



Journal of the Senate

Number 12

Tuesday, April 30, 1985

Prayer

The following prayer was offered by Senator Peterson:

Gracious Father, as we sit here and stand here and talk here, make sure that we do it within thy will. Give us the patience to understand each other and to get along with each other and try to do what is best for thy children. We ask in Christ's name. Amen.

The Senate pledged allegiance to the flag of the United States of America.

Call to Order

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

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

Votes Recorded

Senator Crawford was recorded as voting yea on HCR 280 and HB 137 which were considered April 25.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, April 30, 1985: CS for SB 88, SB 44, SB 268, CS for SB 198, SB 263, SB 375, SB 417, CS for SB 100, SB 531, SB 313, CS for SB 73, SB 246, SB 429, SB 116, SB 94

Respectfully submitted,
Kenneth C. Jenne, Chairman

The Committee on Corrections, Probation and Parole recommends the following pass: SB 527, SB 1031 with 1 amendment, SB 1185 with 1 amendment, SB 1216

The Committee on Judiciary-Criminal recommends the following pass: SB 591, SB 559, SB 623, SB 775 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 565

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

The Committee on Judiciary-Criminal recommends the following pass: HB 352, SB 373 with 2 amendments, SB 41 with 2 amendments, SB 436 with 1 amendment, SB 813 with 1 amendment

The bills were placed on the calendar.

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 1225

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

The Committee on Agriculture recommends that the Senate confirm the following appointments made by the Governor to the Florida Citrus Commission:

Talmadge G. Rice, Dade City, At Large, for term ending May 31, 1987.

Dorothy C. Shipes, Lake Jem, District Four (grower), for term ending May 31, 1987.

Edward L. Smoak, Lake Placid, At Large, for term ending May 31, 1987.

Joseph P. Strazzulla, Ft. Pierce, At Large, for term ending May 31, 1987.

The appointments contained in the foregoing report were referred to the Committee on Executive Business under the original reference.

REQUESTS FOR EXTENSION OF TIME

April 29, 1985

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: Senate Bills 24, 78, 119, 145, 152, 169, 269, 310, 336, 369, 376, 432, 471, 583, 674, 676, 680, 699, 708, 717, 718, 733, 742, 747, 758, 770, 776, 783, 784, 793, 800, 802, 808, 822

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: Senate Bills 673, 683, 693

April 30, 1985

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: Senate Bills 619, 827, 831, 860, 872, 881, 891, 899, 900, 902, 929, 935, 937, 941, 964, 967, 1001, 1007, 1017, 1032, 1038, 1043

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: Senate Bills 19, 90, 113, 393, 421, 451, 452, 469, 606, 762, 763, 766

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Judiciary-Civil and Senators Hair, Fox, Kiser, Langley, Gersten and Frank—

CS for SB 170—A bill to be entitled An act relating to service of process; amending s. 48.031, F.S.; providing for substitute service under certain circumstances; amending s. 48.061, F.S.; extending the manner by which process may be served on partnerships; amending s. 713.18, F.S.; eliminating a manner of serving certain notices; amending s. 741.30, F.S.; providing for service of certain injunctions; providing an effective date.

By the Committee on Judiciary-Civil and Senators Weinstein and Frank—

CS for SB 410—A bill to be entitled An act relating to guardianship; amending s. 744.331, F.S., relating to the composition of examining committees for adjudication of incompetency; creating part IX, ch. 744, F.S.; providing for the creation of an office of public guardian in each judicial circuit; providing for appointment; providing powers and duties; providing for costs and budget; providing procedures; providing for reports; providing for surety bond; amending s. 744.351, F.S.; providing that public guardians are not required to file bonds; providing an effective date.

By the Committee on Education and Senator Peterson—

CS for SB 446—A bill to be entitled An act relating to the certification of educational personnel; amending s. 231.15, F.S.; adding media

specialists, adjunct instructors, and substitute teachers to the list of school employees required to have certificates; deleting school librarians; amending s. 231.17, F.S.; prescribing requirements for receipt of initial certificates; amending s. 231.24, F.S.; prescribing requirements for certificate extension; reviving and readopting, notwithstanding ch. 82-242, Laws of Florida, ss. 231.15, 231.17, 231.24, F.S., relating to the certification of educational personnel; providing for future review and repeal of said sections; providing an effective date.

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 third time by title.

Senator Thurman moved the following amendments which were adopted by two-thirds vote:

Amendment 1—On page 3, lines 6 and 7, strike “a public hearing conducted pursuant to Chapter 120” and insert: the public hearing process

Amendment 2—On page 2, lines 4 and 5, strike “a public hearing conducted pursuant to Chapter 120” and insert: the public hearing process

On motion by Senator Thurman, by two-thirds vote CS for SB 88 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Mr. President	Fox	Jennings	Peterson
Beard	Frank	Kiser	Plummer
Carlucci	Girardeau	Malchon	Thomas
Childers, D.	Gordon	Mann	Thurman
Childers, W. D.	Grant	Margolis	Vogt
Crawford	Hair	Meek	Weinstein
Deratany	Hill	Myers	
Dunn	Jenne	Neal	

Nays—4

Grizzle	Johnson	Langley	Scott
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Vote after roll call:

Yea—Barron, Castor, Gersten, Stuart

Nay to Yea—Langley

SB 44—A bill to be entitled An act relating to mediation of disputes between citizens; creating the “Florida Citizens Dispute Settlement Act;” authorizing the establishment of Citizen Dispute Settlement Centers; requiring appointment of individual councils to adopt rules for the administration of centers; providing for council membership; prohibiting a center from making or imposing any adjudication, settlement, or penalty; providing for confidentiality of information; providing for supportive service referral of parties to a dispute; providing exemptions from civil liability; authorizing the seeking and acceptance of funds and the expenditure of such funds; providing exemptions for certain existing centers; excluding utilities regulated by the Public Service Commission; providing an effective date.

—was read the second time by title.

Senator Dunn moved the following amendments which were adopted:

Amendment 1—On page 2, line 15, before the comma (,) insert: and the Chief Justice

Amendment 2—On page 1, line 29, before the period (.) insert: with the approval of the Chief Justice.

Senator Hair moved the following amendments which were adopted:

Amendment 3—On page 4, strike line 22 and insert:

Section 3. There is hereby created the Study Commission on Alternative Dispute Resolution.

(1) The commission shall be composed of nine members, consisting of:

(a) Two members to be appointed by the President of the Senate.

(b) Two members to be appointed by the Speaker of the House of Representatives.

(c) Two members of the judiciary to be appointed by the Chief Justice of the Supreme Court.

(d) Three private attorneys who are members in good standing of The Florida Bar to be appointed by the President of The Florida Bar.

By the Committee on Transportation and Senator Grizzle—

CS for SB 608—A bill to be entitled An act relating to the Department of Transportation; requiring the department to increase the Pinellas Bayway toll upon completion of Phase I of the Bayway improvements currently under construction; requiring the department to operate and maintain the facility; providing for disbursement of tolls collected; providing for an annual pass; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Neal, the rules were waived and by two-thirds vote Senate Bills 289, 327, 329, 316, 450, 483, CS for SB 105, CS for SB 416, CS for SB 454 and CS for SB 755 were withdrawn from the Committee on Appropriations.

On motions by Senator Thomas, by two-thirds vote SB 853 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Beard, by two-thirds vote SB 945 was withdrawn from the committee of reference and indefinitely postponed.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed in the office of the Secretary of State CS for SB 151 which he had approved April 24.

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 Appointment</i>	<i>For Term Ending</i>
Board of Dentistry, Members Goodman, Roberta A., Summerland Key Greene, Michael Steven, Miami	02/07/89 02/07/89
Tampa-Hillsborough County Expressway Authority, Member Bissett, Jr., William P., Tampa	07/01/85
Florida Commission on Human Relations, Member Simms, Robert H., Miami Lakes	09/30/88
Board of Podiatry, Member Macken, Owen P., Hollywood	01/08/89
North Central Florida Regional Planning Council, Region 3, Member Singleton, Jacqueline M., Gainesville	10/01/87
Florida Commission on Veterans' Affairs, Member LaHue, Foster Carr, Ormond Beach	11/16/88

Referred to the Committee on Executive Business.

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 passed SB 89 and SB 188.

Allen Morris, Clerk

The bills contained in the foregoing message were ordered enrolled.

SPECIAL ORDER

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

(2) Within 30 days after the appointment of the membership, the commission shall meet to select a chairman from among those members appointed by the President of The Florida Bar, and to establish procedures for the conduct of the business of the commission.

(3) The commission shall study the feasibility of trial court administered alternative means for dispute resolution, and make recommendations for legislation and court rules necessary to implement a trial court administered alternative dispute resolution system and for improvements in court administration. The commission shall also study the feasibility of an alternative dispute resolution pilot program, such program to continue for 1 year.

(4) The commission shall submit a final report to the Chief Justice of the Supreme Court, to the President of the Senate, and to the Speaker of the House of Representatives no later than February 1, 1986. The report shall include the findings and recommendations of the commission, and drafts of appropriate legislation and court rules.

(5) The Office of the State Courts Administrator shall act as staff for the commission and provide all necessary data collection, analysis, and research and support services.

(6) Members of the commission shall serve without compensation but shall be entitled to be reimbursed for per diem and travel expenses as provided for in s. 112.061, Florida Statutes.

(7) The commission shall expire on April 1, 1986.

Section 4. This act shall take effect October 1, 1985, except that this section and section 3 shall take effect upon becoming a law.

Amendment 4—In title, on page 1, line 18, after the semicolon (;) insert: creating a Study Commission on Alternative Dispute Resolution; specifying its membership and duties;

On motion by Senator Dunn, by two-thirds vote SB 44 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

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

Nays—None

Vote after roll call:

Yea—Barron, Castor, Gersten, Neal

Consideration of Senate Bills 268 and 198 was deferred.

SB 263—A bill to be entitled An act relating to drivers' licenses; amending ss. 322.12 and 322.121, F.S.; specifying that eyesight examinations may be given by a department examiner or a licensed ophthalmologist, optometrist, or physician; providing for subsequent screening; providing an effective date.

—was read the second time by title.

Senator Deratany moved the following amendment which was adopted:

Amendment 1—On page 1, lines 19-24, strike everything after "physician" on line 19 to the period (.) on line 24.

Senator Hill presiding

On motion by Senator Deratany, by two-thirds vote SB 263 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

Beard	Childers, W. D.	Deratany	Fox
Carlucci	Crawford	Dunn	Girardeau

Gordon	Johnson	Meek	Thomas
Grant	Kiser	Myers	Thurman
Grizzle	Langley	Peterson	Vogt
Hair	Malchon	Plummer	Weinstein
Hill	Mann	Scott	
Jennings	McPherson	Stuart	

Nays—None

Vote after roll call:

Yea—Barron, Castor, Gersten, Jenne, Neal

SB 375—A bill to be entitled An act relating to unrecorded property interests; amending s. 48.23, F.S.; providing that notice of lis pendens operates as a bar to the enforcement of unrecorded property interests in certain circumstances; providing an effective date.

—was read the second time by title.

Senator Kiser moved the following amendment which was adopted:

Amendment 1—On page 1, line 27, after "interests" insert: , *except for interests of persons in possession,*

On motion by Senator Kiser, by two-thirds vote SB 375 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

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

Nays—1

Thomas

Vote after roll call:

Yea—Gersten, Neal

Nay—Barron

SB 268—A bill to be entitled An act relating to motorcycles and motor-driven cycles; amending s. 316.304, F.S.; authorizing the use of headsets by drivers of such vehicles under certain circumstances; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 27-31 and insert: *who uses a headset solely for the purpose of communicating with a passenger on his vehicle or communicating by radio with other vehicles. Only headsets designed, manufactured and approved specifically for these purposes may be used. Such headsets shall be installed in a helmet and worn so as to prevent the speakers from making*

Amendment 2—On page 2, between lines 2 and 3, insert:

(3) *The Department of Highway Safety and Motor Vehicles shall promulgate, by administrative rule, standards and specifications for headset equipment, the use of which is permitted under this section. The department shall inspect and review all such devices submitted to it and shall publish a list by name and type of approved equipment.*

Amendment 3—In title, on page 1, line 5, after "circumstances;" insert: requiring that headset equipment be approved by the department prior to use;

On motion by Senator Plummer, 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—33

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

Nays—None

Vote after roll call:

Yea—Barron, Gersten, Neal

SB 417—A bill to be entitled An act relating to traffic control; amending s. 163.3177, F.S.; requiring certain elements of the local government comprehensive plan to include bicycle and pedestrian ways; providing for optional information about recreational traffic; amending s. 316.091, F.S.; providing for operation of bicycles on selected limited access facilities; requiring the Department of Transportation to post appropriate signs; amending s. 316.157, F.S.; allowing bicyclists an alternative method of signaling a right turn; amending ss. 316.172, 316.1932, 316.1933, 316.1934, 316.1935, F.S.; applying to all vehicles, rather than motor vehicles only, provisions requiring a person to stop for a school bus in specified circumstances, provisions relating to chemical tests of operators for impairment, provisions requiring a blood test of a driver for impairment or intoxication in certain circumstances, provisions making it unlawful to be in physical control of such vehicle if one's faculties are impaired as specified and setting standards for presuming such impairment, and provisions making it unlawful for the operator to flee or attempt to elude a police officer; providing penalties; amending s. 316.2065, F.S.; allowing the attachment to a bicycle of any bicycle trailer or semitrailer designed for such attachment; providing specifications for bicycle brakes; prohibiting the retail sale of a bicycle with no identifying number on its frame; repealing s. 316.207, F.S., relating to penalties for violation of bicycle regulations found in s. 316.2065, F.S.; amending s. 318.18, F.S.; deleting the fine for infractions of bicycle regulations under s. 316.2065, F.S.; amending s. 322.27, F.S.; providing that the point system established in said section does not apply to persons operating certain nonmotorized vehicles; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 15, strike everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (6) and paragraph (c) of subsection (7) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the general requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(b) A traffic circulation element consisting of the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways.

(7) The comprehensive plan may include the following additional elements, or portions or phases thereof:

(c) As a part of the circulation element of paragraph (6)(b) and in coordination with paragraph (6)(e), where applicable, a plan element for the circulation of recreational nonautomotive vehicular and pedestrian traffic, including bicycle facilities paths and bikeways, exercise trails, riding facilities, and such other matters as may be related to the improvement and safety of movement of all types of recreational vehicular and pedestrian traffic or to recreational aspects of circulation.

Section 2. Subsection (2) of section 316.157, Florida Statutes, is amended to read:

316.157 Method of giving hand and arm signals.—All signals herein required to be given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(2) RIGHT TURN.—Hand and arm extended upward, *except that a bicyclist may extend the right hand and arm horizontally to the right side of the bicycle.*

Section 3. Subsection (1) of section 316.172, Florida Statutes, is amended to read:

316.172 Traffic to stop for school bus.—

(1) Any person using, operating, or driving a motor vehicle on or over the roads or highways of this state shall, upon approaching any school bus used in transporting school pupils to or from school which is properly identified in substantial accordance with the provisions of s. 234.051, and which displays a stop signal, bring such motor vehicle to a full stop while the bus is stopped, and the motor vehicle shall not pass the school bus until the signal has been withdrawn.

Section 4. Section 316.1935, Florida Statutes, is amended to read:

316.1935 Fleeing or attempting to elude a police officer.—

(1) It is unlawful for the operator of any motor vehicle upon a street or highway, having knowledge that he has been directed to stop such vehicle by a duly authorized police officer, willfully to refuse or fail to stop such vehicle in compliance with such directive or, having stopped in knowing compliance with such a directive, willfully to flee in an attempt to elude such officer, and any person violating this subsection shall, upon conviction, be punished by imprisonment in the county jail for a period not to exceed 1 year, or by fine not to exceed \$1,000, or by both such fine and imprisonment.

(2) The court may revoke the operator's or chauffeur's license of any operator of a motor vehicle person convicted of a violation of subsection (1) for a period not to exceed 1 year.

Section 5. Subsections (16) and (17) are added to section 316.2065, Florida Statutes, to read:

316.2065 Bicycle regulations.—

(16) Every bicycle shall be equipped with a brake or brakes which will enable its rider to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement

(17) A person engaged in the business of selling bicycles at retail shall not sell any bicycle unless the bicycle has an identifying number permanently stamped or cast on its frame.

Section 6. Subsection (1) of section 318.18, Florida Statutes, 1984 Supplement, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a non-criminal disposition pursuant to s. 318.14(1), (2), and (4) are as follows:

(1) Five dollars for all ~~infractions of bicycle regulations under s. 316.2065~~ and infractions of pedestrian regulations under s. 316.130.

Section 7. Paragraph (i) is added to subsection (3) of section 322.27, Florida Statutes, to read:

322.27 Authority of department to suspend or revoke license.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any operator or chauffeur upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(a) When a licensee accumulates 12 points within a 12-month period, the period of suspension shall be for not more than 30 days.

(b) When a licensee accumulates 18 points, including points upon which suspension action is taken under paragraph (a), within an 18-month period, the suspension shall be for a period of not more than 3 months.

(c) When a licensee accumulates 24 points, including points upon which suspension action is taken under paragraphs (a) and (b), within a

36-month period, the suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of an accident resulting in property damage of more than \$50—6 points.
3. Unlawful speed resulting in an accident—6 points.
4. Passing a stopped school bus—4 points.
5. Unlawful speed:
 - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
 - b. In excess of 15 miles per hour of lawful or posted speed—4 points.
6. Improper equipment (brakes, lights, steering)—2 points.
7. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points.
8. Any moving violation covered above resulting in an accident—4 points.

(e) A conviction in another state of a violation therein which, if committed in this state, would be a violation of the traffic laws of this state, or a conviction of an offense under any federal law substantially conforming to the traffic laws of this state, except a violation of s. 322.26, may be recorded against a driver on the basis of one-half the number of points received had the conviction been made in a court of this state.

(f) In computing the total number of points, when the licensee reaches the danger zone, the department is authorized to send the licensee a warning letter advising that any further convictions may result in suspension of his driving privilege.

(g) The department shall administer and enforce the provisions of this law and may make rules and regulations necessary for its administration.

(h) Three points shall be deducted from the driver history record of any person whose driving privilege has been suspended only once pursuant to this subsection and has been reinstated, if such person has complied with all other requirements of this chapter.

(i) *This subsection shall not apply to persons operating a nonmotorized vehicle for which a driver's license is not required.*

Section 8. Section 316.207, Florida Statutes, is hereby repealed.

Section 9. This act shall take effect October 1, 1985.

Amendment 2—In title, on page 2, line 13, strike everything before the enacting clause and insert: A bill to be entitled An act relating to bicycles and other vehicles; amending s. 163.3177, F.S., requiring inclusion of bicycle and pedestrian ways in local comprehensive plans; amending s. 316.157, F.S., authorizing an alternative hand and arm signal for bicyclists; amending s. 316.172, F.S., expanding the application of provisions requiring traffic to stop for school buses; amending s. 316.1935, F.S., expanding the application of provisions prohibiting persons from fleeing or attempting to elude a police officer; amending s. 316.2065, F.S., prescribing brake requirements for bicycles; requiring permanent identifying numbers on bicycles; amending s. 318.18, F.S., deleting the civil penalty for bicycle regulation infractions; amending s. 322.27, F.S., exempting operators of certain nonmotorized vehicles from provisions relating to driver's license suspensions; repealing s. 316.207, F.S., removing the penalties for violations of bicycle regulations; providing an effective date.

On motion by Senator Gordon, by two-thirds vote SB 417 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

Beard	Castor	Childers, W. D.	Deratany
Carlucci	Childers, D.	Crawford	Dunn

Fox	Hill	Mann	Scott
Frank	Jenne	Margolis	Thomas
Girardeau	Jennings	McPherson	Thurman
Gordon	Johnson	Meek	Vogt
Grant	Kiser	Myers	Weinstein
Grizzle	Langley	Peterson	
Hair	Malchon	Plummer	

Nays—None

Vote after roll call:

Yea—Barron, Gersten, Neal

CS for SB 100—A bill to be entitled An act relating to solid waste; providing legislative intent; amending s. 403.703, F.S.; providing a definition; creating s. 403.7078, F.S.; specifying liability for the operation and closure of landfill facilities; requiring a landfill disposal fee or surcharge; requiring annual audits by the Department of Environmental Regulation; providing penalties for noncompliance; specifying uses of fees or surcharges; providing rulemaking authority; amending s. 403.707, F.S.; providing for performance standards for construction and closure of resource recovery and management facilities; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for SB 100 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Barron, Gersten, Jenne, Neal

SB 531—A bill to be entitled An act relating to purchasing; amending s. 287.042, F.S.; requiring the Division of Purchasing, Department of General Services, to obtain the review and recommendations of the Information Resource Commission prior to entering into contracts for information technology resources; republishing s. 287.057, F.S.; amending s. 287.073, F.S.; providing for the review, by the Information Technology Resource Procurement Advisory Council of certain agency acquisitions of information technology resources; exempting certain contracts; 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 Stuart and adopted:

Amendment 1—On page 1, strike all of lines 18-31; on pages 2, 3, 4 and 5, strike all of lines 1-31; and on page 6, strike all of lines 1-7 and insert:

Section 1. Subsection (15) is added to section 287.042, Florida Statutes, to read:

287.042 Powers, duties, and functions.—The division shall have the following powers, duties, and functions:

Amendment 2—On page 6, strike all of lines 14-31; on pages 7, 8, 9 and 10, strike all of lines 1-31; on page 11, strike all of lines 1-11 and renumber subsequent sections.

Amendment 3—In title, on page 1, lines 8 and 9, strike "republishing s. 287.057, F.S.;"

On motion by Senator Stuart, by two-thirds vote SB 531 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	Girardeau	Langley	Plummer
Beard	Gordon	Malchon	Scott
Carlucci	Grant	Mann	Stuart
Castor	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	McPherson	Thurman
Crawford	Hill	Meek	Vogt
Dunn	Jennings	Myers	Weinstein
Fox	Johnson	Neal	
Frank	Kiser	Peterson	

Nays—None

Vote after roll call:

Yea—Gersten, Jenne

SB 313—A bill to be entitled An act relating to information resource managers; amending s. 282.311, F.S.; deleting language prohibiting new positions from being authorized; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote SB 313 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Gersten, Vogt

On motions by Senator Crawford, the rules were waived and by two-thirds vote HB 134 was withdrawn from the Committee on Judiciary-Criminal, and by two-thirds vote placed on the special order calendar.

The President presiding

CS for SB 73—A bill to be entitled An act relating to election of county commissioners; amending s. 124.01, F.S.; providing technical changes; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote CS for SB 73 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Frank	Johnson	Neal
Barron	Gersten	Kirkpatrick	Peterson
Beard	Girardeau	Kiser	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	Myers	

Nays—None

SB 246—A bill to be entitled An act relating to naturopathy; reviving and readopting, notwithstanding the Regulatory Sunset Act, ch. 462, F.S., relating to naturopathy; abolishing the Board of Naturopathic Examiners; amending s. 462.01, F.S., providing a definition; creating s. 462.023, F.S.; providing for powers and duties of the Department of Professional Regulation; amending s. 462.08, F.S.; providing conforming language; increasing the maximum limit on the biennial renewal fee; amending s. 462.09, F.S.; deleting reference to the secretary-treasurer; providing that moneys collected be deposited in the Professional Regulation Trust

Fund; amending ss. 462.13, 462.14, and 462.15, F.S.; deleting obsolete language; providing conforming language; amending s. 462.16, F.S.; providing conforming language; increasing the maximum limit fee for reissuance of a license; amending ss. 462.18 and 462.19, F.S.; providing conforming language; providing a saving clause; repealing s. 462.02, 462.022, 462.03, 462.04, 462.10, and 462.12, F.S.; relating to membership on the board, the board's licensing power, board members' oaths, board powers and duties, recording of licenses and authority of the board to pass on naturopathic schools; providing for future repeal and sunset review; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote SB 246 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Frank	Kirkpatrick	Peterson
Barron	Gersten	Kiser	Plummer
Beard	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	Jennings	Myers	
Fox	Johnson	Neal	

Nays—1

Jenne

On motion by Senator Langley, the rules were waived and by two-thirds vote SR 1155 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Langley—

SR 1155—A resolution commending the citizens of the City of Belleview in Marion County on their centennial celebration.

WHEREAS, the City of Belleview in Marion County was chartered in 1885, and

WHEREAS, John F. Pelot was the town's first citizen, and the town was named after his daughter Belle, and

WHEREAS, the library of the City of Belleview was built in 1887 and is the sixth oldest library in Florida, and

WHEREAS, the City of Belleview is an example of small-town Florida at its best, and, with one square mile of city and twenty-five hundred citizens, the community is close-knit and proud of its traditions, and

WHEREAS, this is the centennial year of the founding of the City of Belleview, and

WHEREAS, the Senate should take this time to join the citizens of the City of Belleview in celebrating their centennial year of existence, NOW, THEREFORE,

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

That the Florida Senate hereby joins with the citizens of the City of Belleview in celebrating the city's 100th year of existence and commends the citizens for their accomplishments.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the mayor of the City of Belleview as a tangible token of the sentiments expressed herein.

—was taken up out of order by unanimous consent, read the second time in full and unanimously adopted.

On motion by Senator Myers, 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 Senator Myers—

SR 1307—A resolution recognizing the small businesses in the State of Florida.

WHEREAS, the rate of growth of Florida's small businesses was the highest in the nation between 1978 and 1980, and

WHEREAS, Florida had the fifth largest number of small businesses in 1980, with the percent of businesses of fewer than 100 employees greater in Florida than in any other of the 10 largest states, and

WHEREAS, between 1980 and 1982, the number of Florida small businesses increased by almost 9 percent, the number of jobs increased by 117,000, and increased wages amounted to \$1.2 billion, and

WHEREAS, small businesses in Florida will continue to play an increasing role in the growth and well-being of Florida's economy, NOW, THEREFORE,

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

That the small businesses of Florida be commended and acknowledged by the Senate for their tremendous importance to the continued economic and individual progress of the State of Florida.

—which was read the first time by title. On motion by Senator Myers, SR 1307 was read the second time in full and unanimously adopted.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Peterson, the rules were waived and by two-thirds vote CS for SB 81 and CS for SB 446 were recommitted to the Committee on Education.

On motions by Senator Crawford, the rules were waived and by two-thirds vote CS for SB 512 was withdrawn from the Committee on Appropriations and referred to the Committee on Finance, Taxation and Claims and then to the Committee on Appropriations.

On motion by Senator Crawford, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider CS for SB 512 on May 1.

On motion by Senator Crawford, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider SB 1174 on May 1.

On motions by Senator Frank, the rules were waived and by two-thirds vote SB 406 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Hair, the rules were waived and by two-thirds vote SB 710 was withdrawn from the Committee on Finance, Taxation and Claims and referred to the Committee on Commerce as the first committee of reference and then to the Committee on Finance, Taxation and Claims.

On motion by Senator Grizzle, by two-thirds vote SB 1158 was withdrawn from the committee of reference and indefinitely postponed.

RECONSIDERATION

On motion by Senator Gordon, the rules were waived and the Senate immediately reconsidered the vote by which—

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.

—as amended passed April 25.

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

Amendment 2—In title, on page 1, strike all of lines 8 and 9 and insert: wastes creates a statutory lien on the real property of the violator; providing for a civil fine; providing for

CS for SB 382 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fox	Johnson	Neal
Barron	Frank	Kirkpatrick	Peterson
Beard	Girardeau	Kiser	Plummer
Carlucci	Gordon	Langley	Scott
Castor	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	

Nays—None

On motion by Senator Dunn, the rules were waived and SB 44 after being engrossed was ordered immediately certified to the House.

SPECIAL ORDER, continued

Consideration of SB 429 was deferred.

SB 116—A bill to be entitled An act relating to scallop processing; creating s. 403.0861, F.S.; requiring the Department of Environmental Regulation to adopt rules regarding the discharge of wastes resulting from scallop processing into the waters of the state; providing guidelines; providing for administration and enforcement; 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 Hair and adopted:

Amendment 1—On page 1, line 17, strike "June" and insert: December

On motion by Senator Hair, by two-thirds vote SB 116 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	Fox	Jennings	Myers
Barron	Frank	Johnson	Neal
Beard	Gersten	Kirkpatrick	Peterson
Carlucci	Girardeau	Kiser	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

Nays—None

SB 429—A bill to be entitled An act relating to administration of designated nonproperty taxes; amending s. 214.14, F.S.; revising the interest rate applicable to overpayments and the time period during which overpayments may be refunded without interest; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Crawford and adopted:

Amendment 1—On page 1, line 25, before the period (.) insert: , or upon becoming a law, whichever occurs later, and shall apply only to overpayments from returns or claims for refund filed with the department after July 1, 1985.

Amendment 2—In title, on page 1, line 6, after the semicolon (;) insert: providing for application;

On motion by Senator Crawford, by two-thirds vote SB 429 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	Fox	Jennings	Myers
Barron	Frank	Johnson	Neal
Beard	Gersten	Kirkpatrick	Peterson
Carlucci	Girardeau	Kiser	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

Nays—None

SB 94—A bill to be entitled An act relating to pawnbrokers; amending ss. 715.04, 715.042, F.S.; defining “pawn” and “pawnbroker”; providing for sale or disposal of personal property placed with a pawnbroker; providing for notice; providing for termination of certain rights and interests; providing penalties for violation of ss. 715.04, 715.041, F.S.; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 18, strike “90” and insert: 30

Senator Hair moved the following substitute amendment which was adopted:

Amendment 2—On page 2, line 18, strike “90” and insert: 60

On motion by Senator Hair, by two-thirds vote SB 94 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	Frank	Kirkpatrick	Neal
Beard	Girardeau	Kiser	Peterson
Carlucci	Gordon	Langley	Scott
Childers, D.	Grant	Malchon	Stuart
Childers, W. D.	Grizzle	Mann	Thomas
Crawford	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Weinstein
Dunn	Jennings	Meek	
Fox	Johnson	Myers	

Nays—2

Gersten Jenne

Vote after roll call:

Yea—Castor

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Peterson, the rules were waived and by two-thirds vote SB 1255 was withdrawn from the Committee on Education.

On motion by Senator Neal, by two-thirds vote SB 596 was removed from the calendar and referred to the Committee on Appropriations.

On motions by Senator Mann, by two-thirds vote SB 642 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Vogt, the rules were waived and the Committee on Governmental Operations was granted permission to consider SB 1255 this day.

On motion by Senator Jenne, the rules were waived and by two-thirds vote SB 549 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Jenne, the rules were waived and the Special Order Subcommittee of the Committee on Rules and Calendar was granted permission to meet immediately upon adjournment to set the special order calendar for Thursday, May 2.

SPECIAL ORDER, continued

HB 134—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. On motion by Senator Crawford, by two-thirds vote HB 134 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fox	Jennings	Myers
Barron	Frank	Johnson	Neal
Beard	Gersten	Kirkpatrick	Peterson
Carlucci	Girardeau	Kiser	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

Nays—None

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 29 and 25 were corrected and approved.

CO-INTRODUCERS

Senator Crawford—SB 590; Senator Mann—SB 1034; Senator W. D. Childers—SB 1268

RECESS

On motion by Senator Jenne, the Senate recessed at 10:19 a.m. to reconvene at 9:30 a.m., Thursday, May 2.

SENATE PAGES

April 29 - May 3

Jennifer Alexander, Okeechobee; Erika Lynne Baird, St. Cloud; Bonnie Bishop, Tampa; Karen Castor, Tampa; Bruce Collom, Wauchula; Sandra Cluett, North Palm Beach; Abby Lisa Greene, Ft. Lauderdale; Dawn Lynn Iverson, Tampa; Celia Kavouklis, Gainesville; Chrissy Lamonica, Panama City; Terence Andre Merritt, St. Petersburg; Scott Schanbacher, Tallahassee; Kristy Skipper, Lake City; Cindy Lee Stowell, Tallahassee; Jennifer Moore Thrasher, Orange Park; Jennifer Todd, Tallahassee; Stephen Bruce Turner, Naples; Brett Cureton, Tallahassee