



Journal of the Senate

Number 10

Thursday, April 25, 1985

Prayer

The following prayer was offered by the Rev. Ross McKenzie, Pastor, First Presbyterian Church, Gainesville:

O God, in your love you have given us gifts which our forebears neither knew nor dreamed of. Mercifully grant that we may not be so occupied with material things that we forget the things which are spiritual, and thus, even though we have gained the whole world, lose our souls.

This day guide our minds, fill our imaginations, control our wills and use us as you will, always to your glory and the welfare of your people. Amen.

Call to Order

The Senate was called to order by the President at 9:00 a.m. A quorum present—37:

Mr. President	Girardeau	Kiser	Plummer
Barron	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Hill	McPherson	Vogt
Deratany	Jenne	Meek	Weinstein
Dunn	Jennings	Myers	
Fox	Johnson	Neal	
Frank	Kirkpatrick	Peterson	

Excused: Senator Beard

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 25, 1985: CS for SB 382, CS for SB 99, CS for SB 503, SB 350, SB 385, SB 572, CS for SB 132, SB 219, SB 434, SB 191, SB 184, SB 182, SB 53, CS for SB 76, CS for SB 107, SB 108, SB 175, SB 258, SB 447, SB 487, CS for SB 490, SB 197, CS for SB 88

Respectfully submitted,
Kenneth C. Jenne, Chairman

The Committee on Corrections, Probation and Parole recommends the following pass: SB 439 with 1 amendment, SB 134 with 2 amendments

The Committee on Governmental Operations recommends the following pass: SB 396, SB 462, SB 463

The Committee on Health and Rehabilitative Services recommends the following pass: SB 632 with 1 amendment, SB 674

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: CS for SB 139 with 2 amendments, SB 460, SB 505, SB 705 with 2 amendments

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

The Committee on Health and Rehabilitative Services recommends the following pass: SB 573

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 146 with 2 amendments

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

The Committee on Judiciary-Criminal recommends the following pass: SB 940

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

The Committee on Judiciary-Criminal recommends the following pass: SB 135

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

The Committee on Corrections, Probation and Parole recommends the following pass: SB 624 with 2 amendments

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

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 368

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Judiciary-Criminal recommends the following pass: SB 260

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

The Committee on Corrections, Probation and Parole recommends the following pass: SB 249

The Committee on Governmental Operations recommends the following pass: SB 15 with 2 amendments

The Committee on Judiciary-Criminal recommends the following pass: SB 308, SB 508

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

The Committee on Personnel, Retirement and Collective Bargaining recommends committee substitutes for the following: SB 706, SB 805

The bills with committee substitutes attached were referred to the Committee on Appropriations under the original reference.

The Committee on Appropriations recommends a committee substitute for the following: SB 584

The bill with committee substitute attached was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Corrections, Probation and Parole recommends a committee substitute for the following: SB 732

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 616

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

The Committee on Appropriations recommends committee substitutes for the following: SB 26, CS for SB 122, 84 and 85, CS for SB 241, CS for SB 247, SB 419

The bills with committee substitutes attached were placed on the calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Appropriations and Senator Castor—

CS for SB 26—A bill to be entitled An act relating to education; creating s. 240.4066, F.S.; establishing a Masters' Fellowship Loan Program for Teachers; defining the purpose of the program; providing for the development of Masters' Programs for Teachers at universities in this state; providing for the development of a program; prescribing criteria for eligibility; providing for awards; providing for certification by the Department of Education; requiring loan recipients to teach in critical shortage areas for a specified period of time; providing for reimbursement of the fellowship loan; providing rulemaking powers; providing an effective date.

By the Committees on Appropriations; Economic, Community and Consumer Affairs; and Natural Resources and Conservation; and Senators Stuart, Fox, Kirkpatrick, Mann, Vogt, McPherson, Malchon and Crawford—

CS for CS for SB's 122, 84 and 85—A bill to be entitled An act relating to coastal management; amending s. 163.3177, F.S., relating to elements of the comprehensive plan; changing "coastal zone protection element" to "coastal management element"; providing requirements with respect to the coastal management element of the plan; creating ss. 163.3178, 163.3179, F.S.; providing legislative intent; providing criteria for coastal management elements of the comprehensive plan; directing the state land planning agency to adopt minimum criteria for the review of coastal management elements; directing counties, and municipalities to comply with requirements concerning coastal management elements; providing that port facilities shall not be developments of regional impact where consistent with certain plans; creating part III of chapter 380, F.S., the "Coastal Infrastructure Policy Act"; providing legislative intent; providing definitions; providing for designation of certain undeveloped coastal barrier areas; requiring maps; limiting the use of public funds for certain purposes on undeveloped coastal barrier areas; requiring certain reports; creating part VIII of chapter 553, F.S., the "Coastal Barriers Construction Act"; providing definitions; providing for minimum building codes for structures within the coastal construction building zone; providing for administration and enforcement by local governments; providing remedies; providing for assistance and rulemaking by the Board of Building Codes and Standards of the Department of Community Affairs; providing for Department of Natural Resources review of local building codes; providing for applicability to state and local government permitting; amending s. 161.053, F.S.; providing for challenges to coastal construction control lines; requiring an annual report to the Legislature; restricting permitting for certain structures seaward of the seasonal high water line; redefining the responsibility of the executive director of the department for making recommendations concerning land purchase; amending s. 161.0535, F.S.; amending the criteria for the permit fee schedule; amending s. 161.054, F.S.; expanding the applicability of administrative fines; amending s. 403.813, F.S.; defining the limitations of certain permit exceptions; amending s. 125.0104, F.S.; authorizing certain uses of the tourist development tax; providing an effective date.

By the Committees on Appropriations and Health and Rehabilitative Services and Senators Fox and Meek—

CS for CS for SB 247—A bill to be entitled An act relating to older volunteers; directing the Department of Health and Rehabilitative Services to initiate a volunteer service credit program; directing the department to adopt rules; requiring a report; providing for demonstration service credit programs; providing an appropriation; providing an effective date.

By the Committee on Transportation and Senators Gordon, Malchon, Frank and Stuart—

CS for SB 408—A bill to be entitled An act relating to public transit projects; amending s. 341.031, F.S.; providing definitions; amending s. 341.041, F.S.; requiring the Department of Transportation to develop and administer state standards for the productivity of public transit systems; amending s. 341.051, F.S.; providing for funding of certain transit projects; authorizing funding of local transit systems under certain circumstances; providing for continuation of local transit assistance; creating s. 341.071, F.S.; providing for transit system operating standards; providing for incentive awards; providing an effective date.

By the Committee on Appropriations and Senators Deratany and Kiser—

CS for SB 419—A bill to be entitled An act relating to administrative procedures; amending s. 120.53, F.S.; providing that the formal written protest shall include particular parts; providing for model rules; providing for expedited hearing; providing an appropriation; providing an effective date.

By the Committee on Appropriations and Senators Neal, Castor, Mann, Kirkpatrick and Thomas—

CS for SB 584—A bill to be entitled An act relating to trust funds; transferring, consolidating, and abolishing certain trust funds; providing for the disposition of assets and liabilities of certain trust funds; amending ss. 206.60, 206.875, 207.026, 265.26, F.S.; conforming language; amending s. 403.725, F.S.; deleting requirement that certain fines and permit and excise tax fees be deposited in the Hazardous Waste Management Trust Fund; conforming language; deleting authority to recover moneys expended from the fund; repealing s. 240.509, F.S., relating to the Agricultural College Trust Fund; repealing s. 288.32, F.S., relating to the Urban Planning Assistance Revolving Trust Fund; repealing s. 420.425, F.S., relating to the Neighborhood Housing Services Grant Trust Fund; providing an effective date.

By the Committee on Judiciary-Criminal and Senators Hair, Neal and Dunn—

CS for SB 616—A bill to be entitled An act relating to collateral appeals in capital cases; providing intent; amending s. 27.51, F.S., providing for the termination of representation of capital defendants by the public defender; creating part III of chapter 27, F.S.; providing for the appointment of a capital collateral representative and providing his duties; providing for the appointment of substitute counsel in cases of conflict of interest; providing for the appointment of assistants and other staff and providing a method of payment; providing for salaries and expenses of the office; prohibiting the private practice of law by the capital collateral representative and his full-time assistants; authorizing investigators to serve process; authorizing access to prisoners; amending s. 43.16, F.S., providing for administrative services, assistance, and budget submittal to and on behalf of the capital collateral representative by the Judicial Administrative Commission; amending s. 790.25, F.S., authorizing certain investigators to carry firearms; providing for severability; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining and Senators Neal, Castor, Kirkpatrick, Thomas, Jenne, Mann and Margolis—

CS for SB 706—A bill to be entitled An act relating to state employment; amending s. 110.109, F.S., providing legislative intent; directing the Department of Administration to adopt rules providing for a state training program; directing agencies to adopt agency training programs which are consistent with the state program; providing for duties of the department; directing the Comptroller to develop a method of accounting and reporting for training expenditures; providing an effective date.

By the Committee on Corrections, Probation and Parole and Senators Hill and Thurman—

CS for SB 732—A bill to be entitled An act relating to the state correctional system; creating s. 944.597, F.S.; authorizing the Department of Corrections to contract with private transport companies for the transportation of prisoners; providing requirements for such contracts; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining and Senator Margolis—

CS for SB 805—A bill to be entitled An act relating to public employees; creating s. 447.404, F.S.; providing an alternative procedure for impasse resolution with respect to collective bargaining when the bargaining units contain primarily law enforcement officers or firefighters; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Peterson, by two-thirds vote SB 186 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Meek, by two-thirds vote SB 205 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Neal, by two-thirds vote CS for SB 1 was withdrawn from the Committee on Appropriations.

On motion by Senator Neal, by two-thirds vote SB 329 was removed from the calendar and referred to the Committee on Appropriations.

On motion by Senator Hill, by two-thirds vote HCR 280 was withdrawn from the Committee on Rules and Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 923, SCR 111; and passed CS for SB 151.

Allen Morris, Clerk

The bills contained in the foregoing message were ordered enrolled.

On motions by Senator Hill—

HCR 280—A concurrent resolution declaring April 22 through April 28, 1985, as Cuban Municipalities in Exile Week.

—was taken up out of order by unanimous consent, read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—26

Mr. President	Gordon	Johnson	Scott
Barron	Grant	Langley	Stuart
Carlucci	Grizzle	Malchon	Thurman
Deratany	Hair	Mann	Vogt
Fox	Hill	McPherson	Weinstein
Frank	Jenne	Meek	
Girardeau	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Dunn, Kirkpatrick

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

INTRODUCTION AND REFERENCE OF BILLS

By Senators Barron, Hill and Thomas—

SR 1298—A resolution honoring the veterans of World War II who were interned as prisoners of war in Stalag 17-B.

WHEREAS, on May 2, 1985, in Clearwater Beach, a convention will be held commemorating the 40th anniversary of the liberation of prisoners of war who were interned at German prisoner of war camp Stalag 17-B, and

WHEREAS, at the end of World War II, Stalag 17-B, located at Krems, Austria, interned approximately 4,500 American Air Force personnel, the majority of whom were shot down in combat, and, with the exception of a chaplain, were all noncommissioned officers, and

WHEREAS, on or about April 1, 1945, in the face of the Allied advance, the prisoners of war at Stalag 17-B were force marched, with little food or shelter, across Austria to the German border, where they were eventually repatriated on May 3, 1945, and

WHEREAS, at the time they were liberated, many of the prisoners had been in captivity since September, 1942, and most had been held captive for more than one year, and

WHEREAS, while words are inadequate to properly describe the debt we, as free Americans, owe to these brave and unselfish men for the sacrifices and sufferings they and their families endured, we can attempt to show them that we truly appreciate and admire their courage, strength, and patriotism, NOW, THEREFORE,

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

That the former prisoners of war who were imprisoned in Stalag 17-B be welcomed to the State of Florida as honored guests for the 40th anniversary of their repatriation from Stalag 17-B.

BE IT FURTHER RESOLVED that a copy of this resolution with the seal of the Senate affixed, be presented to the former prisoners of war of Stalag 17-B as a tangible token of the admiration of the Florida Senate.

—which was read the first time by title. On motion by Senator Barron, SR 1298 was read the second time in full and adopted. The vote on adoption was:

Yeas—35

Mr. President	Gordon	Kiser	Peterson
Barron	Grant	Langley	Plummer
Carlucci	Grizzle	Malchon	Scott
Childers, D.	Hair	Mann	Stuart
Crawford	Hill	Margolis	Thomas
Dunn	Jenne	McPherson	Thurman
Fox	Jennings	Meek	Vogt
Frank	Johnson	Myers	Weinstein
Girardeau	Kirkpatrick	Neal	

Nays—None

Vote after roll call:

Yea—W.D. Childers

SPECIAL ORDER

Senator Langley presiding

Consideration of CS for SB 382, CS for SB 99 and CS for SB 503 was deferred.

SB 350—A bill to be entitled An act relating to drug paraphernalia; amending s. 893.147, F.S., prohibiting sale or delivery to minors of hypodermic syringes, needles, and other objects used for injection; providing exceptions; providing a penalty; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 27, after “*practitioner*” insert: , *parent, or legal guardian,*

Amendment 2—On page 1, line 30, strike “*felony of the second degree*” and insert: *misdemeanor of the first degree*

On motion by Senator Crawford, by two-thirds vote SB 350 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Barron	Frank	Johnson	Peterson
Carlucci	Girardeau	Kirkpatrick	Plummer
Castor	Gordon	Langley	Scott
Childers, D.	Grant	Malchon	Stuart
Childers, W. D.	Grizzle	Mann	Thomas
Crawford	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Neal	

Nays—None

Vote after roll call:

Yea—Myers

SB 385—A bill to be entitled An act relating to privacy of cable television subscribers; providing definitions; prohibiting a cable television system from invading the privacy of its subscribers by electronic means; prohibiting a system from providing certain subscriber information to governmental agencies or other persons; requiring a system to maintain safeguards to ensure the security of certain subscriber information; requiring a subscriber to be notified if requests for certain information about him are received; providing that the standards established are minimum state standards; providing that certain subscriber information is subject to chapter 119, F.S.; permitting a subscriber to examine certain information concerning him which is maintained by a system; requiring certain notices to new subscribers; providing penalties; providing for civil actions; providing that certain remedies are cumulative; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 385 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Barron	Girardeau	Kirkpatrick	Peterson
Carlucci	Gordon	Langley	Plummer
Castor	Grant	Malchon	Scott
Childers, D.	Grizzle	Mann	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crawford	Hill	McPherson	Thurman
Deratany	Jenne	Meek	Vogt
Fox	Jennings	Myers	Weinstein
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Dunn

SB 572—A bill to be entitled An act relating to community colleges; amending s. 240.313, F.S.; providing circumstances under which a community college district board of trustees may consist of seven members; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 572 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Barron	Frank	Johnson	Neal
Carlucci	Girardeau	Kirkpatrick	Peterson
Castor	Gordon	Langley	Plummer
Childers, D.	Grant	Malchon	Scott
Childers, W. D.	Grizzle	Mann	Stuart
Crawford	Hair	Margolis	Thomas
Deratany	Hill	McPherson	Thurman
Dunn	Jenne	Meek	Vogt
Fox	Jennings	Myers	Weinstein

Nays—None

CS for SB 132—A bill to be entitled An act relating to title insurance; creating s. 627.7842, F.S.; providing that certain exceptions are prohibited from policies issued in this state in certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote CS for SB 132 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Barron	Girardeau	Kirkpatrick	Plummer
Carlucci	Gordon	Malchon	Scott
Castor	Grant	Mann	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	McPherson	Thurman
Crawford	Hill	Meek	Vogt
Deratany	Jenne	Myers	Weinstein
Dunn	Jennings	Neal	
Fox	Johnson	Peterson	

Nays—None

SB 219—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; redefining the term “educational institutions” to provide an exemption from such tax to certain additional nonprofit institutions; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 219 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Barron	Frank	Johnson	Neal
Carlucci	Girardeau	Kirkpatrick	Peterson
Castor	Gordon	Langley	Plummer
Childers, D.	Grant	Malchon	Scott
Childers, W. D.	Grizzle	Mann	Stuart
Crawford	Hair	Margolis	Thomas
Deratany	Hill	McPherson	Thurman
Dunn	Jenne	Meek	Vogt
Fox	Jennings	Myers	Weinstein

Nays—None

SB 434—A bill to be entitled An act relating to tax on sales, use and other transactions; amending ss. 212.02 and 212.031, F.S., excluding certain leases relating to use by condominium unit owners of recreational or other common facilities from the definition of the term “real property” and from taxation pursuant to chapter 212, F.S.; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 434 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Barron	Frank	Johnson	Neal
Carlucci	Girardeau	Kirkpatrick	Peterson
Castor	Gordon	Langley	Plummer
Childers, D.	Grant	Malchon	Scott
Childers, W. D.	Grizzle	Mann	Stuart
Crawford	Hair	Margolis	Thomas
Deratany	Hill	McPherson	Thurman
Dunn	Jenne	Meek	Vogt
Fox	Jennings	Myers	Weinstein

Nays—None

SB 191—A bill to be entitled An act relating to motor vehicles; amending s. 320.02, F.S.; prescribing conditions under which motor vehicles which have not been manufactured in compliance with federal standards may be titled and registered in this state; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Kiser:

Amendment 1—On page 1, lines 18-31, and on page 2, lines 1-3, strike all of said lines and insert:

(a) Shall not ~~can~~ be sold to a consumer and titled and registered in this state, until it is modified to meet or exceed the minimum compliance standards of those acts. The motor vehicle must either be certified by way of a release of the bond required by ~~or~~ the United States Department of Transportation and the United States Environmental Protection Agency upon entry of the vehicle into this country and posted with the United States Customs Service, or the motor vehicle dealer, in the case of a dealer sale, or the owner, in the case of a private or casual sale, together with the shop making the required modifications shall certify and warrant that such modifications have been made and that application for certification from the appropriate federal agencies has been made. A copy of the application for certification shall accompany the application for title and registration together with written evidence that any applicable federal fuel economy tax pursuant to 15 U.S.C. ss. 2001 - 2008 has been paid. The proof of ownership required in titling and registering a vehicle shall be in the English language or a translation shall be attached thereto to be in compliance with these federal standards.

A vehicle which is registered pursuant to this subsection shall not be titled as a new motor vehicle.

(b) By titling and registering vehicles in accordance with this subsection, the department in no way warrants that proper modifications have been made.

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

Amendment 1A—On page 1, lines 26-28, after “registration” strike remainder of sentence.

Amendment 1 as amended was adopted.

On motion by Senator Kiser, the Senate reconsidered the vote by which Amendment 1 as amended was adopted.

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

Amendment 1B—On page 1, line 12, after “consumer” insert: *or and*

On motion by Senator Kiser, Amendment 1 as amended was adopted.

On motion by Senator Kiser, by two-thirds vote SB 191 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

Barron	Frank	Kiser	Plummer
Carlucci	Girardeau	Langley	Scott
Castor	Gordon	Malchon	Stuart
Childers, D.	Grant	Mann	Thomas
Childers, W. D.	Grizzle	Margolis	Thurman
Crawford	Hair	McPherson	Vogt
Deratany	Hill	Meek	Weinstein
Dunn	Jenne	Neal	
Fox	Johnson	Peterson	

Nays—2

Jennings Myers

Vote after roll call:

Yea—Kirkpatrick

SB 184—A bill to be entitled An act relating to property taxes; amending s. 196.031, F.S.; deleting the requirement that on property owned by more than one owner the homestead exemption be reduced in proportion to the number of owners who are not permanent residents of the state; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote SB 184 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Frank	Johnson	Plummer
Barron	Gersten	Kiser	Scott
Carlucci	Girardeau	Langley	Stuart
Castor	Gordon	Malchon	Thomas
Childers, D.	Grant	Mann	Thurman
Childers, W. D.	Grizzle	Margolis	Vogt
Crawford	Hair	Meek	Weinstein
Deratany	Hill	Myers	
Dunn	Jenne	Neal	
Fox	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The President presiding

SB 182—A bill to be entitled An act relating to the Florida Institute of Phosphate Research; amending s. 378.101, F.S.; authorizing the institute to secure patent, copyright, or trademark protection for research work products it develops; establishing powers and duties relating to the use of such work products; providing that certain materials are not subject to public records laws; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 182 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	Kiser	Peterson
Barron	Grant	Langley	Plummer
Carlucci	Grizzle	Malchon	Scott
Childers, D.	Hair	Mann	Stuart
Childers, W. D.	Hill	Margolis	Thomas
Crawford	Jenne	McPherson	Thurman
Dunn	Jennings	Meek	Vogt
Frank	Johnson	Myers	Weinstein
Gersten	Kirkpatrick	Neal	

Nays—None

Vote after roll call:

Yea—Deratany

CS for SB 99—A bill to be entitled An act relating to the cigarette tax; amending s. 210.02, F.S.; increasing the tax rate on cigarettes; providing for a credit against such tax; amending s. 210.20, F.S.; providing for distribution of the tax; providing an effective date.

—was read the second time by title.

Senator Crawford moved the following amendment:

Amendment 1—On page 4, between lines 21 and 22, insert:

Section 3. Subsections (19) and (20) are added to section 210.01, Florida Statutes, to read:

210.01 Definitions.—When used in this chapter the following words shall have the meaning herein indicated:

(19) "Indian" means an enrolled member of or a person eligible to be enrolled in the Seminole Tribe in the State of Florida or the Miccosukee Tribe in the State of Florida.

(20) "Retail Indian dealer" means any Indian owning and operating a retail establishment on reservation land at which are made sales of cigarettes to ultimate consumers.

Section 4. Paragraph (c) is added to subsection (4) of section 210.04, Florida Statutes, to read:

210.04 Construction; exemptions; collection.—

(4) No tax shall be required to be paid:

(c) Upon the purchase of cigarettes by any retail Indian dealer when such cigarettes are purchased for resale to Indians.

Section 5. Section 210.045, Florida Statutes, is created to read:

210.045 Sales by retail Indian dealers; tax on purchases by non-Indians; monthly reports by retail Indian dealers; Indian tax stamp.

(1) Agents and wholesalers may sell at wholesale stamped but untaxed cigarettes to retail Indian dealers for retail sale to Indians on reservation land. Agents and wholesalers shall treat such cigarettes and the sale thereof in the same manner, regarding reporting and stamping, as other sales under this chapter, provided that agents and wholesalers shall not collect from the purchaser the tax imposed by s. 210.02. The retail Indian dealer may be responsible to the agent and wholesaler for the services and expenses incurred in affixing the stamps and accounting therefor.

(2) Retail sales of such stamped but untaxed cigarettes shall be exempt from the excise tax imposed by this chapter when sold by retail Indian dealers to Indians on reservation lands. However, when retail sales of cigarettes are made by retail Indian dealers to non-Indians, the excise tax provided by this chapter shall be collected from the retail Indian dealer and imposed upon the purchaser. No retail Indian dealer shall sell any stamped but untaxed cigarettes to any non-Indian.

(3) On or before the 20th day of each month, each retail Indian dealer shall submit to the department a report showing all exempt sales of cigarettes to Indians during the preceding month. For each tax exempt transaction, the report shall set forth the name of the Indian purchaser to whom untaxed cigarettes were sold, the tribal affiliation of the Indian purchaser, and the dollar amount and date of the transaction.

(4) The department shall cooperate with tribal leaders in designing a tax stamp acceptable to the Indians. This stamp shall be affixed to all untaxed cigarettes exempt pursuant to this section.

Section 6. Subsection (5) of section 210.05, Florida Statutes, is repealed.

(Renumber subsequent sections.)

On motion by Senator Carlucci, further consideration of CS for SB 99 was deferred until a copy of Amendment 1 was furnished to each Senator.

Senator Langley moved that the rules be waived and CS for SB 99 be recommitted to the Committee on Finance, Taxation and Claims. The motion failed.

The question recurred on Amendment 1 which was adopted. The vote was:

Yeas—25

Mr. President	Fox	Kirkpatrick	Stuart
Barron	Frank	Malchon	Thomas
Castor	Gordon	Mann	Thurman
Childers, D.	Grant	Meek	Vogt
Childers, W. D.	Hair	Neal	
Crawford	Jenne	Peterson	
Dunn	Johnson	Plummer	

Nays—14

Carlucci	Grizzle	Langley	Scott
Deratany	Hill	Margolis	Weinstein
Gersten	Jennings	McPherson	
Girardeau	Kiser	Myers	

On motion by Senator Crawford, by two-thirds vote CS for SB 99 as amended was removed from the calendar and recommitted to the Committee on Finance, Taxation and Claims.

SB 53—A bill to be entitled An act relating to historic monuments of the United States of America; providing an appropriation for the purpose of paying certain restoration costs for the Statue of Liberty; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Carlucci and adopted:

Amendment 1—On page 2, line 4, strike “January 1, 1985” and insert: July 1, 1985 or upon becoming a law, whichever occurs later

On motion by Senator Carlucci, by two-thirds vote SB 53 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Carlucci	Girardeau	Kiser	Peterson
Castor	Grant	Langley	Plummer
Childers, D.	Grizzle	Malchon	Scott
Childers, W. D.	Hair	Mann	Stuart
Crawford	Hill	Margolis	Thomas
Deratany	Jenne	McPherson	Thurman
Dunn	Jennings	Meek	Vogt
Fox	Johnson	Myers	Weinstein
Gersten	Kirkpatrick	Neal	

Nays—3

Mr. President	Frank	Gordon
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Explanation of vote

Restoration of the Statue of Liberty is a private enterprise project and should not be underwritten by public funds.

Harry A. Johnston, II, 26th District

CS for SB 76—A bill to be entitled An act relating to state community colleges; providing penalties for assault or battery upon a community college security officer; providing an effective date.

—was read the second time by title. On motion by Senator Carlucci, by two-thirds vote CS for SB 76 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Johnson	Myers
Carlucci	Gersten	Kirkpatrick	Neal
Castor	Girardeau	Kiser	Peterson
Childers, D.	Gordon	Langley	Plummer
Childers, W. D.	Grant	Malchon	Scott
Crawford	Grizzle	Mann	Thomas
Deratany	Hair	Margolis	Thurman
Dunn	Hill	McPherson	Vogt
Fox	Jennings	Meek	Weinstein

Nays—None

On motion by Senator Carlucci, the rules were waived and CS for SB 76 was ordered immediately certified to the House.

Senator Mann presiding

Consideration of CS for SB 107 was deferred.

SB 108—A bill to be entitled An act relating to vessel titling; amending s. 327.28, F.S.; providing for depositing certain fees in the Motorboat Revolving Trust Fund and specifying the use of such fees; amending s. 328.03, F.S.; providing for an additional titling fee in certain circumstances; 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 McPherson and adopted:

Amendment 1—On page 1, line 11, insert:

Section 1. Subsection (2) of Section 327.22, Florida Statutes, 1984 Supplement, is amended to read:

(2) Any county of 100,000 persons or more may impose an annual registration fee on vessels *registered*, operated, or stored in its jurisdiction. This fee shall be 50 percent of the applicable state registration fee. However, the first \$1 of every registration imposed under this subsection shall be remitted to the state for deposit in the Motorboat Revolving Trust Fund for expenditure solely on activities related to the preservation of manatees. All other moneys received from such fee shall be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities of such municipality or county. A municipality that was imposing a registration fee before April 1, 1984, may continue to levy such fee, notwithstanding the provisions of this section.

(Renumber subsequent sections.)

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

Amendment 2—In title, on page 1, line 7, after the semicolon (;) insert: amending s. 327.22, F.S., 1984 Supplement; providing conditions for certain counties to impose vessel registration fees;

On motion by Senator McPherson, by two-thirds vote SB 108 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Castor	Girardeau	Kirkpatrick	Myers
Childers, D.	Gordon	Kiser	Neal
Childers, W. D.	Grant	Langley	Peterson
Deratany	Grizzle	Malchon	Plummer
Dunn	Hair	Mann	Stuart
Fox	Hill	Margolis	Thomas
Frank	Jennings	McPherson	Thurman
Gersten	Johnson	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Vogt

CS for SB 107—A bill to be entitled An act relating to the Local Government Comprehensive Planning Act of 1975; amending s. 163.3177, F.S., to require elements relating to groundwater recharge in the local comprehensive plan; providing an effective date.

—was read the second time by title.

Senators Fox and Stuart offered the following amendment which was moved by Senator Stuart:

Amendment 1—On page 2, strike all of lines 29 and 30 and insert:

Section 2. Section 373.0395, Florida Statutes, is amended to read as follows:

373.0395 Ground water basin resource availability inventory.—Each water management district shall develop a ground water basin resource

availability inventory covering those areas deemed appropriate by the governing board. This inventory shall include, but not be limited to, the following:

- (1) A hydrogeologic study to define the ground water basin and its associated recharge areas.
- (2) Site specific areas in the basin deemed prone to contamination or overdraft resulting from current or projected development.
- (3) Prime ground water recharge areas.
- (4) Criteria to establish minimum seasonal surface and ground water levels.
- (5) Areas suitable for future water resource development within the ground water basin.
- (6) Existing sources of wastewater discharge suitable for reuse as well as the feasibility of integrating coastal wellfields.
- (7) Potential quantities of water available for consumptive uses.

Before any inventory, or portion thereof, described above is developed and issued for purposes described in Section 163.3177(6)(c), such inventory, or portion thereof, shall be adopted by the governing board. Upon completion, a copy of the ground water basin availability inventory shall be submitted to each affected municipality, county, and regional planning agency. This inventory shall be reviewed by the affected municipalities, counties, and regional planning agencies for consistency with the local government comprehensive plan and shall be considered in future revisions of such plan. It is the intent of the Legislature that future growth and development planning reflect the limitations of the available ground water or other available water supplies.

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

Senators Neal and Fox offered the following amendment to Amendment 1 which was moved by Senator Neal:

Amendment 1A—On page 2, line 7, after "board." insert: *Such adoption shall take place only after public notice and opportunity for a hearing under chapter 120. Notice of the proposed adoption of an inventory, or portion thereof, shall be sent by mail to every property owner in the areas affected by the proposed agency action.*

On motion by Senator Stuart, further consideration of CS for SB 107 with pending amendments was deferred.

CS for SB 382—A bill to be entitled An act relating to environmental protection; amending ss. 376.16, 376.205, 376.311, 376.313, 403.727, F.S.; providing that the imposition of a penalty, cost recovery, or the award of damages for a violation relating to oil spills, petroleum discharges, or release of hazardous wastes creates a lien on the real and personal property of the violator; providing for enforcement; providing an effective date.

—was read the second time by title.

Senator Dunn offered the following amendment which was moved by Senator Gordon and adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert:

Section 1. Section 376.16, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 376.16, F.S., for present text.)

376.16 Enforcement and Penalties.—

- (1) It shall be unlawful for a person to knowingly violate:
 - (a) Any provision of ss. 376.011 to 376.21, or
 - (b) Any rule promulgated by the department under those sections, or
 - (c) Any order, as defined in s. 120.52(10), filed by the department in an administrative proceeding brought under those sections, or
 - (d) Any order, including an injunction, entered in an enforcement action under s. 120.69. Each violation shall be punishable by the imposition of a civil fine of up to \$50,000 for each violation. Each day or portion thereof during which the violation occurs shall constitute a separate violation.

(2) The civil fine imposed under this section for the violation of s. 376.311, relating to discharge, shall be the only fine or penalty imposed or assessed by the department for the violation in question. The person against whom a civil fine under this section has been imposed shall be excused from paying any additional fine or penalty imposed or assessed by the department under chapter 403 for a violation arising out of the same occurrence.

(3) It shall not constitute an actionable violation of s. 376.311 under this section if the discharge constituting a violation under s. 376.311 is promptly reported to the department and expeditiously removed by a registrant or vessel in accordance with the rules and orders, if any, of the department.

(4) The civil fine imposed under this section shall be imposed by the filing of an order, as defined in s. 120.52(10) by the department, or by the rendition of a final order or final judgment of a court of competent jurisdiction in an enforcement action brought under s. 120.69. The administrative order and the final order of a court of competent jurisdiction shall be deemed final judgments for the purposes of chapter 56, and they may be enforced pursuant to that chapter.

(5) The imposition of a civil fine under this section shall create a statutory lien upon the real property or interest therein of the person referred to in subsection (1). The statutory lien shall be perfected by filing with the clerk of the circuit court in the county where the property of that person is located, a certified copy of the order, as defined in s. 120.52(10), imposing the civil fine or a certified copy of a final order or final judgment, entered under s. 120.69, imposing the civil fine. The clerk shall record the certified copy in the official public records of the county. The lien shall secure payment to the department of the civil fine and all costs of litigation, including taxable costs of the administrative proceeding or civil action, assessable attorneys' fees, and expert witness fees, and interest thereon, at the rate prescribed in s. 55.03, from the date of the imposition of the civil fine.

(6) The statutory lien created under subsection (5) shall take priority as of the date and time that the certified copy of the order or judgment is recorded in the official public records of the county. The statutory lien shall be enforced in the manner prescribed in s. 85.011 (1) through (5). The statutory lien created under this section is hereby deemed to be a "statutory lien," as defined in s. 101(45) of the United States Bankruptcy Code.

Section 2. Section 376.205, Florida Statutes, is amended to read:

376.205 Individual cause of action for damages under ss. 376.011-376.21.—The remedies in this act shall be deemed to be cumulative and not exclusive. Nothing in this act shall require pursuit of any claim against the fund as a condition precedent to any other remedy. Notwithstanding any other provision of law, nothing contained herein shall prohibit any person from bringing a cause of action in a court of competent jurisdiction for all damages resulting from a discharge or other condition of pollution covered by ss. 376.011-376.21. In any such suit, it shall not be necessary for the person to plead or prove negligence in any form or manner. Such person need only plead and prove the fact of the prohibited discharge or other pollutive condition and that it occurred. The only defenses to such cause of action shall be those specified in subsection 376.12(4). In addition to any other remedy, the injured party shall be entitled to recover costs of the action and reasonable attorneys' fees. *The award of damages recoverable under this section shall create a statutory lien upon the real property or interest therein of the defendant. This lien shall be in addition to the lien perfected under s. 55.10. The statutory lien shall be perfected in the same manner and have priority determined in the same manner as a judgment lien under s. 55.10. The statutory lien may be enforced under chapter 56 or s. 85.011(1) through (5). The lien created by this section is hereby deemed to be a "statutory lien," as defined in Section 101(45) of the United States Bankruptcy Code.*

Section 3. Section 376.311, Florida Statutes, is amended to read:

376.311 Penalties for a discharge.—

(1) The penalty provisions of this section do not apply to any discharge promptly reported and removed by an operator in accordance with the rules and orders of the department.

(2) Penalties assessed herein for a discharge shall be in accordance with the provisions administered by the department in chapter 403.

(3) *The civil fine imposed under this section shall be imposed by the filing of an order, as defined in s. 120.52(10) by the department, or by the rendition of a final order or final judgment of a court of competent jurisdiction in an enforcement action brought under s. 120.69. The administrative order and the final order of a court of competent jurisdiction shall be deemed final judgments for the purposes of chapter 56, and they may be enforced pursuant to that chapter.*

(4) *The imposition of a civil fine under this section shall create a statutory lien upon the real property or interest therein of the person against whom the civil fine is imposed. The statutory lien shall be perfected by filing with the clerk of the circuit court in the county where the property of that person is located, a certified copy of the order, as defined in s. 120.52(10), imposing the civil fine or a certified copy of a final order or final judgment, entered under s. 120.69, imposing the civil fine. The clerk shall record the certified copy in the official public records of the county. The lien shall secure payment to the department of the civil fine and all costs of litigation (including taxable costs of the administrative proceeding or civil action, assessable attorneys' fees, and expert witness fees), and interest thereon, at the rate prescribed in s. 55.03, from the date of the imposition of the civil fine.*

(5) *The statutory lien created under subsection (4) shall take priority as of the date and time that the certified copy of the order or judgment is recorded in the official public records of the county. The statutory lien shall be enforced in the manner prescribed in s. 85.011 (1) through (5). The statutory lien created under this section is hereby deemed to be a "statutory lien," as defined in s. 101(45) of the United States Bankruptcy Code.*

Section 4. Section 376.313, Florida Statutes, 1984 Supplement, is amended to read:

376.313 Nonexclusiveness of remedies and individual cause of action for damages under ss. 376.30-376.315.—

(1) The remedies in ss. 376.30-376.315 shall be deemed to be cumulative and not exclusive.

(2) Nothing in ss. 376.30-376.315 requires the pursuit of any claim against the fund as a condition precedent to any other remedy.

(3) Notwithstanding any other provision of law, nothing contained in ss. 376.30-376.315 prohibits any person from bringing a cause of action in a court of competent jurisdiction for all damages resulting from a discharge or other condition of pollution covered by ss. 376.30-376.315. In any such suit, it is not necessary for such person to plead or prove negligence in any form or manner. Such person need only plead and prove the fact of the prohibited discharge or other pollutive condition and that it has occurred. The only defenses to such cause of action shall be those specified in s. 376.308. In addition to any other remedy, the injured party is entitled to recover the costs of the action and reasonable attorneys' fees. *The award of damages recoverable under this section shall create a statutory lien upon the real property or interest therein of the defendant. This lien shall be in addition to the lien perfected under s. 55.10. The statutory lien shall be perfected in the same manner and have priority determined in the same manner as a judgment lien under s. 55.10. The statutory lien may be enforced under chapter 56 or s. 85.011(1) through (5). The lien created by this section is hereby deemed to be a "statutory lien," as defined in Section 101(45) of the United States Bankruptcy Code.*

Section 5. Section 403.727, Florida Statutes, 1984 Supplement, is amended to read:

403.727 Violations; defenses, penalties, and remedies.—

(1) It is unlawful for any hazardous waste generator, transporter, or facility owner or operator to:

(a) Fail to comply with the provisions of this act or departmental rules or orders;

(b) Operate without a valid permit;

(c) Fail to comply with a permit;

(d) Cause, authorize, create, suffer, or allow an imminent hazard to occur or continue;

(e) Knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to the provisions of this act;

(f) Fail to notify the department pursuant to s. 403.72(2); or

(g) Refuse lawful inspection.

(2) In addition to the "imminent hazard" provision, ss. 403.121 and 403.131 are available to the department to abate violations of this act.

(3) Violations of the provisions of this act are punishable as follows:

(a) Any person who violates the provisions of this act, the rules or orders of the department, or the conditions of a permit is liable to the state for any damages specified in s. 403.141 and for a civil penalty of not more than \$50,000 for each day of continued violation, except as otherwise provided herein. The department may revoke any permit issued to the violator. In any action by the department against a small hazardous waste generator for the improper disposal of hazardous wastes, a rebuttable presumption of improper disposal shall be created if the generator was notified pursuant to s. 403.7234; the generator shall then have the burden of proving that the disposal was proper. If the generator was not so notified, the burden of proving improper disposal shall be placed upon the department.

(b) Any person who knowingly:

1. Transports any hazardous waste listed pursuant to this act to a facility which does not have a permit under s. 403.722;

2. Disposes of, treats, or stores hazardous waste at any place but a hazardous waste facility which has a current and valid permit pursuant to s. 403.722; or

3. Makes any false statement or representation in any hazardous waste application, label, manifest, record, report, permit, or other document required by this act

is, upon conviction, guilty of a felony of the third degree, punishable for the first such conviction by a fine of not more than \$50,000 for each day of violation or imprisonment not to exceed 5 years, or both, and for any subsequent conviction by a fine of not more than \$100,000 per day of violation or imprisonment of not more than 10 years, or both.

(4) In addition to any other liability under this chapter, and subject only to the defenses set forth in subsections (5), (6), and (7):

(a) The owner and operator of a facility;

(b) Any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substance was disposed of;

(c) Any person who, by contract, agreement, or otherwise, arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person or by any other party or entity at any facility owned or operated by another party or entity and containing such hazardous substances; and

(d) Any person who accepts or has accepted any hazardous substances for transport to disposal or treatment facilities or sites selected by such person,

is liable for all costs of removal or remedial action incurred by the department under this section and damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from the release or threatened release of a hazardous substance as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. No. 96-510.

(5) The following defenses are available to a person alleged to be in violation of this act, who shall plead and prove that the alleged violation was solely the result of any of the following or combination of the following:

(a) An act of war.

(b) An act of government, either state, federal, or local, unless the person claiming the defense is a governmental body, in which case this defense is available only by acts of other governmental bodies.

(c) An act of God, which means only an unforeseeable act exclusively occasioned by the violence of nature without the interference of any human agency.

(d) An act or omission of a third party other than an employee or agent of the defendant or other than one whose act or omission occurs in connection with a contractual relationship existing, directly or indirectly, with the defendant, except when the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail, if the defendant establishes by a preponderance of the evidence that:

1. The defendant exercised due care with respect to the hazardous waste concerned, taking into consideration the characteristics of such hazardous waste, in light of all relevant facts and circumstances; and

2. The defendant took precautions against foreseeable acts or omissions of any such third party and against the consequences that could foreseeably result from such acts or omissions.

(6) A generator or transporter of hazardous wastes who has complied with this act and with the applicable rules promulgated under this act and who has contracted for the disposal of hazardous wastes with a licensed hazardous waste disposal or processing facility is relieved from liability for those wastes upon receipt of a certificate of disposal from the disposal or processing facility.

(7) A generator of hazardous waste who has complied with this act and with the applicable rules under this act and who has contracted for the transportation of hazardous waste to a licensed hazardous waste facility is relieved of liability to the extent that such liability is covered by the insurance or bond of the transporter obtained pursuant to this act.

(8) The civil fine imposed under this section shall be imposed by the filing of an order, as defined in s. 120.52(10) by the department, or by the rendition of a final order or final judgment of a court of competent jurisdiction in an enforcement action brought under s. 120.69. The administrative order and the final order of a court of competent jurisdiction shall be deemed final judgments for the purposes of chapter 56, and they may be enforced pursuant to that chapter.

(9) The imposition of a civil fine under this section shall create a statutory lien upon the real property or interest therein of the person against whom the civil fine is imposed. The statutory lien shall be perfected by filing with the clerk of the circuit court in the county where the property of that person is located, a certified copy of the order, as defined in s. 120.52(10), imposing the civil fine or a certified copy of a final order or final judgment, entered under s. 120.69, imposing the civil fine. The clerk shall record the certified copy in the official public records of the county. The lien shall secure payment to the department of the civil fine and all costs of litigation (including taxable costs of the administrative proceeding or civil action, assessable attorneys' fees, and expert witness fees), and interest thereon, at the rate prescribed in s. 55.03, from the date of the imposition of the civil fine.

(10) The statutory lien created under subsection (10) shall take priority as of the date and time that the certified copy of the order or judgment is recorded in the official public records of the county. The statutory lien shall be enforced in the manner prescribed in s. 85.011 (1) through (5). The statutory lien created under this section is hereby deemed to be a "statutory lien," as defined in s. 101(45) of the United States Bankruptcy Code.

Section 6. This act shall take effect upon becoming a law.

On motion by Senator Gordon, by two-thirds vote CS for SB 382 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

Castor	Girardeau	Langley	Plummer
Childers, D.	Gordon	Malchon	Scott
Childers, W. D.	Grizzle	Mann	Stuart
Crawford	Hair	Margolis	Thomas
Deratany	Hill	McPherson	Thurman
Dunn	Jenne	Meek	Vogt
Fox	Johnson	Myers	Weinstein
Frank	Kirkpatrick	Neal	
Gersten	Kiser	Peterson	

Nays—None

SB 175—A bill to be entitled An act relating to water and sewer systems; amending s. 367.031, F.S.; requiring utilities to possess a current certificate; amending s. 367.061, F.S.; making application for certificate extension mandatory; amending s. 367.081, F.S.; providing for automatic increase of approved rates in certain circumstances; providing for refunds and rate adjustments in certain circumstances; amending s. 367.171, F.S.; providing for application for and issuance of a certificate when ch. 367, F.S., becomes applicable to a county; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator McPherson and adopted:

Amendment 1—On page 3, strike all of lines 20-24 and insert:

(d) If, within 15 24 months after the filing of a utility's annual report required by s. 367.121 of an adjustment in the rates as authorized by this subsection, the commission finds that the a utility exceeded did thereby exceed the range of its last authorized rate of return after an adjustment in rates as authorized by this subsection implemented within the year for which the report was filed, or implemented in the preceding year, the commission it may order the utility to

On motion by Senator McPherson, by two-thirds vote SB 175 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	Gersten	Kirkpatrick	Peterson
Castor	Girardeau	Kiser	Plummer
Childers, D.	Grant	Langley	Scott
Childers, W. D.	Grizzle	Malchon	Thomas
Crawford	Hair	Mann	Vogt
Deratany	Hill	Margolis	Weinstein
Dunn	Jenne	McPherson	
Fox	Jennings	Meek	
Frank	Johnson	Neal	

Nays—3

Gordon	Myers	Thurman
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Consideration of SB 258 was deferred.

SB 447—A bill to be entitled An act relating to the state highway system; amending s. 335.02, F.S., eliminating the requirement to file certain survey and location maps or plats; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were moved by Senator Deratany and adopted:

Amendment 1—On page 1, strike line 16 and insert: designated as part of the State Highway System. Right-of-way maps used for the acquisition of real property rights and adopted by the department shall, upon completion of monumentation, be filed in accordance with chapter 177 in the office of the clerk of the circuit court in the appropriate county. Whenever a

Amendment 2—In title, on page 1, strike line 5 and insert: maps or plats; providing for the filing of right-of-way maps; providing an effective date.

On motion by Senator Deratany, by two-thirds vote SB 447 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Barron	Gersten	Johnson	Myers
Castor	Girardeau	Kirkpatrick	Peterson
Childers, D.	Gordon	Kiser	Scott
Childers, W. D.	Grizzle	Langley	Thomas
Crawford	Hair	Malchon	Thurman
Deratany	Hill	Mann	Vogt
Dunn	Jenne	Margolis	
Frank	Jennings	Meek	

Nays—None

SB 258—A bill to be entitled An act relating to voting methods and procedure; amending s. 101.5614, F.S.; providing procedures for the tabulation of ballots at regional locations; providing for the transmission of election results from such locations by teleprocessing lines; providing an effective date.

—was read the second time by title.

Senator Castor moved the following amendment which was adopted:

Amendment 1—On page 1, line 17, strike “two or more” and insert: *no more than three*

On motion by Senator Castor, by two-thirds vote SB 258 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

Carlucci	Girardeau	Malchon	Scott
Castor	Gordon	Mann	Stuart
Childers, D.	Grant	Margolis	Thomas
Childers, W. D.	Grizzle	McPherson	Thurman
Crawford	Hair	Meek	Vogt
Deratany	Hill	Myers	Weinstein
Fox	Jennings	Neal	
Frank	Johnson	Peterson	
Gersten	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Dunn, Langley

SB 487—A bill to be entitled An act relating to the Department of Professional Regulation; creating s. 455.232, F.S.; prohibiting the disclosure of confidential information under certain circumstances; providing penalties; amending s. 455.225, F.S.; allowing disclosure of certain information to law enforcement and regulatory agencies; 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 Myers and adopted:

Amendment 1—On page 1, strike all of lines 16-25 and insert:

(1) No officer, employee, or person under contract with the department, or any board therein, shall convey knowledge or information to any person who is not lawfully entitled to such knowledge or information about any public meeting or public record, which at the time such knowledge or information is conveyed is exempt from the provisions of ss. 119.01, 119.07(1), or 286.011.

Amendment 2—On page 1, line 27, strike “second” and insert: first

Amendment 3—On page 1, line 28, strike “or s. 775.083” and insert: , s. 775.083, or s. 775.084

On motion by Senator Myers, by two-thirds vote SB 487 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

Carlucci	Girardeau	Malchon	Scott
Castor	Gordon	Mann	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	McPherson	Thurman
Crawford	Hill	Meek	Vogt
Deratany	Jenne	Myers	Weinstein
Dunn	Jennings	Neal	
Frank	Johnson	Peterson	
Gersten	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—Langley

CS for SB 490—A bill to be entitled An act relating to insurance; amending s. 628.461, F.S., relating to the acquisition of controlling stock of domestic insurers; revising acquisition notice requirements and requirements for approval of certain acquisitions; providing for proceedings and editorial changes; specifying criteria for approval of acquisitions; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote CS for SB 490 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Barron	Girardeau	Johnson	Plummer
Carlucci	Gordon	Kiser	Scott
Childers, D.	Grant	Mann	Stuart
Childers, W. D.	Grizzle	Margolis	Thomas
Deratany	Hair	McPherson	Thurman
Dunn	Hill	Myers	Vogt
Fox	Jenne	Neal	Weinstein
Frank	Jennings	Peterson	

Nays—None

Vote after roll call:

Yea—Langley

CS for SB 503—A bill to be entitled An act relating to investments by banks, trust companies, trust departments, trustees, and fiduciaries; amending s. 658.67, F.S.; authorizing banks and trust companies to invest in securities of certain investment companies or investment trusts; specifying possession of collateral; creating s. 660.415, F.S.; authorizing trust companies, trust departments, trustees, and other fiduciaries to invest in United States Government obligations and securities of certain investment companies or investment trusts; specifying possession of collateral; providing an effective date.

—was read the second time by title. On motion by Senator Crawford, by two-thirds vote CS for SB 503 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Carlucci	Gersten	Kirkpatrick	Neal
Castor	Girardeau	Kiser	Peterson
Childers, D.	Gordon	Langley	Plummer
Childers, W. D.	Grant	Malchon	Scott
Crawford	Grizzle	Mann	Stuart
Deratany	Hair	Margolis	Thomas
Dunn	Hill	McPherson	Thurman
Fox	Jennings	Meek	Vogt
Frank	Johnson	Myers	Weinstein

Nays—None

SB 197—A bill to be entitled An act relating to stolen motor vehicles; amending s. 812.062, F.S., providing for notification to an initiating law enforcement agency by a recovery agency within 72 hours; providing for notification to a registered owner, an insurer, and registered lienholder of a recovered stolen motor vehicle by the initiating agency; providing that notification be made in a specific manner if not previously done; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 197 to conform the bill to HB 137.

Pending further consideration of SB 197 as amended, on motions by Senator Fox, by two-thirds vote HB 137 was withdrawn from the Committees on Transportation and Judiciary-Criminal.

On motion by Senator Fox—

HB 137—A bill to be entitled An act relating to stolen motor vehicles; amending s. 812.062, F.S., providing for notification to an initiating law enforcement agency by a recovery agency within 72 hours; providing for notification to a registered owner, an insurer, and registered lienholder of a recovered stolen motor vehicle by the initiating agency; providing that notification be made in a specific manner if not previously done; providing an effective date.

—a companion measure, was substituted for SB 197 and read the second time by title.

Senator Fox moved the following amendment which was adopted:

Amendment 1—On page 1, line 31, after “made” insert: immediately

On motion by Senator Fox, by two-thirds vote HB 137 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Carlucci	Girardeau	Kiser	Plummer
Castor	Gordon	Malchon	Scott
Childers, D.	Grant	Mann	Stuart
Childers, W. D.	Grizzle	Margolis	Thomas
Deratany	Hair	McPherson	Thurman
Dunn	Hill	Meek	Vogt
Fox	Jennings	Myers	Weinstein
Frank	Johnson	Neal	
Gersten	Kirkpatrick	Peterson	

Nays—None

Vote after roll call:

Yea—Langley

SB 197 was laid on the table.

CS for SB 88—A bill to be entitled An act relating to contracting; amending ss. 489.105, 489.505, F.S.; defining “local construction regulation board”; amending ss. 489.113, 489.511, F.S.; providing that such board may deny a building permit or an electrical permit in specified circumstances; requiring that the Department of Professional Regulation be notified of such permit denial; providing an effective date.

—was read the second time by title.

Further consideration of CS for SB 88 was deferred.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Dunn, the rules were waived and the Committee on Judiciary-Civil was granted permission to consider CS for SB 616 this day.

On motions by Senator Hair, by two-thirds vote SB 287 was removed from the calendar and referred to the Committee on Commerce.

On motions by Senator Grant, by two-thirds vote SB 748 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Jenne, the rules were waived and the Select Committee on State Comprehensive Planning was granted permission to meet April 29 from 10:00 a.m. until completion of the agenda.

ENROLLING REPORTS

Senate Bills 192, 251 and CS for SB 154 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 25, 1985.

Joe Brown, Secretary

CS for SB 151 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 24, 1985.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 24 and 23 were corrected and approved.

CO-INTRODUCERS

Senator Scott—SB 434; Senator Mann—SB 1137

RECESS

Senator Jenne moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Tuesday, April 30 at 9:00 a.m. The motion was adopted.

Pursuant to the motion by Senator Jenne, the Senate recessed at 12:03 p.m. to reconvene at 9:00 a.m., Tuesday, April 30.