



Journal of the Senate

Number 18

Tuesday, May 14, 1985

Prayer

The following prayer was offered by the Rev. W. A. "Bud" Gillett, Pastor, First Baptist Church, Palmetto:

Our Father, thank you for this privilege of being here among these, the leaders of our great State of Florida. Teach us that all of us together share in the ministry of problem solving and reconciliation.

Seething unrest in our country, and throughout our world, has reached frightening proportions. Certain conflicts are of the essence of life and cannot be avoided. Thus, they should be faced honestly and realistically. Human life can be enriched as a result.

O, Supreme Architect of the Universe, we stand, today, upon the threshold of an opportunity to create a world community where people will relate themselves to others on the basis of justice and brotherhood to a greater degree than we've ever known before.

It is true that it will not happen this year, to be sure, and maybe not even in our lifetimes. But, thank you, Father, that there are indications of birth pangs. May such a world become a reality. If it does, our sharp controversies will have to be reduced. Help us to realize that reconciliation with the adversary may offer greater dividends than victory over him.

Teach us, O God, that controversy can only be reduced when we concentrate our thoughts and work on the causes of trouble, rather than declaring war on the symptoms. To know the facts, even the tasteless facts, is more important than spanking the victims or the offenders. We need to know, and especially do people in policy making positions need to know, what provokes the trouble. May we not be so blinded by the symptoms of our troubles that we cannot see the underlying causes.

Further instruct us that our conflicts of opinions will only be reduced when we think in terms of redemption, rather than destruction. In so doing, may we as leaders of your people, see ourselves as imperfect, too. The need of change is within us, also. Help us that we may prove to be more a part of the answer than we are a part of the problem.

Direct us, so that through your wisdom, the answers will come and will be established for the good of all. Nothing less can take us safely across the seas of misunderstanding and will help us reach the harbor of security and peace.

So, our Father, who art in heaven, enable us to give nothing less than our best, and to depend upon you for the rest.

Through Jesus Christ, our Lord. 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—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

Votes Recorded

Senator Crawford was recorded as voting yea on the following which were considered May 8: Senate Bills 427, 593, 845, CS for SB 454 and CS for SB 507.

CONSIDERATION OF RESOLUTION

On motion by Senator Stuart, the rules were waived and by two-thirds vote SR 1314 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Stuart—

SR 1314—A resolution commending Rollins College on its Centennial.

WHEREAS, higher education is vital to the source and sustenance of our quality of life in Florida, and

WHEREAS, Florida colleges and universities, public and private, represent the best aspects of our state to our own citizens and to students, faculty, and families outside Florida, and

WHEREAS, the tradition of quality higher education dates back to 1885 when the Florida Congregational Association voted to open a college on the Florida frontier, and

WHEREAS, that decision led to the opening of Rollins College in Winter Park as the first institution of higher education to offer classes within the state, and

WHEREAS, those classes began on November 4, 1885, NOW, THEREFORE,

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

That the Senate hereby commends Rollins College on the occasion of its Centennial and, in so doing, commends all Florida colleges and universities, public and private, for their role in assuring the continued leadership of Florida in the nation and the world.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Thaddeus Seymour, President of Rollins College, on behalf of the students, faculty, staff, and alumni of Rollins College, as a tangible token of the sentiments of the Florida Senate.

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 14, 1985: SB 250, SB 813, SB 508, SB 1085, SB 395, SB 264, SB 630, CS for SB 636, CS for SB 478, SB 817, SB 1233, SB 551, SB 514, SB 568, HB 401, HB 203, SB 1038, SB 1151, CS for SB 511, CS for SB 762, SB 291, SB 840

Respectfully submitted,
Kenneth C. Jenne, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Tuesday, May 14, 1985: SB 539, SB 869, SB 876, SB 877, SB 791, SB 1130, SB 1166, SB 1167, SB 1278

Respectfully submitted,
Kenneth C. Jenne, Chairman

The Committee on Corrections, Probation and Parole recommends the following pass: SB 202 with 1 amendment

The Committee on Judiciary-Criminal recommends the following pass: SB 624

The Committee on Natural Resources and Conservation recommends the following pass: SB 113, SB 1084 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 597 with 2 amendments

The bill was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Commerce recommends the following pass: SB 1023 with 3 amendments

The Committee on Judiciary-Criminal recommends the following pass: SB 1199

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

The Committee on Natural Resources and Conservation recommends the following pass: SB 606 with 2 amendments

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 753 with 2 amendments, SB 1140 with 1 amendment, SB 682, SB 1008 with 2 amendments

The Committee on Natural Resources and Conservation recommends the following pass: SB 795 with 1 amendment, SB 1184

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

The Committee on Rules and Calendar recommends the motion by Senator Vogt to introduce a bill relating to public records pass.

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: SB 582, SB 1049, SB 1176

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

The Committee on Commerce recommends committee substitutes for the following: SB 425, SB 569

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

The Committee on Commerce recommends a committee substitute for the following: SB 610

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

The Committee on Commerce recommends a committee substitute for the following: SB 701

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 828

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

REQUESTS FOR EXTENSION OF TIME

May 13, 1985

The Committee on Agriculture requests an extension of 15 days for consideration of the following: Senate Bills 35, 579, 634, 690, 746, 760, 984, 1092, 1251

The Committee on Commerce requests an extension of 15 days for consideration of the following: Senate Bills 6, 52, 103, 104, 128, 159, 248, 275, 305, 311, 320, 330, 334, 351, 355, 412, 481, 485, 710, 727, 731, 738, 773, 799, 889, 996, 1024, 1061, 1272, 1280, 1281, 1286, 1288, 1295; House Bills 210, 217

May 14, 1985

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following: Senate Bills 19, 90, 393, 452, 683, 763, 1267, 1279

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committees on Finance, Taxation and Claims; and Commerce and Senators D. Childers and Neal—

CS for CS for SB 1—A bill to be entitled An act relating to the Beverage Law; amending ss. 561.15, 562.11, 562.111, 322.141, F.S.; prohibiting the consumption or possession of alcoholic beverages by persons under age 21 and the selling or serving of alcoholic beverages to such persons; providing that such persons shall not be licensed under the Beverage Law; specifying color of drivers' licenses for such persons; repealing s. 562.113, F.S., relating to drinking age for military personnel on active duty; providing grandfather provisions; amending s. 561.01, F.S.; providing definitions; providing an effective date.

By the Committee on Finance, Taxation and Claims and Senator Margolis—

CS for SB 68—A bill to be entitled An act relating to ad valorem tax assessments; amending s. 194.011, F.S.; allowing a condominium association to file with the property appraisal adjustment board a joint petition on behalf of certain association members; amending s. 194.013, F.S.; providing that the board may charge a fee for filing joint petitions based on costs; amending s. 194.034, F.S.; providing additional procedures for hearing joint petitions; providing an effective date.

By the Committees on Finance, Taxation and Claims; and Natural Resources and Conservation and Senators Mann and McPherson—

CS for CS for SB 120—A bill to be entitled An act relating to public lands; amending ss. 253.025, 270.09, 475.011, F.S.; exempting properties from the requirement of outside appraisal; providing for opening of bids to purchase public lands; exempting certain employees of the Department of Natural Resources from the real estate license law; providing an effective date.

By the Committee on Commerce and Senator Crawford—

CS for SB 425—A bill to be entitled An act relating to alcoholic beverages; amending s. 565.12, F.S., which authorizes a reduced tax on liquor manufactured from certain products; revising the list of said products and deleting the requirement that they be grown in Florida; providing that such reduced taxes do not apply to beverages produced or bottled in jurisdictions which impose certain discriminatory taxes or provide certain economic incentives; providing for adjustment of tax rates; imposing application and license fees on manufacturers; authorizing the division to adopt rules; repealing s. 565.14, F.S., which provides requirements for qualifying for the tax rate for Florida-grown products; providing an effective date.

By the Committees on Economic, Community and Consumer Affairs; and Natural Resources and Conservation and Senators Stuart and Dunn—

CS for CS for SB 441—A bill to be entitled An act relating to land development regulation; amending s. 380.031, F.S.; revising a definition; amending s. 380.032, F.S.; providing for approval of certain rules by the Administration Commission; amending s. 380.06, F.S., relating to developments of regional impact; providing for adoption of statewide guidelines and standards; requiring that a developer obtain a binding letter of interpretation under certain circumstances; authorizing local governments to petition that development in an adjacent jurisdiction obtain a binding letter; revising time period for issuance of binding letters; providing a time period after which certain binding letters expire; deleting certain provisions relating to local governments which have no subdivision or zoning ordinances; specifying effect on state and regional permits; providing for concurrent consideration of related local government comprehensive plan amendments; authorizing preliminary development agreements; authorizing developer to elect a conceptual agency review by certain permitting agencies; removing provisions which establish an optional coordinated review process; requiring development orders to contain dates until which the approved development will not be subject to down-zoning, unit density reduction, or intensity reduction, except in certain circumstances; providing criteria for development orders that require certain contributions by developers; authorizing the state land

planning agency to record certain notices; providing certain credits and other related provisions for developers who are required to make contributions; revising procedures and criteria for substantial deviation determinations; providing for expiration of certain provisions relating to vested rights; deleting requirement for biweekly notice of applications for development; revising provisions for changes to development orders of downtown development authorities; authorizing the state land planning agency and the regional planning agencies to develop rules relating to reduced information requirements; providing that a general purpose local government shall not have to petition itself to prepare an application for an areawide development plan; making certain provisions with regard to property owner consent and withdrawal of consent if the developer of an areawide development is a general purpose local government; revising provisions for changes to areawide development plans; creating s. 380.065, F.S.; providing for certification of local review of development in lieu of regional review; creating s. 380.0651, F.S.; providing statewide presumptive guidelines and standards; amending s. 380.07, F.S.; providing additional appeal procedures; amending s. 380.11, F.S.; revising power of state land planning agency with respect to administrative remedies; amending s. 403.524, F.S.; correcting cross references; creating s. 163.3215, F.S.; providing for enforcement of local comprehensive plans; amending s. 163.3187, F.S.; limiting local government comprehensive plan amendments; providing an effective date.

By the Committee on Commerce and Senator Crawford—

CS for SB 569—A bill to be entitled An act relating to alcoholic beverages; amending s. 564.06, F.S., which exempts from taxation wines manufactured from certain products; revising the lists of such products and deleting the requirement that they be grown in Florida; providing that the exemptions do not apply to beverages produced in jurisdictions which impose certain discriminatory taxes or provide certain economic incentives; providing for adjustments to the tax rates; imposing burden of proof on the applicant; imposing application and license fees on manufacturers; providing an effective date.

By the Committee on Finance, Taxation and Claims and Senator Margolis—

CS for SB 582—A bill to be entitled An act relating to telecommunications services; amending s. 166.231, F.S.; authorizing municipalities to levy a tax on telecommunications services; providing alternatives; authorizing sellers to retain 1 percent of tax collections; providing procedures for municipalities in choosing alternatives; providing an exemption; amending s. 203.01, F.S.; levying the gross receipts tax on certain telecommunications services; providing an exception; specifying the form of the gross receipts tax on telecommunications services; providing penalties; providing an exception; amending s. 203.012, F.S.; providing definitions; providing exclusions; amending s. 203.013, F.S.; revising the formula for taxing telegraph and telecommunications services; amending s. 212.05, F.S.; imposing the sales tax on certain telecommunications service charges; repealing s. 203.05, F.S., relating to express company gross receipts taxation; amending s. 337.401, F.S.; limiting franchise fees for certain telecommunication service providers; providing an exception; providing an effective date.

By the Committee on Finance, Taxation and Claims and Senator Grant—

CS for SB 585—A bill to be entitled An act relating to the Florida Security for Public Deposits Act; amending s. 280.02, F.S.; redefining the terms "public deposit," and "required collateral"; amending s. 280.03, F.S.; prohibiting the deposit of public funds in negotiable certificates of deposit; exempting certain overnight transfers and transfers of funds from the act; amending s. 280.04, F.S.; relating to qualified public depositories and providing a limitation on total public deposits for each depository; amending s. 280.05, F.S.; providing for penalties and additional powers of the Treasurer; amending s. 280.08, F.S.; providing clarifying language with respect to qualified public depositories in default; providing for accrued interest distributions; amending s. 280.09, F.S.; providing for deposits to the Public Deposit Security Trust Fund; providing for an additional assessment; providing for the disposition of the assessment; amending s. 280.16, F.S.; extending the time period for reports of qualified public depositories; providing an effective date.

By the Committee on Commerce and Senator Fox—

CS for SB 610—A bill to be entitled An act relating to insurance; amending s. 627.732, F.S.; excluding motor vehicles used as a taxicab or limousine from provisions of the Florida Motor Vehicle No-Fault Law; providing an effective date.

By the Committee on Commerce and Senator Gordon—

CS for SB 701—A bill to be entitled An act relating to insurance; amending s. 627.351, F.S.; authorizing the Florida Medical Malpractice Joint Underwriting Association to use surplus to offset deficits; amending s. 629.401, F.S., relating to the insurance exchange; providing for the selection of governors; lowering capital and surplus requirements for pooled underwriting members who are parties to a reinsurance underwriting pooling agreement; establishing standards and providing for approval by the Department of Insurance for such agreements; providing an effective date.

By the Committee on Finance, Taxation and Claims and Senator Crawford—

CS for SB 1049—A bill to be entitled An act relating to taxation; amending s. 193.074, F.S.; providing for information sharing pursuant to agreement with other states; amending s. 194.013, F.S.; providing an additional circumstance in which a refund of the filing fee for petitions to the property appraisal adjustment board may be refunded; amending s. 195.097, F.S.; providing for a change in terminology; amending ss. 145.051, 145.071, 145.09, F.S.; providing for certain increases in salaries for certain constitutional officers and certain employees of such officers; amending s. 145.10, F.S.; providing for increased qualification salaries for property appraisers and certified Florida evaluators; providing for certification programs; amending s. 145.11, F.S.; providing for increased qualification salaries for tax collectors and Florida collector assistants; providing for certification programs; amending s. 195.087, F.S.; changing the date upon which property appraiser budgets must be submitted; amending s. 200.065, F.S.; providing an exception to the adjustment of millage rates in the event a review notice is issued; providing an effective date.

By the Committees on Finance, Taxation and Claims; and Agriculture and Senator Crawford—

CS for CS for SB 1174—A bill to be entitled An act relating to tax on citrus; creating s. 581.192, F.S.; imposing an excise tax on citrus nursery stock; creating s. 603.131, F.S.; imposing an excise tax on limes and lemons; creating a trust fund and providing for deposit of the proceeds therein; providing for use of such funds; providing for repeal; providing appropriations to the Department of Agriculture and Consumer Services for eradication of citrus canker; creating the Florida Citrus Canker Financial Assistance Trust Fund; providing appropriations; specifying application; providing an effective date.

By the Committee on Finance, Taxation and Claims and Senator Crawford—

CS for SB 1176—A bill to be entitled An act relating to tax administration; amending s. 95.091, F.S.; providing that "administrative proceedings" shall include certain taxpayer protest proceedings; amending ss. 198.13, 198.15, F.S.; conforming certain Florida estate tax return filing provisions to certain federal estate tax return provisions; amending s. 212.058(4), F.S., as created by chapter 83-355, Laws of Florida, and amended by chapter 84-324, Laws of Florida; providing for the disposition of certain revenues; creating s. 213.23, F.S.; providing for certain consent agreements; creating s. 213.24, F.S.; providing that no interest shall be imposed on certain deficiencies paid within 30 days; creating s. 213.25, F.S.; providing for the netting of taxes; creating s. 213.27, F.S.; providing for contracting with debt collection agencies; creating s. 72.041, F.S.; allowing actions to enforce sales, use, and corporate income taxes of another state to be brought in a court of this state; providing conditions; creating s. 213.29, F.S.; providing for personal liability of corporate officers and employees for taxes not properly remitted under certain circumstances; amending ss. 213.21, 212.14, F.S.; providing for the tolling of certain statutes of limitation; providing for certain limitations on the executive director of the Department of Revenue; amending s. 220.53, F.S.; applying certain portions of chapter 213, F.S., to chapter 220, F.S.; repealing ss. 214.09(4), 214.16(2), F.S., relating to limitations on certain actions; amending s. 206.87, F.S.; providing an exemption for certain equipment mounted on a motor vehicle; amending s. 212.62, F.S.; changing the date on which the sales tax on motor and special fuel is adjusted; authorizing the Department of Revenue to adopt emergency rules; amending ss. 220.03, 221.01, 221.02, 221.04, F.S.; delaying until June 30, 1986 the repeal of the emergency excise tax; revising part I of chapter 206, F.S., relating to the excise tax on motor fuel; providing definitions; providing for licensing of refiners, importers, and wholesalers; providing for licensing of jobbers, carriers, and terminal facilities; providing for fees; prohibiting certain persons from holding a refiner, importer, or

wholesaler license; providing powers of circuit court with regard to certain required divestiture; providing requirements regarding transfer of license; authorizing assessment of investigative costs; providing that various provisions of said part applicable to distributors shall apply to refiners, importers, and wholesalers; revising bond requirements; including assessment of interest in various penalty provisions; including reference to the sales tax on fuel in various administrative and penalty provisions; providing penalties for failure to make complete reports; requiring reports by jobbers, carriers, and terminal facilities; revising penalties; providing for inspection of records and equipment of refiners, importers, wholesalers, jobbers, retail dealers and terminals; providing for application of various exemption and refund provisions; providing for refunds or credits with respect to the exemption for certain aviation fuel; providing requirements with respect to tax-exempt purchasers; specifying offenses with respect to exemptions; providing for reports by refiners, importers, and wholesalers; specifying joint liability for tax of certain sellers and purchasers; providing for distribution of the county tax on motor fuel; providing for refunds to ethanol dealers; amending s. 206.97, F.S.; revising definitions applicable to the excise tax on special fuel under part II of chapter 206 to conform and providing for application of specified provisions of part I; amending ss. 212.61, 212.62, 212.66, and 212.67, F.S., relating to the sales tax on fuel, to conform; amending s. 213.053, F.S.; providing for application; amending ss. 336.021 and 336.025, F.S., relating to county local option gas taxes; providing for designation of a collector; providing for collection and distribution of proceeds; providing for dealer's allowances; specifying powers of county governing bodies; requiring certain notice to Department of Revenue; amending s. 192.091, F.S.; providing for commissions of tax collectors for collection of local option taxes; specifying effect on distributors licensed on the effective date of the act; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Hill, by two-thirds vote SB 1010 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Meek, by two-thirds vote SB 763 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Neal, the rules were waived and by two-thirds vote Senate Bills 7, 58 and 96 were withdrawn from the Committee on Appropriations.

On motion by Senator Jenne, the rules were waived and by two-thirds vote SB 1143 was withdrawn from the Committee on Natural Resources and Conservation.

On motion by Senator Peterson, the rules were waived and the Committee on Education was granted permission to consider CS for SB 81 on May 15.

On motions by Senator Dunn, the rules were waived and by two-thirds vote CS for SB's 1183 and 885 was withdrawn from the Committee on Transportation and recommended to the Committee on Judiciary-Civil.

On motion by Senator Dunn, the rules were waived and the Committee on Judiciary-Civil was granted permission to consider SB 1078 and CS for SB's 1183 and 885 on May 15.

On motion by Senator Jenne, the rules were waived and HB 1338 was ordered immediately certified to the House.

On motions by Senator D. Childers, the rules were waived and Senate Bills 943 and 947 after being engrossed were ordered immediately certified to the House.

INTRODUCTION AND REFERENCE OF BILLS

Senator Jenne reported that the Committee on Rules and Calendar recommended the following bill be introduced notwithstanding the fact that the final day had passed for introducing bills:

By the Committee on Governmental Operations—

SB 1320—A bill to be entitled An act relating to public records; amending s. 119.14, F.S.; providing for application of the policy of open government to the public records and public meetings law to exemptions from such laws; providing legislative intent; repealing exemptions in the chapters of law included in the titles of the Florida Statutes in accordance with a 10-year schedule; requiring the Division of Statutory Revision of the Joint Legislative Management Committee to annually certify to the President of the Senate and Speaker of the House of Representa-

tives the language and citation of exemptions; establishing criteria for the review of exemptions; defining identifiable public purpose; establishing criteria for the creation of future exemptions; requiring uniform language; providing an effective date.

—which was read the first time by title and referred to the Committees on Governmental Operations and Rules and Calendar.

On motion by Senator Jenne, the rules were waived and the Committee on Governmental Operations was granted permission to consider SB 1320 this day.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 555, CS for HB 610, CS for HB 884, House Bills 60, 182, 808, 1206, 1320, 1326; and has passed as amended CS for HB 101, House Bills 45, 863, 985, 1098, 1184 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Selph—

CS for HB 555—A bill to be entitled An act relating to retail installment sales; amending ss. 520.07 and 520.37, F.S., relating to the delinquency charge on installment payments which are in default; providing an effective date.

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

By the Committee on Health and Rehabilitative Services and Representative Gardner—

CS for HB 610—A bill to be entitled An act relating to children in foster care; amending s. 409.168, F.S., providing that a social services agency or guardian ad litem may submit an intent to file a petition for permanent commitment in lieu of a performance agreement within 30 days of placement; requiring filing of petition for permanent commitment or submission of performance agreement within specified time frames; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By the Committee on Natural Resources and Representative Crady—

CS for HB 884—A bill to be entitled An act relating to saltwater fisheries; amending sections 7 and 8, chapter 83-134, Laws of Florida, as amended; advancing the conditional repeal date of s. 370.153(3)(a), F.S., relating to the type of trawl a live bait shrimp producer may use; providing an effective date.

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

By Representative M. E. Hawkins—

HB 60—A bill to be entitled An act relating to transfers to minors; creating ss. 710.101-710.126, F.S.; creating the "Florida Uniform Transfers to Minors Act" to replace the "Florida Gifts to Minors Act"; providing definitions and scope; providing for the nomination of custodian; providing for various types of transfers; providing for the creation of custodial property and the designation of the initial custodian; providing restrictions; providing for the validity and effect of transfers; providing powers and duties with respect to the care of custodial property; providing for custodian's expenses, compensation, and bond; providing third party exemptions from liability and for liability to third persons; providing for replacement of custodians; providing for an accounting by and for the liability of the custodian; providing for the termination of custodianship; providing for applicability of the act and for its effect on existing custodianships; providing for uniformity of application and construction; repealing ss. 710.01-710.10, F.S.; abolishing the "Florida Gifts to Minors Act"; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Representative J. Thomas and others—

HB 182—A bill to be entitled An act for the relief of Johnnie Mae Singleton; providing an appropriation to compensate her for injuries and losses caused by the Department of Transportation; providing an effective date.

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

By Representative Crady—

HB 808—A bill to be entitled An act relating to museum designation; designating the Florida Museum of Transportation and History in Fernandina Beach as the official state transportation museum; providing for an appropriate marker to be erected by the Department of Transportation; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Agriculture and Representatives Harris and Mitchell—

HB 1206—A bill to be entitled An act relating to commercial feed; repealing section 2 of chapter 84-186, Laws of Florida, relating to the repeal of inspection fees imposed on the distribution of commercial feed, the reporting system and bonding requirements relative thereto; providing an effective date.

—was referred to the Committee on Agriculture.

By the Committee on Regulatory Reform and Representative Kelly—

HB 1320—A bill to be entitled An act relating to barbering; amending s. 476.034, F.S.; providing definitions; amending s. 476.044, F.S.; clarifying language; amending s. 476.054, F.S., and repealing subsection (3); deleting provisions relating to the initial Barbers' Board; amending s. 476.064, F.S.; defining a quorum for board meetings; amending s. 476.114, F.S.; revising qualifications and examination requirements for licensure of barbers; providing for licensure of persons licensed in another state; amending s. 476.134, F.S.; providing requirements relating to examinations; amending s. 476.154, F.S.; revising provisions relating to biennial renewal of licenses; amending s. 476.155, F.S.; providing for inactive status for barbering instructors and deleting the continuing education requirement as a condition for reactivation of a license; creating s. 476.158, F.S.; providing for examination and licensure of barbering instructors; creating s. 476.178, F.S.; providing for licensure of barber schools; requiring a bond; providing requirements for operation of such schools; providing for inspections; amending s. 476.184, F.S.; providing requirements for licensure of barbershops; providing for inspections; creating s. 476.192, F.S.; providing a fee schedule and providing for disposition of fees; providing for excess moneys in the Professional Regulation Trust Fund; amending s. 476.194, F.S.; providing additional prohibited acts; providing a penalty; amending s. 476.204, F.S.; providing additional penalties; amending s. 476.254, F.S.; providing a saving clause for barber's assistants; repealing ss. 476.084, 476.164, and 476.174, F.S., relating to fees and disposition, registration of barber's assistants, and examination of barbers and apprentices from other states; saving chapter 476, F.S., from Sunset repeal and providing for future review and repeal; providing an effective date.

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

By the Committee on Regulatory Reform and Representative Kelly—

HB 1326—A bill to be entitled An act relating to cosmetology; amending s. 477.013, F.S., providing definitions; amending s. 477.0135, F.S., exempting licensed masseurs and certain persons who apply cosmetics from application of the Florida Cosmetology Act; amending s. 477.015, F.S., modifying provisions relating to the Board of Cosmetology; deleting obsolete provisions; amending s. 477.019, F.S., clarifying qualifications for licensure as a cosmetologist; modifying license renewal requirements; creating s. 477.020, F.S., providing for licensure of specialists; providing qualifications; providing for license renewal; amending s. 477.021, F.S., modifying license renewal requirements for cosmetology instructors; amending s. 477.0212, F.S., deleting continuing education requirements for reactivating an inactive license; amending s. 477.022, F.S., eliminating provision for performance examinations; amending s. 477.024, F.S., deleting a student enrollment permit fee; requiring cosmetology schools to retain certain records; providing for inspection thereof; amending s.

477.025, F.S., providing for licensure of specialty salons; providing for license renewal; providing for inspection; amending s. 477.026, F.S., providing license fees for specialists; eliminating authority to charge certain fees for duplicate licenses; modifying provisions relating to disposition of fees collected; amending s. 477.0265, F.S., prohibiting certain unlawful acts in the practice of a specialty; amending s. 477.028, F.S., providing for disciplinary proceedings against a specialist; amending s. 477.029, F.S., providing penalties; repealing s. 477.0225, F.S., relating to continuing education; repealing ss. 477.035 and 477.039, F.S., relating to specialty licenses; amending s. 477.038, F.S., relating to a saving clause; saving chapter 477, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

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

By the Committee on Regulatory Reform and Representative Tobiasen and others—

CS for HB 101—A bill to be entitled An act relating to electrolysis; creating the "Electrolysis Practice Act"; providing legislative intent; providing definitions; creating the Electrolysis Council under the Board of Medical Examiners in the Department of Professional Regulation; providing membership and terms; providing powers and duties of the board and council; requiring licensure of electrologists and providing civil penalties; providing for application and examination for licensure; providing for temporary permits and temporary licenses; providing for license renewal; providing for reactivation, renewal, and expiration of an inactive license; providing for establishment and use of fees; authorizing disciplinary actions against licensees; providing exemptions; providing for continuing education; providing for curriculum; providing for review and repeal; providing an effective date.

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

By Representative Gardner—

HB 45—A bill to be entitled An act for the relief of Marshall T. Hazelwood; providing an appropriation to compensate him for loss of annual leave accumulated as an employee of the Department of Transportation; providing an effective date.

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

By Representative Figg—

HB 863—A bill to be entitled An act relating to appropriations; providing a supplemental appropriation to the Department of Community Affairs to provide certain assistance to certain farmworkers; providing an effective date.

—was referred to the Committee on Appropriations.

By Representatives Carpenter and Lippman—

HB 985—A bill to be entitled An act relating to pilots, piloting, and pilotage; amending s. 310.002, F.S., relating to definitions; amending s. 310.071, F.S., modifying application procedure to require documentation of qualifications; modifying age, health, education, and experience requirements for certification as a deputy pilot; creating s. 310.073, F.S., providing modified age, health, education, and experience requirements for licensure as a state pilot; creating s. 310.075, F.S., requiring licensed state pilots in each port to submit to the Board of Pilot Commissioners for its approval a deputy pilot training program; providing for an initial period as an "observer trainee"; requiring trainees to document compliance with training requirements; providing for gradual increase of the limits and specifications under which a deputy pilot is authorized to pilot; providing prerequisites to completion of the program; creating s. 310.083, F.S., providing for renewal of license or certificate upon documentation of good physical and mental health and upon payment of a renewal application fee; providing for rules; amending s. 310.101, F.S., expanding present and providing additional grounds for disciplinary action and providing administrative penalties therefor; amending s. 310.111, F.S., requiring marine incident reports within certain time frames, depending upon the nature of the incident; requiring written reports in addition to initial reports in all cases; saving chapter 310, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

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

By Representatives Souto and Dunbar—

HB 1098—A bill to be entitled An act relating to mechanics' liens; amending s. 713.10, F.S., changing the circumstances in which a lessor is subject to such liens; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Veterans Affairs and Representative L. R. Hawkins—

HB 1184—A bill to be entitled An act relating to the military code; creating s. 295.017, F.S., providing educational opportunity at state expense for dependent children of the servicemen who died or suffered 100-percent disability in the Lebanon and Grenada military arenas; amending s. 295.02, F.S., providing use of funds; amending s. 120.52, F.S., excluding certain activities, policies, and procedures of the Department of Military Affairs of the State from the definition of "rule"; amending s. 250.35, F.S., revising state law governing courts-martial; amending s. 250.36, F.S., providing for the extent of warrants, subpoenas, and other process issued by military courts; providing for the disposition of fines; amending s. 250.37, F.S., relating to expenses of courts-martial; providing an effective date.

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

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 258, 444, 445, 477, 540, 542, 546, 724, CS for SB's 346 and 575.

Allen Morris, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has adopted with amendment—

SM 998—A memorial to the Congress of the United States, urging Congress to appropriate sufficient funds to allow Amtrak to continue to operate.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 11, after the period, insert: BE IT FURTHER RESOLVED that the Congress of the United States is urged to restore passenger train service formerly provided by the Silver Palm Amtrak train between Tampa and Miami, Florida.

On motion by Senator Girardeau, the Senate concurred in the House amendment.

SM 998 passed as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Peterson

SPECIAL ORDER

On motion by Senator Hill, the rules were waived and by two-thirds vote HB 217 was withdrawn from the Committees on Commerce; and Economic, Community and Consumer Affairs.

On motion by Senator Hill—

HB 217—A bill to be entitled An act relating to consumer finance; amending ss. 516.02, 516.031, 516.18, and 516.21, F.S., relating to the amount of loan principal subject to the 18 percent interest rate under the Florida Consumer Finance Act; reenacting s. 516.035, F.S., to incorporate the amendment to s. 516.031, F.S., in a reference; providing an effective date.

—a companion measure, was substituted for SB 250 and read the second time by title. On motion by Senator Hill, by two-thirds vote HB 217 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

SB 250 was laid on the table.

Ruling on Point of Order

The President announced that the committee appointed to resolve the point of order raised by Senator Frank on May 9 that Amendment 2 by Senator Langley to SB 661 was not germane to the bill had recommended the point not well taken. The President so ruled.

On motion by Senator Beard—

HB 352—A bill to be entitled An act relating to assault and battery; amending s. 784.07, F.S., providing for reclassification of offenses for assault or battery of an intake officer; providing an effective date.

—a companion measure, was substituted for SB 813 and read the second time by title. On motion by Senator Beard, by two-thirds vote HB 352 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fox	Johnson	Neal
Barron	Gersten	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

Vote after roll call:

Yea—Frank

SB 813 was laid on the table.

SB 508—A bill to be entitled An act relating to bail bonds; amending s. 627.758, F.S.; specifying that an arrest bond certificate issued by an automobile club is a traffic arrest bond certificate; increasing the authorized amount of such bond; authorizing certain surety insurers to execute a bail bond for a member of such club and setting the maximum amount of such bail bond; repealing s. 903.36, F.S., relating to accepting a guaranteed arrest bond certificate as cash bail; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendments which were moved by Senator Beard and adopted:

Amendment 1—On page 2, lines 20-29, after "or" on line 20, strike all of said lines and insert: *licensed general lines agent of the surety insurer may execute a bail bond for the automobile club or association*

member identified in the guaranteed traffic arrest bond certificate in an amount not in excess of \$5,000 for any violation of chapter 316 or any similar traffic law or ordinance except for driving under the influence of alcoholic beverages, chemical substances or controlled substances, as prohibited by ss. 316.193 and 316.1931.

Section 2. Section 903.36, Florida Statutes, is amended to read:

903.36 Guaranteed arrest bond certificates as cash bail.—

(1) A guaranteed arrest bond certificate provided for in s. 627.758 shall be accepted as bail in an amount not to exceed \$500 ~~\$250~~ for the appearance of the person named in the certificate in any court to answer for the violation of a provision of chapter 316 or a similar traffic law or ordinance, ~~motor vehicle law or ordinance~~, except driving while under the influence of intoxicants, or any felony.

(2) The execution of a bail bond by a licensed general lines agent of a surety insurer for the automobile club or association member identified in the guaranteed traffic arrest bond certificate, as provided in s. 627.758(4), shall be accepted as bail in an amount not to exceed \$5,000 for the appearance of the person named in the certificate in any court to answer for the violation of a provision of chapter 316 or a similar traffic law or ordinance, except driving under the influence of alcoholic beverages, chemical substances, or controlled substances, as prohibited by ss. 316.193 and 316.1931. Presentation of the guaranteed traffic arrest bond certificate and a power of attorney from the surety insurer for its licensed general lines agents is authorization for such agent to execute the bail bond.

(3) Automobile clubs and associations shall list the names and addresses of the licensed general lines agents of a surety insurer that may execute bail bonds pursuant to subsection (2) in a given area, which list shall be filed with the law enforcement agencies and court clerks in the area.

(4) The provisions of s. 903.045 applicable to bail bondsmen shall apply to surety insurers and their licensed general lines agents who execute bail bonds pursuant to this section.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, lines 9-12, after “bond;” on line 9, strike all of said lines and insert: for certain traffic violations; amending s. 903.36, F.S., requiring guaranteed arrest bond certificates to be accepted as bail in certain amounts for certain violations; requiring bail bonds executed by general lines agents of surety insurers to be accepted as bail in certain amounts for certain violations; requiring automobile clubs to file names of licensed general lines agents with certain persons; applying other requirements; providing an effective date.

On motion by Senator Beard, by two-thirds vote SB 508 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 1085—A bill to be entitled An act relating to historic preservation boards; amending ss. 266.201, 266.202, 266.203, 266.207, F.S.; renaming the Historic Key West Preservation Board of Trustees as the Historic Florida Keys Preservation Board of Trustees; providing certain membership requirements; providing an effective date.

—was read the second time by title.

One amendment was adopted to SB 1085 to conform the bill to CS for HB 209.

On motion by Senator Plummer—

CS for HB 209—A bill to be entitled An act relating to historic preservation boards; amending ss. 266.201, 266.202, 266.203, and 266.207, F.S.; renaming the Historic Key West Preservation Board of Trustees as the Historic Florida Keys Preservation Board of Trustees; providing certain membership requirements; providing an effective date.

—a companion measure, was substituted for SB 1085 and read the second time by title. On motion by Senator Plummer, by two-thirds vote CS for HB 209 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
Beard	Gersten	Kiser	Plummer
Carlucci	Girardeau	Langley	Scott
Castor	Gordon	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	

Nays—None

SB 1085 was laid on the table.

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

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 HB 749 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hazouri—

HB 749—A bill to be entitled An act relating to polling places; amending s. 101.71, F.S.; requiring that certain public buildings be made available for use as polling places; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

SPECIAL ORDER, continued

On motions by Senator Plummer, by two-thirds vote HB 749, a companion measure, was withdrawn from the Committee on Judiciary-Civil and substituted for SB 395.

On motions by Senator Plummer, by two-thirds vote HB 749 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gersten	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	
Frank	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Fox

SB 395 was laid on the table.

SB 264—A bill to be entitled An act relating to abandoned property; amending s. 705.16, F.S.; redefining the term “public property” to include sovereignty submerged lands located adjacent to a county or municipality; providing an effective date.

—was read the second time by title. On motion by Senator Plummer, by two-thirds vote SB 264 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Senator W. D. Childers presiding

SB 630—A bill to be entitled An act relating to the Department of Administration; amending s. 20.31, F.S.; abolishing the Division of Human Resource Management and the Division of Personnel; establishing a Division of Personnel Management Services and reassigning it certain functions and responsibilities; establishing an Office of State Employees' Insurance and reassigning it certain functions and responsibilities; 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 Weinstein and adopted:

Amendment 1—On page 2, between lines 25 and 26, insert:

Section 4. Subsection (2) of section 154.04, Florida Statutes, is amended to read:

154.04 Personnel of public health units; duties; compensation.—

(2) The personnel of a minimum public health unit, including all employees who provide public health services, shall be employed by the Department of Health and Rehabilitative Services upon the effective date of the contracts specified in s. 154.01(3). Public health unit employees who provide personal health services or primary care services shall be employed either by the board of county commissioners or the Department of Health and Rehabilitative Services, as specified in the provisions of the contract. The compensation of such personnel shall be determined under the rules of the Division of Personnel *Management Services* of the Department of Administration. Such employees shall engage in the prevention of disease and the promotion of health in cooperation with, and under the supervision of, the Department of Health and Rehabilitative Services.

Section 5. Paragraph (e) of subsection (1) of section 216.262, F.S., is amended to read:

216.262 Authorized positions.—

(1)

(e) No perquisites may be furnished by a state agency unless approved by the Division of Personnel *Management Services* during each fiscal year. Whenever a state agency is to furnish those things defined as perquisites herein, the Department of Administration shall approve the kind and monetary value of such perquisites before they may be furnished.

Section 6. Section 376.10, Florida Statutes, is amended to read:

376.10 Personnel and equipment.—The department shall establish and maintain at such ports within the state and other places as it shall determine such employees and equipment, other than equipment furnished by the registrant, as in its judgment may be necessary to carry out the provisions of ss. 376.011-376.21. The department may employ and prescribe the duties of such employees, subject to the rules and regulations of the Division of Personnel *Management Services* of the Department of Administration. The salaries of the employees and the cost of the equipment shall be paid from the Florida Coastal Protection Fund established by ss. 376.011-376.21. The department shall periodically consult with other departments of the state and specifically with the Department of Environmental Regulation relative to procedures for the prevention of discharges of pollutants into or affecting the coastal waters of the state from operations regulated by ss. 376.011-376.21.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 10, after the semicolon (;) insert: amending ss. 154.04, 216.262, and 376.10, F.S., conforming said sections to s. 20.31(2), F.S.;

On motion by Senator Weinstein, by two-thirds vote SB 630 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Jenne, Myers, Peterson

CS for SB 636—A bill to be entitled An act relating to pharmacy; amending s. 465.003, F.S.; redefining the term "prescription"; creating s. 465.186, F.S.; providing for the creation of a committee to establish a formulary of medicinal drugs; providing criteria for the development of the formulary of medicinal drugs; directing the Board of Pharmacy, the Board of Medical Examiners, and the Board of Osteopathic Medical Examiners, to adopt certain rules; providing for reimbursement to pharmacists; providing a penalty; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote CS for SB 636 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Meek

On motion by Senator Jennings, by two-thirds vote HB 550 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Jennings—

HB 550—A bill to be entitled An act relating to credit card crimes; amending s. 817.58, F.S., redefining "counterfeit credit card" and providing definitions; amending s. 817.60, F.S., expanding the crime of forgery of a credit card and changing the presumption of violation; amending s. 817.61, F.S., increasing the penalty for certain fraudulent use of credit cards; removing notice of card revocation provisions; creating s. 817.611, F.S., prohibiting traffic in counterfeit credit cards and providing a penalty; creating s. 817.612, F.S., prohibiting the use of expired or revoked credit cards and providing a penalty; amending s. 817.63, F.S., prohibiting the possession or transfer of credit card-making equipment and providing a penalty; amending s. 817.65, F.S., expanding precluded defenses in prosecutions of credit card crimes; creating s. 817.69, F.S., providing for the use of certain credit card transaction records in evidence; providing an effective date.

—a companion measure, was substituted for CS for SB 478 and read the second time by title.

Senator Jennings moved the following amendments which were adopted:

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

Section 1. Section 817.58, Florida Statutes, 1984 Supplement, is amended to read:

817.58 Definitions.—As used in ss. 817.57-817.685 ~~817.68~~:

(1) "Cardholder" means the person or organization named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer.

(2) "Counterfeit credit card" means any *credit card which is fictitious, altered, or forged; any facsimile or false representation, depiction or component of a credit card; or any credit card which is stolen, obtained as part of a scheme to defraud, or otherwise unlawfully obtained, object which is manufactured, without authorization, to resemble, duplicate, counterfeit, or replace a credit card* and which may or may not be embossed with account information or a company logo.

(3) "Credit card" means any instrument or device, whether known as a credit card, credit plate, bank service card, banking card, check guarantee card, or debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services, or anything else of value on credit or for use in an automated banking device to obtain any of the services offered through the device.

(4) "Expired credit card" means a credit card which is no longer valid because the term shown on it has elapsed.

(5) "Issuer" means the business organization or financial institution, or its duly authorized agent, which issues a credit card.

(6) "Receives" or "receiving" means acquiring possession or control or accepting as security for a loan a credit card.

(7) "Revoked credit card" means a credit card which is no longer valid because permission to use it has been suspended or terminated by the issuer.

(8) "*Credit-card-making equipment*" means any equipment, machine, plate, mechanism, impression, or any other device designed, used, or capable of being used to produce a credit card, a counterfeit credit card, or any aspect or component of a credit card.

(9) "*Traffic*" means to sell, transfer, distribute, dispense, or otherwise dispose of a property or to buy, receive, possess, obtain control of, or use property with the intent to sell, transfer, distribute, dispense, or otherwise dispose of such property.

Section 2. Subsection (6) of section 817.60, Florida Statutes, 1984 Supplement, is amended to read:

817.60 Theft; obtaining credit card through fraudulent means.—

(6) FORGERY OF CREDIT CARD.—

(a) A person who, with intent to defraud a purported issuer or a person or organization providing money, goods, services, or anything else of value or any other person, falsely makes, falsely embosses, or falsely alters in any manner a ~~purported~~ credit card or utters such a credit card or who, with intent to defraud, has a counterfeit credit card or any invoice, voucher, sales draft, or other representation or manifestation of a counterfeit credit card in his possession, custody, or control is guilty of credit card forgery and is subject to the penalties set forth in s. 817.67(2).

(b) ~~The possession of one or more counterfeit credit cards by a person other than an authorized manufacturer or issuer who possesses two or more counterfeit credit cards is presumed to have violated this subsection is prima facie evidence of intent to fraudulently use or counterfeit a credit card, and the possessor of such cards is subject to the penalties set forth in s. 817.67(1).~~

(c) A person falsely makes a credit card when he makes or draws in whole or in part a device or instrument which purports to be the credit card of a named issuer but which is not such a credit card because the issuer did not authorize the making or drawing or when he alters a credit card which was validly issued.

(d) A person falsely embosses a credit card when, without the authorization of the named issuer, he completes a credit card by adding any of the matter, other than the signature of the cardholder, which an issuer requires to appear on the credit card before it can be used by a cardholder.

Section 3. Section 817.61, Florida Statutes, 1984 Supplement, is amended to read:

817.61 Fraudulent use of credit cards.—A person who, with intent to defraud the issuer or a person or organization providing money, goods, services, or anything else of value or any other person, uses, for the purpose of obtaining money, goods, services, or anything else of value, a credit card obtained or retained in violation of this part or a credit card which he knows is forged, ~~expired, or revoked~~ or who obtains money, goods, services, or anything else of value by representing, without the consent of the cardholder, that he is the holder of a specified card or by representing that he is the holder of a card and such card has not in fact been issued violates this subsection. *A person who, in any 6-month period, uses a credit card in violation of this section two or fewer times, or obtains money, goods, services, or anything else in violation of this section the value of which is less than \$100 and is subject to the penalties set forth in s. 817.67(1). A person who, in any 6-month period, uses a credit card in violation of this section more than two times, or obtains money, goods, services, or anything else in violation of this section the value of which is \$100 or more is subject to the penalties set forth in s. 817.67(2). Knowledge of revocation is presumed to have been received by a cardholder 4 days after it has been mailed to him, at the address set forth on the credit card or at his last known address, by registered or certified mail, return receipt requested, and, if the address is more than 500 miles from the place of mailing, by air mail. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone, or Canada, notice is presumed to have been received 10 days after mailing by registered or certified mail.*

Section 4. Section 817.611, Florida Statutes, is created to read:

817.611 Traffic in counterfeit credit cards.—Any person who traffics in or attempts to traffic in 10 or more counterfeit credit cards, invoices, vouchers, sales drafts, or other representations or manifestations of counterfeit credit cards, or credit card account numbers of another in any 6-month period is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. Section 817.612, Florida Statutes, is created to read:

817.612 Expired or revoked credit cards.—A person who with intent to defraud the issuer or a person or organization providing money, goods, services, or anything else of value, uses, for the purpose of obtaining money, goods, services, or anything else of value, a credit card which he knows is expired or revoked, violates this section and is subject to the penalties set forth in s. 817.67(1). Knowledge of revocation shall be presumed to have been received by a cardholder 7 days after such notice has been mailed to him by first class mail at the last known address.

Section 6. Section 817.631, Florida Statutes, is created to read:

817.631 Possession and transfer of credit-card-making equipment.—A person who receives, possesses, transfers, buys, sells, controls, or has custody of any credit-card-making equipment with intent that such equipment be used in the production of counterfeit credit cards, violates this section and is subject to the penalties set forth in s. 817.67(2).

Section 7. Section 817.65, Florida Statutes, is amended to read:

817.65 Defenses not available.—*It shall not constitute a defense to a prosecution for any violation of this part that:*

(1) *A credit card that is not a counterfeit credit card is offered for use or sale as a counterfeit credit card. In any prosecution for violation of this part, the state is not required to establish and it is no defense that*

(2) *A person, other than the defendant, who violated this part has not been convicted, apprehended or identified.*

Section 8. Section 817.685, Florida Statutes, is created to read:

817.685 Credit card transaction records.—In any action brought under this part, the authentication or identification of the business records of a credit card issuer is evidence sufficient to support a finding that the record in question is what its proponent claims, if the records are supported by the testimony of a designated representative of the credit card

issuer. Such designated representative who has received the business records from the custodian of such records shall be considered a qualified witness within the meaning of s. 90.803(6)(a).

Section 9. Section 817.63, Florida Statutes, is hereby repealed.

Section 10. This act shall take effect October 1, 1985.

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to credit card crimes; amending s. 817.58, F.S.; providing definitions; amending s. 817.60, F.S.; providing penalties for the possession, control, or custody of a counterfeit credit card or other manifestations of such card; creating a presumption; amending s. 817.61, F.S.; providing increased penalties for fraudulent use of a credit card in certain circumstances; creating s. 817.611, F.S.; providing penalties for trafficking or attempting to traffic in counterfeit credit cards, or other manifestations of such cards or credit card account numbers which belong to another; creating s. 817.612, F.S.; providing penalties for the use of an expired or revoked credit card; creating s. 817.631, F.S.; providing penalties for possessing or transferring credit-card-making equipment with the intent that such equipment be used to produce counterfeit credit cards; amending s. 817.65, F.S.; precluding certain defenses; creating s. 817.685, F.S.; providing circumstances under which certain business records will be deemed authentic and certain witnesses deemed qualified to testify as to hearsay; repealing s. 817.63, F.S., relating to possession of certain machinery and incomplete credit cards; providing an effective date.

On motion by Senator Jennings, by two-thirds vote HB 550 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Barron, D. Childers, Meek

CS for SB 478 was laid on the table.

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

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 HB 1147 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Crady and Pajcic—

HB 1147—A bill to be entitled An act relating to bridge designation; designating the bridge at AIA spanning the Nassau River from Amelia Island into Duval County as the "Alexander G. 'Sandy' MacArthur and Herbert Wm. 'Heimey' Fishler Bridge"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

SPECIAL ORDER, continued

On motions by Senator Girardeau, by two-thirds vote HB 1147, a companion measure, was withdrawn from the Committee on Transportation and substituted for SB 817.

On motions by Senator Girardeau, by two-thirds vote HB 1147 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Jenne, Meek

SB 817 was laid on the table.

SB 1233—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; authorizing the commission to regulate the use of motorboats on Lake Miccosukee in Leon and Jefferson Counties; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 1233 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Jenne, Meek

SB 551—A bill to be entitled An act relating to archives, history and records management; creating s. 267.073, F.S.; establishing the Union Bank Advisory Council to advise the Division of Archives, History and Records Management of the Department of State in matters related to the preservation and use of the Union Bank Building; providing for appointment, qualifications, terms, meetings, compensation, and organization; providing for staff assistance; providing responsibilities of the council; providing for future review and repeal; 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 Thomas and adopted:

Amendment 1—On page 1, line 22, after "within" insert: the Division of Archives, History, and Records Management of

Amendment 2—On page 1, line 30, after "year" insert: , three members shall be appointed for terms of 2 years,

Amendment 3—On page 2, line 11, after "their" insert: travel

On motion by Senator Thomas, by two-thirds vote SB 551 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	Frank	Kiser	Plummer
Beard	Gersten	Langley	Stuart
Carlucci	Girardeau	Malchon	Thomas
Castor	Grant	Mann	Thurman
Childers, D.	Grizzle	Margolis	Vogt
Childers, W. D.	Hill	McPherson	Weinstein
Crawford	Jennings	Myers	
Dunn	Johnson	Neal	
Fox	Kirkpatrick	Peterson	

Nays—None

Vote after roll call:

Yea—Jenne, Meek

On motion by Senator Crawford, the rules were waived and by two-thirds vote HB 103 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Crawford—

HB 103—A bill to be entitled An act relating to consumer finance; repealing s. 516.12(2), F.S., relating to required annual reports of licensees under the Florida Consumer Finance Act; providing an effective date.

—a companion measure, was substituted for SB 514 and read the second time by title. On motion by Senator Crawford, by two-thirds vote HB 103 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Meek, Myers

SB 514 was laid on the table.

SB 568—A bill to be entitled An act relating to the Florida Education Finance Program; amending s. 236.02, F.S.; authorizing salary schedule recognition of all prior teaching experience for certain personnel; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 568 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Dunn, Jenne, Malchon, Meek

HB 401—A bill to be entitled An act relating to agriculture; amending ss. 570.53, 570.54, 604.15, 604.16, 604.19, 604.27, 604.28, 604.30, and 604.31, F.S.; specifying that statutory provisions applicable to licensing of dealers in agricultural products relating to exceptions, funding, penalties, and supervision, adoption of rules, and employment of personnel by the Department of Agriculture and Consumer Services, shall also apply to special requirements applicable to grain dealers; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote HB 401 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Grant	Kirkpatrick	McPherson	Stuart
Grizzle	Kiser	Myers	Thomas
Hill	Malchon	Neal	Thurman
Jennings	Mann	Peterson	Vogt
Johnson	Margolis	Plummer	Weinstein

Nays—None

Vote after roll call:

Yea—Castor, Hair, Jenne, Meek

HB 203—A bill to be entitled An act relating to contractual services; amending s. 287.058, F.S., exempting state agencies from certain requirements with respect to procurement of contractual services when the cost of such services is \$500 or less; prohibiting the dividing of procurements; providing alternative requirements; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 203 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Dunn, Hair, Jenne, Meek

SB 1038—A bill to be entitled An act relating to infectious diseases; creating s. 381.606, F.S., authorizing the Secretary of the Department of Health and Rehabilitative Services to declare a threat to public health because of the existence of infectious diseases; authorizing a system of alternative testing sites; providing for certain notification; providing for reports; providing certain confidentiality; providing a penalty; providing exceptions; restricting the use of test results and providing a penalty; providing for rules; providing an effective date.

—was read the second time by title. On motion by Senator Fox, by two-thirds vote SB 1038 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Castor

On motion by Senator Jenne, the rules were waived and the Senate immediately reconsidered the vote by which CS for SB 636, passed this day. Pending further consideration of CS for SB 636, on motion by Senator Jenne, the rules were waived and the Senate reverted to—

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 as amended CS for HB 392 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform and Representative Kelly and others—

CS for HB 392—A bill to be entitled An act relating to pharmacy; amending s. 465.003, F.S.; redefining the term "prescription"; creating s. 465.186, F.S., providing for the creation of a committee to establish a formulary of medicinal drugs; providing criteria for the development of the formulary of medicinal drugs; directing the Board of Pharmacy, the Board of Medical Examiners, and the Board of Osteopathic Medical Examiners to adopt certain rules; providing for reimbursement to pharmacists; providing a penalty; providing for review and repeal; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

SPECIAL ORDER, continued

On motions by Senator Jenne, by two-thirds vote CS for HB 392, a companion measure, was withdrawn from the Committee on Economic, Community and Consumer Affairs and substituted for CS for SB 636.

On motions by Senator Jenne, by two-thirds vote CS for HB 392 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Table with 4 columns: Name, Fox, Jenne, Myers. Lists names of senators and their votes.

Nays—None

Vote after roll call:

Yea—Castor, Plummer, Weinstein

CS for SB 636 was laid on the table.

SB 1151—A bill to be entitled An act relating to education; authorizing an exemption from foreign language requirements for state university admission for certain impaired and learning disabled students; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Peterson and adopted:

Amendment 1—On page 1, lines 10 and 11, after "impaired," on line 10, strike "or" on line 11

On motion by Senator Peterson, by two-thirds vote SB 1151 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

Table with 4 columns: Name, Gersten, Kiser, Scott. Lists names of senators and their votes.

Nays—None

Vote after roll call:

Yea—Castor, Jenne, Johnson

The President presiding

Consideration of CS for SB 511 was deferred.

CS for SB 762—A bill to be entitled An act relating to aquatic preserves; amending s. 258.39, F.S., revising the boundaries of certain aquatic preserves; creating the Guana River Marsh Aquatic Preserve and the Big Bend Seagrasses Aquatic Preserve; amending s. 258.393, F.S.; adding to the land description of the Terra Ceia Aquatic Preserve; providing an effective date.

—was read the second time by title.

Senator Mann moved the following amendment which was adopted:

Amendment 1—On page 14, line 7, insert:

Section 5. All new aquatic preserves and additions to existing aquatic preserves contained in this act shall be considered by the Department of Environmental Regulation as "Outstanding Florida Waters."

(Renumber subsequent sections.)

On motion by Senator Mann, by two-thirds vote CS for SB 762 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

Table with 4 columns: Name, Fox, Jennings, Neal. Lists names of senators and their votes.

Nays—None

Vote after roll call:

Yea—Jenne, Meek, Plummer

Consideration of Senate Bills 291 and 840 was deferred.

LOCAL CALENDAR

SB 539—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; providing that vendors holding malt beverage off-premises sales licenses under state beverage laws shall be subject to alcoholic beverage zoning ordinances of the City of Tampa; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote SB 539 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Table with 4 columns: Name, Fox, Jennings, Neal. Lists names of senators and their votes.

Nays—None

SB 869—A bill to be entitled An act relating to the City of Palm Bay, Brevard County and the Town of Malabar, Brevard County; amending the Charter of the City of Palm Bay to include within its legal, corporate boundaries certain property heretofore located within the Town of Malabar by amending the Charter of the City of Palm Bay to include such parcel and amending the Articles of Incorporation of the Town of Malabar to delete said parcel; providing an effective date.

—was read the second time by title.

Senator Deratany offered the following amendment which was moved by Senator Vogt and adopted:

Amendment 1—On page 2, strike all of lines 25-30 and insert:

RECORDED IN PLAT BOOK NO. 13, PAGE NO. 3, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE FROM SAID FOUND CONCRETE MONUMENT GO NORTH 84 DEGREES 30 MINUTES 00" SECONDS EAST, A DISTANCE OF 84.15' FEET ALONG THE NORTH LINE OF SAID PLAT RECORDED IN PLAT BOOK NO. 13, PAGE NO. 3, PUBLIC RECORDS OF BREVARD

On motion by Senator Vogt, by two-thirds vote SB 869 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of SB 876 was deferred.

SB 877—A bill to be entitled An act relating to Escambia County; prohibiting Escambia County and the Santa Rosa Island Authority from leasing certain property for commercial or residential development; providing an effective date.

—was read the second time by title.

Senator W. D. Childers moved the following amendment which was adopted:

Amendment 1—On page 2, line 11, strike "Section 2" and insert:

Section 2. All future leasing of property owned by Escambia County on Santa Rosa Island of previously unleased property shall in all respects conform to Section 125.35 of the Florida Statutes.

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

On motion by Senator W. D. Childers, by two-thirds vote SB 877 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

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

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 HB 634 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Allen—

HB 634—A bill to be entitled An act relating to the City of Key West, Monroe County; amending section 8 of chapter 69-1191, Laws of Florida; providing that the salaries received by the Chairman and members of the Utility Board of the City of Key West shall be set by the board; providing limitations; providing an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title.

LOCAL CALENDAR, continued

On motions by Senator Plummer, by two-thirds vote HB 634, a companion measure, was substituted for SB 791 and by two-thirds vote read the second time by title.

On motion by Senator Plummer, by two-thirds vote HB 634 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 791 was laid on the table.

SB 1130—A bill to be entitled An act relating to Monroe County; amending ss. 1, 3, 9(7), 10, 16 and 28 of chapter 76-441, Laws of Florida, as amended, relating to the Florida Keys Aqueduct Authority; expressing the intent that the Authority be the sole supplier of potable water in Monroe County; providing a definition of public water supplier; providing the power to furnish and supply water to municipalities or alternative or private persons; providing the power to require the use of its facilities where accessible; providing the power to regulate and supervise alternative water supplies; providing the power to grant or deny permits for the construction or operation of alternative water supplies based upon certain enumerated factors; providing the power to prohibit the use of alternative water supplies; providing that unpaid fees and charges shall constitute a lien on premises to which water service has been furnished, and providing a method for recording such liens; amending the procedure for issuance of bonds to eliminate the requirement for a voter referendum; reenacting section 2 of chapter 83-468, Laws of Florida, which affirms the rules in Part VII of the Rules of the Florida Keys Aqueduct Authority regarding environmental requirements as a valid exercise of delegated legislative authority; providing an effective date.

—was read the second time by title. On motion by Senator Plummer, by two-thirds vote SB 1130 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 1166—A bill to be entitled An act relating to Sarasota County; amending chapter 70-929, Laws of Florida, as amended; adding certain parcels of land to the Warm Mineral Springs Lighting District, No. 1; increasing the maximum allowable millage for such district; providing for a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 1166 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 1167—A bill to be entitled An act relating to Citrus County; amending chapter 84-407, Laws of Florida; ss. 2, 3, and 5, providing additional definitions; providing for a petitioning process for road and drainage improvements; clarifying the Board of County Commissioners' right to utilize easements and roads in unrecorded subdivisions in order to make needed road and drainage improvements; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 1167 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 1278—A bill to be entitled An act relating to the City of Lake Worth; repealing chapters 69-1215, 72-591, 73-524, and 83-439, Laws of Florida; abolishing the Lake Worth Utilities Authority; providing that the City of Lake Worth succeed to all rights, duties, and obligations of the former Lake Worth Utilities Authority; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote SB 1278 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SPECIAL ORDER, continued

SB 291—A bill to be entitled An act relating to forfeiture; amending ss. 370.061, 932.704, F.S.; providing for the deposit of proceeds from the sale of certain confiscated property into the Motorboat Revolving Trust Fund under certain circumstances; providing that such proceeds shall be used for law enforcement purposes; providing an effective date.

—was read the second time by title.

Senator Mann moved the following amendments which were adopted:

Amendment 1—On page 5, strike line 27 and insert:

Section 3. Section 321.32, Florida Statutes, is created to read:

321.32 Florida Highway Patrol Forfeiture Trust Fund.

(1) There is hereby created the Florida Highway Patrol Forfeiture Trust Fund. Monies in the fund shall be appropriated by the Legislature pursuant to the provisions of Chapter 216, for purposes deemed appropriate by the Legislature.

(2) Notwithstanding any other provision of law, no funds shall be expended from the Florida Highway Patrol Forfeiture Trust Fund unless specifically appropriated by the Legislature.

Section 4. Subsection (3) is added to section 932.701, Florida Statutes, to read:

932.701 Short title; definition of "contraband article".—

(3) As used in ss. 932.701 - 932.704, the term "head of the law enforcement agency" shall include the designee of the head of a state law enforcement agency headed by a collegial body.

Section 5. This act shall take effect upon becoming a law.

Amendment 2—On page 5, line 8, after "purposes." insert: *When the seizing law enforcement agency is the Florida Highway Patrol, the proceeds shall be deposited in the Florida Highway Patrol Forfeiture Trust Fund.*

Amendment 3—On page 5, strike all of lines 23-26 and insert: *seizing agency is the Department of Natural Resources, the Department of Law Enforcement, or the Florida Highway Patrol, in which case the court shall order that the proceeds be deposited in their respective trust funds, as provided for in paragraph (a).*

Amendment 4—In title, on page 1, strike all of lines 3-7 and insert: 370.061, 932.701, 932.704, F.S.; creating s. 321.32, F.S.; providing for the deposit of proceeds from the sale of certain confiscated property into the Motorboat Revolving Trust Fund and the Florida Highway Patrol Forfeiture Trust Fund under certain circumstances; defining certain terms; providing that such proceeds

On motion by Senator Mann, by two-thirds vote SB 291 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

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

Nays—None

Vote after roll call:

Yea—Dunn, Jenne, Meek

CS for SB 511—A bill to be entitled An act relating to insurance; amending ss. 626.789, 626.834, F.S.; removing prohibitions against the licensure of persons on active military duty as health or life insurance agents; requiring persons in the armed forces obtaining such licenses to maintain records at certain locations; prohibiting sales by such licensees to certain persons; amending ss. 626.391, 626.785, and 626.831, F.S., to conform; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote CS for SB 511 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

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

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 refused to concur in Senate Amendments 1 and 2 to HB 1338 and requests the Senate to recede, and in the event the Senate refuses to recede, requests a Conference Committee.

Allen Morris, Clerk

HB 1338—A bill to be entitled An act relating to the Official State Comprehensive Plan; providing the purposes of the Official State Comprehensive Plan; providing for the adoption of the plan; identifying the goals and policies of the state plan; creating the State Comprehensive Plan Resource Commission; repealing s. 186.022, F.S.; deleting provisions relating to the adoption of state agency functional plans; providing an effective date.

On motions by Senator Jenne, the Senate refused to recede from Senate amendments to HB 1338 and acceded to the request for a conference committee. The President appointed Senators Jenne, Vogt, Stuart and Johnson. The action of the Senate was certified to the House.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Gordon, the rules were waived and the Committee on Transportation was granted permission to extend time of adjournment of the meeting May 15 until completion of the agenda.

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

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 HB 1386 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation and Representative Ogden

HB 1386—A bill to be entitled An act relating to the tax on motor fuels and special fuels; amending s. 212.62, F.S., advancing the annual date for the determination of the appropriate sales tax applicable to motor fuel and special fuel; authorizing the Department of Revenue to make rules; authorizing the executive director to adopt certain emergency rules; providing an effective date.

—was read the first time by title and referred to the Committee on Finance, Taxation and Claims.

On motion by Senator Crawford, by two-thirds vote HB 1386 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Crawford, by unanimous consent HB 1386 was taken up out of order. On motions by Senator Crawford, by two-thirds vote HB 1386 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Meek

ENROLLING REPORTS

Senate Bills 79 and 295 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 13, 1985.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journals of May 13 and 9 were corrected and approved.

The Journal of May 8 was further corrected and approved as follows:

Page 240, column 2, from bottom, line 2, strike the period and insert: providing authority for the Administration Commission to approve certain transfers related to reorganization; providing that with specified exceptions, automobiles purchased or leased by the state shall be of the subcompact class; restricting the price at which vehicles may be purchased; restricting lease or installment purchase of vehicles, machines, and equipment by the executive or judicial branches unless approved by the Comptroller; providing for adjustments for school districts' Program Group 2 unadjusted weighted enrollment ceiling; restricting use of appropriated funds for certain legal services unless approved by the Attorney General; restricting expenditure of certain funds available as a result of litigation against oil companies and refineries; authorizing the expenditure of certain funds by state attorneys and public defenders and requiring a report with respect thereto; providing restrictions with respect to advances for program start-up or advances for contracted services; providing for waiver of said restrictions; providing for reimbursement to school districts for costs of residential nonpublic school contracts and providing conditions, eligibility, and funding with respect thereto; providing that appropriations to the Department of Education for certain purchases of electronic data processing equipment by school districts, community colleges, and the Board of Regents are subject to approval by the Commissioner of Education; providing for inclusion of certain students in educational alternative programs; retitling certain educational programs; modifying certain match funding requirements relating to certain funds appropriated for local community mental health centers and alcohol project grants; modifying procedures for determining annual allocations to school districts; providing for establishment of enrollment ceilings by program groups; providing for administration of agency training programs and prescribing duties of the Department of Administration with respect thereto; providing for deposit of certain revenues received by the Department of Law Enforcement into the Forfeiture and Investigative Support Trust Fund; providing for advance of funds in any specific appropriation under certain conditions; specifying procedures with respect to certain unexpended balances of the Department of Transportation budget, and authorizing transfer between categories by the Executive Office of the Governor under certain circumstances; providing restrictions upon the transfer of certain individuals or their services between state agencies; restricting use of Special Category Contract Education funds of the Department of Corrections; providing procedures for state agencies with respect to solicitation for contractual training needs; providing procedures for transfer of data from the Department of Education to the Legislature necessary for calculating Aid to Local Governments Appropriations; abrogating the abolition of the trust funds of certain agencies; requiring the Department of Transportation to revise the budget entity structure; requiring the Department of Transportation to allocate resources to districts prior to a specified date; providing for differential premium rates for state group health insurance; providing that certain provisions relating to education shall be implemented only to the extent specifically provided for in the General Appropriations Act; amending s. 212.11, F.S.; providing additional criteria for the payment of estimated sales taxes; providing a retroactive effective date and an expiration date.

CO-INTRODUCERS

Senator Peterson—SB 81; Senator Dunn—CS for CS for SB 441; Senator Kiser—CS for SB 673, and CS for SB 1171; Senators Stuart and McPherson—SB 1137.

Senator Peterson withdrew as co-sponsor of SB 940.

RECESS

On motion by Senator Jenne, the Senate recessed at 10:26 a.m. to reconvene at 9:00 a.m., Wednesday, May 15.

SENATE PAGES

May 13-17

Gwen Baker, Bronson; Robert Thomas Bedford, Englewood; Richard B. Buchanan, Tallahassee; Joseph W. Dickey, Davie; Catherine Celeste Dougherty, Cocoa Beach; Ashley Ellen Frost, Bartow; Cathy Hopkins, Tallahassee; Hubert Lamar Lacey III, Mt. Dora; Missy Lesser, Tampa; Alice McCloud, Tallahassee; William A. McClure, Gainesville; Mark McCollam, Ormond Beach; Cheryl Millsaps, Lake City; Nancy Ruckman, Jacksonville; Walter Renard Spencer, Tallahassee; Michele Renee Tal-
lent, Brooksville; Katlyn Tucker, Tallahassee; Todd Underhill, Sarasota; Pamela Kay Whitaker, Tallahassee