1988

Session Law 88-196

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.
<table>
<thead>
<tr>
<th>H/S</th>
<th>Committee</th>
<th>Year</th>
<th>Record Series: Folder Title, etc.</th>
<th>Location</th>
<th>Cite</th>
<th>#pp</th>
</tr>
</thead>
<tbody>
<tr>
<td>H</td>
<td>Fix, out</td>
<td>1983</td>
<td>Meeting file, (full)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(subcommittee)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Bill file: HB 466</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S</td>
<td>Judiciary</td>
<td>1983</td>
<td>Bill file: SE 684</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Meeting file.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Transp. bill file: SE 684 ×</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Senate House Journals

<table>
<thead>
<tr>
<th>Page</th>
<th>Date</th>
<th>#pp</th>
<th>Page</th>
<th>Date</th>
<th>#pp</th>
</tr>
</thead>
<tbody>
<tr>
<td>312</td>
<td>10/23/83</td>
<td>12</td>
<td>11</td>
<td>11/22/83</td>
<td>1</td>
</tr>
</tbody>
</table>

### Tape Recordings

<table>
<thead>
<tr>
<th>H/S</th>
<th>Floor</th>
<th>Committee/subcommittee</th>
<th>Date</th>
<th># Tapes</th>
<th>Location</th>
<th>Cite</th>
<th>#pp</th>
</tr>
</thead>
</table>

### Other Documentation

<table>
<thead>
<tr>
<th>Record series title, folder title, etc.</th>
<th>Location</th>
<th>Cite</th>
<th>#pp</th>
</tr>
</thead>
</table>
Florida Information Associates
Florida Legislature
Staff Analyses
1988 Sessions

<table>
<thead>
<tr>
<th>PRIME BILL NUMBER</th>
<th>TYPE OF BILL</th>
<th>SPONSOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>88/S0824 *</td>
<td>general</td>
<td>Stuart</td>
</tr>
</tbody>
</table>

PRIME BILL TITLE (short title)
DUI Program Coordination

SIMILAR/IDENTICAL BILL SUBSTITUTED BY PRIME BILL: n/a

DOCUMENTATION REPRODUCED

PRIME SENATE COMMITTEE: Finance Taxation & Claims

FINAL SENATE COMMITTEE: Appropriations

PRIME HOUSE COMMITTEE: n/a

FINAL HOUSE COMMITTEE: n/a

SUBSTITUTED BILL: (n/a)

OTHER: (n/a)

NOTE: Consult the Final Legislative Bill Information (from Joint Legislative Management Committee, Division of Legislative Information, 1988) for more detailed bill history data. If prime bill number above is followed by an asterisk (*), it was amended on the floor, and the staff analysis for that bill may not be in accordance with the enacted law. The analyses reproduced here were supplied by the appropriate committee, who is solely responsible for their accuracy and completeness.

ADDITIONAL INFORMATION:
FLORIDA LEGISLATURE

FINAL LEGISLATIVE BILL INFORMATION

1987 Special Sessions B, C, D
1988 Regular Session
1988 Special Sessions E, F

prepared by:

Joint Legislative Management Committee
Legislative Information Division
Capitol Building, Room 826 — 488-4371
S 823 GENERAL BILL by Thurman (Identical H 1091)
Sales Tax/Measuring Subscriptions; provides exemption from sales tax for magazine subscriptions of six months or longer Amends 212.08 Effective Date 07/01/88 or upon becoming law, whichever occurs later
04/06/88 SENATE Filed
04/18/88 SENATE Introduced, referred to Finance, Taxation and Claims -SJ 107, On Committee agenda -Finance, Taxation and Claims, 04/20/88, 9:00 am, Room-IC
04/20/88 SENATE Comm Report Favorable by Finance, Taxation and Claims, placed on Calendar -SJ 166
04/26/88 SENATE Withdrawn from Calendar, referred to Appropriations -SJ 179
05/04/88 SENATE Extension of time granted Committee Appropriations
05/19/88 SENATE Extension of time granted Committee Appropriations
06/07/88 SENATE Died in Committee on Appropriations

S 824 GENERAL BILL/ENG by Stuart and others (Compare H 120, S 866, S 868, S 869, S 1236)
DUI Program & Open House Parties; requires court to permit victim of criminal violation of Uniform Traffic Control law or his next of kin to appear at sentencing hearing of person who has pleaded guilty or no contest to violation; increases assessment imposed for DUI program attendance, prohibits adults from allowing open house parties at any residence if alcoholic beverages or drugs are possessed or consumed by minor, etc Amendments 775.08, 921.143, 25.387, 318.193.
Effective Date. 07/01/88 except as otherwise provided
04/06/88 SENATE Filed
04/18/88 SENATE Introduced, referred to Finance, Taxation and Claims -SJ 107
04/29/88 SENATE Extension of time granted Committee Finance, Taxation and Claims
05/02/88 SENATE On Committee agenda -Finance, Taxation and Claims, 05/04/88, 1:00 pm, Room-IC
05/04/88 SENATE Comm Report Favorable by Finance, Taxation and Claims
05/19/88 SENATE Now in Appropriations -SJ 228
05/23/88 SENATE Extension of time granted Committee Appropriations
05/25/88 SENATE CS read first time
05/25/88 SENATE Extension of time granted Committee Appropriations
05/30/88 SENATE Placed on Special Order Calendar -SJ 463, Passed as amended, YEAS 38 NAYS 0 -SJ 502
06/07/88 SENATE Extension of time granted Committee Appropriations
06/13/88 SENATE Extension of time granted Committee Appropriations
06/27/88 SENATE Extension of time granted Committee Appropriations
07/01/88 SENATE Died in Committee on Appropriations

S 826 GENERAL BILL/CS by Health and Rehabilitative Services; Weinstein (Identical CS/B 964)
Nursing Home & Long-Term Care; creates position of Advocate for Nursing Home & Long-Term Care Facility Residents, in Legal Affairs Dept; provides for authority of such advocate. Effective Date: 07/01/88 or upon becoming law, whichever occurs later
04/06/88 SENATE Filed
04/18/88 SENATE Introduced, referred to Health and Rehabilitative Services, Finance, Taxation and Claims, Appropriations -SJ 107
04/29/88 SENATE Extension of time granted Committee Health and Rehabilitative Services
05/13/88 SENATE On Committee agenda -Health and Rehabilitative Services, 05/17/88, 2:00 pm, Room-A—Temporarily postponed. Extension of time granted Committee Health and Rehabilitative Services
06/07/88 SENATE Died in Committee on Health and Rehabilitative Services

S 826 (CONTINUED)
05/23/88 SENATE Comm Report CS by Health and Rehabilitative Services
05/25/88 SENATE CS read first time -SJ 376, Now in Judiciary-Civil -SJ 375
05/26/88 SENATE Withdrawn from Judiciary-Civil -SJ 430, Now in Appropriations
06/07/88 SENATE Died in Committee on Appropriations

S 897 GENERAL BILL/ENG by Malchon (Similar H 1127, S 1005, Compare CS/ENG/H 130, ENG/H 1471)
Pollution Recovery Fund; modifies source & expenditure of funds in Pollution Recovery Fund. Amends 403.165 Effective Date 07/01/88 or upon becoming law, whichever occurs later
04/06/88 SENATE Filed
04/18/88 SENATE Introduced, referred to Natural Resources and Conservation, Appropriations -SJ 107
04/21/88 SENATE On Committee agenda—Natural Resources and Conservation, Appropriations -SJ 166
04/26/88 SENATE Now in Appropriations -SJ 166
05/04/88 SENATE Extension of time granted Committee Appropriations
05/19/88 SENATE Extension of time granted Committee Appropriations
05/29/88 SENATE Withdrawn from Appropriations—SJ 392, Placed on Calendar
05/30/88 SENATE Placed on Special Order Calendar -SJ 463, Passed as amended, YEAS 38 NAYS 0 -SJ 502
05/20/88 HOUSE In Messages
05/31/88 HOUSE Received, placed on Calendar -HJ 1073
06/07/88 HOUSE Extension of time granted Committee Appropriations
06/13/88 SENATE In Committee Health and Rehabilitative Services, room HJ 1073
06/23/88 SENATE Extension of time granted Committee Appropriations
07/01/88 SENATE Died in Committee on Appropriations

S 829.006 PERSONAL PENALTIES FOR GIVING FALSE INFORMATION REGARDING PHYSICAL THERAPY PRACTICE
05/13/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
05/18/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
05/19/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
05/23/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
05/27/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs
06/07/88 SENATE Died in Committee on Economic, Community and Consumer Affairs

S 830 GENERAL BILL/CS by Economic, Community and Consumer Affairs; Malchon (Identical CS/H 894)
Telecommunication Services, revises municipality's duties to provide certain information to telecommunication service provider; specifies service provider's responsibilities, specifies service provider's liability for audits; provides for confidentiality of audit information received by municipality's agent Amendments 196.231 Effective Date 10/01/88
04/06/88 SENATE Filed
04/18/88 SENATE Introduced, referred to Economic, Community and Consumer Affairs, Finance, Taxation and Claims -SJ 107
04/25/88 SENATE On Committee agenda—Economic, Community and Consumer Affairs, 04/27/88, 9:00 am, Room-H
04/27/88 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs -SJ 212

(Continued on next page)
H 468 (CONTINUED)  
04/18/88 HOUSE  On subcommittee agenda—Regulated Industries & Licensing, 04/20/88, 10:00 am, HJC 48
04/20/88 HOUSE Subcommittee Recommendation Unfavorable
06/07/88 HOUSE Died in Committee on Regulated Industries & Licensing

H 466 GENERAL BILL by Dunbar (Identical S 884, Compare ENG/H 1653, ENG/S 824)  
Alcoholic Beverages/Open House Parties. (SEE ALSO H 1655) provides definitions, prohibits adults from allowing open house parties at any residence of alcoholic beverages or drugs are possessed or consumed by any minor, provides exception & penalty Effective Date 10/01/88
03/02/88 HOUSE Prefiled
03/17/88 HOUSE Referred to Criminal Justice, Appropriations
03/25/88 HOUSE Subreferred to Committee on Crimes, Penalties and Prosecutions
04/05/88 HOUSE Introduced, referred to Criminal Justice, Appropriations—HJC 48, Subreferred to Committee on Crimes, Penalties and Prosecutions
04/15/88 HOUSE On subcommittee agenda—Criminal Justice, 04/19/88, 1:15 pm, Morris Hall
04/19/88 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable
04/29/88 HOUSE On Committee agenda—Criminal Justice, 05/03/88, 8:00 am, Morris Hall—Not considered
05/06/88 HOUSE On Committee agenda—Criminal Justice, 05/10/88, 3:30 pm, Morris Hall
05/10/88 HOUSE Preliminary Committee Action by Criminal Justice Favorable
05/11/88 HOUSE Comm. Report Favorable by Criminal Justice—HJC 450, Now in Appropriations—HJC 450
05/07/88 HOUSE Died in Committee on Appropriations, Idem/Sim/Compare bill passed, refer to HB 1653 (Ch. 88-381) & SB 824 (Ch 88-196)

H 467 GENERAL BILL By Lombard; Tobin and others (Similar S 706, Compare ENG/H 499, ENG/S 506)  
Traffic Education Program– K-12: authorizes comprehensive traffic education program in kindergarten through grade 12, provides duties of D.O.T & D.O.E., Effective Date 07/01/88
03/02/88 HOUSE Prefiled
03/17/88 HOUSE Referred to Education, K – 12, Appropriations
04/05/88 HOUSE Introduced, referred to Education, K – 12, Appropriations–HJC 48
04/11/88 HOUSE Subreferred to Subcommittee on Programs, On Committee agenda—Education, K – 12, 04/15/88, 2:30 pm, 214C—For ratification of subreferral
04/22/88 HOUSE On subcommittee agenda—Education, K – 12, 04/26/88, 1:15 pm, HJC 48
04/25/88 HOUSE On Committee agenda, pending subcommittee action—Education, K – 12, 04/27/88, 3:30 pm, 214C
04/29/88 HOUSE Comm. Report Favorable by Criminal Justice, K – 12, HJC 301, Now in Appropriations—HJC 301
05/17/88 HOUSE On Committee agenda—Appropriations, 05/19/88, 1:15 pm, Morris Hall
05/19/88 HOUSE Preliminary Committee Action by Appropriations Favorable with 4 amendments
05/23/88 HOUSE Comm. Report Favorable with 4 amendment(s) by Appropriations, placed on Calendar—HJC 333
06/01/88 HOUSE Placed on Consent Calendar, Read second time, Amendments adopted, Read third time, Passed as amended, YEAS 112 NAYS 1—HJC 1160
06/01/88 SENATE In Messages
06/03/88 SENATE Received—SJ 781, Substituted for SB 706 – SB 866, Passed as amended, YEAS 30 NAYS 0—SB 866
06/06/88 HOUSE In Messages
06/07/88 HOUSE Conceived, Passed as further amended, YEAS 115 NAYS 0—HB 1656
06/07/88 HOUSE Ordered engrossed, then enrolled
06/17/88 HOUSE Signed by Officers and presented to Governor
07/06/88 HOUSE Approved by Governor, Chapter No 88–328

H 468 GENERAL BILL/CS/ENG by Criminal Justice; Wetherell (Compare H 800, H 941, CS/ENG/H 1674, S 349, S 868, S 946)  
Fraudulent Practices (defines fraudulent practice); provides for investigation and punishment of association with, or academic standing with, state institution of higher education of community college, provides for penalty for unlawful using of motor vehicle, provides that persons suffering damage as result of violent behavior may bring action for relief (Ch. 817, 566, 5621 Effective Date 10/01/88
05/02/88 HOUSE Prefiled
05/17/88 HOUSE Referred to Criminal Justice, Appropriations
05/22/88 HOUSE Subreferred to Committee on Crimes, Penalties and Prosecutions
05/04/88 HOUSE Introduced, referred to Criminal Justice, Appropriations—HJC 48, Subreferred to Committee on Crimes, Penalties and Prosecutions

H 469 (CONTINUED)  
04/15/88 HOUSE On subcommittee agenda—Criminal Justice, 04/19/88, 1:15 pm, Morris Hall
04/19/88 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable with 1 amendment
04/29/88 HOUSE On Committee agenda—Criminal Justice, 05/03/88, 8:00 am, Morris Hall—Not considered
05/06/88 HOUSE On Committee agenda—Criminal Justice, 05/10/88, 3:30 pm, Morris Hall
05/10/88 HOUSE Preliminary Committee Action by Criminal Justice Favorable
05/17/88 HOUSE Comm. Report CS by Criminal Justice—HJC 543, CS read first time —HJC 543
05/23/88 HOUSE On Committee agenda—Appropriations, 05/24/88, 8:00 am, Morris Hall
05/24/88 HOUSE Preliminary Committee Action by Appropriations Favorable, Comm. Report Favorable by Appropriations, placed on Calendar—HJC 478
06/01/88 HOUSE Placed on Consent Calendar, Read second time, Amendments adopted, Read third time, Passed as amended, YEAS 111 NAYS 0—HJC 1172
06/01/88 SENATE In Messages
06/02/88 SENATE Received—SB 788, Substituted for SB 866, CS passed; YEAS 36 NAYS 0—CS 872
06/03/88 HOUSE Ordered enrolled
06/11/88 HOUSE Signed by Officers and presented to Governor
07/07/88 HOUSE Became Law without Governor’s Signature, Chapter No 88-407

H 469 GENERAL BILL by Bloom; Diaz-Balart and others (Identical S 1301, Similar S 442, Compare H 817, CS/ENG 488, S 958)  
Corrections Dept. Employees/Assault, provides enhanced penalties for assault or battery of employees & officers of Corrections Dept., provides for resuming state correctional officers with violation Measures 784 07, 843 01 Effective Date 10/01/88
03/02/88 HOUSE Prefiled
03/17/88 HOUSE Referred to Criminal Justice, Appropriations
03/25/88 HOUSE Subreferred to Subcommittee on Crimes, Penalties and Prosecutions
04/05/88 HOUSE Introduced, referred to Criminal Justice, Appropriations—HJC 48, Subreferred to Committee on Crimes, Penalties and Prosecutions
04/18/88 HOUSE On Committee agenda—Criminal Justice, 04/20/88, 3:30 pm, Morris Hall—For ratification of subreferral
05/07/88 HOUSE Died in Committee on Appropriations, Idem/Sim/Compare bill passed, refer to SB 488 (Ch 88–177)

H 470 GENERAL BILL/CS/ENG by Insurance; Simon and others (Similar CS/S 363)  
Child Health Insurance Act, delays until 10/01/92, sunset of provisions which require certain individual & group health insurance policies & health care services, provides for coverage for health child supervision services, provides for study by Insurance Dept. assessing increase in premiums & use of insurance plans covering child health supervision services Readopted 287 5416, 6579 Effective Date 07/01/88
03/02/88 HOUSE Prefiled
03/17/88 HOUSE Referred to Insurance
04/01/88 HOUSE Subreferred to Subcommittee on Health and Life Insurance and General Insurance Regulation
04/05/88 HOUSE Introduced, referred to Insurance—HJC 48, Subreferred to Subcommittee on Health and Life Insurance and General Insurance Regulation; On committee agenda—Insurance, 04/06/88, 1:15 pm, 317C, Subcommittee Recommendation pending ratification by full Committee Favorable
04/12/88 HOUSE On Committee agenda—Insurance, 04/14/88, 8:00 am, 317C—For ratification of subreferral, On committee agenda—Insurance, 04/14/88, 8:00 am, 317C—Not considered
04/18/88 HOUSE On Committee agenda—Insurance, 04/20/88, 3:30 pm, 317C
04/20/88 HOUSE Preliminary Committee Action by Insurance Favorable as a Committee Substitute
04/22/88 HOUSE Comm. Report CS by Insurance, placed on Calendar—HJC 233, CS read first time—HJC 233
04/25/88 HOUSE Withdrawn from Calendar, referred to Appropriations—HJC 243
04/29/88 HOUSE On Committee agenda—Appropriations, 05/03/88, 1:15 pm, Morris Hall
05/06/88 HOUSE Comm. Report Favorable with 2 amendment(s) by Appropriations, placed on Calendar—HJC 365
05/19/88 HOUSE Placed on Special Order Calendar, Read second time—HJC 617, Amendment adopted—HJC 618
05/24/88 HOUSE Read third time, CS passed as amended, YEAS 113 NAYS 1—HJC 647
05/24/88 SENATE In Messages
05/25/88 SENATE Received, referred to Commerce, Appropriations—SJ 381 (CONTINUED ON NEXT PAGE)
Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 25.387, Florida Statutes, is amended to read:

25.387 DUI Programs BWi-Schools Coordination Trust Fund; assessment; disposition.--

(1) There is created a Florida DUI Programs BWi-Schools Coordination Trust Fund.

(2) The fund shall be administered by the Supreme Court, and the costs of administration shall be borne by the fund.

(3) A $6 $3 assessment on each conviction under s. 316.193(1) which results in attendance at a DUI program BWi-school shall be collected by the DUI program BWi-school and deposited in the fund.

(4) The moneys collected by the BWi-school will be forwarded on a monthly basis to the fund, to be used to administer the BWi-Schools Coordinator's Office. The DWI Programs Director Coordinator shall be responsible for establishing standards for the operation of the BWi-schools in the state.

(5) The Supreme Court shall prepare a plan for the operation of the fund to implement this section.

CODING: Words stricken are deletions; words underlined are additions.
Section 2. This act shall take effect July 1, 1988, or
upon becoming a law, whichever occurs later.

********************************************
SENATE SUMMARY
Changes the term "DWI school" to "DUI program" and the
term "DWI Schools Coordinator" to "DUI Programs
Director." Increases the fee to be collected for
attendance at such a program from $3 to $6.

CODING: Words struck are deletions; words underlined are additions.
I. SUMMARY:

A. Present Situation:

The Florida DUI system is a court supervised sentencing alternative program for an average of fifty thousand persons convicted annually of violating Florida Statute 316.193. An additional 3,000 out-of-state violators are also involved.

The five major functions of the DUI system are:

a) To provide educational services to DUI offenders.

b) To assist DUI clients in identifying substance abuse problems.

c) To refer clients with identified problems to community resources.

d) To provide a probation service for the DUI offenders.

e) To provide specialized programs for the multiple offender and problem drinker.

The Florida Supreme Court established, and currently supervises, the office of the DWI Schools Coordination Office, which in turn oversees the DWI programs in the state.

The purposes of the DWI Schools Coordination Office is as follows:

a) Coordinate the DWI Program for the Judiciary.

b) Monitor the activities of the 33 agencies which have been certified as eligible to conduct a DWI Program.

c) Provide technical assistance on a variety of programmatic issues to county judges, legislators, community agencies, DWI program personnel, private individuals, and other state and federal agencies.

d) Promote training for instructors, evaluators, administrators, and judges.

e) Recommend policies and procedures for standards of operation of the schools, judicial relations, certification of the schools and personnel, and the reciprocity of offender case information between the states.

The DWI Schools Coordination Office is funded by a $3 assessment on all individuals attending any of Florida's 33 DWI programs. The money is deposited into the DWI Schools Coordination Trust Fund, which is administered by the Florida Supreme Court.
B. Effect of Proposed Changes:

SB 824 amends s. 25.387, Florida Statutes, by increasing the assessment on each conviction under s. 316.193(1), F.S., which results in attendance at a DUI program, from $3 to $6.

The term "DWI" is charged to "DUI" throughout s. 25.387.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Persons convicted of "DUI" under s. 316.193(1), F.S., will be required to pay an additional $3 for attendance at a DUI program.

B. Government:

Local:

None.

State:

Under the current $3 assessment, the DWI Schools Coordination Office has estimated the following revenues and expenditures for the program:

<table>
<thead>
<tr>
<th></th>
<th>Actual</th>
<th>Estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Cash Balance</td>
<td>$169,657</td>
<td>$154,109</td>
</tr>
<tr>
<td>Revenues</td>
<td>160,071</td>
<td>162,119</td>
</tr>
<tr>
<td>Expenditures</td>
<td>($125,619)</td>
<td>($255,420)</td>
</tr>
<tr>
<td>Ending cash balance</td>
<td>$134,109</td>
<td>$60,808</td>
</tr>
</tbody>
</table>

The current Senate General Appropriations Bill as passed by the Senate on May 18, includes budget authorization of $261,843 from the DWI School Coordination Trust Fund for Fiscal Year 1988-89.

Without an increase in revenues the DWI Coordination Trust Fund is estimated to begin operating in the red in 1988-89 and continue thereafter.

The $3 increase in assessment is estimated to generate approximately $165,000 annually, which, when added to current revenues, would cover the costs of the DWI programs.

III. COMMENTS:

This bill will take effect July 1, 1988, or upon becoming a law, whichever occurs later.

IV. AMENDMENTS:

None.
industrial, manufacturing, or processing activity or distribution, warehousing, or wholesaling activity, excluding wholesaling activities which deal primarily with the general public on-site, which:

1. Provides parking for more than 2,500 motor vehicles; or
2. Occupies a site greater than 320 acres.

(e) Port facilities—The proposed construction of any waterport or marina is required to undergo development-of-regional-impact review, except one designed for

1a. The wet storage or mooring of fewer than 150 160 watercraft used exclusively for sport, pleasure, or commercial fishing, or;

b. The dry storage of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing, or;

c. The wet or dry storage or mooring of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing in an area designated by the Governor and Cabinet in the state marina siting plan as suitable for marina construction.

2. The dry storage of fewer than 300 watercraft used exclusively for sport, pleasure, or commercial fishing at a marina constructed and in operation prior to July 1, 1985.

3. Any proposed marina development with both wet and dry mooring or storage used exclusively for sport, pleasure, or commercial fishing, where the sum of percentages of the applicable wet and dry mooring or storage thresholds equals 100 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under sub-subparagraph 1a, 1b, and 2 of this paragraph.

(f) Retail, service, and wholesale development. Any proposed retail, service or wholesale business establishment or group of establishments which deals primarily with the general public on-site, operated under common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area,
2. Occupies more than 40 acres of land, or
3. Provides parking spaces for more than 2,500 cars.

On motion by Senator Kase, by two-thirds vote CS for SB 315 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was

Yeas—33

Barron Girardeau Kirkpatrick Ros-Lehtinen
Beard Gordon Kraer Scott
Brown Grant Langley Stuart
Childers, D Grizzle Lehtinen Thomas
Childers, W. D Hair Malchin Thurman
Crawford Hill Margolis Weinstein
Crenshaw Hollingsworth McPherson Weinstock
Deratany Jenne Meek Woodson
Dudley Jennings Myers
Frank Johnson Peterson

Nays—None

Vote after roll call.

Yea—Plummer

SB 824—A bill to be entitled An act relating to DUI program coordination, amending s. 25 387, F.S.; changing the term “DWI school” to “DUI program”; increasing the assessment imposed for DUI program attendance, providing an effective date

—as read the second time by title.

Senator Grant moved the following amendments which were adopted:

Amendment 1—On page 1, line 31, insert:

(a) "Adult" means a person not legally prohibited by reason of age
from possessing alcoholic beverages pursuant to chapter 562, Florida Statutes

(b) An alcoholic beverage contains distilled spirits and any beverage containing one-half of one percent or more alcohol by volume. The percentage of alcohol by volume shall be determined in accordance with the provisions of s. 561 01(4)(b), Florida Statutes

(c) "Control" means the authority or ability to regulate, direct, or dominate

(d) "Drug" means a controlled substance, as that term is defined in ss. 893 02(4) and 893 03, Florida Statutes

(e) "Minor" means a person not legally permitted by reason of age to possess alcoholic beverages pursuant to chapter 562, Florida Statutes.

(f) "Open house party" means a social gathering at a residence

(g) "Residence" means a home, apartment, condominium, or other dwelling unit.

Section 3. Responsibility of adults, open house parties.—No adult having control of any residence shall allow an open house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at said residence by any minor where the adult knew or reasonably should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at said residence, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.

Section 4. Exception.—The provisions of this act shall not apply to the use of alcoholic beverages at legally protected religious observances or activities.
Section 5 Penalties—Any person who violates any of the provisions of section 2 of this act is guilty of a misdemeanor of the second degree, punishable as provided in §§ 775.082, 775.083, or 775.084, Florida Statutes.

(Renumber subsequent section.)

Amendment 2—On page 1, between lines 9 and 10, insert:

Section 1. Subsection (2) of section 775.08, Florida Statutes, is amended to read:

775.08 Classes and definitions of offenses—When used in the laws of this state:

(2) The term “misdemeanor” shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility, except an extended term, not in excess of 1 year. The term “misdemeanor” shall not mean a conviction for any noncriminal traffic violation of any provision of chapter 316 or any municipal or county ordinance.

Section 2 Subsection (1) of section 921.143, Florida Statutes, is amended to read:

921.143 Appearance of victim or next of kin to make statement at sentencing hearing, submission of written statement.—

(1) At the sentencing hearing, and prior to the imposition of sentence upon any defendant who has been convicted of any felony or who has pleaded guilty or nolo contendere to any crime, including a criminal violation of a provision of chapter 316, the sentencing court shall permit the victim of the crime for which the defendant is being sentenced, or the next of kin of the victim if the victim has died from causes related to the crime, to:

(a) Appear before the sentencing court for the purpose of making a statement under oath for the record; or

(b) Submit a written statement under oath to the office of the state attorney, which statement shall be filed with the sentencing court.

(Renumber subsequent sections.)

Senator Ros-Lehtinen moved the following amendment which was adopted.

Amendment 3—On page 2, strike all of lines 1 and 2 and insert

316.193 Driving under the influence; penalties.—

(8) At the arraignment or in conjunction with any notice of arraignment provided by the clerk of the court, the clerk shall provide any person charged with a violation of this section with notice that upon conviction the court shall suspend or revoke the person’s driver’s license and that the person should make arrangements for transportation at any proceeding in which the court may take such action.

Section 3. Section 1 and this section of this act shall take effect July 1, 1988, or upon this act becoming a law, whichever occurs later, and section 2 of this act shall take effect October 1, 1988.

Senator Grant moved the following amendments which were adopted:

Amendment 4—On page 1, line 5, following the semicolon (:) insert: providing definitions; prohibiting adults from allowing open house parties at any residence if alcoholic beverages or drugs are possessed or consumed by any minor; providing an exception; providing a penalty;

Amendment 5—On page 1, line 2, strike “DUI program coordination” and insert: alcoholic beverages and drugs

Amendment 6—In title, on page 1, strike line 2 and insert: An act relating to highway safety; amending s. 316.08, F.S., revising the term “misdemeanor” as a classification of certain criminal offenses to include certain violations of ch. 316, F.S., amending s. 921.143, F.S., requiring a court to permit the victim of a criminal violation of ch. 316, F.S., or his next of kin to appear at the sentencing hearing of the person who has pleaded guilty or nolo contendere to the violation;
Journals
of the
Florida
House of Representatives
Volume II

Continuation of Regular Session, 1988
May 31 - June 7
June 8, 1988 Special "F"

[Special Sessions are lettered from Organization Session for two-year term of House of Representatives.]
June 3, 1988

JOURNAL OF THE HOUSE OF REPRESENTATIVES

The Honorable Jon Mills, Speaker

I am directed to inform the House of Representatives that the Senate has passed, as amended, SB 824 and requests the concurrence of the House.

Joe Brown, Secretary

By Senator Stuart—

SB 824—A bill to be entitled An act relating to highway safety, amending s 775.08, F.S., revising the term "misdemeanor" as a classification of certain criminal offenses to include certain violations of ch 316, F.S, amending s 921.143, F.S, requiring a court to permit the victim of a criminal violation of ch 316, F.S, or his next of kin to appear at the sentencing hearing of the person who has pleaded guilty or no contest to the violation, amending s 25.387, F.S, changing the term "DWI school" to "DUI program", increasing the assessment imposed for DUI program attendance, providing definitions, prohibiting adults from allowing open house parties at any residence if alcoholic beverages or drugs are possessed or consumed by any minor, providing an exception, providing a penalty, amending s 775.08, F.S., revising the term "misdemeanor" as a classification of certain criminal offenses to include certain violations of ch 316, F.S., amending s 921.143, F.S., requiring certain notice to persons upon arraignment for a violation of provisions relating to driving under the influence, providing a change in the boundary of an approved enterprise zone, amending s 316.193, F.S., the coordination and development of the international sector of Florida's economy through the preparation of a comprehensive strategy for international development.

Amendment 1—On page 4, lines 12-13, strike "or reasonably should have known"

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

Representative Canady offered the following amendment

Amendment 2—On page 5, line 3, after "action" insert "Failure to provide such notice shall not affect the Court's suspension or revocation of the person's driver's license."

Rep Canady moved the adoption of the amendment, which was adopted.

On motion by Rep Canady, the rules were waived by two-thirds vote and the bill was read a second time by title.

Representative Canady offered the following amendment

Yea's—118

The Chair Friedeman, Jones, D L Rehm

Abrams Frahe Kelly Renke

Arlord Garcia King Rochlin

Ascheri Gardner Langton Rudd

Banister Chickman Lawson Rush

Banjanin Gonzalez- Quevedo Lewis Sample

Bankhead Bass Goode Lippman Sanborn

Bass Goodie Lippman Samson

Bell Gordon Locke Saunders

Bloom Grindle Logan Shelly

Bronson Guber Lombard Silver

Brown Gustafson Long Simon

Burke Gutman Mackenzie Simone

Burnsed Hanson Mackey Smith

Canady Harden Martin Soto

Carlton Hargrett Martinez Starks

Carpenter Harris McEwan Stone

Casas Hawkins Meffert Thomas

Clark Healey Messersmith Titone

Clements Hill Metcalfe Tobasson

Congrove Hodges Mitchell Tobin

Crady Holland Morse Trammell

Crotty Holzendorf Northam Troxler

Danizler Ireland Nergard Wallace

Davis Irvine Ostrea Webster

Deutsch Jamerson Patchett Wetherell

Diaz-Balart Jennings Peeples Wise

Drage Johnson, B L Press Woodruff

Dunbar Johnson, R C Reaves Young

Figg Jones, C F Reddick

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

The Honorable Jon Mills, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 955 and requests the concurrence of the House.

Joe Brown, Secretary

By Senator Gordon—

SB 955—A bill to be entitled An act relating to enterprise zones; amending s 290.0055, F.S., authorizing application for the approval of a change in the boundary of an approved enterprise zone, amending s 290.0065, F.S., authorizing approval by the Department of Community Affairs of such boundary changes; providing an effective date

—was read the first time by title. On motion by Rep Bass, the rules were waived by two-thirds vote and the bill was read a second time by title.

Representatives Bass, Burke, Jones, Trammell and Brown offered the following amendment

Amendment 1—On page 1, line 12, strike everything after the enacting clause and insert Section 1 This act shall be known and may be cited as the "Florida Economic Development Act of 1988".

Section 2 Florida International Advisory Council, creation, powers, duties, composition —

(1) There is created the Florida International Advisory Council, henceforth referred to as the council, created for the purpose of furthering the coordination and development of the international sector of Florida's economy through the preparation of a comprehensive strategy for international development.

(2) The council shall have the following powers and duties

(a) Immediately after it is organized, to review existing international programs being conducted by state agencies

(b) As it deems appropriate, to review and make recommendations on issues including, but not limited to, the following

1 Foreign commerce

2 The manner in which state business is conducted in foreign marketplaces and the advisability of consolidating and enhancing state agencies' efforts and co-locating its foreign offices

3 The methods of stimulating international trade and reverse investment

4 International tourism

5 Governmental incentives and disincentives to foreign trade activity in the state

6 The effect of state tax laws on international trade activity in the state

7 The exportability and potential exportability of Florida products

8 Services offered by the state which encourage international activity

9 The advisability of legislation relating to state export financing, export trading companies, and foreign sales corporations

10 Such other subjects as the council may consider appropriate in carrying out the provisions of this section

(c) To make recommendations to the Governor, Legislature, and state agencies involved in international activities on more efficient uses of existing resources devoted to international activities and methods to enhance the effectiveness and coordination of international activities of state agencies

(d) As it deems appropriate, to recommend additions or amendments to the state comprehensive plan relating to international activities

(e) To recommend to the Governor and Legislature a comprehensive strategy for international development

(f) The council shall be composed of 21 members, consisting of

(a) The Secretary of State, the Commissioner of Agriculture, the Secretary of Commerce, the Secretary of Transportation, the executive director of the Department of Citrus, and the executive director of the Department of Natural Resources, or their respective designees.
A bill to be entitled
An act relating to alcoholic beverages and
drugs; providing definitions; prohibiting
adults from allowing open house parties at any
residence if alcoholic beverages or drugs are
possessed or consumed by any minor; providing
an exception; providing a penalty; providing an
effective date.

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

Section 1. Definitions.—As used in this act:
(a) "Adult" means a person not legally prohibited by
reason of age from possessing alcoholic beverages pursuant to
chapter 562, Florida Statutes.
(b) "Alcoholic beverage" means distilled spirits and
any beverage containing one-half of one percent or more
alcohol by volume. The percentage of alcohol by volume shall
be determined in accordance with the provisions of s.
561.01(4)(b), Florida Statutes.
(c) "Control" means the authority or ability to
regulate, direct, or dominate.
(d) "Drug" means a controlled substance, as that term
is defined in ss. 893.02(4) and 893.03, Florida Statutes.
(e) "Minor" means a person not legally permitted by
reason of age to possess alcoholic beverages pursuant to
chapter 562, Florida Statutes.
(f) "Open house party" means a social gathering at a
residence.
(g) "Residence" means a home, apartment, condominium,
or other dwelling unit.

CODING: Words struck out are deletions; words underlined are additions.
Section 2. Responsibility of adults; open house parties.—No adult having control of any residence shall allow an open house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at said residence by any minor where the adult knew or reasonably should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at said residence, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.

Section 3. Exception.—The provisions of this act shall not apply to the use of alcoholic beverages at legally protected religious observances or activities.

Section 4. Penalties.—Any person who violates any of the provisions of section 2 of this act is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

Section 5. This act shall take effect October 1, 1988.

HOUSE SUMMARY

Provides that no adult having control of any residence shall allow an open house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at the residence by any minor. Provides a second degree misdemeanor penalty for violation.
I. SUMMARY:

A. Present Situation:

Currently, no criminal provisions exist which expressly prohibit adults from allowing house parties where alcoholic beverages or drugs are being used by minors. The Florida Statutes, however, make unlawful the possession of alcoholic beverages by a person under the age of 21 years, except for a person employed in certain establishments and acting in the scope of his employment. Violation of this provision constitutes a second degree misdemeanor. s. 562.111, F.S. An adult who furnishes alcoholic beverages to a minor has aided or abetted in the commission of a misdemeanor and may, therefore, be a principal in the first degree. s. 777.011, F.S.

In addition, an adult who serves alcoholic beverages to a person under eighteen years of age may be guilty of contributing to the delinquency of a minor, punishable as a first degree misdemeanor. s. 827.04(3), F.S.

B. Effect of Proposed Changes:

This bill would prohibit any adult (i.e., a person at least 21 years of age) from allowing a house party at a residence if alcoholic beverages or drugs are either possessed or consumed by minors (i.e., persons under 21 years of age) at the party. Violation of this provision would constitute a second degree misdemeanor.

In order to be convicted of this offense, the adult in control of the residence must have known or reasonably should have known that these substances were present and failed to take reasonable steps to prevent such possession or consumption from occurring. This knowledge requirement, therefore, would preclude from prosecution an adult having no knowledge or reason to know that his residence is being used for a party at which minors are consuming or possessing alcohol or drugs. "House party" for purposes of this offense would be defined as a "social gathering at a residence."

An exception to criminal prosecution would be created for the use of alcoholic beverages at legally protected religious observances or activities conducted in a residence.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

Indeterminable. To the extent that persons convicted of this offense may be sentenced to serve up to 60 days in a local...
detention facility, enactment of this legislation may contribute to the overcrowding problem already existing in many of these facilities. It is suggested, however, that the number of offenders sentenced under this provision will be small and that any impact will be insignificant.

III. COMMENTS:

According to a spokesperson for Mothers Against Drunk Drivers (MADD), all thirteen MADD chapters in Florida have reported occurrences of parents or other adults furnishing alcohol to minors at house parties. It is this type of conduct that the bill is intended to criminalize.

The Florida Statutes provide that a person who willfully and unlawfully sells or furnishes alcoholic beverages to minors may be liable to any person injured by the actions of the intoxicated minor. s. 768.125, F.S. The Florida Supreme Court recently refused to construe this statute to create a cause of action in a civil court against a social host and in favor of a person injured by an intoxicated minor who was served alcoholic beverages by the host. Bankston v. Brennan, 507 So.2d 1385 (Fla. 1987). Relying on the legislative history of the act, the Court concluded that the Legislature did not intend to extend the scope of civil liability in this area to social hosts, but, instead, intended to restrict liability to licensed vendors of alcoholic beverages. In so holding, the Court stated that "[w]hile creating such a cause of action may be socially desirable, . . . the Legislature is best equipped to resolve the competing considerations implicated by such a cause of action." Id. at 1387.

IV. AMENDMENTS:

None.
A bill to be entitled
An act relating to alcoholic beverages and
drugs; providing definitions; prohibiting
adults from allowing open house parties at any
residence if alcoholic beverages or drugs are
possessed or consumed by any minor; providing
an exception; providing a penalty; providing an
effective date.

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

Section 1. Definitions.--As used in this act:
(a) "Adult" means a person not legally prohibited by
reason of age from possessing alcoholic beverages pursuant to
chapter 562, Florida Statutes.
(2) "Alcoholic beverage" means distilled spirits and
any beverage containing one-half of one percent or more
alcohol by volume. The percentage of alcohol by volume shall
be determined in accordance with the provisions of s.
561.01(4)(b), Florida Statutes.
(3) "Control" means the authority or ability to
regulate, direct, or dominate.
(4) "Drug" means a controlled substance, as that term
is defined in ss. 893.02(4) and 893.03, Florida Statutes.
(5) "Minor" means a person not legally permitted by
reason of age to possess alcoholic beverages pursuant to
chapter 562, Florida Statutes.
(6) "Open house party" means a social gathering at a
residence.
(7) "Residence" means a home, apartment, condominium,
or other dwelling unit.

CODING: Words stricken are deletions; words underlined are additions
Section 2. Responsibility of adults; open house parties.—No adult having control of any residence shall allow an open house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at said residence by any minor where the adult knew or reasonably should have known that an alcoholic beverage or drug was in the possession of or being consumed by a minor at said residence, and where the adult failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.

Section 3. Exception.—The provisions of this act shall not apply to the use of alcoholic beverages at legally protected religious observances or activities.

Section 4. Penalties.—Any person who violates any of the provisions of section 2 of this act is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

Section 5. This act shall take effect October 1, 1988.

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

HOUSE SUMMARY

Provides that no adult having control of any residence shall allow an open house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at the residence by any minor. Provides a second degree misdemeanor penalty for violation.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

CODING: Words stricken are deletions; words underlined are additions.
I. SUMMARY:

A. PRESENT SITUATION:

Currently, s. 562.11, F.S., makes it a misdemeanor of the second degree for a person to sell, give or allow to be served an alcoholic beverage to a person under the age of 21. Section 562.111, F.S., makes it a misdemeanor of the second degree for a person under the age of 21 to possess an alcoholic beverage unless they are over the age of 18 and are employed by a licensed vendor to serve alcoholic beverages.

Section 827.04, F.S., makes it a misdemeanor of the first degree to cause or encourage a person under the age of 18 to become delinquent. This would include providing a person under the age of 18 with drugs or alcohol.

B. EFFECT OF PROPOSED CHANGES:

House bill 466 makes it a misdemeanor of the second degree for an adult who has control of any residence to allow an open house party at which alcoholic beverages or drugs are being possessed or consumed by minors and the adult knew or had reason to know that such acts would occur.

An exception is provided for legally protected religious observances. The bill also provides definitions for "adult", "alcoholic beverage", "control", "drug", "minor", "open house party", and "residence".

C. SECTION-BY-SECTION ANALYSIS:

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:
1. **Non-recurring or First Year Start-Up Effects:** none

2. **Recurring or Annualized Continuation Effects:** Indeterminate

3. **Long Run Effects Other Than Normal Growth:** Indeterminate

4. **Appropriations Consequences:** Indeterminate

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. **Non-recurring or First Year Start-Up Effects:** none

2. **Recurring or Annualized Continuation Effects:** Indeterminate

3. **Long Run Effects Other Than Normal Growth:** Indeterminate

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. **Direct Private Sector Costs:** none

2. **Direct Private Sector Benefits:** none

3. **Effects on Competition, Private Enterprise, and Employment Markets:** none

**D. FISCAL COMMENTS:**

**III. LONG RANGE CONSEQUENCES:**

**IV. COMMENTS:**
The bill does not make clear what constitutes a "legally protected religious observance or activity."

V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Brian Berkowitz

Staff Director: Bill Ryan

APPROPRIATIONS:
Prepared by: 

Staff Director:
I. SUMMARY:

A. PRESENT SITUATION:

Currently, s. 562.11, F.S., makes it a misdemeanor of the second degree for a person to sell, give or allow to be served an alcoholic beverage to a person under the age of 21. Section 562.111, F.S., makes it a misdemeanor of the second degree for a person under the age of 21 to possess an alcoholic beverage unless they are over the age of 18 and are employed by a licensed vendor to serve alcoholic beverages.

Section 827.04, F.S., makes it a misdemeanor of the first degree to cause or encourage a person under the age of 18 to become delinquent. This would include providing a person under the age of 18 with drugs or alcohol.

B. EFFECT OF PROPOSED CHANGES:

House bill 466 makes it a misdemeanor of the second degree for an adult who has control of any residence to allow an open house party at which alcoholic beverages or drugs are being possessed or consumed by minors and the adult knew or had reason to know that such acts would occur.

An exception is provided for legally protected religious observances. The bill also provides definitions for "adult", "alcoholic beverage", "control", "drug", "minor", "open house party", and "residence".
C. SECTION-BY-SECTION ANALYSIS:

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   none

2. Recurring or Annualized Continuation Effects:
   Indeterminate

3. Long Run Effects Other Than Normal Growth:
   Indeterminate

4. Appropriations Consequences:
   Indeterminate

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   none

2. Recurring or Annualized Continuation Effects:
   Indeterminate

3. Long Run Effects Other Than Normal Growth:
   Indeterminate

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
   none

2. Direct Private Sector Benefits:
   none

3. Effects on Competition, Private Enterprise, and Employment Markets:
   none

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:
IV. COMMENTS:

The content of HB 466 was amended in CS/HB 1653 and SB 824 to require actual knowledge on behalf of an adult that a minor was in possession of alcoholic beverages.

The bill does not make clear what constitutes a "legally protected religious observance or activity."

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Brian Berkowitz, Staff Attorney

FINANCE & TAXATION:
Prepared by:

APPROPRIATIONS:
Prepared by:

Staff Director: Bill Ryan
TO: Chairman, Committee on Criminal Justice

Subcommittee on Crimes, Penalties & Prosecutions

Date of Meeting: April 19, 1988

Time: 1:15 p.m.
Place: Morris Hall

BILL NO. HB-166

FINAL ACTION: X Favorable

VOTE:

<table>
<thead>
<tr>
<th>YEAS</th>
<th>MEMBER</th>
<th>NAYS</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>Clements</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>Locke</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>Renke</td>
<td>X</td>
</tr>
<tr>
<td>X</td>
<td>Titone</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>Woodruff</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>Canady, Chairman</td>
<td></td>
</tr>
</tbody>
</table>

Total Yeas: 5

Total Nays: 1

Subcommittee Chairman

APPEARANCE RECORD

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Please indicate by an "X" any State employee appearing at the request of the Chairman.

Received by Parent Committee:

Date: __________________________

Received by: ____________________

H-74 (1988)
Committee on Criminal Justice  
House of Representatives  

Date of Meeting: May 10, 1988  
Time: 3:30 p.m.  
Place: 21 HOB  

Bill No.: HB 466  

**FINAL ACTION:**  
- X Favorable  
- Favorable with ___ Amendments  
- Favorable with Substitute  
- Unfavorable  

<table>
<thead>
<tr>
<th>VOTE</th>
<th>MEMBER</th>
<th>NAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>YEA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abrams, Mike</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ascherl, Jack</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canady, Charles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Casas, Roberto</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clements, Spud</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crotty, Richard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dunbar, Pete</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frankel, Lois</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Glickman, Ron</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gordon, Elaine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Langton, Mike</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lewis, Marian</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Locke, Dick</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mackenzie, Anne</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meffert, Chris</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Press, Steve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Renke, John</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Souto, Javier</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thomas, David</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Yeas 16  
Total Nays 0  

**APPEARANCE RECORD**  
The following persons (other than legislators) appeared before the committee during the consideration of this bill:  

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
<th>Address</th>
</tr>
</thead>
</table>

Note: Please indicate by an "X" any State employee appearing at the request of the Chairman.
I. SUMMARY:

A. Present Situation:

Upon conviction for driving under the influence of alcohol or drugs (DUI), the court is required to impose sentence and to revoke the offender's driver's license for certain prescribed time limits. s. 322.28, F.S. There is no statutory requirement that the court provide a person charged with DUI with notice that upon conviction, such person's license will be revoked and therefore, that such person should make transportation arrangements.

B. Effect of Proposed Changes:

SB 1235 would require the clerk of the court, at arraignment, to provide notice to a person charged with DUI that upon conviction, such person's license would be revoked and that transportation arrangements should be made.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

None.

IV. AMENDMENTS:

None.
GENERAL ACTS
RESOLUTIONS AND MEMORIALS
ADOPTED BY THE
TENTH LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968
During the Regular Session
April 5, 1988 through June 7, 1988
and Special Sessions
September 21 - October 8, 1987, October 12 - 14, 1987;
December 8 - 10, 1987; February 2 - 4, 1988; and
June 8, 1988

Volume I, Part Two
Published by Authority of Law
Under Direction of the
JOINT LEGISLATIVE MANAGEMENT COMMITTEE
TALLAHASSEE
1988
CHAPTER 88-195  LAWS OF FLORIDA  CHAPTER 88-195

Approved by the Governor July 1, 1988.

Filed in Office Secretary of State July 1, 1988.

CHAPTER 88-196

Senate Bill No. 824

An act relating to highway safety; amending s. 775.08, F.S.; revising the term "misdemeanor" as a classification of certain criminal offenses to include certain violations of ch. 316, F.S.; amending s. 921.143, F.S.; requiring a court to permit the victim of a criminal violation of ch. 316, F.S., or his next of kin to appear at the sentencing hearing of the person who has pleaded guilty or nolo contendere to the violation; amending s. 25.387, F.S.; changing the term "DWI school" to "DUI program", increasing the assessment imposed for DUI program attendance; providing definitions; prohibiting adults from allowing open house parties at any residence if alcoholic beverages or drugs are possessed or consumed by any minor; providing an exception; providing a penalty; amending s. 316.193, F.S.; requiring certain notice to persons upon arraignment for a violation of provisions relating to driving under the influence; providing an effective date.

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

Section 1. Subsection (2) of section 775.08, Florida Statutes, is amended to read:

775.08 Classes and definitions of offenses.--When used in the laws of this state:

(2) The term "misdemeanor" shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility, except an extended term, not in excess of 1 year. The term "misdemeanor" shall not mean a conviction for any noncriminal traffic violation of any provision of chapter 316 or any municipal or county ordinance.

Section 2. Subsection (1) of section 921.143, Florida Statutes, is amended to read:

921.143 Appearance of victim or next of kin to make statement at sentencing hearing; submission of written statement.--

(1) At the sentencing hearing, and prior to the imposition of sentence upon any defendant who has been convicted of any felony or who has pleaded guilty or nolo contendere to any crime, including a criminal violation of a provision of chapter 316, the sentencing court shall permit the victim of the crime for which the defendant is being sentenced, or the next of kin of the victim if the victim has died from causes related to the crime, to:

(a) appear before the sentencing court for the purpose of making a statement under oath for the record; or
CHAPTER 88-196 LAWS OF FLORIDA CHAPTER 88-196

(b) Submit a written statement under oath to the office of the state attorney, which statement shall be filed with the sentencing court.

Section 3. Section 25.387, Florida Statutes, is amended to read:

25.387 DUI Programs BWf—Schools Coordination Trust Fund; assessment; disposition.—

(1) There is created a Florida DUI Programs BWf—Schools Coordination Trust Fund.

(2) The fund shall be administered by the Supreme Court, and the costs of administration shall be borne by the fund.

(3) A $6 $3 assessment on each conviction under s. 316.193(1J which results in attendance at a DUI program BWf—Schools shall be collected by the DUI program BWf—Schools and deposited in the fund.

(4) The moneys collected by the DUI program BWf—Schools will be forwarded on a monthly basis to the fund, to be used to administer the DUI Program Coordination BWf—Schools—Coordinator’s Office. The DUI Programs Director— Coordinator shall be responsible for establishing standards for the operation of the DUI programs BWf schools.

(5) The Supreme Court shall prepare a plan for the operation of the fund to implement this section.

Section 4. Definitions.—As used in this act:

(1) "Adult" means a person not legally prohibited by reason of age from possessing alcoholic beverages pursuant to chapter 562, Florida Statutes.

(2) "Alcoholic beverage" means distilled spirits and any beverage containing one-half of one percent or more alcohol by volume. The percentage of alcohol by volume shall be determined in accordance with the provisions of s. 561.01(4)(b), Florida Statutes.

(3) "Control" means the authority or ability to regulate, direct, or dominate.

(4) "Drug" means a controlled substance, as that term is defined in ss. 893.02(4) and 893.03, Florida Statutes.

(5) "Minor" means a person not legally permitted by reason of age to possess alcoholic beverages pursuant to chapter 562, Florida Statutes.

(6) "Open house party" means a social gathering at a residence.

(7) "Residence" means a home, apartment, condominium, or other dwelling unit.

Section 5. Responsibility of adults; open house parties.—No adult having control of any residence shall allow an open house party to take place at said residence if any alcoholic beverage or drug is possessed or consumed at said residence by any minor where the adult knew that an alcoholic beverage or drug was in the possession of or being consumed by a minor at said residence, and where the adult
failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug.

Section 6. Exception.--The provisions of this act shall not apply to the use of alcoholic beverages at legally protected religious observances or activities.

Section 7. Penalties.--Any person who violates any of the provisions of section 2 of this act is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

Section 8. Subsection (8) is added to section 316.193, Florida Statutes, to read:

316.193 Driving under the influence; penalties.--

(8) At the arraignment or in conjunction with any notice of arraignment provided by the clerk of the court, the clerk shall provide any person charged with a violation of this section with notice that upon conviction the court shall suspend or revoke the person's driver's license and that the person should make arrangements for transportation at any proceeding in which the court may take such action. Failure to provide such notice shall not affect the court's suspension or revocation of the person's driver's license.

Section 9. Section 1 and this section of this act shall take effect July 1, 1988, or upon this act becoming a law, whichever occurs later, and section 8 of this act shall take effect October 1, 1988.

Approved by the Governor July 1, 1988.

Filed in Office Secretary of State July 1, 1988.

CHAPTER 88-197

An act relating to motor vehicle insurance; amending s. 626.321, F.S.; providing for the issuance, to a business office of a business, of a limited license for the sale of baggage and motor vehicle excess liability insurance; authorizing the sale of coverage for a lessee's liability to the lessor for damage to a rented or leased motor vehicle; providing an effective date.

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

Section 1. Subsection (1) of section 626.321, Florida Statutes, is amended to read:

626.321 Limited licenses.--

(1) The department shall issue to a qualified individual, or a qualified individual or entity under paragraphs (d) and paragraph (e), a license as agent authorized to transact a limited class of business, in any of the following categories:

1084