service for hire within this state. The term does not include radio common carriers or cellular radio telecommunications carriers. However, radio common carriers and cellular radio telecommunications carriers shall each continue to be liable for the taxes, if any, imposed pursuant to chapters 203 and 212.

Section 2. This act shall take effect October 1, 1984.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 15, 1984.

CHAPTER 84-216

Committee Substitute for House Bill No. 801

An act relating to financial institutions; amending s. 280.02, F.S., redefining "qualified public depository": amending s. 494.04, F.S., providing an exemption from the residency requirement for mortgage brokers and solicitors; amending s. 560.03, F.S., providing that financial institutions shall not be required to be licensed to sell money orders; amending s. 655.025, F.S., authorizing the Department of Banking and Finance to assess certain expenses against applicants for licensure; amending s. 655.033, F.S., modifying provisions relating
I. SUMMARY

A. Present Situation:

The State Uniform Traffic Control Law, Chapter 316, F.S., defines "racing" as the use of one or more vehicles in an attempt to out gain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes.

It prohibits any person from driving or participating in racing on highways in any vehicles in any race, speed competition or contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record.

Chapter 549, F.S., Automobile Race Meets, requires persons intending to hold any automobile race in any public place within the state to give written notice to the sheriff of the county 10 days prior to such race.

B. Effect of Proposed Changes:

This bill creates the "Municipal Motor Vehicle Racing Act of 1984." It would:

- define and authorize "racing events,"
- provide for the issuance of permits by municipalities for such events,
- declare such events a "public purpose, and provide for the liability and restoration of public property."
C. **Section by Section Analysis:**

**Section 1** -- Cites the act as the "Municipal Motor Vehicle Racing Act of 1984."

**Section 2** -- Defines "Racing events" to mean a motor vehicle race which is sanctioned by a nationally or internationally recognized racing organization.

**Section 3** -- Authorizes municipalities to issue permits allowing racing events on highways, streets, or parks within the limits of the municipality and provides for the fees for such permits.

Requires that prior to issuing a racing permit the municipality verify that the person applying for the permit:

- has adequate insurance to pay any damages incurred because of loss of injury to any person or property;
- demonstrates prior experience in conducting such events on highways, streets or parks;
- provides for adequate security and facilities during the event;
- demonstrates the ability to protect the health, safety, and welfare of the citizens of the municipality and those attending the event.

Authorizes the permit holder to:

- limit access to the event or its viewing area;
- charge admission; and
- take any other reasonable and necessary action to carry out the event.

Requires the permit holder to reasonably protect private property rights and prevent access to governmental facilities.

Authorizes municipalities to:

- temporarily close or obstruct highways, streets, alleys, sidewalks, and parks;
- reroute pedestrian and vehicular traffic;
Staff Analysis
February 15, 1984

waive ordinances and traffic regulations, including speed limits and traffic control devices.

Section 4 -- Declares a "racing event" held pursuant to this act and any action taken by the municipality or the permit holder to be a public purpose.

Section 5 -- Declares a "racing event" held pursuant to this act and any action taken by the municipality or the permit holder shall not be considered or found to be a public or private nuisance.

Section 6 -- Provides that a municipality that issues a permit under this act shall not be liable for any damages because of loss or injury to any person or property and that the state shall all not be liable for such damages.

Section 7 -- Requires the permit holder to provide for resoration of all highways, streets, alleys, sidewalks, buildings, and parks to a condition substantially similar to their condition as existed before the racing event.

II. ECONOMIC IMPACT

A. Public:

None

B. Government:

As stated by the sponsor, this bill should have a positive economic impact upon municipalities electing to conduct such events with the attraction of tourists and promotion of commerce in the municipality. It is estimated that a nationally sanctioned formula one-type racing event could have a $20-$25 million impact in major municipalities hosting such events.

III. COMMENTS

It should be noted that the sponsor's intent is to provide clarification and state-wide emphasis for a uniform promotion of such events.

The only other state with similar legislation is Michigan.
IV. AMENDMENTS

V. PREPARED BY Mario L. Taylor

VI. STAFF DIRECTOR Mike Cusick

VII. COPY TO SPONSOR
SUBCOMMITTEE REPORT/INFORMATION RECORD

To Chairman, Committee on Community Affairs:

Subcommittee on Disaster Preparedness

Date of meeting: 4-5-84

Time: 3:30 PM

Place: 317 HOB

Bill No. HB 277

Final Action: ______ FAVORABLE

____ FAVORABLE WITH ___ AMENDMENTS

____ FAVORABLE WITH SUBSTITUTE

____ UNFAVORABLE

Vote:

<table>
<thead>
<tr>
<th>YEA</th>
<th>MEMBER</th>
<th>NAY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Allen, J.B., Jr.</td>
<td></td>
</tr>
<tr>
<td>x</td>
<td>Arnold, J. Keith</td>
<td>x</td>
</tr>
<tr>
<td>x</td>
<td>Bass, Virginia</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Deratany, Tim</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hargrett, J.T., Jr.</td>
<td></td>
</tr>
<tr>
<td>x</td>
<td>Shelley, R.</td>
<td></td>
</tr>
</tbody>
</table>

Total Yea: 5

Total Nays: 0

The following persons (other than legislators) appeared before the subcommittee during consideration of this bill:

Name: Ronald Book

Representing: Miami Motors/Miami Grand Prix

Address: 1 SE 3rd Ave., Miami

NOTE: Please indicate by an "x" any state employee appearing at the request of Subcommittee Chairman.

Received by Parent Committee: 

Date: 

Received by: 

H-74(1980)
The Committee on Community Affairs

offered the following amendment:

Amendment

On page 3 line 26

after the word "state", insert: or county

H B 277

DO NOT USE FELT TIP PEN

Committee Amendment No.

FOR YOUR OWN PROTECTION, DO NOT USE PRINTED BILL OR REDUCED COPY OF BILL

SEE INSTRUCTIONS ON BACK OF THIS FORM

GET FULL-SIZED COPY OF BILL DRAFT FROM DUPLICATING, 328 CAPITOL
I. SUMMARY

A. Present Situation:

The State Uniform Traffic Control Law, Chapter 316, F.S., defines "racing" as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes.

It prohibits any person from driving or participating in racing on highways in any vehicles in any race, speed competition or contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record.

Chapter 549, F.S., Automobile Race Meets, requires persons intending to hold any automobile race in any public place within the state to give written notice to the sheriff of the county 10 days prior to such race.

B. Effect of Proposed Changes:

This bill creates the "Municipal Motor Vehicle Racing Act of 1984." It would:

- define and authorize "racing events,"
- provide for the issuance of permits by municipalities for such events,
- declare such events a "public purpose, and provide for the liability and restoration of public property."
C. Section by Section Analysis:

Section 1 -- Cites the act as the "Municipal Motor Vehicle Racing Act of 1984."

Section 2 -- Defines "Racing events" to mean a motor vehicle race which is sanctioned by a nationally or internationally recognized racing organization.

Section 3 -- Authorizes municipalities to issue permits allowing racing events on highways, streets, or parks within the limits of the municipality and provides for the fees for such permits.

Requires that prior to issuing a racing permit the municipality verify that the person applying for the permit:

- has adequate insurance to pay any damages incurred because of loss of injury to any person or property;
- demonstrates prior experience in conducting such events on highways, streets or parks;
- provides for adequate security and facilities during the event;
- demonstrates the ability to protect the health, safety, and welfare of the citizens of the municipality and those attending the event.

Authorizes the permit holder to:

- limit access to the event or its viewing area; charge admission; and
- take any other reasonable and necessary action to carry out the event.

Requires the permit holder to reasonably protect private property rights and prevent access to governmental facilities.

Authorizes municipalities to:

- temporarily close or obstruct highways, streets, alleys, sidewalks, and parks;
- reroute pedestrian and vehicular traffic;
waive ordinances and traffic regulations, including speed limits and traffic control devices.

Section 4 -- Declares a "racing event" held pursuant to this act and any action taken by the municipality or the permit holder to be a public purpose.

Section 5 -- Declares a "racing event" held pursuant to this act and any action taken by the municipality or the permit holder shall not be considered or found to be a public or private nuisance.

Section 6 -- Provides that a municipality that issues a permit under this act shall not be liable for any damages because of loss or injury to any person or property and that the state shall all not be liable for such damages.

Section 7 -- Requires the permit holder to provide for restoration of all highways, streets, alleys, sidewalks, buildings, and parks to a condition substantially similar to their condition as existed before the racing event.

II. ECONOMIC IMPACT

A. Public:

None

B. Government:

As stated by the sponsor, this bill should have a positive economic impact upon municipalities electing to conduct such events with the attraction of tourists and promotion of commerce in the municipality. It is estimated that a nationally sanctioned formula one-type racing event could have a $20-$25 million impact in major municipalities hosting such events.

III. COMMENTS

It should be noted that the sponsor's intent is to provide clarification and state-wide emphasis for a uniform promotion of such events.

The only other state with similar legislation is Michigan.
IV. AMENDMENTS

The bill was amended in Committee (p. 3, line 26) to provide that counties shall also not be liable after a racing event permit is issued for any damages that may result from the racing event.

V. PREPARED BY Mario L. Taylor

VI. STAFF DIRECTOR Mike Cusick

VII. COPY TO SPONSOR
Journal of the Florida House of Representatives

Eighty-sixth Regular Session since Statehood in 1845

April 3 through June 1, 1984

Including a record of transmittal of Acts subsequent to sine die adjournment
Rep. Davis moved the adoption of the amendment, which was adopted without objection.

The Committee on Judiciary offered the following title amendment:

Amendment 2—On page 1, lines 5, 6 & 7, following the word "harassment," on line 5 strike remainder of line 5, all of line 6 and through the first semicolon on line 7

Rep. Davis moved the adoption of the amendment, which was adopted without objection.

On motion by Rep. Davis, the rules were waived and HB 525, as amended, was read the third time by title. On passage, the vote was:

Amendment 1—On page 2, lines 1-20, strike all of said lines (Renumber remaining section accordingly)

Rep. Silver moved the adoption of the amendment, which was adopted without objection.
The Committee on Judiciary offered the following amendment:

**Amendment 2**—On page 2, line 1, following the word "event" insert: "on a highway, street or in a park"

Rep. Silver moved the adoption of the amendment, which was adopted without objection.

The Committee on Judiciary offered the following amendment:

**Amendment 3**—On page 3, line 29, following the period, insert: "If a municipality, county, or the state is insured against liability for damages for any negligent or wrongful acts, omissions, or occurrences resulting from a racing event, the provisions of this subsection shall not apply, to the extent of such coverage provided by the insurance policy."

Rep. Silver moved the adoption of the amendment, which was adopted without objection.

On motion by Rep. Silver, the rules were waived and HB 277, as amended, was read the third time by title. On passage, the vote was:

- Yeas-108
- Nays-None

Votes after roll call:
- Yeas-None

So the bill passed and was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

**Motions Relating to Committee References**

On point of order by Rep. Morgan, Chairman, that they do not affect appropriations, the following bills were withdrawn from the Committee on Appropriations and placed on the Calendar: HBs 1267, 195, 1269, 855, 1268, 839; CS/HB 814, CS/HB 194, CS/HB 892, CS/HB 1109; SBs 503, 963.

On motion by Rep. Ogden, Chairman, without objection, CS/CSS/SB 86 was withdrawn from the Committee on Regulated Industries & Licensing and placed on the Calendar.

On motion by Rep. Hanson, without objection, HB 281 was withdrawn for further consideration of the House.

Admitted for Introduction

On motion by Rep. Martin, Rule 7.17 was waived to permit the introduction of HB 1316.

**Messages from the Senate**

1. **The Honorable H. Lee Moffitt, Speaker**

   I am directed to inform the House of Representatives that the Senate has passed HB 425

   Joe Brown, Secretary

   The bill was ordered enrolled
BILL# HB 277

SPONSOR Representative Ron Silver

RELATING TO Municipalities

I. SUMMARY

A. Present Situation:

The State Uniform Traffic Control Law, Chapter 316, F.S., defines "racing" as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes.

It prohibits any person from driving or participating in racing on highways in any vehicles in any race, speed competition or contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record.

Chapter 549, F.S., Automobile Race Meets, requires persons intending to hold any automobile race in any public place within the state to give written notice to the sheriff of the county 10 days prior to such race.

B. Effect of Proposed Changes:

This bill creates the "Municipal Motor Vehicle Racing Act of 1984." It would:

- define and authorize "racing events,"
- provide for the issuance of permits by municipalities for such events,
- declare such events a "public purpose, and provide for the liability and restoration of public property."
waive ordinances and traffic regulations, including speed limits and traffic control devices.

Section 4 -- Declares a "racing event" held pursuant to this act and any action taken by the municipality or the permit holder to be a public purpose.

Section 5 -- Declares a "racing event" held pursuant to this act and any action taken by the municipality or the permit holder shall not be considered or found to be a public or private nuisance.

Section 6 -- Provides that a municipality that issues a permit under this act shall not be liable for any damages because of loss or injury to any person or property and that the state shall all not be liable for such damages.

Section 7 -- Requires the permit holder to provide for resoration of all highways, streets, alleys, sidewalks, buildings, and parks to a condition substantially similar to their condition as existed before the racing event.

II. ECONOMIC IMPACT

A. Public:

None

B. Government:

As stated by the sponsor, this bill should have a positive economic impact upon municipalities electing to conduct such events with the attraction of tourists and promotion of commerce in the municipality. It is estimated that a nationally sanctioned formula one-type racing event could have a $20-$25 million impact in major municipalities hosting such events.

III. COMMENTS

It should be noted that the sponsor's intent is to provide clarification and state-wide emphasis for a uniform promotion of such events.

The only other state with similar legislation is Michigan..
I. SUMMARY:

A. Present Situation:

Section 316.191, Florida Statutes, relating to racing on highways, defines "racing" as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes. It prohibits any person from driving or participating in racing on highways in any vehicles in any race, speed competition or contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record. This section does not apply to licensed or duly authorized racetracks, drag strips, or other designated areas set aside by proper authorities for such purposes.

Chapter 549, Florida Statutes, Automobile Race Meets, requires persons intending to hold any automobile race in any public place within the state to give written notice to the sheriff of the county 10 days prior to such race and requires the sheriff to police the race.

B. Effect of Proposed Changes:

This bill creates the "Municipal Motor Vehicle Racing Act of 1984," defines and authorizes racing events, authorizes municipalities to issue permits allowing racing events on highways, streets, or parks within the limits of the municipality and provides for fees for the issuance of a permit. Prior to issuing a racing permit a municipality shall determine that the person applying for the permit has adequate insurance to pay any damages incurred because of loss or injury to any person or property, demonstrates prior experience in conducting racing events, that adequate security and facilities will be provided during the event, and has demonstrated the ability to protect the health, safety, and welfare of the citizens of the municipality and those attending the event. Permit holders are authorized to limit access to the event or any viewing area, provide for certain areas necessary to conducting the event, charge admission fees, and take any other reasonable and necessary action to carry out the event. A permit holder is required to reasonably protect property rights and not prevent access to governmental facilities. Municipalities are authorized to temporarily close or obstruct highways or streets, alleys, sidewalks, and parks, reroute pedestrian and vehicular traffic, and waive ordinances and traffic regulations, including speed limits and traffic control devices. A racing event held pursuant to the bill and any action taken by the municipality or the permit holder shall not be considered or found to be a public or private nuisance.

Neither a municipality issuing a permit under this act nor the
state after the permit is issued, shall be liable for any damages because of loss or injury to any person or property. The permit holder is required to restore all highways or streets, alleys, sidewalks, buildings, and parks to a condition substantially similar to their condition prior to the event so they are suitable for normal use.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

An identical bill, HB 277, has been filed in the House for the 1984 Legislative Session.

Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act" would appear to provide municipalities with the authority to exercise many of the powers conferred in this bill. In fact, the City of Miami has exercised many of these powers in the past in conjunction with the Miami Grand Prix.

IV. AMENDMENTS:

None.
I. SUMMARY:

A. Present Situation:

Section 316.191, Florida Statutes, relating to racing on highways, defines "racing" as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes. It prohibits any person from driving or participating in racing on highways in any vehicles in any race, speed competition or contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record. This section does not apply to licensed or duly authorized racetracks, drag strips, or other designated areas set aside by proper authorities for such purposes.

Chapter 549, Florida Statutes, Automobile Race Meets, requires persons intending to hold any automobile race in any public place within the state to give written notice to the sheriff of the county 10 days prior to such race and requires the sheriff to police the race.

B. Effect of Proposed Changes:

This bill creates the "Municipal Motor Vehicle Racing Act of 1984," defines and authorizes racing events, authorizes municipalities to issue permits allowing racing events on highways, streets, or parks within the limits of the municipality and provides for fees for the issuance of a permit. Prior to issuing a racing permit a municipality shall determine that the person applying for the permit has adequate insurance to pay any damages incurred because of loss or injury to any person or property, demonstrates prior experience in conducting racing events, that adequate security and facilities will be provided during the event, and has demonstrated the ability to protect the health, safety, and welfare of the citizens of the municipality and those attending the event. Permit holders are authorized to limit access to the event or any viewing area, provide for certain areas necessary to conducting the event, charge admission fees, and take any other reasonable and necessary action to carry out the event. A permit holder is required to reasonably protect property rights and not prevent access to governmental facilities.

Municipalities are authorized to temporarily close or obstruct highways, streets, alleys, sidewalks, and parks, reroute pedestrian and vehicular traffic, and waive ordinances and traffic regulations, including speed limits and traffic control devices. A racing event held pursuant to the bill and any action taken by the municipality or the permit holder shall not be considered or found to be a public or private nuisance. Neither a municipality issuing a permit under this act nor the
state after the permit is issued, shall be liable for any damages because of loss or injury to any person or property. The permit holder is required to restore all highways or streets, alleys, sidewalks, buildings, and parks to a condition substantially similar to their condition prior to the event so they are suitable for normal use.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:
   None.

B. Government:
   None.

III. COMMENTS:

A similar bill, HB 277, was approved by the Governor on June 14, 1984, and appears as chapter 84-214, Law of Florida.

Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act" would appear to provide municipalities with the authority to exercise many of the powers conferred in this bill. In fact, the City of Miami has exercised many of these powers in the past in conjunction with the Miami Grand Prix.

IV. AMENDMENTS:

None.
A bill to be entitled
An act relating to municipalities, creating the
"Municipal Motor Vehicle Racing Act of 1984",
providing a definition of "racing event";
providing for the issuance of permits;
providing for the duties and responsibilities
of municipalities and permit holders; providing
that racing events are declared a public
purpose; providing that racing events shall not
be deemed a public or private nuisance;
limiting liability with respect to racing
events; providing that the permit holder must
restore the course to its prerace condition;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida.

Section 1. Short title -- This act shall be known and
may be cited as the "Municipal Motor Vehicle Racing Act of
1984."

Section 2. Definition. -- For the purposes of this act,
the term "racing event" means a motor vehicle race which is
sanctioned by a nationally or internationally recognized
racing organization, and includes preparations, practices, and
qualifications for the race.

Section 3. Permits; duties and responsibilities --
(1)(a) A municipality may provide for the issuance of
a permit allowing the person to whom the permit is issued to
conduct a racing event on the highways, streets, or parks
within the limits of the municipality. A person shall not
conduct a racing event in a municipality unless the person has been issued a permit under this act.

(b) A municipality may charge a reasonable fee for the issuance of a permit under this act.

(2) Prior to the issuance of a permit under this act, the municipality shall determine all of the following:

(a) That the person applying for the permit has adequate insurance to pay any damages incurred because of loss or injury to any person or property.

(b) That the person applying for the permit has demonstrated prior experience in conducting a racing event on highways, streets, or parks.

(c) That adequate security and necessary facilities will be provided during the racing event.

(d) That the person applying for the permit has demonstrated the ability to protect the health, safety, and welfare of the citizens of the municipality and those attending the racing event.

(3) A person who is issued a permit pursuant to this act may do all of the following for the purposes of a racing event conducted pursuant to this act:

(a) Limit access to the racing event area and any area from which the racing event may be viewed.

(b) Provide for viewing and pit areas or any other area necessary to conducting the racing event.

(c) Charge an admission fee to persons viewing the race or entering the racing event area.

(d) Take any other action reasonably necessary for purposes of a racing event under this act.
(4) A person issued a permit under this act shall reasonably protect private property rights and not prevent access to governmental facilities.

(5) With respect to any racing event held pursuant to this act, a municipality may do all of the following.

(a) Provide for the temporary closing or obstructing of highways or streets, alleys, sidewalks, and parks located in the municipality.

(b) Reroute pedestrian and vehicular traffic

(c) Waive ordinances and traffic regulations, including speed limits and traffic control devices.

Section 4. Racing event declared a public purpose.--A racing event held under this act and any action taken by a municipality or a permitholder pursuant to this act shall be considered as being for public purposes, including the promotion of commerce and tourism, and for the benefit of the citizens of the municipality and the state.

Section 5. Racing events not a nuisance.--A racing event held pursuant to this act and the actions of the municipality or the permitholder taken pursuant to this act shall not be considered or found to be a public or private nuisance.

Section 6. Liability.--A municipality that issues a permit under this act shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property. After a permit is issued, the state shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property.

Section 7. Restoration.--A person issued a permit under this act shall provide for the restoration of all...
39-683-84

highways or streets, alleys, sidewalks, buildings, and parks to a condition substantially similar to their condition as existed before the racing event so that the highways or streets, alleys, sidewalks, buildings, and parks are suitable for their normal use.

Section 8. This act shall take effect upon becoming a law.

*****************************************

HOUSE SUMMARY

Creates the "Municipal Motor Vehicle Racing Act of 1984."
Defines a "racing event" as a motor vehicle race which is sanctioned by a nationally or internationally recognized racing organization, including preparations, practices, and qualifications for the race. Authorizes municipalities to issue permits to qualified persons to conduct racing events. Declares a racing event a public purpose and provides that such events shall not be deemed a public or private nuisance. Provides that a municipality that issues a racing event permit and, under described circumstances, the state shall not be liable for damages resulting from the racing event. Requires the permit holder to restore the race course to its prerace condition.

CODING: Words in small type are deletions from existing law, words underlined are additions.
A bill to be entitled
An act relating to municipalities; creating the
"Municipal Motor Vehicle Racing Act of 1984";
providing a definition of "racing event";
providing for the issuance of permits;
providing for the duties and responsibilities
of municipalities and permit holders; providing
that racing events are declared a public
purpose; providing that racing events shall not
be deemed a public or private nuisance;
limiting liability with respect to racing
events; providing that the permit holder must
restore the course to its prerace condition;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title.--This act shall be known and
may be cited as the "Municipal Motor Vehicle Racing Act of
1984."

Section 2. Definition.--For the purposes of this act,
the term "racing event" means a motor vehicle race which is
sanctioned by a nationally or internationally recognized
racing organization, and includes preparations, practices, and
qualifications for the race.

Section 3. Permits; duties and responsibilities.--
(1)(a) A municipality may provide for the issuance of
a permit allowing the person to whom the permit is issued to
conduct a racing event on the highways, streets, or parks
within the limits of the municipality. A person shall not
(a) Unless the person has been issued a permit under this act.

(b) A municipality may charge a reasonable fee for the issuance of a permit under this act.

(c) Prior to the issuance of a permit under this act, the municipality shall determine all of the following:

(i) That the person applying for the permit has adequate insurance to pay any damages incurred because of loss or injury to any person or property.

(ii) That the person applying for the permit has demonstrated prior experience in conducting a racing event on highways, streets, or parks.

(iii) That adequate security and necessary facilities will be provided during the racing event.

(iv) That the person applying for the permit has demonstrated the ability to protect the health, safety, and welfare of the citizens of the municipality and those attending the racing event.

(v) A person who is issued a permit pursuant to this act may do all of the following for the purposes of a racing event conducted pursuant to this act:

(a) Limit access to the racing event area and any area from which the racing event may be viewed.

(b) Provide for viewing and pit areas or any other area necessary to conducting the racing event.

(c) Charge an admission fee to persons viewing the race or entering the racing event area.

(d) Take any other action reasonably necessary for purposes of a racing event under this act.
(4) A person issued a permit under this act shall reasonably protect private property rights and not prevent access to governmental facilities.

(5) With respect to any racing event held pursuant to this act, a municipality may do all of the following:

(a) Provide for the temporary closing or obstructing of highways or streets, alleys, sidewalks, and parks located in the municipality.

(b) Reroute pedestrian and vehicular traffic.

(c) Waive ordinances and traffic regulations, including speed limits and traffic control devices.

Section 4. Racing event declared a public purpose.--A racing event held under this act and any action taken by a municipality or a permitholder pursuant to this act shall be considered as being for public purposes, including the promotion of commerce and tourism, and for the benefit of the citizens of the municipality and the state.

Section 5. Racing events not a nuisance.--A racing event held pursuant to this act and the actions of the municipality or the permitholder taken pursuant to this act shall not be considered or found to be a public or private nuisance.

Section 6. Liability.--A municipality that issues a permit under this act shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property. After a permit is issued, the state shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property.

Section 7. Restoration.--A person issued a permit under this act shall provide for the restoration of all
highways or streets, alleys, sidewalks, buildings, and parks in condition substantially similar to their condition at the time before the racing event, or that the proprietor of the streets, alleys, sidewalks, buildings, and parks are supplied for their normal use.

Section 8. This act shall take effect upon becoming a law.

***

**HOUSE SUMMARY**

Creates the "Municipal Motor Vehicle Racing Act of 1984." Defines a "racing event" as a motor vehicle race which is sanctioned by a nationally or internationally recognized race organization, including preparations, practices, and qualifications for the race. Authorizes municipalities to issue permits to qualified persons to conduct racing events. Declares a racing event a public purpose and provides that such events shall not be deemed a public or private nuisance. Provides that a municipality that issues a racing event permit and, under described circumstances, the state shall not be liable for damages resulting from the racing event. Requires the controller to restore the race course to its previous condition.
CHAPTER 85-213
OF FLORIDA
CHAPTER 85-213

the t to be proved by the witness or
witness at the defendant is insolvent, and if
upon satisfied that the witness or
witness proper defense of the defendant, he
shall, and that the costs as herein
provided, the costs, if the defendant is insolvent, and if
the witness or witness proper defense of the defendant, he
shall, and that the costs as herein

Se become effective July 1, 1985, or upon

Amended June 18, 1985.

Filed in Office Secretary of State June 18, 1985.

CHAPTER 85-214
Committee Substitute for House Bill No. 1026

An act relating to insurance; creating s. 624.075, F.S.;
defining "commercially domiciled insurer"; amending s.
625.301, F.S.; applying part II of chapter 625, relating
to investments, to commercially domiciled insurers;
amending ss. 628.011, 628.031 and 628.035, F.S., relating
to the application of specified provisions; amending s.
628.371, F.S.; revising provisions relating to payment of
dividends or distributions by domestic stock insurers;
creating ss. 628.520, 628.525, 628.530, and 628.535,
F.S.; providing procedures and standards for an insurer
changing from a foreign insurer to a domestic insurer or
from a domestic insurer to a foreign insurer; providing
effects of redomestication; authorizing the department to
adopt rules pursuant to chapter 628, F.S.; amending s.
607.234, F.S.; providing for additional effects of
redomestication; creating part II of chapter 628, F.S.,
relating to regulation of insurance holding companies;
requiring registration with the Department of Insurance
by any insurer which is a member of an insurance holding
company; providing for rules; providing for injunctions;
providing administrative penalties for violations by
companies, directors, or officers; providing for cease
and desist orders; providing a criminal penalty;
repealing s. 607.359, F.S.; repealing the requirement
that non-profit corporations file annual audits with the
Auditor General; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 624.075, Florida Statutes, is created to read:

624.075 "Commercially domiciled insurer" defined. -- Every foreign
or alien insurer which is authorized to do business in this state and
which, during its 3 preceding fiscal years taken together, or during
any lesser period of time if it has been licensed to transact its
business in this state only for the lesser period of time, has
written an average of 25 percent or more direct premiums in this
state than it has written in its state of domicile during the same
period, and the direct premiums written constitute more than 55
percent of its total direct premiums written everywhere in the United
States during its 3 preceding fiscal years taken together, or during
any lesser period of time if it has been authorized to transact its business in this state only for the lesser period of time, as reported in its most recent applicable annual or quarterly statements, shall be deemed a "commercially domiciled insurer" within this state.

Section 2. Section 625.301, Florida Statutes, is amended to read:

625.301 Scope of part.--Except as to s. 625.340, this part of this chapter shall apply to domestic insurers and commercially domiciled insurers.

Section 3. Section 628.011, Florida Statutes, is amended to read:

628.011 Scope of part chapter.--This part chapter applies only to domestic stock insurers, mutual insurers, and captive insurers, except that s. 628.341(2) applies also as to foreign and alien insurers.

Section 4. Section 628.031, Florida Statutes, is amended to read:

628.031 "Mutual insurer" defined.--A "mutual insurer" is an incorporated insurer without permanent capital stock, and the governing body of which is elected in accordance with this part chapter.

Section 5. Section 628.035, Florida Statutes, is amended to read:

628.035 "Captive insurer" defined.--A "captive insurer" is a domestic insurer established under this part chapter to insure the risks of a specific corporation or group of corporations owned or controlled by the corporation or corporations from which it accepts risk under a contract of insurance.

Section 6. Section 628.371, Florida Statutes, is amended to read:

628.371 Dividends to stockholders.--

1) A domestic stock insurer shall not pay any cash dividend or distribute cash or other property to stockholders except out of that part of its available and accumulated surplus funds which is derived from realized net operating profits on its business and net realized capital gains. Such cash dividend payments or distributions to stockholders shall not exceed 10 percent of such surplus in any one year unless otherwise approved by the department. In addition to such limited payments an insurer may make Nothing-heretofore-shall-be-applicable-to-cash dividend payments or distributions out of the insurer's entire net operating profits and realized net capital gains derived during the immediately preceding calendar year.

2) A stock dividend may be paid out of any available surplus funds in excess of the aggregate amount of surplus advanced to the insurer under s. 628.401.

3) A dividend otherwise lawful may be payable out of the insurer's earned surplus even though its total surplus is then less than the aggregate of its past contributed surplus resulting from issuance of its capital stock at a price in excess of the par value thereof.
(4) The department shall not approve a dividend or distribution in excess of the maximum amount allowed in subsection (1) unless, considering the following factors, it determines that the distribution or dividend would not jeopardize the financial condition of the insurer:

(a) The liquidity, quality, and diversification of the insurer’s assets and the effect on its ability to meet its obligations.

(b) Reduction of investment portfolio and investment income.

(c) Effects on the written premium to surplus ratios as required by the Florida Insurance Code.

(d) Industrywide financial conditions.

(e) Prior dividend distributions of the insurer.

(f) Whether the dividend is only a “pass-through” dividend from a subsidiary of the insurer.

Section 7. Sections 628.520, 628.525, 628.530 and 628.535, Florida Statutes, are created to read:

628.520 Change of domicile of a foreign insurer.--Any insurer which is organized under the laws of any other state and is admitted to do business in this state for the purpose of writing insurance may become a domestic insurer by complying with all of the requirements of law relative to the organization and licensing of a domestic insurer of the same type and by designating its principal place of business at a place in this state upon approval by the department. Such domestic insurer shall be entitled to like certificates and licenses to transact business in this state, and shall be subject to the authority and jurisdiction of this state.

628.525 Change of domicile of a domestic insurer.--Any domestic insurer may, upon the approval of the department, transfer its domicile to any other state in which it is admitted to transact the business of insurance, and upon such a transfer shall cease to be a domestic insurer, and shall be admitted to this state, if qualified, as a foreign insurer. The department shall approve any such proposed transfer unless it shall determine such transfer is not in the interest of the policyholders of this state.

628.530 Effects of redomestication.--The certificate of authority, agents appointments and licenses, rates, and other items which the department allows, in its discretion, which are in existence at the time any insurer licensed to transact the business of insurance in this state transfers its corporate domicile to this or any other state by merger, consolidation, merger pursuant to s. 607.234(4), or any other lawful method, shall continue in full force and effect upon such transfer if such insurer remains duly qualified to transact the business of insurance in this state. All outstanding policies of any transferring insurer shall remain in full force and effect and need not be endorsed as to the new name of the company or its new location unless so ordered by the department. Every transferring insurer shall file new policy forms with the department on or before the effective date of the transfer, but may use existing policy forms with appropriate endorsements if allowed by, and under such conditions as approved by, the department. However, every such transferring insurer shall notify the department of the details of
(1) Any company failing, without just cause, to file any registration statement or certificate of exemption required to be filed pursuant to department rules relating to this part shall, in addition to other penalties prescribed under the Florida Insurance Code, be subject to pay a penalty of $100 for each day's delay, not to exceed a total of $10,000.

(2) Every director or officer of an insurance holding company system who knowingly violates or participates in, or who knowingly directs any of the officers or agents of the company to engage in transactions or make investments which have not been properly filed or approved or which violate department rules relating to this part, shall pay, in their individual capacity, a civil forfeiture of not more than $5,000 per violation. In determining the amount of the civil forfeiture, the department shall take into account the appropriateness of the forfeiture with respect to the gravity of the violation, and the history of previous violations.

(3) Whenever it appears to the department that any insurer subject to this part or any director, officer, employee or agent thereof has engaged in any transaction or entered into a contract which violates department rules relating to this part, the department may order the insurer to cease and desist immediately any further activity under that transaction or contract. The department may also order the insurer to void any such transaction or contract and restore the status quo if this action is in the best interest of the policyholders, creditors, or the public.

(4) Any officer, director, or employee of an insurance holding company system who willfully and knowingly subscribes to, or makes or causes to be made, any false statements or false reports or false filings with the intent to deceive the department in the performance of its duties under this part is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084.

Section 10, Section 607.359, Florida Statutes, as created by chapter 82-147, Laws of Florida, is hereby repealed.

Section 11. This act shall take effect October 1, 1985.

Approved by the Governor June 18, 1985.

Filed in Office Secretary of State June 18, 1985.

CHAPTER 85-215
Committee Substitute for House Bill No. 1127

An act relating to media brokers; amending s. 475.011, F.S.; providing that persons or legal entities engaged in the buying or selling of radio, television or cable enterprises shall not be subject to the provisions regulating real estate brokers, salesmen, and schools; providing an exception; providing for review and repeal; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

1476
the proposed transfer, and shall file promptly any resulting amendments to corporate documents filed or required to be filed with the department.

628.535 Authority to promulgate rules.--The department may promulgate rules to carry out the purposes of this chapter.

Section 8. Subsection (4) is added to section 607.234, Florida Statutes, to read:

607.234 Merger or consolidation of domestic and foreign corporations.--

(4) The redomestication of a foreign insurer to this state under s. 628.520 shall be deemed a merger of a foreign corporation and a domestic corporation and the surviving corporation shall be deemed to be a domestic corporation incorporated under the laws of this state. The redomestication of a Florida corporation to a foreign jurisdiction under s. 628.520 shall be deemed a merger of a domestic corporation and a foreign corporation and the surviving corporation shall be deemed to be a foreign corporation.

Section 9. Chapter 628, Florida Statutes, is designated part I of said chapter, to be entitled "Stock and Mutual Insurers; Organization and Corporate Procedures," and a new part II, consisting of sections 628.801, 628.802, and 628.803, to be entitled "Insurance Holding Companies," is created to read:

628.801 Insurance holding companies.--Every insurer which is authorized to do business in this state and which is a member of an insurance holding company shall register with the department and be subject to regulation with respect to its relationship to such holding company as provided by rule or statute. The department shall promulgate rules establishing the information and form required for registration, and the manner in which registered insurers and their affiliates shall be regulated. Such rules shall be in substantial conformity to those standards set forth in Rule 4-26 Florida Administrative Code, as such rule provision existed on January 1, 1985, and shall be promulgated pursuant to s. 624.308. It is specifically provided that until a superseding rule becomes effective, Rule 4-26, Florida Administrative Code, shall be deemed to implement this provision.

628.802 Injunction.--Whenever it appears to the department that any insurer or any director, officer, employee or agent thereof has committed or is about to commit a violation of this part or of any rule or order issued by the department pursuant to this part, the department may apply to the circuit court in and for Leon County for an order enjoining the insurer or the director, officer, employee or agent thereof from violating or continuing to violate this part or the rule, or order, and for other equitable relief as the nature of the case and the interest of the insurer's policyholders, creditors and shareholders or the public may require.

(2) Notwithstanding any other provisions of law, for the purposes of this part the situs of the ownership of the securities of domestic insurers shall be deemed to be in this state.

628.803 Sanctions.--
CHAPTER 85-215

Section 1. Subsection (6) is added to section 475.011, Florida Statutes, to read:

475.011 Exemptions.--This chapter does not apply to:

(6) Any person, partnership, corporation, or other legal entity which, for another, and for compensation or other valuable consideration, sells, offers to sell, advertises for sale, buys, offers to buy, or negotiates the sale or purchase of radio, television or cable enterprises, licensed and regulated by the Federal Communications Commission pursuant to the Communications Act of 1934. Provided, however, that if the sale or purchase of the radio, television or cable enterprise involves the sale of land, buildings, fixtures and all other improvements to the land, a broker or salesman licensed under this chapter shall be retained for the portion of the transaction which includes the land, buildings, fixtures and all other improvements to the land.

Section 2. Section 475.011, Florida Statutes, as amended by this act, is repealed on October 1, 1988, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

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

Became a law without the Governor's approval.

Filed in Office Secretary of State June 18, 1985.

CHAPTER 85-216

Committee Substitute for House Bill No. 1036

An act relating to domestic violence; amending s. 741.30, F.S., clarifying and conforming language with respect to action by a spouse for injunction for protection against domestic violence; providing for priority of proceedings under chapter 61, F.S.; providing duties of the clerk of the court, providing for immediate injunctive restraint from commission of acts of domestic violence; providing for injunctive award of exclusive use and possession of a dwelling; providing a limitation on evidence which may be used to obtain an ex parte temporary injunction, under certain circumstances; changing the duration of such temporary injunction; modifying the time period for service of an injunction; providing for motion to modify or dissolve an injunction; amending s. 901.15, F.S., restricting warrantless arrests for acts of domestic violence; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 741.30, Florida Statutes, 1984 Supplement, is amended to read.

741.30 Action by spouse for injunction for protection against domestic violence; powers and duties of court and clerk of court; filing and form of petition for injunction; notice and hearing; temporary injunction; issuance of injunction; enforcement.—