



# Journal of the Senate

Number 7

Thursday, February 4, 1982

## BILL ACTION SUMMARY

Thursday, February 4, 1982

S	35	Passed.
S	56	Passed.
S	67	Passed as amended.
S	69	Amendment pending; Withdrawn from Calendar, referred to Finance, Taxation and Claims, Appropriations; On Committee agenda—Appropriations 2/09/82 12 noon rm A.
S	177	Passed.
S	189	Passed.
S	190	Passed as amended.
S	219	Passed as amended.
S	226	Passed as amended.
S	228	C/S passed.
S	255	Passed as amended.
S	268	Passed as amended.
S	293	Passed.
S	419	Passed as amended; Immediately certified.
S	425	Passed as amended.
S	473	Passed.
S	482	Passed as amended.
S	493	C/S passed.
S	1003	Adopted.
S	93	Passed as amended.

## INTRODUCTION AND REFERENCE OF BILLS

### First Reading

The following bills are offered for introduction. This constitutes first reading as provided in Article III, Section 7 of the Constitution and the bills are referred as indicated.

By Senator Henderson—

SB 870—A bill to be entitled An act relating to the John and Mable Ringling Museum of Art; amending s. 265.26(4), Florida Statutes; authorizing the museum board of trustees to enter into a contract for the operation and maintenance of the museum; providing for the transfer of trust funds; providing for sunset review; providing an effective date.

—was referred to the Committees on Governmental Operations and Appropriations.

By Senator Scott—

SB 871—A bill to be entitled An act relating to the registration of motor vehicles and boats; amending ss. 320.07(3) and 327.25(5), Florida Statutes, providing that the owner of a motor vehicle or boat shall be subject to the appropriate penalty if he is present at the time the motor vehicle or boat is stopped for expired registration; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Barron—

SB 872—A bill to be entitled An act relating to promotional activities of state agencies; amending ss. 570.07(20), 570.21(1)(e), 570.53(4), Florida Statutes; providing that neither the Department of Agriculture and Consumer Services nor the Department of Natural Resources shall engage in any activity intended to promote the consumption of Florida seafood or agricultural products; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Senator Barron—

SB 873—A bill to be entitled An act relating to the Department of State; amending s. 20.04(2), Florida Statutes; adding s. 20.10(3), Florida Statutes; abolishing the district offices of the Department of State; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Senator Barron—

SB 874—A bill to be entitled An act relating to the Division of Cultural Affairs of the Department of State and affiliated advisory bodies; repealing s. 11.6115(4)(c), Florida Statutes, relating to the Florida Arts Council of the Department of State; repealing s. 20.10(2)(f), Florida Statutes, relating to the Division of Cultural Affairs of the Department of State; repealing ss. 265.26, 265.261, 265.27, Florida Statutes, relating to the Ringling Museum of Art Board of Trustees; repealing ss. 265.281, 265.282, 265.284, Florida Statutes, and ss. 265.283, 265.285, 265.286, Florida Statutes, as amended, relating to the powers and duties of the Division of Cultural Affairs and of the Fine Arts Council; repealing ss. 265.287-265.289, Florida Statutes, relating to the State Theater Program and the State Theater Board of Florida; amending s. 255.043(2), (3), Florida Statutes; providing powers and duties of the Department of General Services with respect to art in state buildings; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Senator Barron—

SB 875—A bill to be entitled An act relating to energy resources planning and development; repealing ss. 377.601-377.607, Florida Statutes, and ss. 377.608, 377.701, and 377.703, Florida Statutes, as amended, relating to the creation and duties of the Energy Data Center, petroleum allocation, and energy emergency contingency plan duties of the Executive Office of the Governor; repealing s. 377.706, Florida Statutes, which establishes the Florida Energy Research and Development Task Force; providing an effective date.

—was referred to the Committees on Governmental Operations and Appropriations.

By Senator Barron—

SB 876—A bill to be entitled An act relating to game and freshwater fish; amending s. 372.6645, Florida Statutes; providing definitions; authorizing the Game and Fresh Water Fish Commission to issue permits and make rules for selling crocodilian products; providing a permit fee to be deposited in the State Game Trust Fund; prohibiting sale of stuffed baby alligators or similar species; prohibiting sale of products manufactured from the hide of any crocodilian species which have been declared by the Game and Fresh Water Fish Commission to be endangered; providing penalties; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Senators Maxwell and Langley—

SJR 877—A joint resolution proposing an amendment to Section 6, Article I of the State Constitution, relating to the right to work.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Rules and Calendar.

By Senator Neal—

SB 878—A bill to be entitled An act relating to local government financial matters; amending s. 11.45(3)(a), Florida Statutes, eliminating the requirement that counties and certain municipalities must perform an annual financial audit; repealing s. 166.241(4), Florida Statutes, relating to municipal financial postaudits; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Rules and Calendar.

By Senator Stuart—

SB 879—A bill to be entitled An act relating to water and sewer utilities; amending ss. 367.011(2), 367.071(4), 367.082(5), 367.151, Florida Statutes; amending s. 367.081(4), (6), Florida Statutes, and adding subsection (7) to said section; adding s. 367.121(3), Florida Statutes; deleting authority of the Florida Public Service Commission over certain securities; providing that establishment of a rate base upon transfer is discretionary; revising procedures for fixing and changing rates; requiring request for test period in connection with certain rate filings; providing for determination of deficiency or excess; conforming language relating to the gross receipts tax; providing for access to records; providing a rule of construction; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

By Senator Poole—

SB 880—A bill to be entitled An act relating to horseracing; amending s. 550.081(2), Florida Statutes; providing optional racing days and charity days for the permittees authorized to conduct the first and third periods of winter thoroughbred racing; amending s. 550.43, Florida Statutes; deleting 7 racing days for summer thoroughbred racing; continuing the authorization for 1982 of certain racing days granted by the Florida Pari-mutuel Commission; amending ss. 550.37(4), 550.291(1), Florida Statutes; authorizing additional racing days for harness tracks; providing an effective date.

—was referred to the Committee on Commerce.

By Senator Hair—

SB 881—A bill to be entitled An act relating to clerks of the circuit court; amending s. 28.24, Florida Statutes; increasing certain service charges; amending s. 28.2401(1)(1), Florida Statutes, and adding a new paragraph (n) to said subsection increasing certain probate charges; amending s. 28.241(1), (2), (3), Florida Statutes; increasing certain charges for trial and appellate proceedings; amending s. 34.041, Florida Statutes; increasing certain service charges in county courts; providing an effective date.

—was referred to the Committees on Judiciary-Civil; Appropriations; and Finance, Taxation and Claims.

By Senator Steinberg—

SB 882—A bill to be entitled An act relating to the taxation of notes and mortgages; amending ss. 201.08(1), 201.09(3) and 199.052(7)(d), Florida Statutes; providing that increased indebtedness caused by interest accruing under an adjustable rate note or mortgage shall not be subject to additional documentary stamp or intangible taxes; providing an effective date.

—was referred to the Committees on Commerce; and Finance, Taxation and Claims.

By Senator Johnston—

SB 883—A bill to be entitled An act relating to the assessment of property; amending s. 192.001(11)(d), Florida Statutes; deleting the definition of "construction work in progress"; amending s. 192.042, Florida Statutes; removing the requirement that real property and tangible personal property be substantially completed before being assessed for purposes of ad valorem taxation; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By Senator Maxwell—

SB 884—A bill to be entitled An act relating to taxation; amending ss. 193.1145(1)-(3), (8), (9), (11), Florida Statutes; providing a method based on interim assessment rolls for levying and collecting ad valorem taxes under certain circumstances; naming the property appraiser and executive director of the Department of Revenue as the defendant in certain civil actions; providing for provisional millage rates to be applied to interim assessment rolls; deleting a provision allowing a court to confirm as final taxes levied under an interim assessment roll; requiring the Department of Revenue to adopt by rule certain procedures for notifying tax payers of final assessments; amending s. 195.096(2), (3)(a), Florida Statutes; delaying the inclusion of personal property tax rolls in the review of assessment rolls; providing for publication by the Division of Ad Valorem Tax of the Department of Revenue of certain reviews of assessment rolls; amending s. 200.065(2)(d), (5), Florida Statutes; providing for notice and a public hearing of adoption of certain tentative budgets and certain proposed millage rates; providing for adjustment by a taxing authority of certain millage rates without a public hearing in certain circumstances; creating s. 200.066, Florida Statutes; providing for ad valorem tax levies of certain newly created municipal service taxing units under certain circumstances; providing for notice of such levies; creating s. 200.068, Florida Statutes; requiring each taxing authority to certify to the Department of Revenue that certain ordinances and resolutions comply with certain provisions of law; providing for disposition of excess taxes collected by a school district in certain circumstances; amending s. 194.011(3)(d), Florida Statutes; reducing the time during which a petition may be filed with the property appraisal adjustment board; providing a method for shortening the time periods specified in s. 200.065 and s. 194.032(1), Florida Statutes; regarding the holding of public hearings for budget approval; amending s. 200.069(6), Florida Statutes; removing a requirement as to the location of the parcel's legal description in the notice of proposed property taxes; amending ss. 205.033(1)(b), 205.043(1)(b), Florida Statutes; reducing maximum permissible rates for certain occupational license taxes; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By Senator Gersten—

SB 885—A bill to be entitled An act relating to voting and civil rights; setting forth certain voting rights; prohibiting the deprivation of, or interference with, the exercise of same; prohibiting the deprivation of, or interference with, certain legal rights; providing certain equality of rights under the law; providing penalties; providing an effective date.

—was referred to the Committees on Judiciary-Civil, and Rules and Calendar.

By Senator Gersten—

SB 886—A bill to be entitled An act relating to drivers' licenses; creating s. 322.122, Florida Statutes; requiring adoption of standards for vision tests; requiring vision tests of all applicants for new or renewal licenses; providing an appropriation; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By Senator Gersten—

SJR 887—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution relating to homestead exemptions.

—was referred to the Committees on Finance, Taxation and Claims; and Rules and Calendar.

By Senator Gersten—

SJR 888—A joint resolution proposing an amendment to Section 6 of Article VII and the creation of Section 20 of Article XII of the State Constitution, relating to homestead tax exemptions.

—was referred to the Committees on Finance, Taxation and Claims; and Rules and Calendar.

By Senator Gordon—

SB 889—A bill to be entitled An act relating to planning and budgeting; amending s. 216.045, Florida Statutes, authorizing the Legislature to amend the biennial appropriations act at any time; amending s. 216.181(1), Florida Statutes, providing that the statement of intent required to be made by the chairman of the legislative appropriations committees shall be transmitted to the Administration Commission; providing for the contents of such statement; amending s. 216.201, Florida Statutes, providing that the services of the Executive Office of the Governor and the Department of Administration shall be available to the Legislature for procuring certain data; providing an effective date.

—was referred to the Committees on Appropriations, and Rules and Calendar.

By Senator Gordon—

SB 890—A bill to be entitled An act relating to planning and budgeting; amending s. 216.023(1), (2), (5), and (6), Florida Statutes, and adding subsections thereto, providing for submission of an initial, rather than a final, legislative budget request by November 1 of each even-numbered year; providing that amendments thereto may be submitted until passage of the General Appropriations Act in odd-numbered years; providing that, after passage of the General Appropriations Act, amendments to the initial or amended request must be submitted no later than 60 days prior to the regular session in even-numbered years; clarifying that neither the Legislature nor the Governor's Office is to be precluded from requesting an agency to evaluate its budget request at any time after initial submission; amending s. 216.131, Florida Statutes, requiring that public hearings be held, no later than 60 days prior to the annual legislative session, on any and all budgets to be included in the Governor's recommendations or amended recommendations to the Legislature; providing an effective date.

—was referred to the Committees on Appropriations, and Rules and Calendar.

By Senator Thomas—

SB 891—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; adding s. 570.07(30), Florida Statutes; authorizing the department to expend certain funds; providing an effective date.

—was referred to the Committee on Agriculture, Appropriations Subcommittee A and the Committee on Appropriations.

By Senators Barron, Neal, Peterson and Maxwell—

SB 892—A bill to be entitled An act relating to public officers; creating s. 111.081, Florida Statutes; providing that an elected public officer or a person appointed to fill a vacancy in such office may serve in such office without salary and benefits; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Senator Gordon—

SB 893—A bill to be entitled An act relating to financial matters; amending s. 215.32(2)(a) and (c), Florida Statutes; providing that the General Revenue Fund shall be separated into recurring and nonrecurring funds for certain purposes; providing for transfer of moneys to the Working Capital Fund; specifying that moneys in said fund may be appropriated by the Legislature or transferred to the General Revenue Fund under certain conditions; amending s. 216.221, Florida Statutes; deleting duties of the Governor and Comptroller with respect to insuring that revenues are sufficient to meet appropriations; specifying that a majority vote of the Administration Commission is required to adjust agency operating budgets; providing an effective date.

—was referred to the Committee on Appropriations.

By Senator Gordon (by request)—

SB 894—A bill to be entitled An act relating to the Florida Housing Finance Agency; renumbering s. 420.503(6)-(18), Florida Statutes, and adding new subsections (6) and (7) to said

section; providing definitions; creating s. 420.5085, Florida Statutes; authorizing the agency to purchase or take assignment of certain energy conservation loans; providing exceptions; providing that a certain percentage of funds be used to finance loans in certain below average income areas under certain circumstances; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; Commerce; and Appropriations.

By the Committee on Natural Resources and Conservation—

SB 895—A bill to be entitled An act relating to marine fisheries; creating the Marine Fisheries Commission within the Department of Natural Resources; providing for membership, and salaries of the commissioners; providing rulemaking authority and procedures; providing for staff personnel of the commission; providing for certain local laws to become rules of the department; providing for certain general laws to be superseded by certain rules adopted by the commission; requiring the commission to prepare a budget; amending s. 370.021(1), Florida Statutes; providing that certain rules adopted by the commission are subject to rulemaking authority of the department; providing penalties; creating s. 370.025, Florida Statutes; providing certain standards for rules adopted by the commission; providing for continued existence of the Saltwater Fisheries Study and Advisory Council; providing severability; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Economic, Community and Consumer Affairs; Governmental Operations; and Appropriations.

By Senators Henderson, Johnston and D. Childers—

SB 896—A bill to be entitled An act relating to the State University System; naming the South Building the W. Thomas Howard Building; directing the University of South Florida to erect suitable markers; providing an effective date.

—was referred to the Committee on Education.

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

Mr. President	Grizzle	Lewis	Scott
Anderson	Hair	Margolis	Skinner
Barron	Henderson	Maxwell	Steinberg
Beard	Hill	McClain	Stevens
Carlucci	Jenkins	McKnight	Stuart
Childers, D.	Jenne	Neal	Thomas
Dunn	Jennings	Peterson	Tobiassen
Frank	Johnston	Poole	Trask
Gersten	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware

Prayer by the Rev. Michael L. McGehee, Pastor, Faith Presbyterian Church, Tallahassee:

Almighty Father, our Governor in all matters, we would open our day giving thanks for our great state, for temperate climate, diverse people, for coast and canopied road. Grant that we may be good stewards of the life and benefits you have given each one of us in this great state.

Forgive us when money and position would speak more loudly than the simple compassion of the human heart. Give to each of us an eye for the dejected, an ear for the hurting, a heart in sympathy with the little people who have no lobbyist; for minority groups who need justice, for the homeless seeking simple amenities of life.

Order the business of this Senate so that not only are the strong heard, but also the weak; not only the powerful, but also the helpless; not only those with right contacts, but also those with only a case and an appeal.

Guard, guide and support the Governor of our state and all of those people who sacrificially make our democracy work by sitting in chambers, by clerking in offices and by cleaning the halls of government. Amen.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday,

February 4, 1982: CS for SB 432, CS for SB 493, SB 228, SB 35, SB 419, SB 67, SB 171, SB 177, SB 255, SB 226, SB 219, SB 482, SB 190, SB 189, SB 425, SB 56, SB 93, SB 268, SB 293, SB 473

Respectfully submitted,  
*Edgar M. Dunn, Jr., Chairman*

The Committee on Commerce recommends the following pass: SB 249, SB 296

The Committee on Corrections, Probation and Parole recommends the following pass: SB 59, SB 290 with 3 amendments, SB 337 with 2 amendments

The Committee on Education recommends the following pass: SB 235, SB 476 with 3 amendments

The Committee on Judiciary-Criminal recommends the following pass: SB 450 with 2 amendments, SB 237 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Judiciary-Criminal recommends the following pass: SB 389 with 2 amendments

The bill was referred to the Committee on Corrections, Probation and Parole under the original reference.

The Committee on Commerce recommends the following pass: SB 401

The bill was referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 92 with 3 amendments, SB 167, SB 340 with 4 amendments

The bills were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Education recommends the following pass: SB 257

The bill was referred to the Committee on Governmental Operations under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 438

The Committee on Judiciary-Criminal recommends the following pass: SB 535, SB 284 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Corrections, Probation and Parole recommends the following pass: SB 384 with 1 amendment

The bill was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Commerce recommends the following pass: SB 365 with 1 amendment

The bill was referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 470, SB 492

The bills were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 63, SB 320 with 1 amendment, SB 412

The Committee on Commerce recommends the following pass: SB 77, SB 309, SB 474 with 2 amendments, SB 477

The Committee on Corrections, Probation and Parole recommends the following pass: SB 487 with 5 amendments, SB 661 with 2 amendments

The Committee on Education recommends the following pass: SB 187 with 1 amendment, SB 509

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Education recommends a committee substitute for the following: SB 548

The bill with committee substitute attached was referred to the Committee on Appropriations under the original reference.

The Committee on Governmental Operations recommends a committee substitute for the following: SB 199

The bill with committee substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Corrections, Probation and Parole recommends a committee substitute for the following: SB 294

The Committee on Education recommends a committee substitute for the following: SB 335

The Committee on Governmental Operations recommends a committee substitute for the following: SB 315

The Committee on Judiciary-Civil recommends a committee substitute for the following: CS for Senate Bills 69, 432, 312, 351, 39 and 285

The Committee on Transportation recommends committee substitutes for the following: Senate Bills 298 and 101, SB 158

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

#### REQUESTS FOR EXTENSION OF TIME

February 3, 1982

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: CS for SB 105, SB 209, SM 475

February 4, 1982

The Committee on Education requests an extension of 15 days for consideration of the following: SB 483

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: SB 72

The Committee on Judiciary-Criminal requests an extension of 15 days for consideration of the following: SB 468, SB 478

Senator Beard moved that a bill relating to fees to be charged by the Department of Highway Safety and Motor Vehicles be introduced notwithstanding the fact that the final day had passed for introduction of bills. The motion and the proposed bill were referred to the Committee on Rules and Calendar.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Tobiassen, by two-thirds vote SB 697 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Hair, the rules were waived and by two-thirds vote SB 550 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Maxwell, the rules were waived and by two-thirds vote SB 617 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Steinberg, by two-thirds vote SB 804 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Steinberg, the rules were waived and by two-thirds vote SB 13 was withdrawn from the Committee on Commerce.

On motions by Senator Kirkpatrick, the rules were waived and by two-thirds vote SB 638 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator McClain, SB 992 was withdrawn prior to introduction.

Senator Frank announced cancellation of the Education Committee meeting scheduled for Monday, February 8.

On motion by Senator Dunn, by two-thirds vote SB 419 was placed first on the special order calendar.

**MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS**

**Appointments Subject to Confirmation by the Senate:**

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

<i>Office and Appointee</i>	<i>For Term Ending</i>
Board of Accountancy, Member Greene, Newton, Hollywood	12/26/85
State Community College Coordinating Board, Member Reeves, Garth C., Sr., Miami	9/15/85
Tampa-Hillsborough County Expressway Authority, Member Harper, William H., Tampa	7/1/83
South Lake County Hospital District Board of Trustees, Member McQuaig, Marjorie Gray, Montverde	7/5/85

[Referred to the Committee on Executive Business.]

**SPECIAL ORDER**

SB 419—A bill to be entitled An act relating to real estate; adding paragraph (d) to s. 20.30(2), Florida Statutes, and amending subsections (3) and (4)(v), (w), (x), and (y) of said section; establishing the Division of Real Estate within the Department of Professional Regulation; providing for appointment of a division director; providing duties; providing for funding of the division; providing for transfer of property and personnel; providing for offices; creating s. 455.200, Florida Statutes, defining "board," for the purposes of chapter 455, to include the Florida Real Estate Commission; amending s. 455.201(3), Florida Statutes, clarifying language; amending s. 455.217(1), Florida Statutes, providing that the department, in conjunction with specified divisions, shall provide for the preparation and administration of licensure examinations; amending ss. 475.01(1), (5), and (8), 475.02, 475.03, 475.04, 475.05, 475.10, 475.125, 475.15, 475.17, 475.175, 475.181, 475.182, 475.183, 475.22, 475.23, 475.24, 475.25, 475.28, 475.31(2), 475.37, 475.38, 475.42(1)(e), (g), (h), (i), and (k), 475.451(1), (2)(c), and (7), 475.4511(5), 475.452(2) and (3), 475.453, 475.454, 475.455, 475.482(1) and (2), 475.483(1)(b), 475.4835, 475.484(1), (2), and (5), and 475.486, all Florida Statutes; renaming the Board of Real Estate as the Florida Real Estate Commission; modifying membership requirements; providing for continuation of present board members; authorizing the commission to employ or utilize

the services of outside counsel; providing for conflict of interest with respect thereto; providing for licensure of real estate brokers and salesmen through the Division of Real Estate; modifying continuing education requirements; conforming terminology throughout the chapter; providing for review and repeal in accordance with the Regulatory Sunset Act; providing effective dates.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Lewis and adopted:

**Amendment 1**—On page 3, line 14, strike "Legal Services" and insert: *Regulation*

**Amendment 2**—On page 3, line 15, strike "Administration" and insert: *Administrative Services*

**Amendment 3**—On page 7, lines 21 and 22, strike "The Florida Real Estate Commission may employ or utilize the services of outside counsel" and insert: *Subject to the prior approval of the Attorney General, the Commission may retain independent legal counsel to provide legal advice to the Commission on a specific matter*

**Amendment 4**—On page 12, line 23; on page 13, lines 7 and 24; on page 14, lines 24 and 25, strike "Division of Real Estate department" and insert: *department*

**Amendment 5**—On page 12, lines 25 and 31; on page 13, line 15; on page 14, lines 3, 12, 18, 28 and 29; on page 15, lines 4, 5 and 13, strike "division department" and insert: *department*

On motion by Senator Lewis, by two-thirds vote SB 419 as amended was read the third time by title, passed, ordered engrossed and then certified to the House.

The vote on passage was:

Yeas—40

Mr. President	Grizzle	Lewis	Scott
Anderson	Hair	Margolis	Skinner
Barron	Henderson	Maxwell	Steinberg
Beard	Hill	McClain	Stevens
Carlucci	Jenkins	McKnight	Stuart
Childers, D.	Jenne	Neal	Thomas
Dunn	Jennings	Peterson	Tobiassen
Frank	Johnston	Poole	Trask
Gersten	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	Ware

Nays—None

On motion by Senator Dunn, the rules were waived and SB 419 after being engrossed was ordered immediately certified to the House.

On motion by Senator Gordon, the rules were waived and the Senate reverted to—

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 8, 87, CS for SB 134 and SB 277 were withdrawn from the Committee on Appropriations.

**SPECIAL ORDER, continued**

By the Committee on Judiciary-Civil and Senators Jenne, Skinner, Langley, Jenkins, Lewis, D. Childers, Beard, Poole, Frank, Stuart, Johnston and Trask—

CS for CS for SB's 69, 432, 312, 351, 39 and 285—A bill to be entitled An act relating to driving under the influence of alcohol or controlled substances; amending s. 316.066(4), Florida Statutes; excluding chemical test results from the confidentiality of accident reports; amending s. 316.193, Florida Statutes; providing minimum penalties; clarifying language; requiring

attendance at a substance abuse education course; providing for substance abuse evaluation and treatment programs; defining "substance abuse"; amending s. 322.12(2), Florida Statutes; requiring examination of license applicants on certain subjects; amending s. 322.261, Florida Statutes; providing in certain circumstances for a urine test to detect controlled substances; providing criteria for administering a urine test; authorizing suspension of a driver's license for certain periods under certain circumstances; providing that refusal to submit to tests shall be admissible in criminal proceedings; providing procedures for such suspension; providing for consent to a blood test under certain circumstances; providing for validity of test results; authorizing the withdrawal of blood for certain purposes; providing certain persons with immunity from liability under certain circumstances; authorizing a law enforcement officer to direct that a breath or urine test be administered; limiting the admissibility of test results; creating s. 322.2615, Florida Statutes; requiring a person to submit to a chemical blood test under certain circumstances; providing for enforcement of such requirements; providing for certain criminal charges to be tried concurrently; authorizing the withdrawal of blood by certain persons; providing such persons with immunity from liability under certain circumstances; limiting the admissibility of test results; amending s. 322.262, Florida Statutes; providing for admissibility of test results under certain circumstances; providing a right to a trial by jury; amending s. 322.271(2), Florida Statutes; requiring proof of attendance at a substance abuse education course; amending s. 322.28(1), (2)(a), (d), (e), Florida Statutes; conforming certain language; providing for a temporary driving permit in specified circumstances; increasing length of revocation of driver's license; amending s. 322.281, Florida Statutes; providing for mandatory adjudication of persons for certain offenses; providing for minimum periods of imprisonment and fines for certain persons who are granted probation; providing for imprisonment for certain persons during certain time periods; amending ss. 322.291, 371.51, Florida Statutes; conforming certain language; amending s. 860.01, Florida Statutes; providing minimum penalties; providing for admissibility of certain test results in certain actions; requiring the Division of Statutory Revision to make certain changes; providing an effective date.

—was read the first time by title and SB's 69, 432, 312, 351, 39, 285 and CS for SB's 69, 432, 312, 351, 39 and 285 were laid on the table.

On motion by Senator Jenne, by two-thirds vote CS for CS for SB's 69, 432, 312, 351, 39 and 285 was read the second time by title.

Senators Langley and Renick offered the following amendment which was moved by Senator Langley and adopted:

**Amendment 1**—On page 27, line 23, strike "as provided in s. 316.193." and insert: : (a) *For first conviction thereof, by imprisonment for not less than 48 hours nor more than 90 days and by a fine of not less than \$250 nor more than \$500.*

(b) *For a second conviction within a 3 year period from the date of a prior conviction for violation of this section or s. 393.193, by imprisonment for not less than 10 days nor more than 6 months and by a fine of not less than \$500 nor more than \$1,000.*

(c) *For a third or subsequent conviction within a period of 5 years from the date of conviction of the first of three or more convictions for violation of this section or s. 393.193, by imprisonment for not less than 30 days nor more than 12 months and by a fine of not less than \$1,000 nor more than \$2,500.*

Senator Frank moved the following amendment which was adopted:

**Amendment 2**—On page 24, line 28, after the period (.) insert: The Department shall issue a tag to the temporary permit driver, which shall be no smaller in size than a motor vehicle license tag, which temporary permit driver tag shall contain the prominent letters DUI and which tag shall be prominently displayed on the vehicle while being driven by the temporary permit driver. Absence of display of such temporary permit driver tag shall result in revocation of the temporary driver permit.

The vote was:

Yeas—24

Mr. President	Grizzle	Maxwell	Steinberg
Anderson	Jenkins	McClain	Stevens
Barron	Jenne	McKnight	Stuart
Carlucci	Jennings	Rehm	Tobiassen
Dunn	Kirkpatrick	Scott	Trask
Frank	Margolis	Skinner	Vogt

Nays—16

Beard	Hair	Langley	Poole
Childers, D.	Henderson	Lewis	Renick
Gersten	Hill	Neal	Thomas
Gordon	Johnston	Peterson	Ware

Senator Jennings presiding

The President presiding

Senators Langley and Renick offered the following amendment which was moved by Senator Langley and adopted:

**Amendment 3**—On page 28 between lines 25 and 26, insert:

Section 14. (1) There is hereby levied an alcoholic beverage surtax equal to 15 percent of the taxes on beer, wine, and liquor specified in s. 563.05, s. 564.06, and s. 565.12, Florida Statutes. Said surtax shall be collected and administered in the same manner as taxes on alcoholic beverages as regulated under Chapters 561, 562, 563, 564 and 565, Florida Statutes. Revenues collected from said surtax shall be deposited in the County Jail Construction Trust Fund, which is hereby created.

(2) The County Jail Construction Trust Fund shall be used solely for the construction of county correctional facilities. The state is authorized to pledge the proceeds of the alcoholic beverage surtax for the payment of principal and interest and necessary reserves on bonds to construct such local correctional facilities. However, no such bonds shall be issued for an amount to exceed \$365 million or for a period to exceed 20 years.

Section 15. Sections 215.6014, 215.6015, 215.6016, 215.6017, 215.6018, 215.6019, 215.602, 215.6021, 215.6022, 215.6023, 215.6024, 215.6025, 215.6026, and 215.6027, Florida Statutes, are created to read:

215.6014 Determination of local correctional facilities to be constructed.—

(1) There is hereby created a nine person advisory committee to be known as the "Florida Local Correctional Facilities Advisory Committee," to be composed of four persons appointed by the Governor, two members of the Florida Senate selected by the President of the Senate, two members of the Florida House of Representatives selected by the Speaker of the House, and the secretary of the Department of Corrections or his designee. The term of office for the appointed members shall be 2 years. The Department of Corrections shall provide staff support to the committee and shall ensure that committee meetings are electronically recorded. Such recordings shall be preserved pursuant to chapters 119 and 267.

(2) The chairman shall be selected by the Governor and the vice chairman shall be elected annually by the members of the committee.

(3) The committee shall hold periodic meetings at the request of the chairman.

(4) A member of the committee is not entitled to a salary for duties performed as a member of the committee, except that the members, other than public officers, shall receive per diem and expenses in accordance with the provisions of s. 112.061.

(5) The committee shall by January 1 of each year establish a list of proposed local correctional facility construction and renovation projects on a priority basis. The committee shall consider and evaluate the merits of each project submitted for approval and shall ensure that each proposed project will meet the stated purpose of providing adequate local correctional facilities based upon demonstrated need. As a part of the de-

termination process of demonstrated need, the committee shall consider, in addition to other relevant factors, the following criteria:

(a) The results of jail inspections conducted by the department pursuant to s. 951.23, identifying deficiencies and needs for local correctional facilities.

(b) Bed space requirements through the year 2000 as determined or projected by the department.

(c) Whether the proposed local correctional facility will comply with department standards as prescribed by rules and applicable law.

(d) Submission of a construction or renovation plan which meets the minimum architectural provisions and construction standards set forth in section 33-8.15, F.A.C.

(e) The capability of existing facilities to be renovated to provide local correctional facility needs unless it can be demonstrated that such renovation is not cost effective or will not comply with department standards.

(f) The availability, accessibility, extent of current utilization and adequacy of like and existing local correctional facilities.

(6) The recommendations of the committee shall be submitted prior to February 1 of each year to the commission.

(7) The commission, following receipt of the recommendations of the committee, shall have the final determination of which correctional facilities shall be constructed.

(8) The commission shall request the division to issue the bonds in accordance with the State Bond Act to accomplish the construction or renovation of the determined local correctional facilities.

(9) The committee shall recommend to the commission appropriate rules to be adopted by the commission concerning organization, operation and procedures under this act, including provision for application procedures, criteria for participation, specific selection criteria, distribution and accounting methods, and shall adopt other appropriate rules as are necessary.

**215.6015 Regional facilities.**—The commission should give special consideration to application for the establishment of facilities which will serve two or more counties or other units of local government, which facilities may provide solely for the confinement of prisoners after conviction or may provide a place for pretrial confinement as well as a place of confinement after conviction. A higher priority shall be assigned by the commission to application for such a regional facility if all other considerations are equal.

**215.6016 Staffing plan; administrative requirements.**—

(1) The commission shall require any local government that proposes to construct or renovate a local correctional facility under this act to affirmatively demonstrate, to the satisfaction of the commission, that such local government can provide appropriate administrative and financial support for the local correctional facility in accordance with state standards.

(2) The commission shall require, prior to approving any request for assistance under this act, that the local government have a staffing plan for the local correctional facility, prepared in consultation with the appropriate sheriffs' department or departments, which plan has been approved by the department.

(3) Local governments constructing facilities under this act shall provide, within the staffing plan, assurances to the commission that the number of deputy sheriffs assigned to direct law enforcement duties will not be reduced to meet the staffing requirements of the proposed local correctional facility.

**215.6017 Construction of local correctional facilities.**—Local correctional facilities with the proceeds of state bonds shall be constructed and renovated in conformity with the plans and specifications submitted by the local government in its application and approved by the commission and the department. Title to the local correctional facility financed pursuant to this act shall be held by the participating local government or local governments.

**215.6018 Agreements; terms and conditions.**—

(1) The commission shall enter into an agreement with the participating local government and such agreement shall provide

for the construction, financing, repayment or prepayment, operation and maintenance of a local correctional facility to which the provisions of this act apply.

(2) Such an agreement may also include other provisions, terms, conditions and covenants as the commission and local government deem advisable or necessary to comply with the provisions and intent of this act and the proceedings authorizing the sale of the state bonds.

**215.6019 Confidential records.**—Certain records and documents, including drawings, specifications, and contracts, used to construct or thereafter maintain, or in any way related to the construction and maintenance of, the local correctional facilities, insofar as they may affect the security or safety of these local correctional facilities, may be declared confidential by the secretary of the department. Under the provisions of chapter 119 the public will be prohibited from inspecting these confidential records and documents.

**215.602 Cooperation of state.**—The state, its officers, departments, divisions, and other state entities are authorized to cooperate with and provide assistance in carrying out the purposes of this act. Personnel, facilities, and property under the jurisdiction of such state officers and entities and such funds as are appropriated or as may be otherwise available from time to time therefor may be used and applied pursuant to this section.

**215.6021 Reimbursement for prior indebtedness.**—Any local government that completed the construction and renovation of a local correctional facility subsequent to July 1, 1975, and prior to the effective date of this act that has outstanding obligations issued by such local government to provide the funds for such construction and renovation may submit an application to the commission for a grant not to exceed 80 percent of the total construction and renovation cost of such facility. Such grant, if approved, shall be used solely to redeem outstanding obligations of such local government incurred in the construction and renovation of the local correctional facility or, along with other legally available revenues of the local government, to defease or refinance the outstanding obligations of such local government incurred in the construction and renovation of the local correctional facility. Any local government that completed the construction and renovation of a local correctional facility subsequent to July 1, 1975 through the use of county revenues other than federal grants and without the incurrence of indebtedness may submit an application to the commission for a grant not to exceed 80 percent of the total construction and renovation cost of such facility incurred by such local government. No such grant provided herein shall be awarded or the proceeds used in such a manner that shall cause the interest on the state bonds to be subject to federal income taxation.

**215.6022 Local governments, use of revenue sharing funds.**—Local governments seeking entitlement to bonds proceeds provided for in this act may pledge all or a portion of that local government's state revenue sharing entitlement as the local government's participation funds required by this act, notwithstanding the provisions of s. 218.25.

**215.6023 Local government participation; maximum entitlement; exceptions.**—

(1) The proceeds of the bonds shall be used to pay the entire costs of construction and renovation of the local correctional facilities.

(2) Participating local governments shall pay to the state annually an amount equal to 20 percent of that portion of the principal and interest on the state bonds attributable to the local correctional facility and that amount shall be set forth in the agreement authorized in s. 215.6018.

(3) Any payments made by a local government shall be applied to pay the principal of and interest on state bonds authorized by this act.

(4) In lieu of the payments required in subsection (2), a local government may elect to pay the local share of 20 percent of the cost of the construction or renovation of the local correctional facility in a lump sum prior to the commencement of construction.

**215.6024 Sites for state correctional facilities.**—Where the department identifies a need within the facilities master plan for a state correctional institution, the commission shall require such county to incorporate within established zoning classifications

publicly-owned correctional facilities as a permitted use as a condition of receiving funds under this act.

215.6025 Taxes collected pursuant to chapter 212 with respect to legal services of attorneys licensed to practice law shall be used to pay the principal and interest on bonds for local correctional facilities issued pursuant to this act.

215.6026 Legislative intent.—It is the intent of the Legislature that through the bonds provided for in this act, sufficient local correctional facilities shall be constructed to meet the need for such facilities through the year 2000. To this end, the moneys derived from these bonds are hereby continually appropriated to provide for the necessary debt service requirements of this act.

215.6027 Liberal construction.—This act, being necessary for the prosperity and welfare of the state and its inhabitants, shall be liberally construed to effect the purposes thereof.

(Renumber subsequent sections.)

Senators Gordon, McClain, McKnight, Margolis, Anderson, Renick, Steinberg, Hill and Gersten offered the following amendment which was moved by Senator Gordon:

Amendment 4—On page 28, line 11, insert a new Section 13:

Section 13. Capital and operating costs incurred by local governments for persons incarcerated under this act shall be reimbursed by the state.

(Renumber subsequent sections.)

On motions by Senator Langley, by two-thirds vote CS for CS for SB's 69, 432, 312, 351, 39 and 285 was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

**Presentation of Distinguished Guest**

The President introduced to the Senate the Honorable Walter "Fritz" Mondale, former Vice-President of the United States, who addressed the Senate.

On motion by Senator Dunn, the rules were waived and time of adjournment was extended until 12:00 noon.

On motion by Senator Gersten, the rules were waived by unanimous consent and the Senate reverted to Introduction and Reference of Bills for the purpose of introducing the following resolution out of order:

**INTRODUCTION AND REFERENCE OF BILLS**

By Senator Gersten—

SR 1003—A resolution expressing support for the efforts of the United States Government to establish United States Radio Marti, in order to help the oppressed people of Cuba hear the truth and counter the interference by the Cuban Communist regime with the United States airwaves and the programming of Florida radio stations.

WHEREAS, in 1959 an enemy of the United States and democracy took over the island of Cuba and set up an anti-American, antidemocratic regime, which the world has learned is a puppet of the Soviet Union, and

WHEREAS, for over 20 years Fidel Castro, the head of that regime and an avowed enemy of the United States, has continued to insult our government and attack the policies of our nation throughout the world, and

WHEREAS, the Castro regime uses its Soviet-equipped broadcasting system to beam propaganda in English and Spanish into Florida in furtherance of its anti-American aims, and

WHEREAS, the United States by establishing Radio Marti will be helping the oppressed people of Cuba who yearn to be free to hear the truth, and

WHEREAS, Cuban Communist foreign broadcasts are causing intolerable interferences with the daily programming of Florida radio stations, and

WHEREAS, such foreign transmissions constitute a blatant, inexcusable interference in the domestic affairs of the govern-

ment and citizens of the United States and Florida, and are objected to by the South Florida radio community and listening audience; and

WHEREAS, at the President's urging and with his support, legislation has been introduced in Congress to establish Radio Marti, to counter aggression by the Castro regime against the free world through interference with our nation's airwaves,

NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the Congress of the United States is urged to approve the proposal by the federal administration for the creation of Radio Marti, and the President and Congress are urged to take all other appropriate measures to stop interference by the Castro regime with United States domestic radio programming.

BE IT FURTHER RESOLVED that copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—which was read the first time in full. On motion by Senator Gersten, SR 1003 was read the second time by title and adopted. The vote on adoption was:

Yeas—36

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Beard	Jenkins	McClain	Stevens
Carlucci	Jenne	McKnight	Stuart
Childers, D.	Jennings	Neal	Thomas
Dunn	Johnston	Peterson	Tobiassen
Frank	Kirkpatrick	Rehm	Trask
Gersten	Langley	Renick	Vogt
Grizzle	Lewis	Scott	Ware

Nays—None

**SPECIAL ORDER, continued**

By the Committee on Economic, Community and Consumer Affairs and Senators Skinner, Stuart, Poole, Tobiassen, McKnight, Gersten, Stevens, Jennings and Peterson—

CS for SB 493—A bill to be entitled An act relating to the Advisory Council on Veterans' Affairs; amending s. 292.04, Florida Statutes; creating the Florida Commission on Veterans' Affairs; providing for its membership, operation, and duties; requiring annual reports; amending ss. 292.05(2), 20.18(1)-(3), Florida Statutes; adding s. 20.31(2)(e), Florida Statutes; transferring the Division of Veterans' Affairs to the Department of Administration; renaming the Department of Veteran and Community Affairs; directing Statutory Revision to make necessary amendments consistent with this act; providing an appropriation; providing for review and repeal of s. 292.04, Florida Statutes, in accordance with the Sundown Act; providing an effective date.

—was read the first time by title and SB 493 was laid on the table.

On motions by Senator Stuart, by two-thirds vote CS for SB 493 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	Maxwell	Stevens
Anderson	Henderson	McClain	Stuart
Barron	Hill	McKnight	Thomas
Beard	Jenkins	Neal	Tobiassen
Carlucci	Jenne	Peterson	Trask
Childers, D.	Jennings	Poole	Vogt
Dunn	Kirkpatrick	Rehm	Ware
Frank	Langley	Renick	
Gersten	Lewis	Skinner	
Grizzle	Margolis	Steinberg	

Nays—None

By the Committee on Finance, Taxation and Claims and Senators Tobiassen, Peterson, McClain, Dunn, Henderson, Hill, Vogt, Neal, Skinner, Jennings, Carlucci, Stuart, Jenne, Beard, Rehm, Stevens, Frank, Grizzle, Poole, Kirkpatrick, Lewis, Thomas, McKnight, Steinberg, Jenkins, Renick, Trask, Maxwell, Langley, Hair, Barron and Margolis—

CS for SB 228—A bill to be entitled An act relating to the tax on sales, use and other transactions; amending s. 212.08-(5)(b), Florida Statutes; providing that industrial machinery and equipment purchased for use by a new or expanding business shall be exempt from sales tax at the time of purchase; providing for temporary tax exemption permits; providing for recapture of the amount of tax exempted in cases when the machinery and equipment does meet established criteria; providing for refund of taxes paid on qualifying machinery and equipment under certain conditions; providing for rules; revising the method of calculating productive output; providing an effective date.

—was read the first time by title and SB 228 was laid on the table.

On motions by Senator Tobiassen, by two-thirds vote CS for SB 228 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Grizzle	Langley	Renick
Anderson	Hair	Lewis	Skinner
Beard	Henderson	Margolis	Steinberg
Carlucci	Hill	Maxwell	Stevens
Childers, D.	Jenkins	McClain	Thomas
Dunn	Jenne	McKnight	Tobiassen
Frank	Jennings	Neal	Trask
Gersten	Johnston	Poole	Vogt
Gordon	Kirkpatrick	Rehm	Ware

Nays—None

Consideration of Senate Bills 67, 171 and 177 was deferred.

SB 255—A bill to be entitled An act relating to beach nourishment; amending s. 161.141, Florida Statutes; eliminating requirements for fixing and determining certain boundary lines; directing the Department of Environmental Regulation to notify applicants for proposed projects whether it intends to issue or deny a permit; adding s. 161.151(4), Florida Statutes; defining "authorized beach restoration project"; amending ss. 253.03(10)(a), 253.12(5)(b), 253.123(2)(c), Florida Statutes, to exempt from certain prohibitions the utilization of sand dredged from navigation channels for beach nourishment on public and private upland properties and in contiguous offshore waters at no cost to public or private interests; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator Dunn:

**Amendment 1**—On page 2, lines 20-24, strike "remain the property of the upland property owner subject to regulation by the Department of Natural Resources and shall not be used to justify increased density or the relocation of the coastal construction control line as may be in effect for such upland property." and insert: *become the property of the upland owner subject to all governmental regulations and shall not be used to justify increased density of the relocation of the coastal construction control line as may be in effect for such upland property. Such resulting additions to upland property shall also be subject to a public easement for traditional uses of the sandy beach.*

Senator Scott moved the following amendment to Amendment 1 which was adopted:

**Amendment 1A**—On page 1, line 3, strike "increased density or"

Amendment 1 as amended was adopted.

On motion by Senator Dunn, by two-thirds vote SB 255 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Grizzle	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Barron	Henderson	McClain	Stuart
Beard	Jenkins	McKnight	Thomas
Carlucci	Jenne	Neal	Tobiassen
Dunn	Jennings	Peterson	Vogt
Frank	Kirkpatrick	Rehm	Ware
Gersten	Langley	Renick	
Gordon	Lewis	Scott	

Nays—None

SB 35—A bill to be entitled An act relating to bridge designation; designating the Carrabelle River Bridge on U.S. Highway 98 in Franklin County as the Tillie Miller Bridge; providing for appropriate markers to be erected by the Department of Transportation; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 35 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Grizzle	Lewis	Steinberg
Anderson	Hair	Margolis	Stevens
Barron	Henderson	Maxwell	Stuart
Beard	Jenkins	McClain	Thomas
Carlucci	Jenne	McKnight	Tobiassen
Childers, D.	Jennings	Neal	Vogt
Frank	Johnston	Peterson	Ware
Gersten	Kirkpatrick	Rehm	
Gordon	Langley	Renick	

Nays—None

SB 177—A bill to be entitled An act relating to the Florida Historic Capitol Preservation Act; amending s. 272.128(4), Florida Statutes; deleting the requirement that Monroe Street be rerouted; deleting requirement that the Division of Building Construction and Property Management of the Department of General Services provide for the rerouting; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 177 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gordon	Langley	Renick
Anderson	Grizzle	Lewis	Skinner
Barron	Hair	Margolis	Steinberg
Beard	Henderson	Maxwell	Stevens
Carlucci	Jennings	McClain	Stuart
Childers, D.	Jenne	McKnight	Thomas
Dunn	Jennings	Neal	Tobiassen
Frank	Johnston	Peterson	Vogt
Gersten	Kirkpatrick	Rehm	Ware

Nays—None

SB 226—A bill to be entitled An act relating to naming a causeway; designating the 192nd Street Causeway in Dade County as the Aventura Causeway; providing an effective date.

—was read the second time by title.

Senators Steinberg and Margolis offered the following amendments which were moved by Senator Steinberg and adopted:

**Amendment 1**—On page 1, line 24, strike "Now, THEREFORE," and insert: WHEREAS, Norman Giller has contributed his time and efforts to the improvement of the area and has served as President of the Concerned Citizens of Dade County, NOW, THEREFORE,

**Amendment 2**—On page 1, line 30, after "Causeway" insert: and the bridge on the Causeway is hereby named the "Norman Giller Bridge."

**Amendment 3**—On page 2, line 3, after "Causeway" insert: and designating the bridge the "Norman Giller Bridge"

**Amendment 4**—In title on page 1, line 4, after "Causeway" insert: and designating the bridge on the Causeway as the Norman Giller Bridge;

On motion by Senator Steinberg, by two-thirds vote SB 226 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Gordon	Langley	Rehm
Anderson	Grizzle	Lewis	Renick
Barron	Hair	Margolis	Steinberg
Beard	Henderson	Maxwell	Stuart
Carlucci	Jenkins	McClain	Thomas
Childers, D.	Jenne	McKnight	Vogt
Dunn	Jennings	Neal	Ware
Frank	Johnston	Peterson	
Gersten	Kirkpatrick	Poole	

Nays—1

Stevens

On motion by Senator Dunn the schedule for February 9 was amended to permit the Appropriations Committee to meet from 12:00 noon until completion of final action on CS for CS for SB's 69, 432, 312, 351, 39 and 285.

**SB 219**—A bill to be entitled An act relating to the Administrative Procedure Act; adding a new subsection (4) to s. 120.55, Florida Statutes; requiring the inclusion of certain information along with the publication of a rule; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Lewis and adopted:

**Amendment 1**—On page 1, line 14, before "rule" insert: *proposed*

**Amendment 2**—In title on page 1, line 6, before "rule" insert: *proposed*

On motion by Senator Lewis, by two-thirds vote SB 219 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Henderson	McClain	Stevens
Anderson	Hill	McKnight	Stuart
Barron	Jenne	Neal	Thomas
Beard	Jennings	Peterson	Tobiasen
Carlucci	Johnston	Poole	Trask
Childers, D.	Kirkpatrick	Rehm	Vogt
Dunn	Langley	Renick	Ware
Frank	Lewis	Scott	
Gersten	Margolis	Skinner	
Grizzle	Maxwell	Steinberg	

Nays—None

**SB 482**—A bill to be entitled An act relating to criminal history records; adding s. 943.058(9), Florida Statutes; requiring that persons who desire to have criminal history records sealed or expunged must satisfy certain liens; providing an effective

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendments which were moved by Senator Peterson and adopted.

**Amendment 1**—On page 1, strike all of lines 15-17 and insert:

(9) *Any person seeking a records sealing or expunction under this section must first satisfy any lien created pursuant to s. 27.56, Florida Statutes.*

**Amendment 2**—In title on page 1, strike all of line 6 and insert: must satisfy any lien created pursuant to s. 27.56, F.S.; providing an

On motion by Senator Peterson, by two-thirds vote SB 482 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Grizzle	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Barron	Hill	McKnight	Stuart
Beard	Jenne	Neal	Thomas
Carlucci	Jennings	Peterson	Tobiasen
Childers, D.	Johnston	Poole	Trask
Dunn	Kirkpatrick	Rehm	Vogt
Frank	Langley	Renick	Ware
Gersten	Lewis	Scott	
Gordon	Margolis	Skinner	

Nays—None

**SB 190**—A bill to be entitled An act relating to the Ringling Museum of Art; adding s. 265.26(9), Florida Statutes; authorizing the board of trustees to sell or exchange certain art objects; providing for deposit of sale proceeds; prohibiting employees or board members from receiving a financial benefit on a sale or exchange; providing for policies and adoption of rules; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Henderson and adopted:

**Amendment 1**—On page 1, line 22, strike "of Art Investment" and insert: *Art Acquisition, Restoration, and Conservation*

**Amendment 2**—On page 1, line 27, strike "An" and insert: *No*

**Amendment 3**—On page 1, line 28, strike "neither"

**Amendment 4**—On page 1, line 29, strike "nor" and insert: *or*

Senator Henderson moved the following amendment which was adopted:

**Amendment 5**—On page 1, line 22, strike "Art Investment Trust Fund" and insert: *Art Acquisition, Restoration, and Conservation Trust Fund.*

On motion by Senator Henderson, by two-thirds vote SB 190 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dunn	Hill	Lewis
Anderson	Frank	Jenne	Margolis
Barron	Gersten	Jennings	Maxwell
Beard	Gordon	Johnston	McClain
Carlucci	Grizzle	Kirkpatrick	McKnight
Childers, D.	Henderson	Langley	Neal

Peterson	Scott	Stuart	Vogt	Johnston	McClain	Renick	Tobiassen
Poole	Skinner	Thomas	Ware	Kirkpatrick	McKnight	Scott	Trask
Rehm	Steinberg	Tobiassen		Langley	Neal	Skinner	Vogt
Renick	Stevens	Trask		Lewis	Peterson	Steinberg	Ware
				Margolis	Poole	Stuart	
				Maxwell	Rehm	Thomas	

Nays—None

SB 189—A bill to be entitled An act relating to the Ringling Museum of Art; adding s. 265.26(9), Florida Statutes; providing that the board of trustees may enter certain contracts with or without competitive bidding; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote SB 189 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Grizzle	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Barron	Hill	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	

Nays—None

SB 425—A bill to be entitled An act relating to criminal mischief; adding s. 806.13(3), Florida Statutes; providing penalties for the desecration of places of religious worship and certain items located therein; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendment which was moved by Senator McKnight and adopted:

Amendment 1—On page 1, line 13, after the word "who" insert: *willfully and maliciously*

On motion by Senator McKnight, by two-thirds vote SB 425 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Grizzle	McClain	Stevens
Anderson	Hill	McKnight	Stuart
Barron	Jenkins	Neal	Thomas
Beard	Jenne	Peterson	Tobiassen
Carlucci	Jennings	Poole	Trask
Childers, D.	Kirkpatrick	Rehm	Vogt
Dunn	Langley	Renick	Ware
Frank	Lewis	Scott	
Gersten	Margolis	Skinner	
Gordon	Maxwell	Steinberg	

Nays—None

SB 56—A bill to be entitled An act relating to special assessments of water and sewer districts; adding s. 153.73(14), Florida Statutes; authorizing changes in interest on, and duration of, installment payments on assessments under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote SB 56 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Carlucci	Gersten	Hill
Anderson	Childers, D.	Gordon	Jenkins
Barron	Dunn	Grizzle	Jenne
Beard	Frank	Henderson	Jennings

Nays—None

SB 93—A bill to be entitled An act relating to automobile clubs; creating s. 624.21, Florida Statutes; authorizing persons to provide certain services relating to a motor vehicle without being deemed an insurer or subject to the Insurance Code; repealing chapter 649, Florida Statutes, relating to regulation of automobile clubs, as scheduled by the Regulatory Sunset Act; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator Vogt:

Amendment 1—On page 1, lines 26-30 and on page 2, lines 1-3, strike all of said lines and insert:

(4) Procuring prepaid legal services, or providing reimbursement for legal services;

(5) Offering assistance in locating or recovering stolen or missing motor vehicles; or

(6) Paying emergency living and transportation expenses of the owner of a motor vehicle when a motor vehicle is damaged.

The Committee on Commerce recommended the following amendment to Amendment 1 which was moved by Senator Vogt and adopted:

Amendment 1A—On page 1, line 2, after "services" and before the semicolon (;) insert: , except that this shall not be deemed to be an exemption from chapter 642

Amendment 1 as amended was adopted.

Senator Carlucci moved the following amendment which failed:

Amendment 2—On page 1, line 22, strike the semicolon (;) and insert: which at a minimum provides towing for a vehicle unable to operate under its own power to the nearest station or repair center able to effect necessary repairs during normal working hours when such vehicle is a covered vehicle or operated by a covered person;

On motion by Senator Dunn, the rules were waived and time of adjournment was extended until completion of the special order calendar.

On motion by Senator Vogt, by two-thirds vote SB 93 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Grizzle	Lewis	Skinner
Anderson	Henderson	Margolis	Steinberg
Barron	Hill	Maxwell	Stevens
Beard	Jenkins	McClain	Stuart
Childers, D.	Jenne	McKnight	Thomas
Dunn	Jennings	Neal	Tobiassen
Frank	Johnston	Peterson	Trask
Gersten	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Scott	Ware

Nays—1

Carlucci

SB 268—A bill to be entitled An act relating to the severance tax; amending s. 211.33(2)(d), (e), Florida Statutes; providing a specific rate of interest to be assessed on certain delinquent taxes; authorizing the Department of Revenue to

settle or compromise certain penalties of interest; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Johnston:

Amendment 1—On page 1, line 28, insert a new Section 2:

Section 2. Paragraph (b) of subsection (3) of section 211-3103, Florida Statutes, is amended to read:

211.3103 Levy of tax on severance of phosphate rock; rate, basis, and distribution of tax.—

(3) The excise tax levied by this section shall apply to the total production of the producer during the taxable year, measured on the basis of bone-dry tons produced at the point of severance, subject to the following rates:

(a) For 1981, the tax rate shall be the base rate of \$1.67 per ton severed.

(b) For 1982 and subsequent years, the tax rate shall be the base rate times the base rate adjustment for the tax year as calculated by the department in accordance with subsection (4). However, for 1983 1988 and subsequent years, the base rate shall be reduced by 20 percent, unless additional funding of the Nonmandatory Land Reclamation Trust Fund is approved by law.

(Renumber subsequent section.)

Senator Johnston moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 1, before line 1 of the amendment insert:

Section 2. Subsection (3) of section 378.031, Florida Statutes, is added to read:

378.031 Nonmandatory Land Reclamation Trust Fund—

(3) Money paid into the Nonmandatory Land Reclamation Trust Fund may further be used to purchase lands, or any interest in lands, which have been mined or disturbed by the removal of phosphate rock prior to July 1, 1975, for the purpose of acquiring said lands or interest therein for hunting, fishing or other outdoor recreational purposes. Any interest in lands purchased may be less than a fee interest so long as the fee will vest in the state upon occurrence of an event or date. An amount not to exceed one percent of the amount of the fund at the beginning of the fiscal year may be used by the designated manager of said lands for the purposes for which the land was purchased, including reclamation or restoration of all or portions of said lands to enhance its wildlife values.

Amendment 1 as amended was adopted.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Johnston:

Amendment 2—In title on page 1, line 7, after "interest;" insert: amending s. 211.3103, Florida Statutes; delaying from 1983 until 1988 the 20% reduction of the base rate used in determining the tax on the severance of phosphate rock;

Senator Johnston moved the following amendment to Amendment 2 which was adopted:

Amendment 2A—On page 1, line 3, after the semicolon (;) insert: adding s. 378.031(3), Florida Statutes; specifying uses of moneys in the Nonmandatory Land Reclamation Trust Fund;

Amendment 2 as amended was adopted.

On motion by Senator Johnston, by two-thirds vote SB 268 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Grizzle	Margolis	Skinner
Anderson	Henderson	Maxwell	Stevens
Barron	Hill	McClain	Stuart
Beard	Jenkins	McKnight	Thomas
Carlucci	Jenne	Neal	Tobiassen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Kirkpatrick	Rehm	
Gersten	Langley	Renick	
Gordon	Lewis	Scott	

Nays—None

SB 293—A bill to be entitled An act relating to education; amending s. 295.015(1), Florida Statutes; providing that certain parents who have been classified by the United States Government as presumed deceased or deceased shall be deemed to have died in the service of the Armed Forces of the United States for purposes of obtaining state educational aid for dependent children; authorizing waiver of residential requirements; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote SB 293 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Grizzle	Margolis	Steinberg
Anderson	Henderson	Maxwell	Stevens
Barron	Hill	McClain	Stuart
Beard	Jenkins	McKnight	Thomas
Carlucci	Jenne	Peterson	Tobiassen
Childers, D.	Jennings	Poole	Trask
Dunn	Johnston	Rehm	Vogt
Frank	Kirkpatrick	Renick	Ware
Gersten	Langley	Scott	
Gordon	Lewis	Skinner	

Nays—None

SB 473—A bill to be entitled An act relating to the Florida Safe Drinking Water Act; amending s. 403.852(4), Florida Statutes; providing that water systems for a wilderness educational camp shall be a noncommunity water system; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote SB 473 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Grizzle	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Barron	Hill	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiassen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	

Nays—None

SB 67—A bill to be entitled An act relating to workers' compensation; creating s. 440.385, Florida Statutes; establishing the Florida Self-Insurers Guaranty Association, Incorporated; requiring certain individual self-insurers to become members of the association; providing for withdrawal upon termination of the self-insurance privilege; providing for a board of directors and providing for organization, operation, powers, and duties thereof; providing for creation of an insolvency fund; providing for a plan of operation; providing powers and duties of the Department of Labor and Employment Security; providing the effect of paid claims; providing for exchange of information to detect and prevent employer insolvencies; providing for examination and regulation of the association by the department; providing certain immunity; providing for a stay of proceedings; providing a statute of limitations; amending s.

440.38(1)(b), Florida Statutes, to conform; adding subsection (5) to s. 440.09, Florida Statutes, including certain persons within the course of employment for purposes of coverage; providing an effective date.

—was read the second time by title.

Senator Scott moved the following amendments which were adopted.

**Amendment 1**—On page 14, strike all of lines 16-29 and re-number subsequent section.

**Amendment 2**—In title on page 1, strike all of lines 21-25 and insert: a statute of limitations;

On motion by Senator Scott, by two-thirds vote SB 67 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Barron	Carlucci	Dunn
Anderson	Beard	Childers, D.	Frank

Gersten	Kirkpatrick	Peterson	Stuart
Gordon	Langley	Poole	Thomas
Grizzle	Lewis	Rehm	Trask
Henderson	Margolis	Renick	Vogt
Jenkins	Maxwell	Scott	Ware
Jenne	McClain	Skinner	
Jennings	McKnight	Steinberg	
Johnston	Neal	Stevens	

Nays—None

#### CO-INTRODUCERS

Senator Renick—Senate Bills 670, 419, 293; Senator Maxwell—Senate Bills 189, 190; Senator Thomas—SB 231; Senator D. Childers—CS for SB 493; Senator Tobiassen—SB 845; Senator Poole—Senate Bills 329 and 450

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of February 2 was corrected and approved.

On motion by Senator Dunn, the Senate recessed at 12:07 p.m. to convene at 9:00 a.m., Tuesday, February 9.