



Journal of the Senate

Number 20

Thursday, May 29, 1986

PRAYER

The following prayer was offered by the Rev. Dr. Allen R. Carter, Pastor, First Baptist Church, Macclenny:

Our Heavenly Father, we confess our need of thee, as the deer drinks the water in the brook so our soul longs after thee, the living God.

We acknowledge our dependence upon thy word, both your spoken and written word.

We accept your wisdom and counsel as guide for us as set in your law which we have made the basis of our laws.

We are all your servants and we need your leadership and guidance.

We thank you for your mercies; we thank you for your love; we thank you for your salvation given to us through your son, the Lord Jesus. I pray your blessings upon those in this chamber of the Senate that they will seek your guidance in all that they do. Without you we are nothing. We are where we are because of thee, O God.

I pray this prayer in the name of Jesus and for his sake. Amen.

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
Castor	Girardeau	Kiser	Plummer
Childers, D.	Gordon	Langley	Scott
Childers, W. D.	Grant	Malchon	Stuart
Crawford	Grizzle	Mann	Thomas
Crenshaw	Hair	Margolis	Thurman
Deratany	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein

Excused periodically: Senator Neal to work on the appropriations bill; members of the various conference committees throughout the day

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Thursday, May 29, 1986: SB 1323, HB 917, HB 1031, SB 1313, SB 1312, SB 1308, HB 1122, HB 959, HB 962, HB 964, HB 970, HB 1137, HB 1138, HB 1140, HB 1142, HB 1143, HB 1149, HB 1150, HB 997

Respectfully submitted,
Kenneth C. Jenne, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 29, 1986: HB 323, SB 462, SB 571, CS for HB 700, HB 65, SB 275, SB 152, SB 497, SB 233, CS for SB 109, SB 735, SB 269, CS for SB 626, SB 524, CS for CS for SB's 294, 184, 1061, 251, 647, 963, 987, 1040 and 1089, CS for SB 842, SB 832, SB 830, CS for SB 726, SB 663, CS for SB 1030, CS for SB 994, CS for SB 1042, SB 1208, CS for SB 1105, CS for SB 653, SB 1143, SB 1181, CS for SB 1101, SB 975, SB 939, SB 937, CS for SB 1243, HB 963, CS for SB 989, CS for SB 32, CS for SB 705, CS for SB 688, CS for SB's 812 and 1078, CS for SB 1010, CS for SB 481, CS for SB 495, SB 503, CS for SB 529, CS for SB 1242

Respectfully submitted,
Kenneth C. Jenne, Chairman

The Committee on Finance, Taxation and Claims recommends the following pass: CS for SB's 277 and 68, CS for SB 185, CS for SB 655, SB 673, CS for SB 1106

The bills were referred to the Committee on Appropriations under the original reference.

The Special Master on Claims recommends the following pass: SB 1326

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

The Committee on Finance, Taxation and Claims recommends the following pass: CS for SB 6 with 1 amendment

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

The Committee on Finance, Taxation and Claims recommends the following pass: CS for HB 191, HB 258, SB 355 with 1 amendment, SB 434 with 1 amendment

The bills were placed on the calendar.

The Committee on Finance, Taxation and Claims recommends the following not pass: HB 394

The bill was laid on the table.

The Committee on Education recommends committee substitutes for the following: SB 962, SB 930, SB 1025

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 752

The Committee on Transportation recommends a committee substitute for the following: CS for SB 661

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

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: Senate Bills 77 and 191

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

The Committee on Judiciary-Civil recommends a committee substitute for the following: SJR 441

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

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 594

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

The Committee on Appropriations recommends committee substitutes for the following: SB 460, CS for SB 1012, CS for SB 105, SB 119, CS for SB 850, SB 527, SB 1033, CS for CS for SB 1022, SB 863, CS for SB 344, CS for SB 670 and CS for SB 224

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 1136, CS for SB's 639, 675 and 1146

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

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senators Stuart, Jennings and Vogt—

SB 1338—A bill to be entitled An act relating to Orange County; providing for the issuance of a special alcoholic beverage license to an entertainment or lodging complex within the City of Orlando; providing for a definition of an entertainment or lodging complex; providing restrictions; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Commerce.

By Senator W.D. Childers—

SR 1339—A resolution recognizing the J.M. Tate High School baseball team of Gonzalez for winning the Class AAAA State High School Baseball Championship.

—was referred to the Committee on Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Natural Resources and Conservation and Senators W. D. Childers, McPherson and Mann—

CS for SB's 77 and 191—A bill to be entitled An act relating to fishing; amending s. 372.57, F.S.; providing for a nonresident hunting and fishing license; providing for the period of the license; providing a fee; providing an effective date.

By the Committees on Appropriations and Transportation and Senator Vogt—

CS for CS for SB 105—A bill to be entitled An act relating to motor vehicle safety equipment; amending s. 316.515, F.S.; authorizing the Department of Transportation to issue special permits for semitrailers for overwidth deliveries of manufactured buildings; amending s. 316.650, F.S.; directing the Department of Highway Safety and Motor Vehicles to prepare affidavit of compliance forms with respect to certain traffic violations; amending s. 318.18, F.S.; providing a \$25 fine for all violations of s. 316.610, F.S.; providing for a reduced fine where the defect is corrected; amending s. 322.27, F.S.; providing for points with respect to certain traffic violations relating to operating certain motor vehicles in an unsafe condition or which are not properly equipped; providing for no points where defects are corrected; creating s. 316.6105, F.S.; providing a procedure for disposition of fines collected with respect to violations involving the operation of a motor vehicle in unsafe condition or without required equipment; providing an effective date.

By the Committee on Appropriations and Senator McPherson—

CS for SB 119—A bill to be entitled An act relating to state lands; amending s. 253.025, F.S.; providing for the purchase of tax certificates or tax deeds relating to the purchase of property eligible for purchase under that section; amending s. 253.023, F.S.; providing for additional moneys to be deposited in the Conservation and Recreation Lands Trust Fund; transferring certain moneys to the Land Acquisition Trust Fund for a certain purpose; amending s. 375.041, F.S.; prohibiting certain uses of the Land Acquisition Trust Fund; appropriating the first year's debt service for certain purposes; amending s. 253.115, F.S.; authorizing the use of open real estate listings for the sale of certain state-owned lands; amending ss. 253.53, 253.54, F.S.; providing for opening of bids for oil and gas leases; providing an effective date.

By the Committees on Appropriations, and Health and Rehabilitative Services and Senator Myers—

CS for CS for SB 344—A bill to be entitled An act relating to emergency medical services; amending s. 401.113, F.S.; revising the formula for expenditures from the Emergency Medical Services Trust Fund; amending ss. 401.211, 401.23, 401.281, 401.35, and 401.38, F.S.; removing provisions relating to nonemergency medical transportation services; amending s. 401.24, F.S.; providing for biennial revision of the comprehensive state plan for emergency medical services; amending s. 401.245, F.S.; authorizing certain reimbursement for members of the Emergency Medical Services Advisory Council and revising membership; removing a restriction on council meetings; amending s. 401.25, F.S.; extending the service area for basic and advanced life support services to include waterways; amending s. 401.26, F.S.; providing for concurrent expiration of

vehicle permits and service licenses; amending s. 401.27, F.S.; modifying renewal certification requirements for emergency medical technicians; removing provisions which authorize certification of physician's assistants as emergency medical technicians; modifying certificate expiration dates; amending s. 401.31, F.S.; revising provisions relating to inspection of licensees; amending s. 401.34, F.S.; revising a fee schedule; authorizing the Department of Health and Rehabilitative Services to amend fees by rule and prorate certain fees; eliminating fee exemptions for certain government-operated services; revising provisions relating to fee exemptions for volunteer service providers; amending s. 458.348, F.S.; requiring certain notice when a physician enters into a formal supervisory relationship, standing orders, or established protocol with a paramedic; amending s. 743.064, F.S.; authorizing prehospital care of minors by emergency medical services personnel; repealing s. 401.21, F.S., relating to short title; repealing s. 401.255, F.S., relating to licensure of nonemergency medical transportation services; repealing s. 401.33(6) and (7), F.S., relating to exemptions for certain nonemergency transportation services; providing an effective date.

By the Committee on Judiciary-Civil and Senator Hair—

CS for SJR 441—A joint resolution proposing an amendment to Section 11, Article V of the State Constitution, relating to trial court judges.

By the Committee on Appropriations and Senators Jenne, Johnson, Crawford, Stuart, Kirkpatrick, Fox, Myers, W. D. Childers, Malchon, Mann, Gersten, Girardeau, Meek, Weinstein, Thurman, Hill, Dunn, Margolis, Grizzle, McPherson, Thomas, Grant, D. Childers, Crenshaw, Frank, Castor, Johnston, Kiser, Jennings and Beard—

CS for SB 460—A bill to be entitled An act relating to health insurance; creating the "Child Health Assurance Act"; creating ss. 627.6416, 627.6579, F.S.; requiring certain individual and group, blanket, or franchise health insurance policies and health care services plan contracts to provide coverage for child health supervision services; providing definitions; providing exceptions; amending s. 627.651, F.S.; requiring compliance by multiple-employer welfare arrangements; amending s. 627.6515, F.S.; providing a cross reference with respect to out-of-state groups; providing for review and repeal; providing an effective date.

By the Committee on Appropriations and Senator Plummer—

CS for SB 527—A bill to be entitled An act relating to airports; amending s. 332.007, F.S.; revising the criteria for certain state funding of land acquisition for the expansion of existing airports; providing an effective date.

By the Committee on Natural Resources and Conservation and Senator Stuart—

CS for SB 594—A bill to be entitled An act relating to water resources; amending s. 373.197, F.S.; providing a short title; providing a declaration of policy; providing requirements relating to Everglades restoration; providing for the cooperation and coordination of agency actions pertaining to the Everglades; requiring an annual report; providing an effective date.

By the Committees on Judiciary-Civil; Economic, Community and Consumer Affairs, and Senators Deratany, Dunn and McPherson—

CS for CS for SB's 639, 675 and 1146—A bill to be entitled An act relating to local government code enforcement boards; amending ss. 162.02, 162.03, 162.04, 162.05, 162.06, 162.07, 162.08, 162.09, and 162.11, F.S.; revising intent relating to jurisdiction of such boards; authorizing creation of more than one board by a local government; providing that a hearing shall be held with respect to certain repeated violations even if the violation has been corrected; providing exceptions to notice requirements for certain violations; providing for conduct of hearings; providing application of fines to repeated violations; providing for imposition of liens; providing for delivery of notices; providing an effective date.

By the Committees on Transportation and Commerce and Senators Plummer and Weinstein—

CS for CS for SB 661—A bill to be entitled An act relating to motor vehicle insurance; amending s. 316.066, F.S.; specifying when accident reports must be filed; providing an effective date.

By the Committees on Appropriations, and Health and Rehabilitative Services and Senator Fox and the Committee on Judiciary-Civil—

CS for CS for SB 670 and CS for SB 224—A bill to be entitled An act relating to domestic relations; amending s. 61.001, F.S., relating to the construction and purposes of ch. 61, F.S.; providing technical changes; amending s. 61.021, F.S.; providing that one of the parties to a marriage must reside 6 months in the state before filing a petition for dissolution; creating s. 61.046, F.S.; providing definitions for purposes of ch. 61, F.S.; amending ss. 61.052, 61.08, 61.09, 61.10, F.S., relating to dissolution of marriage, alimony, alimony and child support unconnected with dissolution, and adjudication of obligation to support spouse or minor child; providing changes in terminology and technical changes; amending s. 61.13, F.S.; providing that child support orders contain provisions for health insurance when it is reasonably available; prohibiting the withholding of support payment because the custodial parent refuses to honor visitation rights; prohibiting the custodial parent from preventing visitation for failure to make child support payments; authorizing certain relief; providing remedies; amending s. 61.1301, F.S.; providing for the issuance of income deduction orders; providing for a statement to an obligor regarding his rights, remedies, and duties with regard to an income deduction order; creating s. 61.13015, F.S.; providing for the enforcement of income deduction orders; providing procedures; providing for collection of administrative costs; providing civil penalties; creating s. 61.1352, F.S.; providing for certificates of nonsupport; providing for claims of lien against real, personal, and intangible property when an obligor is delinquent in support; providing procedures; providing for cumulative remedies; creating s. 61.1354, F.S.; providing for the sharing of information between consumer reporting agencies and the IV-D agency; amending s. 61.14, F.S., relating to modification of support, maintenance, or alimony agreements or orders; providing conforming and technical changes; amending s. 61.17, F.S.; providing additional methods for enforcing judgments; amending s. 61.181, F.S.; providing that the Department of Health and Rehabilitative Services or its contractual representative is responsible for local support enforcement services, including depository services, required by the State Title IV-D Plan; providing that the Department of Health and Rehabilitative Services may contract with local officers for the provision of local support enforcement services or depository services; providing contracting procedures; providing standards for eligibility of applicants; providing funding; providing for termination of contracts; providing for reimbursement of the state by local officers or counties for federally imposed fiscal sanctions; providing for a central governmental depository for all alimony and child support payments; providing fees; providing for the acceptance of checks; providing for distribution of support payments; providing rulemaking authority; requiring the Supreme Court to by rule provide for support enforcement masters to meet federal IV-D requirements; creating s. 61.183, F.S.; providing for mediation; providing procedures; providing for the confidentiality of certain information; providing that conduct or statements made during a mediation proceeding are inadmissible in any civil proceeding; amending ss. 88.065, 88.121, F.S., relating to conditions of interstate rendition and to the representation of petitioners; providing conforming language; providing that private counsel in non-IV-D cases may represent a petitioner in the proceedings; amending s. 88.151, F.S.; providing for the assessment of application fees, filing fees, attorney's fees, court costs, and administrative costs against a respondent in a court order; providing that the petitioner shall be responsible if costs cannot be recovered from respondent; authorizing the IV-D agency to impose and collect fees for services rendered; amending ss. 88.181, 88.191, F.S., relating to the duty of this state as responding state and of the other state as responding state; providing conforming language; amending s. 88.211, F.S.; requiring the responding court if it finds a duty of support to enter separate income deduction orders pursuant to ch. 61, F.S.; providing conforming language; amending s. 88.251, F.S., relating to additional duty of initiating court; providing conforming language; amending ss. 88.297, 88.345, 88.351, F.S., relating to appeals, representation, and registration procedures; providing conforming language; amending s. 95.11, F.S.; providing that the statute of limitations in determination of paternity proceedings runs from the date the child reaches majority; amending s. 409.2551, F.S., relating to legislative intent with respect to enforcement of support for financially dependent children; providing conforming language; amending s. 409.2554, F.S.; providing definitions for purposes of ss. 409.2551-409.2597, relating to public assistance and actions for support; amending s. 409.2561, F.S., relating to public assistance payments and reimbursement of obligation to the Department of Health and Rehabilitative Services; providing conforming language; amending s. 409.2564, F.S.; providing that any order issued by the court as a result of an action shall require payments to be made to the

department through the depository; requiring the depository to provide to the department certified payment statements at no cost to the department; requiring the department to notify the depository to redirect payments in certain cases; limiting the IV-D agency's participation in legal actions; granting immunity from liability in tort actions; providing conforming language; amending s. 409.2567, F.S., relating to services to individuals not otherwise eligible; providing conforming language and technical changes; creating s. 409.2569, F.S.; providing for continuation of services to public assistance recipients after benefits terminate; amending s. 409.2571, F.S., relating to court and witness fees and bond; providing conforming language; amending s. 409.2572, F.S.; specifying terms of cooperation in public assistance cases; specifying penalties for noncooperation in public assistance cases; amending s. 409.2574, F.S.; requiring the Department of Health and Rehabilitative Services to enforce income deduction orders for IV-D applicants; requiring that the department be a party; providing that support orders being enforced under IV-D do not need an amendment or further action by the court to be enforced by income deduction; providing procedures; amending s. 409.2584, F.S.; providing for the collection of interest of 10 percent per year on certain support obligations; amending s. 742.011, F.S.; specifying persons who may bring a paternity action; amending s. 742.021, F.S., relating to venue in paternity proceedings; providing conforming language and technical changes; amending s. 742.031, F.S.; deleting the authority for paternity issues to be tried by a jury; providing that the court shall order either or both parents to pay support; amending s. 742.10, F.S.; providing that ch. 742, F.S., establishes the primary jurisdiction and procedures for determining paternity for children born out of wedlock; creating s. 742.12, F.S.; providing for scientific testing to determine paternity; providing for payment of test fees; providing for legal presumptions of paternity; creating the Study Commission on Child Support Enforcement; providing for membership; providing responsibilities of the commission; requiring submission of a report; assigning the commission to the Department of Health and Rehabilitative Services for administrative purposes; requiring the department to staff the commission; amending section 6 of ch. 85-178, Laws of Florida, to continue three comprehensive child support enforcement projects; providing that the state IV-D agency may withhold funds or terminate the contract for failure to comply with federal IV-D requirements; providing for an evaluation of the projects; providing an appropriation; repealing s. 61.081, F.S., relating to issuance of income deduction orders in conjunction with alimony orders; repealing s. 88.031(11), F.S., relating to the definition of prosecuting attorney under the Revised Uniform Reciprocal Enforcement of Support Act; repealing s. 409.2587, F.S., relating to uncollectible child support debts; repealing s. 742.041, F.S., relating to monthly child support contributions; providing that the legality of income deduction orders, child support orders, and alimony orders entered prior to the effective date of the act shall not be affected; providing that causes of actions accruing prior to the effective date of the act shall not be affected; providing severability; providing effective dates.

By the Committee on Finance, Taxation and Claims and Senators Jenne, Castor, Malchon, Mann, Hill, Langley, Plummer, Frank and Dunn—

CS for SB 752—A bill to be entitled An act relating to tax on cigarettes; amending s. 210.02, F.S.; revising the tax rate and eliminating a credit against the tax; amending s. 210.05, F.S.; increasing the dealer collection allowance on cigarette taxes; amending s. 210.20, F.S.; revising distribution of tax proceeds; providing for tax on inventory on hand on the effective date of the act; providing an effective date.

By the Committees on Appropriations, and Natural Resources and Conservation and Senators Stuart and McPherson—

CS for CS for SB 850—A bill to be entitled An act relating to natural resources; amending s. 253.023, F.S.; providing for additional moneys to be deposited in the Conservation and Recreation Lands Trust Fund; transferring certain moneys to the Land Acquisition Trust Fund for a certain purpose; specifying that a certain percentage of the fund will be used for management, maintenance, and capital improvements; specifying purpose and manner of management of lands acquired through the Conservation and Recreation Lands Trust Fund; amending s. 373.59, F.S.; providing for annual allocation of moneys in the Water Management Lands Trust Fund for management, maintenance, and capital improvements; requiring inclusion of certain findings in management plans; amending s. 375.041, F.S.; prohibiting certain uses of the Land Acquisition Trust Fund; authorizing the Department of Natural Resources to acquire specific parcels of land by eminent domain; providing an effective date.

By the Committee on Appropriations and Senators Thomas and Stuart—

CS for SB 863—A bill to be entitled An act relating to permit processing; amending s. 403.0876, F.S.; establishing a special unit for permit coordination and processing in the Division of Permitting of the Department of Environmental Regulation; establishing procedures for processing of applications; providing for fees; providing for expedited administrative hearings; providing additional positions; providing an appropriation; providing an effective date.

By the Committee on Education and Senator Weinstein—

CS for SB 930—A bill to be entitled An act relating to community colleges; amending ss. 240.35, 230.645, F.S.; specifying limitations on the acceptance of in-kind contributions; deleting the expiration of provisions authorizing the payment of fees on an in-kind basis; providing an effective date.

By the Committee on Education and Senator Crenshaw—

CS for SB 962—A bill to be entitled An act relating to education; creating a task force to study the equity and adequacy of public school funding; providing areas to be studied; providing a reporting date; providing an appropriation; providing an effective date.

By the Committee on Education and Senator Gordon—

CS for SB 1002—A bill to be entitled An act relating to postsecondary education; amending s. 240.147, F.S.; expanding the duties of the Postsecondary Education Planning Commission; providing an effective date.

By the Committees on Appropriations; and Personnel, Retirement and Collective Bargaining and Senator Margolis—

CS for CS for SB 1012—A bill to be entitled An act relating to state employment; amending s. 110.205, F.S.; specifying which positions are exempt from the Career Service System and the personnel systems in which they are placed; specifying the manner in which salaries and benefits for such positions will be set; amending s. 110.402, F.S.; defining coverage of the Senior Management Service; amending s. 110.403, F.S.; reducing the maximum number of employees that may be included in the Senior Management Service; providing for area differentials for employees in certain areas of the state; amending s. 110.406, F.S.; changing the due date of the annual report regarding the administration of the Senior Management Service; amending s. 110.601, F.S.; changing the name of the Selected Professional Service to the "Selected Exempt Service"; amending s. 110.602, F.S.; providing for coverage of the Selected Exempt Service; establishing a maximum number of employees that may be included in the Selected Exempt Service; amending s. 110.603, F.S.; providing for area differentials in the pay plan for certain employees; providing conforming language; amending ss. 110.604-110.607, F.S.; conforming terminology; changing the due date for the annual report regarding the administration of the Selected Exempt Service; creating s. 121.055, F.S.; creating the Senior Management Service Class of membership within the Florida Retirement System; specifying who may participate; providing for employer contributions; providing for minimum creditable service for retirement; specifying average final compensation; providing for the rate of retirement credit; providing for the establishment of the Senior Management Service Optional Annuity Program; providing for participation; providing for employer and employee contributions; providing for payment of benefits; providing for administration; providing for distribution of certain financial and actuarial information; providing for an accounting of participant accounts; amending s. 121.021, F.S.; including the Senior Management Service Class within the definition of "member" for purposes of the Florida Retirement System and providing a normal retirement date for such members; amending s. 447.203; conforming terminology; authorizing the presiding officer of each house of the Legislature to designate certain employees to receive Senior Management Service benefits; providing an effective date.

By the Committees on Appropriations; Finance, Taxation and Claims; and Transportation and Senators Gordon, Crawford, Johnson, Neal, Stuart and Hair—

CS for CS for CS for SB 1022—A bill to be entitled An act relating to taxation on fuels; creating s. 336.027, F.S.; providing that a county may impose an additional motor fuel tax by a majority plus one vote of the commission; providing for the collection, administration, and distribution of the tax; providing that bonds may be issued pursuant to the State

Bond Act pledging the revenues from the tax; providing that a county or municipality may use the proceeds of the tax for transportation programs and to advance state road and public transportation projects; providing for reimbursement for expenditures on state projects; providing that a county or municipality must specify the projects on which the proceeds of the tax will be expended; prohibiting the Department of Transportation from reducing its program allocations in those counties or municipalities which have contributed revenues from the tax for state projects; amending s. 336.025, F.S.; requiring periodic adjustments in the distribution of local option gas tax moneys when the distribution is not covered by an interlocal agreement; providing additional circumstances when an interlocal agreement may be entered into; providing for distribution of tax moneys to newly incorporated municipalities; amending s. 206.9825, F.S.; specifying that the local option motor fuel tax pursuant to s. 336.027, F.S., does not apply to aviation fuel; amending s. 165.071, F.S.; requiring that a procedure be established for distributing local option gas tax moneys when incorporating a new municipality; providing an effective date.

By the Committee on Education and Senator Thurman—

CS for SB 1025—A bill to be entitled An act relating to postsecondary education; creating s. 240.107, F.S.; establishing legislative intent for the college-level communication and computation skills examination; providing administration and reporting requirements; requiring successful examination completion for degree conference; providing an exemption; amending s. 240.233, F.S.; modifying provisions relating to rules and standards for university admissions; postponing the foreign language requirement for university admission; providing an exemption; requiring immunizations; providing exceptions; creating s. 246.013, F.S.; authorizing participation of certain nonpublic postsecondary institutions in the common course designation and numbering system; providing for costs and fees; directing the State Board of Education to adopt rules related to purges of certain courses; directing the Board of Regents and the State Board of Community Colleges to develop a plan for implementing a computer-assisted student advising system; directing the Board of Regents to adopt rules relating to limited access programs, registration and orientation, and student handbooks; directing the Postsecondary Education Planning Commission to study the feasibility of an articulation agreement between public and nonpublic postsecondary institutions; directing the Articulation Coordinating Committee to develop rules regarding the equivalence of certain foreign language instruction; amending s. 240.227, F.S.; to conform to the act; providing an effective date.

By the Committee on Appropriations and Senators Neal, Margolis, Jennings and Peterson—

CS for SB 1033—A bill to be entitled An act relating to public employees; amending ss. 110.124, 110.227, 112.044, 125.0104, 284.30, 284.31, 295.11, 295.14, 376.11, 376.307, 944.35, F.S.; repealing ss. 110.301, 110.305, 110.309, F.S.; abolishing the Career Service Commission and transferring its powers, duties and functions to the Public Employees Relations Commission; directing agency heads to ensure employee familiarity with disciplinary and grievance procedures; revising procedures and requirements relating to suspension or dismissal in extraordinary circumstances; amending s. 447.207, F.S.; creating s. 447.208, F.S.; providing powers and duties of the Public Employees Relations Commission with respect to specified employment-related appeals; providing procedures and limitations; providing an effective date.

By the Committee on Judiciary-Civil and Senator Gordon—

CS for SB 1136—A bill to be entitled An act relating to torts; creating a cause of action for sexual harassment of a person by such person's employer; providing definitions; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Neal, by two-thirds vote SB 312, CS for SB 410, SB 560, CS for SB 864, CS for SB 931, SB 1031, SB 1125 and CS for CS for SB's 1180 and 1230 were withdrawn from the Committee on Appropriations.

On motions by Senator Jenne, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet this day from 12:00 noon until 1:00 p.m. to consider CS for SB 752.

On motion by Senator Jenne, the rules were waived and the Committee on Economic, Community and Consumer Affairs was granted permission to meet this day from 1:00 p.m. until 2:00 p.m. to consider CS for SB 978 and SB 786.

On motion by Senator Stuart, the rules were waived and the Committee on Commerce was granted permission to consider SB 1338 this day.

On motion by Senator Jenne, the rules were waived and the Committee on Commerce was granted permission to meet this day at 12:30 p.m. in lieu of 12:00 noon as scheduled.

On motion by Senator Jenne, by two-thirds vote SB 1031 was added to the special order calendar following CS for SB 1030.

On motion by Senator Crawford, the rules were waived and CS for HB 1307 was ordered immediately certified to the House.

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 House Bills 1124, 1179; has passed as amended CS for HB's 112 and 494 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative D. L. Jones and others—

HB 1124—A bill to be entitled An act relating to the Greater Seminole Area Special Recreation District, Pinellas County; amending chapter 80-584, Laws of Florida, as amended; reducing the area of the district; increasing the membership of the board of commissioners and providing for the appointment of the board; providing authority for the board to levy ad valorem taxes; authorizing the board to divest itself of, acquire and lease real and personal property; providing additional uses of funds of the district; providing for referenda; providing an effective date.

Proof of publication of the required notice was attached.

(Substituted for SB 1308 on the local calendar this day.)

By the Committee on Judiciary and Representatives Drage and Burke—

HB 1179—A bill to be entitled An act relating to the right to trial by jury; creating s. 918.0155, F.S.; providing a right to trial by jury for any offense punishable by imprisonment; providing exceptions; providing an effective date.

(Substituted for SB 571 on the special order calendar this day.)

By the Committee on Transportation and Representative Watt and others—

CS for HB's 112 and 494—A bill to be entitled An act relating to license plates; amending s. 320.0607, F.S.; changing procedures applicable to the replacement of license plates, validation stickers and mobile home stickers; providing for distribution of fees; creating s. 320.0808, F.S.; providing for the issuance of Challenger license plates for a specified period; requiring an annual use fee and specifying use thereof; providing for registration period and fees; creating s. 320.0808, F.S.; providing for the issuance of collegiate license plates for each of the nine institutions within the State University System; requiring an annual use fee for collegiate license plates; providing for use of the fees; providing for registration period and fees related to applications for collegiate license plates; providing an effective date.

(Substituted for CS for SB 109 on the special order calendar this day.)

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed SB 1237.

Allen Morris, Clerk

The bill contained in the foregoing message was ordered enrolled.

LOCAL CALENDAR

SB 1323—A bill to be entitled An act relating to the Sarasota County Public Hospital Board, Sarasota County; amending ss. 1, 3, 7, 8, ch. 26468, Laws of Florida, 1949, as amended; requiring the hospital board to create three hospital board districts as specified; providing that the hospital board fix the district boundaries, as specified, at intervals of no more than 10 years; requiring that the hospital board send the supervisor

of elections the resolution that pertains to district boundaries; providing for the election of hospital board members from each district and at large; prohibiting the grouping on the ballot of candidates for district seats and at-large seats; prescribing the ballot format; providing for temporarily filling a vacancy on the board; providing for the commencement and the expiration of a member's term of office; enabling the hospital board to appoint certain officers and specifying the powers of such officers; providing for deposit and disbursement of moneys received; allowing the hospital board to participate as a partner or member of all lawful forms of business organization; providing for the hospital board to elect the boards of directors of its not-for-profit corporations; providing for the establishment of a fund to promote the activities of facilities owned or operated by the hospital board; enabling the hospital board to compromise, settle, and assign accounts receivable; providing for the hospital board to establish, own, provide, or participate in health maintenance organizations, preferred provider organizations, food services, and other health care activities; providing for the payment of capital expenditures from its bank accounts by procedures adopted by the hospital board; allowing the hospital board to establish, operate, and support subsidiaries and affiliates for specified purposes and through specified means; amending ss. 1, 4, ch. 61-2868, Laws of Florida; providing for hospital liens for "hospital care," as defined; providing for the order of payment of claim judgments or settlements; amending s. 8, ch. 83-525, Laws of Florida; providing that specified operations of the hospital established under chapter 26468, Laws of Florida, 1949, as amended, remain under the direct control and administration of the hospital board; providing for the operation of nonhospital health care services and related activities by other entities; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 1323 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Neal

Vote after roll call:

Yea—Hair

HB 917—A bill to be entitled An act relating to Lee County; amending chapter 59-1492, Laws of Florida, as amended by chapter 72-597, Laws of Florida; providing for the establishment and maintenance of a county law library in the county courthouse of Lee County; providing for creation of law library fund; providing for a board of trustees to make rules and regulations governing said library, providing for method of appointment and term of said trustees; providing for method of maintenance and administration; declaring law library to be a county purpose; authorizing board of county commissioners to make annual appropriations to library fund; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 917 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

HB 1031—A bill to be entitled An act relating to the Orlando Utilities Commission; amending sections 2, 3, 4 and 5 of chapter 9861, Laws of Florida, 1923, as amended, and adding subsection (8) to section 7 of said chapter; providing that the City Council shall elect one member of the Commission in January of each year; providing for public meetings; providing for notice of meetings; revising provisions relating to selection, qualification and terms of office of members; providing for payment of reasonable expenses; providing for voting requirements; providing for financial disclosure and conflicts of interest; providing for suspension and removal from office; providing for development of a competitive bidding procedure; amending section 3 of chapter 24758, Laws of Florida, 1947; authorizing the Commission to issue revenue bonds to finance or refinance its electric power, fuel supply and water supply facilities; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 1031 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

Point of Order

Senator Scott raised a point of order on Senate Bills 1313 and 1312 stating that they are local bills but affect the general law and further, have not been heard by a Senate committee as provided in Rule 4.6.

The President appointed Senators Langley, Thomas and Stuart to meet with the Senate attorney to research the point and report their findings to the Senate at 10:30 a.m.

Consideration of Senate Bills 1313 and 1312 was deferred.

On motions by Senator Malchon—

HB 1124—A bill to be entitled An act relating to the Greater Seminole Area Special Recreation District, Pinellas County; amending chapter 80-584, Laws of Florida, as amended; reducing the area of the district; increasing the membership of the board of commissioners and providing for the appointment of the board; providing authority for the board to levy ad valorem taxes; authorizing the board to divest itself of, acquire and lease real and personal property; providing additional uses of funds of the district; providing for referenda; providing an effective date.

—a companion measure, was substituted for SB 1308 and by two-thirds vote read the second time by title.

Senator Malchon moved the following amendments which were adopted:

Amendment 1—On page 2, lines 26-31, and on page 3, lines 1 and 2, strike all of said lines and insert: commissioners who, upon their qualification, shall serve for a period of 4 years.

Section 3. Said seven commissioners shall serve for terms of 4 years each and shall be appointed as follows: five commissioners shall be appointed by the Board of County Commissioners of Pinellas County and two commissioners shall be appointed by the City Council of the

Amendment 2—On page 5, strike all of lines 19-25 and insert:

Section 2. Upon the expiration of the current terms of three commissioners in November 1986, the Board of County Commissioners of Pinel-

las County shall appoint two commissioners for 4-year terms and the City Council of the City of Seminole shall appoint one commissioner for a 2-year term. Upon the expiration of the current terms of two commissioners in November 1988, the County Commissioners of Pinellas County shall appoint two commissioners for 4-year terms. The two commissioners added to the board by this act shall be added one by appointment by the Board of County Commissioners of Pinellas County for a 4-year term, and one by the City Council of the City of Seminole for a 2-year term, both appointments to be made no later than January 1, 1987.

Section 3. Section 2 of this act and sections 2 and 3 of chapter 80-584, Laws of Florida, as amended by this act shall take effect upon becoming a law. The remainder of this act and the provisions of section 5 of

On motion by Senator Malchon, by two-thirds vote HB 1124 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

SB 1308 was laid on the table.

HB 1122—A bill to be entitled An act relating to Pinellas County; amending subsection (12) of section 25 of chapter 75-489, Laws of Florida, defining the term "residential designer" for the purpose of an exemption from certain occupational requirements imposed by Pinellas County; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote HB 1122 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

HB 959—A bill to be entitled An act relating to the Jacksonville Port Authority; amending section 1(b), section 3(4), section 3(17)(b), (d), and (f), and section 14 and repealing section 9, chapter 63-1447, Laws of Florida, as amended, to eliminate executed provisions, restrictions with respect to issuance of bonds and to reflect the consolidation of government in the City of Jacksonville; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 959 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

HB 962—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending sections 3, 5, 8, 12, and 16 of chapter 79-573, Laws of Florida, as amended; providing for the number of petitions needed to run in District 4-7; providing for qualifying periods that will fall in the same calendar year; amending the Oath of Candidate to delete obsolete language; amending the wording on the petition card to provide for the necessity to reside in the district of the candidate; providing an effective date.

—was read the second time by title. On motion by Senator Frank, by two-thirds vote HB 962 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

HB 964—A bill to be entitled An act relating to Hillsborough County; providing for the eligibility of James D. Palermo to join and to receive credit in the City of Tampa, Florida, General Employees Pension Fund created by chapter 23559, Laws of Florida, 1945, as amended, for his past and future service with the city; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote HB 964 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

HB 970—A bill to be entitled An act relating to Hillsborough County and the City of Tampa; repealing chapter 30826, Laws of Florida, 1955, relating to the authority of the Board of County Commissioners of Hills-

borough County to separately or jointly with the Mayor and Board of City Representatives of the City of Tampa create a general museum, zoo, and planetarium and cultural committee; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote HB 970 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

HB 1137—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending sections 1, 15, 18, and 23 of chapter 84-510, Laws of Florida, relating to the Civil Service System; amending existing laws relating to employee misconduct, certification of payroll, terms of members of executive committee, and probationary period of employment or promotion; adding definitions; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1137 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

HB 1138—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending section 13 of chapter 80-579, Laws of Florida, as amended, relating to the Pensacola-Escambia Promotion and Development Commission; extending provisions relating to the funding of the commission by the city and county; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1138 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

HB 1140—A bill to be entitled An act relating to the Pensacola-Escambia County Promotion and Development Commission; amending section 4 of chapter 80-579, Laws of Florida, relating to membership of the Commission, to provide for removal from membership for nonattendance of meetings; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1140 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

HB 1142—A bill to be entitled An act relating to the Escambia County Utilities Authority; amending sections 4 and 5 of chapter 81-376, Laws of Florida, as amended; authorizing members of the authority to determine their salary and providing a limitation; granting the authority powers of membership and participation in and ownership of any legal entity created for purposes of a financing program or loan pool under s. 163.01(7)(d), F.S.; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1142 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

HB 1143—A bill to be entitled An act relating to the General Pension and Retirement Fund of the City of Pensacola; amending subsection B. of section 1 of chapter 61-2655, Laws of Florida, as amended; modifying the method of electing members of the pension board; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1143 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

HB 1149—A bill to be entitled An act relating to Citrus County, Homosassa Special Water District; amending section 1 of chapter 59-1177, Laws of Florida, as amended, increasing the territorial limits of the district; providing for a referendum in the existing district limits and in the area to be included; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 1149 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

HB 1150—A bill to be entitled An act relating to Citrus County; repealing chapter 69-936, Laws of Florida, as amended, relating to the Citrus County Law Library; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 1150 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hair

HB 997—A bill to be entitled An act relating to Lee County; amending chapter 85-447, Laws of Florida, regarding the powers of Lee County to acquire and operate a solid waste disposal and resource recovery system; deleting the right of acquisition by condemnation of franchises granted by Lee County for operation of such a system; deleting a provision regarding operation of such a system on a non-profit basis; deleting the provision of prevalence over general laws in conflict with this act; providing an effective date.

—was read the second time by title. On motion by Senator Mann, by two-thirds vote HB 997 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Crenshaw	Grant	Kiser
Barron	Deratany	Grizzle	Langley
Beard	Dunn	Hill	Malchon
Castor	Fox	Jenne	Mann
Childers, D.	Frank	Jennings	Margolis
Childers, W. D.	Gersten	Johnson	McPherson
Crawford	Girardeau	Kirkpatrick	Myers

Neal	Scott	Thurman
Peterson	Stuart	Vogt
Plummer	Thomas	Weinstein

Nays—None

Vote after roll call:

Yea—Hair

SPECIAL ORDER

HB 323—A bill to be entitled An act relating to municipal charter amendments; amending s. 166.031, F.S.; providing clarifying language for purposes of calculating the number of signatures required on a petition for a proposed charter amendment; providing an effective date.

—was taken up with pending Amendment 1 which was withdrawn.

On motion by Senator Deratany, HB 323 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	Kiser	Plummer
Castor	Girardeau	Langley	Scott
Childers, D.	Gordon	Malchon	Stuart
Childers, W. D.	Grant	Mann	Thomas
Crawford	Grizzle	Margolis	Thurman
Crenshaw	Hair	McPherson	Vogt
Deratany	Hill	Meek	Weinstein
Dunn	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 214 was laid on the table.

Consideration of Senate Bills 462 and 571 was deferred.

On motion by Senator Malchon—

CS for HB 700—A bill to be entitled An act relating to health care facilities; amending s. 400.342, F.S.; clarifying the definition of nursing home; amending s. 400.407, F.S.; increasing the penalty for unlawful operation of an unlicensed adult congregate living facility and creating related offenses; amending s. 400.427, F.S.; expanding prohibitions against facilities and their representatives from acting in certain capacities for residents; requiring certain bonding; changing the frequency in which facilities must report to residents or their representatives regarding their funds or property being held in trust; requiring facilities to provide certain residents with written statements of transactions made on their behalf; prohibiting facilities granted power of attorney from misusing funds; providing a penalty; providing for the return of funds and property of a resident upon his death; providing an effective date.

—was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Thomas

CS for SB 992 was laid on the table.

HB 65—A bill to be entitled An act relating to municipalities; amending s. 166.241, F.S., providing a penalty for unlawful withdrawal of municipal funds by a municipal officer; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 16-18 and insert: other revenue sources. *Any officer of a municipal government who shall willfully draw money from the treasury except in pursuance of appropriations made by law or as otherwise authorized pursuant to municipal charter, ordinance or resolution is guilty of a misdemeanor of the*

Senator Frank moved the following amendment:

Amendment 2—On page 1, line 8, insert:

Section 1. Section 839.25, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 839.25, F.S., for present text).

839.25 Official misconduct.—Any public officer or employee who commits a crime and who, in the commission of that crime, wrongfully uses, attempts to use, or conspires to use his public office or public employment or the influence or color of such office or employment to obtain or to attempt to obtain a profit, gain, or advantage for himself or some other person is guilty of official misconduct and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Renumber subsequent sections.)

Further consideration of HB 65 as amended was deferred.

SB 275—A bill to be entitled An act relating to elections; amending s. 101.62, F.S.; providing that one request for an absentee ballot may serve as a request for absentee ballots for all elections held within a calendar year; providing for automatic cancellation of the request in certain situations; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 1, strike line 30 and insert:

(4) *To each absent qualified elector overseas who has made a request for an absentee ballot, the supervisor of elections shall, not fewer less than 30 days before the first primary election, mail absentee ballots for the first primary, second primary, and general elections, which shall have printed thereon the names of all candidates who originally qualify as candidates. However, such ballots shall be styled to show which ballot is to be used for the first primary election, which for the second primary election, and which for the general election. No additional ballots shall thereafter be sent to such absent elector for the second primary election or the general election. Rather, such absent elector shall ascertain by any means available to him which of the candidates who originally qualified are still candidates in the second primary election and, subsequently, which are candidates in the general election, and immediately upon learning of the results he may vote for his choice on the respective ballot previously sent. If such an absent elector votes for any candidate in the second primary election or the general election who is not a candidate in the respective election, his vote for the office shall be disregarded. After these ballots have been mailed to such absent qualified electors overseas not less than 24 days before the second primary election, and not less than 30 days before the general election, mail an absentee ballot to each absent elector overseas who has made a request for an absentee ballot; and, as soon as the remainder of the absentee ballots are printed, the supervisor of elections shall deliver or mail an absentee ballot to each elector by whom a request for such ballot has been made. Any elector may designate in writing a person to pick up the ballot for him; however, no candidate may be designated to pick up an absentee ballot for any elector other than a member of his immediate family. Upon presentation of such written authorization by such designee in person, the supervisor may give the ballot to such designee for delivery to the elector. The supervisor shall initial the stub attached to the absentee ballot and enter the name of the elector in the place indicated for the elector to sign. The supervisor shall then detach the ballot from the stub and mail or deliver the ballot. Before mailing or delivering the ballot, the*

supervisor shall fill in the number of the precinct in which the voter is registered in the space provided for this purpose on the envelope. If an elector appears in person to cast an absentee ballot, the elector shall sign the stub, and the supervisor shall then detach the ballot from the stub and deliver the ballot to the elector.

Section 2. This act shall take effect October 1, 1986, except that the amendments to subsection (4) shall take effect January 1, 1987.

Amendment 2—On page 1, strike line 12 and insert:

Section 1. Subsections (1) and (4) of section 101.62, Florida

Amendment 3—In title, on page 1, line 8, after "situations;" insert: Providing for mailing at one time the first primary, second primary, and general elections ballots to absent qualified electors overseas; providing procedure for voting such ballots;

Further consideration of SB 275 as amended was deferred.

On motions by Senator D. Childers, by two-thirds vote HB 300 was withdrawn from the Committees on Health and Rehabilitative Services and Judiciary-Civil.

On motion by Senator D. Childers—

HB 300—A bill to be entitled An act relating to the treatment and rehabilitation of drug dependents; amending s. 397.021, F.S.; redefining the term "controlled substances" for purposes of chapter 397, F.S.; amending s. 397.052, F.S., conforming the allegations required in a petition for involuntary treatment to the change of definition; providing an effective date.

—a companion measure, was substituted for SB 152 and read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 300 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Thomas

SB 152 was laid on the table.

SB 497—A bill to be entitled An act relating to downtown development authorities; amending s. 200.001, F.S.; providing that certain downtown development authorities are independent special districts; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 26, after "millage" insert: or a millage is levied for purposes of the authority, which millage was

On motion by Senator Margolis, by two-thirds vote SB 497 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Childers, D.	Deratany	Gersten
Barron	Childers, W. D.	Dunn	Girardeau
Beard	Crawford	Fox	Gordon
Castor	Crenshaw	Frank	Grant

Grizzle	Kiser	Meek	Stuart
Hair	Langley	Myers	Thurman
Hill	Malchon	Neal	Vogt
Jenne	Mann	Peterson	Weinstein
Jennings	Margolis	Plummer	
Johnson	McPherson	Scott	

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Thomas

Conference Committee Appointment

The President appointed Senator Girardeau as an alternate on the Conference Committee for CS for CS for SB's 465, 349, 592, 698, 699, 700, 701, 702, 956, 977 and 1120.

On motion by Senator Thurman—

HB 1179—A bill to be entitled An act relating to the right to trial by jury; creating s. 918.0155, F.S.; providing a right to trial by jury for any offense punishable by imprisonment; providing exceptions; providing an effective date.

—a companion measure, was substituted for SB 571 and by two-thirds vote read the second time by title.

Senator Beard moved the following amendment which was adopted:

Amendment 1—On page 1, line 21, after "imposed" insert: and the defendant will not be adjudicated guilty,

On motion by Senator Thurman, by two-thirds vote HB 1179 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Dunn	Jenne	Neal
Beard	Frank	Jennings	Peterson
Castor	Gersten	Kiser	Plummer
Childers, D.	Girardeau	Langley	Stuart
Childers, W. D.	Gordon	Malchon	Thurman
Crawford	Grizzle	Margolis	Vogt
Crenshaw	Hill	Meek	Weinstein

Nays—5

Fox	Mann	Myers
Johnson	McPherson	

SB 571 was laid on the table.

On motion by Senator Thurman, the rules were waived and HB 1179 was ordered immediately certified to the House.

Consideration of SB 233 was deferred.

CS for SB 109—A bill to be entitled An act relating to license plates; creating s. 320.0808, F.S.; providing for the issuance of collegiate license plates for each of the nine institutions within the State University System; requiring an annual use fee for collegiate license plates; providing for use of the fees; providing for registration period and fees related to applications for collegiate license plates; providing an effective date.

—was read the second time by title.

Four amendments were adopted to CS for SB 109 to conform the bill to CS for HB's 112 and 494.

Pending further consideration of CS for SB 109 as amended—

On motions by Senator Kiser—

CS for HB's 112 and 494—A bill to be entitled An act relating to license plates; amending s. 320.0607, F.S.; changing procedures applicable to the replacement of license plates, validation stickers and mobile home stickers; providing for distribution of fees; creating s. 320.0808, F.S.; providing for the issuance of Challenger license plates for a specified period; requiring an annual use fee and specifying use thereof; providing for registration period and fees; creating s. 320.0808, F.S.; providing for the issuance of collegiate license plates for each of the nine institutions within the State University System; requiring an annual use fee for collegiate

license plates; providing for use of the fees; providing for registration period and fees related to applications for collegiate license plates; providing an effective date.

—a companion measure, was substituted for CS for SB 109 and by two-thirds vote read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for HB's 112 and 494 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Hair, Thomas

CS for SB 109 was laid on the table.

Reconsideration

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

SB 1323—A bill to be entitled An act relating to the Sarasota County Public Hospital Board, Sarasota County; amending ss. 1, 3, 7, 8, ch. 26468, Laws of Florida, 1949, as amended; requiring the hospital board to create three hospital board districts as specified; providing that the hospital board fix the district boundaries, as specified, at intervals of no more than 10 years; requiring that the hospital board send the supervisor of elections the resolution that pertains to district boundaries; providing for the election of hospital board members from each district and at large; prohibiting the grouping on the ballot of candidates for district seats and at-large seats; prescribing the ballot format; providing for temporarily filling a vacancy on the board; providing for the commencement and the expiration of a member's term of office; enabling the hospital board to appoint certain officers and specifying the powers of such officers; providing for deposit and disbursement of moneys received; allowing the hospital board to participate as a partner or member of all lawful forms of business organization; providing for the hospital board to elect the boards of directors of its not-for-profit corporations; providing for the establishment of a fund to promote the activities of facilities owned or operated by the hospital board; enabling the hospital board to compromise, settle, and assign accounts receivable; providing for the hospital board to establish, own, provide, or participate in health maintenance organizations, preferred provider organizations, food services, and other health care activities; providing for the payment of capital expenditures from its bank accounts by procedures adopted by the hospital board; allowing the hospital board to establish, operate, and support subsidiaries and affiliates for specified purposes and through specified means; amending ss. 1, 4, ch. 61-2868, Laws of Florida; providing for hospital liens for "hospital care," as defined; providing for the order of payment of claim judgments or settlements; amending s. 8, ch. 83-525, Laws of Florida; providing that specified operations of the hospital established under chapter 26468, Laws of Florida, 1949, as amended, remain under the direct control and administration of the hospital board; providing for the operation of nonhospital health care services and related activities by other entities; providing for severability; providing an effective date.

—passed this day.

Senator Johnson moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 3, line 12, after the comma (,) insert: the boundaries of which shall be within the boundaries of Sarasota County

SB 1323 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Mr. President	Frank	Kiser	Plummer
Beard	Gersten	Langley	Scott
Castor	Grant	Malchon	Stuart
Childers, D.	Grizzle	Mann	Thurman
Childers, W. D.	Hill	Margolis	Weinstein
Crenshaw	Jenne	McPherson	
Dunn	Johnson	Neal	
Fox	Kirkpatrick	Peterson	

Nays—None

Vote after roll call:

Yea—Hair, Thomas

SPECIAL ORDER, continued

On motion by Senator Peterson, by two-thirds vote HB 1183 was withdrawn from the Committee on Appropriations.

On motion by Senator Peterson—

HB 1183—A bill to be entitled An act relating to district school personnel certification; creating s. 231.145, F.S.; providing legislative intent; reenacting and amending s. 231.15, F.S.; revising types of certificates; establishing fee requirements; reenacting and amending s. 231.17, F.S.; specifying time period for issuance of a certificate; adding requirement for subject area testing in the written teacher examination; providing for subject matter tests for vocational education personnel; adding requirement for minimum grade point averages; providing certification requirements for nondegree vocational education personnel; specifying conditions for temporary certificates; requiring the State Board of Education to designate certification areas for which subject area tests shall be developed; reenacting s. 231.24, F.S., relating to extension of certificates; amending s. 231.24, F.S.; providing an extension of validity period under certain circumstances; providing requirements for renewal of a professional certificate; establishing continuing education and subject area test requirements; amending s. 231.29, F.S.; revising assessment criteria upon which annual evaluations of personnel are made; providing for investigations; providing for determination of compliance of locally developed assessment systems; amending ss. 231.172, 231.251, 231.30, 231.36, 231.533, 236.091, and 240.4066, F.S., conforming provisions; grandfathering certificates issued prior to the effective date of the act; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for SB 735 and 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 24, between lines 12 and 13, insert:

Section 14. Section 231.171, Florida Statutes, is created to read:

231.171 Confidentiality of examinations.—All examination instruments, including developmental materials and work papers directly related thereto, which are prepared, prescribed, or administered pursuant to ss. 231.087 and 231.17 shall be exempt from the provisions of s. 119.07(1) and from ss. 229.781 and 230.331. Provisions governing access, maintenance, and destruction of such instruments and related materials shall be prescribed by rules of the State Board of Education.

Section 15. Test security.—

(1) It shall be unlawful for anyone knowingly and willfully to violate test security rules adopted by the State Board of Education for mandatory tests administered by or through the State Board of Education to students, educators, or applicants for certification, or knowingly and willfully to:

(a) Give examinees access to test questions prior to testing.

(b) Copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet.

(c) Coach examinees during testing or alter or interfere with examinees' responses in any way.

(d) Make answer keys available to examinees.

(e) Fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing.

(f) Participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

(2) Any person violating the provisions of this section shall be guilty of a misdemeanor of the first degree and upon conviction shall be fined not more than \$1,000 or be imprisoned for not more than 90 days, or both.

(Renumber subsequent sections.)

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

Amendment 2—On page 6, line 29, after "shall" insert: , *no later than July 1, 1987,*

Senator Dunn presiding

Senator Castor moved the following amendment which was adopted:

Amendment 3—On page 24, between lines 12 and 13, insert:

Section 16. Sections 16 through 21 of this act may be cited as the "Christa McAuliffe Ambassador for Education Act."

Section 17. * The Legislature recognizes that Florida faces a severe shortage of teachers and that fewer young people consider teaching as a career. It is the intent of the Legislature to promote the positive and rewarding aspects of being a teacher, to encourage more individuals to become teachers, and to provide annual sabbatical support for outstanding Florida teachers to serve as goodwill ambassadors for education. The Legislature further wishes to honor the memory of Christa McAuliffe who epitomized the challenge and inspiration that teaching can be.

Section 18. There is established the Christa McAuliffe Ambassador for Education Program to provide salary, travel, and other related expenses annually for outstanding Florida teachers to promote the positive aspects of teaching as a career. The goals of the program are to:

- (1) Enhance the stature of teachers and the teaching profession.
- (2) Promote the importance of quality education and teaching for our future.
- (3) Inspire and attract talented young people to become teachers.
- (4) Provide information regarding Florida's scholarship and loan programs related to teaching.
- (5) Promote the teaching profession within community and business groups.
- (6) Provide information regarding Florida's alternative certification program to retired military personnel and other individuals who might consider teaching as a second career.
- (7) Work with and represent the Teacher Referral and Recruitment Center as needed.
- (8) Work with and encourage the efforts of school district Teachers of the Year.
- (9) Support the activities of the Future Educators of America clubs.
- (10) Represent Florida teachers at business, trade, education and other conferences and meetings.
- (11) Promote the teaching profession in other ways related to the teaching responsibilities, background experiences, and aspirations of the Ambassador for Education.

Section 19. The Teacher of the Year shall serve as the Ambassador for Education, except that for the first 2 years, Florida's NASA Teachers in Space shall also serve as Ambassadors for Education. If the Teacher of the Year is unable to serve as the Ambassador for Education, the 1st runner up shall serve in his place. Each district school board shall establish application and selection procedures for determining an annual teacher of the year. The Commissioner of Education shall establish a selection committee which assures representation from teacher organizations, administrators, and parents to select the teacher of the year and

ambassador. Selection criteria shall be developed and distributed annually to all school districts.

Section 20. (1) The Department of Education, through the Center for Career Development Services and in conjunction with the Teacher Referral and Recruitment Center, shall administer the program.

(2) The Commissioner of Education shall pay an annual salary, fringe benefits, travel costs, and other costs associated with administering the program.

(3) The Ambassador for Education shall serve for one year, from July 1 to June 30, and shall be assured of returning to his teaching position upon completion of the program. The ambassador will not have a break in creditable or continuous service or employment for the period of time in which he or she participates in the program.

Section 21. Section 240.408, Florida Statutes, is created to read:

240.408 Challenger Astronauts Memorial Scholarship Program.—

(1) There is created a Challenger Astronauts Memorial Scholarship Program to be administered by the Department of Education. Eligibility for scholarships awarded pursuant to this section shall be limited to students who:

- (a) Have been bona fide residents of this state for the 2 years preceding receipt of the award.
- (b) Receive a Florida public school diploma pursuant to s. 232.246 or s. 229.814.
- (c) Attend on a full-time basis a state university or community college authorized by Florida law.
- (d) Declare an intention to complete a major program of study in the liberal arts or to pursue a career in the teaching profession.
- (e) Enroll as a first-time-in-college student after August 1, 1987.
- (f) Apply for and, if offered, accept the award within established time limits.

(2) Each district school board shall nominate one candidate annually for receipt of an award pursuant to this section. Such nominations shall be based on the recommendations of a district nominating panel appointed by the school board, which shall consist of teachers, administrators, and lay persons. Criteria for student nominations shall consist of extracurricular activities, letters of recommendation, and an essay of no more than 1,000 words related to the topic of "The Challenge of Space." A panel consisting of the Chancellor of the Board of Regents, the executive director of the community college system, and the Commissioner of Education shall select seven award recipients from the district nominees.

(3) The annual award to each recipient shall be \$1,000. Payment of an award shall be transmitted, on behalf of the student, to the president of the institution which the recipient is attending or to his representative in advance of the registration period. If a recipient does not enroll or terminates his enrollment during the academic year, the unused portion of the award shall be refunded within 60 days to the department, for the purposes of this section, by the president of the institution or his representative.

(4) A recipient shall maintain the equivalent of a 2.0 cumulative grade point average on a 4.0 scale, or shall maintain an approved equivalent student progress evaluation plan, on at least 12 hours per semester, in order to be eligible for continuation of the award. No student may receive a Challenger Astronauts Memorial Scholarship for more than the equivalent of 8 semesters. The award may be renewed annually upon documentation by the recipient that he meets the necessary qualifications. If a recipient transfers to another authorized postsecondary institution, his award shall be transferable, provided he is otherwise eligible for the award.

(5) There is created the Challenger Astronauts Memorial Scholarship Trust Fund. The Comptroller shall authorize expenditures from this fund upon receipt of vouchers approved by the Department of Education. Any balance therein at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this program.

(6) The Department of Education shall administer this program under rules established by the State Board of Education.

Senator Peterson moved the following amendment which was adopted:

Amendment 4—On page 24, between lines 12 and 13, insert:

Section 16. Section 230.645, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 230.645, F.S., for present text.)

230.645 Postsecondary student fees.—

(1) The provisions of this section shall apply to all students enrolled in adult basic, adult high school, adult job preparatory, vocational preparatory, vocational supplemental, or other adult programs who are reported for funding through the Florida Education Finance Program.

(2) The following students are exempt from any requirement for the payment of fees for instruction:

(a) Students who do not have a standard high school diploma or its equivalent and who are enrolled in adult basic or adult high school courses for the purpose of achieving basic literacy or receiving a high school diploma or its equivalent;

(b) Students who do not have a standard high school diploma or its equivalent and who are enrolled in vocational preparatory courses;

(c) Students who have a standard high school diploma or its equivalent, who are enrolled in adult basic, adult high school or vocational preparatory courses, and who have basic skills which have been determined to be at or below the eighth grade level as provided for by state board rule;

(d) Students who are dependents of a deceased or disabled veteran pursuant to s. 295.01 or s. 295.016; and

(e) Students who are dependents of special risk members as defined in s. 121.021(15).

(3) Fees shall be charged for all students not specifically granted an exemption from the payment of fees in subsection (2). School districts may waive fees or accept in-kind contributions in lieu of the payment of fees for any student. Acceptance of in-kind contributions in lieu of fees shall constitute a waiver of fees. The total number of full-time equivalent students for whom the district waives fees or for whom the district accepts an in-kind contribution in lieu of fees shall not exceed the amount established annually in the General Appropriations Act.

(4) Required fees may be paid on behalf of students on a negotiated in-kind basis involving contributions by cooperating entities in the form of facilities, personnel, equipment, or other resources, which are directly related to the instructional program to be provided. Facilities, equipment, personnel, or other resources provided by a cooperating entity for cooperative vocational education programs shall not be considered an in-kind contribution. General purpose classroom space at a site other than in a school district facility shall not be accepted as an in-kind contribution if adequate classroom space is available at a school district facility, unless the classroom space is provided at a facility operated by an approved apprenticeship program. Any school district which reports in-kind contributions in violation of the provisions of this subsection shall be penalized at a rate equal to the value of the full-time equivalent enrollment reported served. Such penalty shall be charged against the district's following year allocation from the Florida Education Finance Program. Any school district accepting in-kind contributions in lieu of fees shall submit an annual report to the Department of Education which provides, for each in-kind contribution accepted, a detailed description of the contribution, the name of the entity providing the contribution, and verification that the local market value of the contribution is at least equal to the amount of fees in lieu of which the contribution is being accepted.

(5) A required fee shall be set annually in the General Appropriations Act. School districts shall establish a fee for each program specified in subsection (1) which may vary no more than 10 percent from the fee amount established in the General Appropriations Act. Nonresident fees shall be twice the amount of resident fees.

(6) The State Board of Education shall adopt rules to allow the deferral of registration and tuition fees for students receiving financial aid from a federal or state assistance program when such aid is delayed in being transmitted to the student through circumstances beyond control of the student. The failure to make timely application for such aid is an insufficient reason to receive a deferral of fees. The rules shall provide for

the enforcement and the collection or other settlement of delinquent accounts.

(7) Any veteran or other eligible student who receives benefits under chapter 32, chapter 34, or chapter 35 of Title 38, U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of his benefits.

(8) Each school district shall be responsible for collecting all deferred fees. If a school district has not collected a deferred fee, the student shall not earn full-time equivalent student enrollment for any course for which the student subsequently registers until the fee has been paid.

(9) Each school district shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or institution in calculation of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual course work completed at the granting institution shall be calculated for enrollment in the course from which he has been exempted or granted credit. School districts that report enrollments in violation of this subsection shall be penalized at a rate equal to the value of such enrollments. Such penalty shall be charged against the following year allocation from the Florida Education Finance Program.

Section 17. Subsection (4) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—The annual allocation from the Florida Education Finance Program to each district for operation of schools shall be determined as follows:

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the general appropriations act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Estimated and final calculations.—

1. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the nonexempt assessed valuation for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total nonexempt assessed valuation for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

2. The Department of Revenue shall, upon receipt of the official final tax roll from each of the property appraisers, certify to the commissioner the total assessed valuation of nonexempt property for school purposes in each school district, subject to the provisions of paragraph (c).

As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the official final tax roll. The Commissioner of Education, in administering the provisions of paragraph (6)(b), shall use the most recent tax roll data for the appropriate year. For the purpose of this subparagraph, the official final tax roll shall be the tax roll on which the tax bills are computed and mailed to the taxpayers.

(b) Equalization of required local effort.—

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The commissioner shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the nonexempt assessed valuation for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed shall be the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local effort for equalization for each district shall be converted to a millage rate, based on 95 percent of the current year's nonexempt assessed valuation for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 236.25(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized pursuant to s. 236.25(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

(c) Exclusion.—In those instances in which:

1. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll; and

2. The assessed value of the property in contest involves more than 10 percent of the total nonexempt assessment roll;

the assessed value of the property in contest shall be excluded from the nonexempt assessed valuation for school purposes for purposes of computing the district-required local effort.

(d) Recomputation.—Following final adjudication of any litigation on the basis of which an adjustment in nonexempt valuation was made pursuant to paragraph (c), the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing nonexempt valuations approved by the court, and shall adjust subsequent allocations to such districts accordingly.

(e) Required adult fees.—

1. Fees for all nonexempt students as defined in s. 230.645 shall be added to and made a part of the required local effort of each district.

2. Each district shall report the total fee exempt, nonfee exempt, fee waived, fee deferred, and nonresident full-time equivalent student enrollment for each adult program. Districts shall also report the total amount of fees collected from students as required by s. 230.645. The value of in-kind services accepted in lieu of fees shall not be added to and made a part of the total fee collection amount reported by the district.

3. Each district's total required local effort fee amount shall be calculated in the following manner:

a. A total resident fee amount shall be calculated for each district by summing the nonfee exempt full-time equivalent enrollment for each adult program and by subtracting from that sum the district's nonresi-

dent full-time equivalent enrollment and by multiplying the difference by the fee amount specified in the General Appropriations Act.

b. A total nonresident fee amount shall be calculated for each district by multiplying each district's nonresident full-time equivalent enrollment by a number that is twice the fee amount specified in the General Appropriations Act.

c. A total unadjusted required local effort fee amount shall be calculated for each district by adding the resident fee amount calculated in sub-subparagraph a. to the nonresident fee amount calculated in sub-subparagraph b.

d. A fee collection credit amount shall be calculated for each district by adding the total amount of fees collected by the district to the district's maximum fee waiver amount as defined in s. 230.645.

e. Each district's total unadjusted required local fee amount calculated in sub-subparagraph c. shall be subtracted from its total fee collection credit amount calculated in sub-subparagraph d. If the difference is a positive number, the district's required fee adjustment amount shall be set to zero. If the difference is a negative number, a required fee adjustment amount shall be calculated by dividing the absolute value of such difference by the fee amount specified in the General Appropriations Act and multiplying the result, rounded to two decimal places, by the average of all program weights for adult programs for the year as specified in the General Appropriations Act, rounded to three decimal places, and by the base student allocation defined in the General Appropriations Act.

f. A total required local effort fee amount shall be calculated for each district by adding the unadjusted fee amount calculated in sub-subparagraph c. to the fee adjustment amount calculated in sub-subparagraph e.

Section 18. Section 229.13, Florida Statutes, is created to read:

229.13 Registration of adult students.—

(1) Beginning with the 1987-1988 school year, each school district and community college shall be required to collect and maintain on file the following information for each student enrolled in an adult basic, adult high school, adult secondary, vocational preparatory, college preparatory, postsecondary adult vocational, or vocational supplemental course funded through the Florida Education Finance Program or the Community College Program Fund.

(a) The name, address, telephone number, date of birth, and social security number of the student.

(b) The student's permanent address.

(c) The date which the student graduated from high school or received a high school equivalency diploma.

(d) The course title and number, if any, as they appear in the State Course Code Directory or common course numbering system.

(e) Any course title used to advertise or disseminate information about the course other than the course title which appears in the State Course Code Directory or common course numbering system.

(f) The reason that the student is enrolling in the course, which shall include indication as to whether the student is taking the course for any of the following reasons:

1. To achieve basic literacy;
2. To earn a high school diploma or its equivalent;
3. To enhance basic skills in order to pursue postsecondary education;
4. To acquire entry level occupational skills necessary to obtain employment;
5. To enhance occupational skills necessary to maintain current employment or retrain for a new occupation; or
6. For personal enrichment or recreation.

(g) Indication of whether the student is employed or unemployed. Students who are employed shall be requested to indicate their occupation. Students who are enrolling in vocational supplemental courses shall be requested to indicate the occupation for which they are training.

(h) Total fees assessed or indication that fees have been waived or provided through an in-kind contribution.

(i) Indication of how the student learned about the course.

(2) School districts and community colleges shall be required to collect and maintain on file the following information when registering students for any course funded through the Community Instructional Services categorical fund:

(a) The name, address, telephone number, and date of birth of the student.

(b) The student's permanent address.

(c) The course title.

(d) Hourly and total fees assessed, if any.

(3) Students shall not be required to register for community instructional services activities which are 3 hours or less in duration.

(4) Each school district and community college shall submit sample registration forms and related data collection documents to the Department of Education for review and approval. The department shall approve for use only those registration forms and related documents which include all of the data elements described in subsections (1) and (2). To the maximum extent possible, school districts and community colleges are encouraged to use or modify registration forms and data collection documents and procedures currently in use to comply with the requirements of this section.

(5) Registration forms and related data collection documents are official audit documents. School districts and community colleges shall maintain registration forms and related data collection documents in the form of hard copies of computer tapes for a period of 3 years or until the completion of all audits for the period during which the course or activity is provided, whichever occurs later.

(6) Each school district and community college shall maintain on file a listing of the location at which any course offered to adults which is funded through the Florida Education Finance Program or Community College Program Fund is provided. This information shall be maintained on file for a period of 3 years or until the completion of all audits for the period during which the course is offered, whichever occurs later.

Section 19. Subsections (3) and (4) of section 229.565, Florida Statutes, are amended to read:

229.565 Educational evaluation procedures.—

(3) EDUCATION EVALUATION.—The Commissioner of Education shall periodically examine and evaluate procedures, records, and programs in each *school district and community college* to determine compliance with law and rules established by the state board. Such evaluations shall include, but not be limited to:

(a) Reported full-time equivalent membership in each program category.

(b) The organization of all special programs for *exceptional students* to ensure compliance with law and the criteria established and approved by the state board pursuant to the provisions of this section and s. ss. 230.23(4)(m) and 233.0682.

(c) *The organization of all vocational education programs to ensure compliance with law and the criteria established and approved by the state board pursuant to the provisions of this section and ss. 229.551(3)(g), 240.355, and 233.0682. The criteria for qualification of individual programs and courses as vocational education shall be annually adopted by the state board and shall be published by the commissioner in a document titled, "Vocational Education Program Course Standards," with a designation of the effective date for the criteria.*

(d) *The organization of all vocational education to ensure that the capability exists in each instructional program for each student who is enrolled to achieve the intended student outcomes as stated in the "Vocational Education Program Course Standards." Capability shall be defined as resource requirements which include qualified instructors, time, facilities, equipment, and supplies.*

(e) *The procedures for registration and placement of students in adult basic, adult high school, adult secondary, vocational preparatory, college preparatory, vocational job preparatory, vocational supplemental, community instructional services, and recreation and leisure activities to determine that the district or college is following the procedures for placement established by the district school board or community col-*

lege board of trustees and that the procedures are compatible with definitions and criteria established by the State Board of Education and s. 229.13.

(f)(e) The procedures for identification and placement of students in educational alternative programs for students who are disruptive or unsuccessful in a normal school environment and for diagnosis and placement of students in special programs for exceptional students, to determine that the district is following the criteria for placement established by rules of the state board and the procedures for placement established by that district school board.

(g)(d) Procedures for screening, identification, and assignment of instructional strategies of the Florida Primary Education Program, or an approved alternative program as provided in s. 230.2312, and any other provisions of the program.

(h)(e) An evaluation of the standards by which the school district evaluates basic and special programs for quality, efficiency, and effectiveness.

(i)(f) Determination of the ratio of administrators to teachers in each school district, which information shall be reported to the Legislature as a part of the commissioner's report required by s. 229.575(1).

(j)(g) Compliance of *school districts* with the cost accounting and reporting requirements of s. 237.34 and the extent to which the percentage expenditure requirements therein are being met.

(k)(h) Clearly defined data collection and documentation requirements, including specifications of which records and information need to be kept and how long the records need to be retained. The information and documentation needs for evaluation shall be presented to the school districts and *community colleges* and explained well in advance of the actual audit date.

(l)(i) Determination of school district achievement in meeting the performance standards specified in s. 232.2454(1).

(4) ASSISTANCE AND ADJUSTMENTS.—If discrepancies or deficiencies are found, the Commissioner of Education shall provide information and assistance to the superintendent and personnel of the district or to the president and staff of the community college in correcting the cited deficiencies. Priority for such assistance shall be given to providing the most deficient individual school programs with research-based problem identification strategies and alternatives to improve student performance. Such alternatives shall be systematically drawn from research related to school effectiveness, teacher effectiveness, or management effectiveness. If it is determined that the approved criteria and procedures for the placement of students and the conduct of programs have not been followed by the district or community college, appropriate adjustments in the *district's or college's* full-time equivalent student count for that district shall be made. *Such adjustments shall be in an amount at least equal to the number of full-time equivalent students who have been misclassified or who have been reported in a program or course being operated in a manner which is inconsistent with law or approved criteria and procedures.*—and Any excess funds shall be deducted from subsequent allocations of state funds to that district or college. *The department may impose additional fines or penalties for any discrepancies or deficiencies determined by the department to be of an intentional nature.*

Section 20. The State Board of Education may adopt rules to implement this act.

(Renumber subsequent section.)

Senator Castor moved the following amendment which was adopted:

Amendment 5—On page 24, between lines 12 and 13, insert:

Section 16. Short title.—Sections 16 through 19 of this act may be cited as the "Education Management Improvement Act."

Section 17. Intent.—It is the intent of the Legislature to provide an opportunity for intensive management and leadership training for district school superintendents and to provide an annual performance-based salary incentive to district school superintendents for successful completion of an approved executive leadership development program. The Legislature recognizes that there is a need to provide an opportunity for highly qualified district managers to provide management assistance to the Department of Education and to other districts, and that Department

of Education personnel could benefit from and provide assistance to district administration of schools. It is the intent of the Legislature to improve educational management in this state by establishing a management interaction and assistance program that will facilitate the exchange and loan of highly qualified educational managers.

Section 18. Subsection (5) is added to section 230.303, Florida Statutes, to read:

230.303 Superintendent of schools.—

(5) *The Florida Council on Educational Management shall provide a leadership development and performance compensation program for superintendents of schools, comparable to chief executive officer development programs for corporate executive officers, to include:*

(a) *A content knowledge and skills phase consisting of: creative leadership models and theory, demonstration of effective practice, simulation exercises and personal skills practice, and assessment with feedback, taught in a professional training setting under the direction of experienced, successful trainers.*

(b) *A competency acquisition phase consisting of on-the-job application of knowledge and skills for a period of not less than 6 months following the successful completion of the content-knowledge-and-skills phase. The competency acquisition phase shall be supported by adequate professional technical assistance provided by experienced trainers approved by the Florida Council on Educational Management. Competency acquisition shall be demonstrated through assessment and feedback.*

(c) *Upon the successful completion of both phases and demonstrated successful performance, as determined by the Florida Council on Educational Management, a superintendent of schools shall be issued a Chief Executive Officer Leadership Development Certificate and shall be given an annual performance salary incentive of not less than \$3,000 nor more than \$7,500 based upon his performance evaluation.*

(d) *A superintendent's eligibility to continue receiving the annual performance salary incentive is contingent upon his continued performance assessment and follow-up training prescribed by the Florida Council on Educational Management.*

Section 19. Temporary assignment of professional staff among public education agencies.—To facilitate economical and effective use of professional staff, school districts, community college districts, state universities, and the Department of Education may enter into written agreements assigning employees among themselves. The purpose of the temporary assignment shall be to bring staff together within the state system of education, notwithstanding their current places of assignment or agencies of employment, who possess specific or unique knowledge or experience especially suited to solving specific problems, developing new programs, or providing technical assistance on specific tasks or programs.

(1) A person may be temporarily assigned for whatever period of time is required for a specific task; however, no assignment may be for a period of more than 2 years.

(2) A person on temporary assignment shall be considered on temporary assignment duty to regular work assignments of the sending agency; shall be entitled to all benefits to which the person would otherwise be entitled, including compensation for injury or disability; shall receive the same salary and benefits as at the person's regular assignment; and shall remain an employee of the permanent employer for all purposes, except that the person shall be supervised by the agency to which assigned. Payment of such salary and benefits may be paid by either agency, as provided in the assignment agreement.

(3) Travel and per diem expenses incurred while a person is on temporary assignment shall be paid by the agency to which the person is assigned. Round-trip travel and moving expenses from the person's permanent location to the temporary assignment may be paid by either agency, as provided in the assignment agreement, for any assignment in excess of 3 months. Notwithstanding s. 112.061 to the contrary, a person may be paid per diem expenses for any temporary assignment of 3 months or less.

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

Amendment 6—In title, on page 2, line 10, after the semicolon (;) insert: providing for the confidentiality of examinations; defining violations of test security and providing a penalty for such actions;

Senator Castor moved the following amendment which was adopted:

Amendment 7—In title, on page 2, line 5, after the semicolon (;) insert: providing a short title; creating the Christa McAuliffe Ambassador for Education Program to promote teaching as a profession; providing for the annual selection of an ambassador for education; providing program criteria; creating s. 240.408, F.S., the Challenger Astronauts Memorial Scholarship Program; providing for administration by the Department of Education pursuant to rules of the State Board of Education; providing eligibility criteria; providing for nomination; providing for award and requirements with respect thereto; creating the Challenger Astronauts Memorial Scholarship Trust Fund for the purposes of the program;

Senator Peterson moved the following amendment which was adopted:

Amendment 8—In title, on page 2, line 5, after the semicolon (;) insert: amending s. 230.645, F.S.; providing exemptions from the payment of student fees for specified students; requiring the payment of fees for all students not granted exemptions; providing for the establishment of student fees in the General Appropriations Act; authorizing school districts to waive fees; providing for limitation of fee waivers in the General Appropriations Act; amending s. 236.081, F.S.; changing the method by which fees are calculated as a part of the district required local effort; creating s. 229.13, F.S.; amending s. 229.565, F.S.; requiring school districts and community colleges to collect specified information when registering students; providing for approval of registration forms and related documents; providing for the evaluation of public school and community college programs; providing for the adjustment of funding allocations and penalties in the event of audit discrepancies; providing for rules;

Senator Castor moved the following amendment which was adopted:

Amendment 9—In title, on page 2, line 5, after the semicolon (;) insert: enacting the "Education Management Improvement Act"; providing a short title and legislative intent; amending s. 230.303, F.S.; providing a training program for superintendents of schools; providing an annual performance salary incentive for superintendents completing the program; providing for the assignment of staff among public education agencies; providing for the compensation and supervision of such employees;

On motion by Senator Peterson, by two-thirds vote HB 1183 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Neal

SB 735 was laid on the table.

SB 269—A bill to be entitled An act relating to the State University System; amending s. 240.257, F.S.; providing for the use of certain funds to match private contributions for eminent scholar chairs; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 269 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Neal

CS for SB 626—A bill to be entitled An act relating to workers' compensation; amending s. 440.13, F.S., relating to limitations on charges for medical services under the Workers' Compensation Law; providing procedures and considerations for determining schedules of maximum reimbursement allowances to health care providers; providing for adoption of such schedules by rule by the Department of Labor and Employment Security; providing for utilization review; providing for administrative penalties; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment which was adopted:

Amendment 1—On page 6, line 31, insert:

Section 3. Subsection (7) is added to section 440.45, Florida Statutes, to read:

440.45 Deputy commissioners; Chief Commissioner.—

(7) *The Governor may permanently reassign any assenting Deputy Commissioner from the county of the deputy commissioner's principal office to any other county of the state.*

(Renumber subsequent section.)

On motion by Senator Gordon, by two-thirds vote CS for SB 626 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Neal

SB 524—A bill to be entitled An act relating to ad valorem tax exemptions; amending s. 196.195, F.S.; providing additional criteria for determining the profit or nonprofit status of applicants for exemption; amending s. 196.1975, F.S.; deleting certain ownership requirements for exempting property used by homes for the aged; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 18, strike "or charitable" and insert: ~~or~~ charitable, or other**Amendment 2**—On page 3, strike line 21 and insert:

Section 3. Subsection (1) of section 196.081, Florida Statutes, is amended to read:

196.081 Exemption for certain permanently and totally disabled veterans.—

(1) Any real estate used and owned as a homestead by a veteran who was honorably discharged with a service-connected total and permanent disability and who has a letter from the United States Government or Veterans Administration certifying that he is totally and permanently disabled is exempt from taxation, provided the veteran ~~is~~ was a permanent resident of the state on ~~January 1, 1976, or a permanent resident of the state for a period of not less than 5 years as of~~ January 1 of the tax year for which exemption is being claimed.

Section 4. Paragraph (a) of subsection (4) of section 196.101, Florida Statutes, is amended to read:

196.101 Exemption for totally and permanently disabled persons.—

(4)(a) A person entitled to the exemption in subsection (2) must be a permanent resident of this state ~~for 5 consecutive years prior to claiming the exemption under this section.~~ Submission of an affidavit that the applicant claiming the exemption under subsection (2) ~~is has been a~~ permanent resident of this state ~~for the 5 years preceding the date of application~~ is prima facie proof of such residence. However, the gross income of all persons residing in or upon the homestead for the prior year shall not exceed \$12,000. For the purposes of this section, the term "gross income" includes Veterans Administration benefits and any social security benefits paid to the persons.

Section 5. Paragraph (b) of subsection (1) of section 196.091, Florida Statutes, is hereby repealed.

Section 6. This act shall take effect January 1, 1987, and shall apply to the 1987 assessment rolls and to each assessment roll thereafter.

Senator Malchon moved the following amendment which was adopted:

Amendment 3—On page 1, line 18, strike the words "or charitable" and insert: ~~or~~ charitable, or other**The President presiding**

Senator Langley moved the following amendment which was adopted:

Amendment 4—On page 3, between lines 20 and 21 insert:

Section 3. Section 196.196, Florida Statutes, is amended to read:

196.196 Criteria for determining that portion of charitable, religious, scientific or literary property entitled to exempt status.—

(1) In the determination of whether an applicant is actually using all or a portion of its property predominantly for a charitable, religious, scientific, or literary purpose, the following criteria shall be applied:

(a) The nature and extent of the charitable, religious, scientific, or literary activity of the applicant, a comparison of such activities with all other activities of the organization, and the utilization of the property for charitable, religious, scientific or literary activities as compared with other uses.

(b) The extent to which the property has been made available to groups who perform exempt purposes, at a charge that is equal to or less than the cost of providing the facilities for their use, or the extent to which services are provided to persons at a charge that is equal to or less than the cost of providing such services. Such rental or service shall be considered as part of the exempt purposes of the applicant.

(2) Only those portions of property used predominantly for charitable, religious, scientific or literary purposes shall be exempt; *provided however, that property acquired for a religious purpose and held exclusively for that purpose shall be exempt from ad valorem taxation, even though actual use of the property for religious purposes has not yet begun.* In no event shall an incidental use of property either qualify such property for an exemption or impair the exemption of an otherwise exempt property.

(3) Except as otherwise provided herein, property claimed as exempt for literary, scientific, or charitable purposes which is used for profitmaking purposes shall be subject to ad valorem taxation. Use of property for functions not requiring a business or occupational license conducted by

the organization at its primary residence the revenue of which is used wholly for exempt purposes shall not be considered profit making. In this connection the playing of bingo on such property shall not be considered as using such property in such a manner as would impair its exempt status.

(Renumber subsequent section.)

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

Amendment 5—In title, on page 1, strike all of lines 8 and 9 and insert: amending ss. 196.081 and 196.101, F.S.; removing the 5-year residency requirement with respect to the exemptions for the homesteads of disabled veterans and other disabled persons; repealing s. 196.091(1)(b), F.S., which imposes such requirement with respect to such exemption for disabled veterans confined to wheelchairs; providing an effective date.

Senator Langley moved the following amendment which was adopted:

Amendment 6—In title, on page 1, line 8, after the semicolon insert: amending s. 196.196, F.S.; providing that certain property acquired and held for religious purposes shall be exempt from ad valorem taxation even though actual use of the property has not yet begun;

On motion by Senator Malchon, by two-thirds vote SB 524 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Neal, Thomas

On motion by Senator Malchon, the rules were waived and SB 524 after being engrossed was ordered immediately certified to the House.

CS for CS for SB's 294, 184, 1061, 251, 647, 963, 987, 1040 and 1089—A bill to be entitled An act relating to highway safety; amending ss. 316.193, 316.1932, 322.02, 322.261, 322.271, 322.34, F.S.; creating s. 322.055, F.S.; providing for revocation of drivers' licenses or driving privileges of persons under specified ages who have been found guilty of or delinquent for certain alcohol-related or drug-related offenses; authorizing restricted driving privileges for such persons; requiring clerks of court to report revocations of drivers' licenses or driving privileges; providing felony penalties for fourth or subsequent conviction for driving under the influence or driving while intoxicated; providing mandatory minimum incarceration for persons convicted of driving under the influence or driving while intoxicated who had a specified blood alcohol level; increasing the period of driver's license suspension for persons who refuse breath, blood, or urine tests; requiring substance abuse course for issuance of driver's license to a person who has certain previous convictions; specifying effect of restricted driving privileges; providing minimum mandatory penalties for driving while person's driving privilege has been suspended, canceled, or revoked if such suspension, cancellation, or revocation was for driving under the influence or driving while intoxicated; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendments which were moved by Senator Langley and adopted:

Amendment 1—On page 4, line 22, insert:

(c) *A person sentenced to the custody of the Department of Corrections shall not be placed in a major institution but shall be assigned and housed in a secure facility where alcohol and drug treatment are available.*

Amendment 2—On page 23, strike line 13 and insert: *or s. 316.1931, and who drives any motor vehicle upon the highways of this state while such license or privilege is so canceled, suspended, or revoked, shall be*

Amendment 3—On page 23, between lines 18 and 19, insert:

Section 9. There is hereby appropriated from the General Revenue Fund to the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles the sum of \$208,411 and 16 positions, to carry out the provisions of this act as follows:

(1) Salaries and Benefits	Positions	16
	From General Revenue Fund	\$171,475
(2) Expenses		
	From General Revenue Fund	\$ 12,300
(3) Operating Capital Outlay		
	From General Revenue Fund	\$ 24,636

(Renumber subsequent section.)

Senator Gordon moved the following amendment which failed:

Amendment 4—On page 15, line 18, after "who" insert: *is in control of an automobile and*

The Committee on Appropriations recommended the following amendment which was moved by Senator Langley and adopted:

Amendment 5—In title, on page 1, line 30, after "intoxicated;" insert: *providing an appropriation;*

On motion by Senator Langley, by two-thirds vote CS for CS for SB's 294, 184, 1061, 251, 647, 963, 987, 1040 and 1089 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Mr. President	Fox	Kiser	Stuart
Beard	Frank	Langley	Thomas
Castor	Gersten	Mann	Thurman
Childers, D.	Grant	Myers	Vogt
Childers, W. D.	Jenne	Neal	Weinstein
Crawford	Jennings	Peterson	
Crenshaw	Johnson	Plummer	
Dunn	Kirkpatrick	Scott	

Nays—7

Barron	Girardeau	Grizzle	Meek
Deratany	Gordon	McPherson	

Vote after roll call:

Yea—Hill, Malchon

Senator W. D. Childers moved that the Senate reconsider the vote by which CS for CS for SB's 294, 184, 1061, 251, 647, 963, 987, 1040 and 1089 passed this day.

On motions by Senator Jenne, by two-thirds vote Senate Resolutions 1331, 1306, 1337 and 1336 were withdrawn from the Committee on Rules and Calendar

Consideration of Resolutions

On motion by Senator Castor—

SR 1331—A resolution commending Holly Pyles for her heroic conduct.

WHEREAS, Holly Pyles, a fifth grader, became a hero on November 20, 1985, when she was on after-school guard duty at Ruskin Elementary School in Hillsborough County, and

WHEREAS, an adult guard failed to see a truck barreling toward the students at the intersection of U.S. Highway 41 and State Road 674, and

WHEREAS, after being given orders to let the students cross the highway, Holly Pyles, using her traffic pole, shoved the students back to the curb and out of the way of the truck, and

WHEREAS, Holly Pyles is one of six youths, and the only female, to receive the American Automobile Association's National Lifesaving Medal Award for her heroic deed, NOW, THEREFORE,

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

That Holly Pyles is commended for her valorous achievement in protecting the lives of children.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Holly Pyles 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.

Senator Castor escorted Holly Pyles to the rostrum where she was presented a copy of the resolution.

On motion by Senator Hill—

SR 1306—A resolution commending Hialeah Hospital for 35 years of service to the community and the state.

WHEREAS, Hialeah Hospital was founded 35 years ago by the Seventh-Day Adventists, and

WHEREAS, the Hospital adheres to the Seventh-Day Adventist Church principles of caring for the patients' physical, mental, and spiritual well-being, and

WHEREAS, Hialeah Hospital began in 1951 as a small town facility with 16 beds and has expanded over 3 decades to become a major health care provider, equipped with modern equipment and a professional staff, and

WHEREAS, the future offers exciting challenges for the hospital to serve the community, NOW, THEREFORE,

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

That the Florida Senate extends its congratulations to Hialeah Hospital on its 35th Anniversary and commends the staff and management of the Hospital, under the direction of President Terry M. Carson, for their service to Hialeah, Dade County, and the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Hialeah Hospital and President Carson 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.

On motion by Senator Meek—

SR 1337—A resolution saluting Alonzo Smith "Jake" Gaither, former head football coach at Florida A & M University.

WHEREAS, this weekend, Florida A & M University will hold the "Alonzo Smith 'Jake' Gaither Celebrity Roast," which many persons of distinction from around the state and nation will attend, and

WHEREAS, the Gaither Legend is well known to all football-loving Floridians, and

WHEREAS, Alonzo Smith Gaither was born 83 years ago in Dayton, Tennessee, one of five children of a Zion A.M.E. minister; earned the B.S. degree from Knoxville College in 1927, where he was an All-SIAC end for the Knoxville Bulldogs and where he met his wife, the former Sadie Robinson; and, after college, began his career as a high school teacher and coach, and

WHEREAS, after gaining coaching experience as head coach at Hendersonville Institute in North Carolina and at St. Paul Polytechnical Institute in Virginia, and after earning the M.S. degree in physical education and health from Ohio State University in 1937, Jake Gaither joined the Florida A & M coaching staff, where he became head coach of the Rattlers in 1945, and

WHEREAS, in the 25 years he coached the Florida A & M Rattlers, Jake Gaither won 203 football games while losing only 36 and tying 4, and

WHEREAS, Jake was the first of his contemporaries to reach the 200-victory milestone, receiving his 200th victory in a 10-7 decision over Southern University in 1969 to become the fourth coach in the history of college football to win as many games, and

WHEREAS, Gaither, who has been awarded virtually every coaching honor imaginable, started accumulating awards in the early 1950's; and, in 1954, a city recreation center, city park, and city-operated golf course in Tallahassee were named in his honor, and

WHEREAS, in 1975, Jake Gaither became the only coach in history to receive what has popularly become known as "College Football's Triple Crown of Awards": He received the Alonzo Stagg Award, a presentation of the American Football Coaches Association, which is the highest honor that the college football coaching profession bestows; he became the eighth recipient of the Walter Camp Award for football and humanitarian contributions; and he was inducted into the National Football Foundation Hall of Fame, and

WHEREAS, the following year, 1976, he was inducted into the Black Athletes Hall of Fame and into the Hall of Fame of the National Association of Collegiate Directors of Athletics, and

WHEREAS, before retiring from coaching in 1969, he had guided his teams to six black national championships and won the Southern Intercollegiate Athletic Conference championship in 22 of the 25 years he coached college football, and

WHEREAS, Jake Gaither produced at least one All-American at Florida A & M every year he coached except one; and a total of 35 different players were named All-Americans under Gaither, and eleven of those were two-time choices and two were three-time choices, and

WHEREAS, Jake Gaither retired from his final official position at Florida A & M University in 1973, after having unparalleled success as a teacher and administrator as well as a coach, and

WHEREAS, he is a permanent member of the board of trustees of the American Football Coaches Association, has served as president of the Southern Intercollegiate Athletic Conference and as a member of the NCAA Television Committee, was the first black to serve on the Orange Bowl Committee, and is a lifetime member of the Board of Trustees of the Fellowship of Christian Athletes, and

WHEREAS, in 1984, the State of Florida made the first public presentation of the feature film, "Jake Gaither, Teacher and Coach," as part of its Great Floridian Series on Outstanding Leaders in the State's History, and

WHEREAS, throughout his career, Gaither, motivator and perfectionist, helped shape the lives of scores of young Americans, NOW, THEREFORE,

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

That Alonzo Smith "Jake" Gaither is hereby saluted by the members of this body, in session assembled, for being a great American, a superb coach, an inspirational leader, and a builder of character.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Senate affixed, be presented to Jake Gaither as a tangible token of the respect and admiration of the members of the Florida Senate.

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

The President appointed Senators Thomas, Grant, Girardeau and Meek as a committee to escort "Jake" Gaither to the rostrum where he was presented a copy of the resolution.

On motion by Senator Kirkpatrick—

SR 1336—A resolution honoring the Silver-Haired Legislature.

WHEREAS, the Silver-Haired Legislature, composed of 100 elected delegates over 60 years of age, first met in Tallahassee in 1978, and

WHEREAS, leaders of the Florida Senate and House of Representatives in 1978 praised the group for its "sincere dedication to duty" and for its "very important role in influencing the course of legislation in our state," and

WHEREAS, the 1981 Senate President for the Silver-Haired Legislature expressed the purpose for its existence as "not...to duplicate the needs of individuals already represented by other groups of advocates, but [to] continue to identify and amplify the needs of senior citizens," and

WHEREAS, although the initial funding under the Older Americans Act was phased out, the worth of the Silver-Haired Legislature was recognized, and it has since 1983 continued its valuable functions as a not-for-profit corporation, and

WHEREAS, the State of Florida is proud to have the President of the National Council of Legislatures, Senator Saul T. Simons, and the Treasurer of the National Council, Representative Nathan Belafsky, among its residents, and

WHEREAS, Governor Bob Graham has commended this program as "one of the finest advocacy programs established for our senior citizens," and

WHEREAS, our state continues to have a large percentage of its population in the age brackets represented by this group, and

WHEREAS, the ideas of the Silver-Haired Legislature show fertile potential as sources of official legislation, NOW, THEREFORE,

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

That the Florida Senate recognizes the importance and vitality of the senior citizens of this state and commends the Silver-Haired Legislature for its enthusiastic representation of its peers and for its many legislative proposals that have provided inspiration to the Florida Legislature.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the Florida Silver-Haired Legislature, Inc., as a tangible token of the sentiments expressed herein.

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

Senator Kirkpatrick escorted Senator Saul T. Simons to the rostrum where he was presented a copy of the resolution.

SPECIAL ORDER, continued

SB 233—A bill to be entitled An act relating to state minimum building codes; amending s. 553.79, F.S.; providing that the fee owner of a threshold building shall select the special inspector for the building; providing that special inspectors shall only be required to meet the standards of qualification set by the Board of Building Codes and Standards; prohibiting certain restrictions on the selection of special inspectors of threshold buildings; amending s. 553.795, F.S.; providing that certain provisions do not limit the power of certain local governments and state agencies to regulate work performed by their inspection personnel; providing an effective date.

—was read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 1, line 19, insert a new section 1.:

Section 1. Present subsection (4) of section 553.77, Florida Statutes, is renumbered as subsection (5) and a new subsection (4) is added to said section to read:

553.77 Specific powers of the board.—

(4) *With respect to the qualification program for special inspectors of threshold buildings as required by s. 553.79(5)(c), the board may prescribe initial and annual renewal fees for certification, by rule, in accordance with chapter 120.*

(Renumber subsequent sections.)

Amendment 2—On page 2, line 26, insert a new Section 3.:

- (1) "Agency" has the same meaning as in s. 216.011, Florida Statutes.
- (2) "Asbestos" means the asbestiform varieties of chrysolite, crocidolite, amosite, anthophyllite, tremolite and actinolite.
- (3) "Asbestos-containing materials" means any materials which contain more than 1 percent asbestos by weight.
- (4) "Committee" means the Florida Asbestos Committee created pursuant to this act and s. 20.03(8), Florida Statutes.

- (5) "Deferred action" means the same as "monitor" for any agency.
 - (6) "Department" means the Department of Labor and Employment Security.
 - (7) "Encapsulation" means the application of a coating to friable asbestos to prevent fiber release.
 - (8) "Enclosure" means the construction of an airtight barrier around friable asbestos to prevent fiber release.
 - (9) "Expose" or "exposure" means any situation arising from or related to the work operation of an employer where an employee may inhale, absorb through the skin or eyes, accidentally ingest, or otherwise come into contact with asbestos. For any resident of a state institution, "expose" or "exposure" means any situation where a resident may inhale, absorb through the skin or eyes, accidentally ingest, or otherwise come into contact with asbestos.
 - (10) "Friable" means the condition of any material that contains more than 1 percent asbestos by weight and that can, when dry, be crumbled, pulverized, or reduced to powder by hand pressure.
 - (11) "Inspection" means the visual inspection of public buildings to detect friable and nonfriable building materials, the collection of friable samples from the building for laboratory analysis of asbestos content, and the collection and analysis of airborne asbestos levels.
 - (12) "Monitor," as it pertains to the department, means an onsite review of programs as well as a review of written agency reports. As it pertains to any agency, "monitor" means a predetermined schedule for observing and recording within a specific manual the conditions of nonfriable asbestos in a public building.
 - (13) "Action level" means the level at which the concentration of airborne asbestos fibers within a building may represent a significant health hazard and thus require remediation. The action level shall be 0.01 fibers per cubic centimeter (f/cc) measured as an 8-hour time-weighted average by electron microscopy and recorded in terms of the number of visible fibers greater than 5 microns in length in accordance with standard definitions for asbestos monitoring established by the Occupational Safety and Health Administration.
 - (14) "Plan" means the Asbestos Identification and Remediation Plan developed by the Florida Asbestos Committee.
 - (15) "Public building" means any building whose title is vested in the state.
 - (16) "Remediation" means special operations and maintenance procedures, removal, encapsulation, or enclosure of asbestos-containing materials.
 - (17) "Removal" means the total replacement of asbestos-containing materials with other nonasbestos-containing materials.
 - (18) "Special operations and maintenance procedures" means a program designed to clean up asbestos fibers previously released, prevent future release by minimizing disturbance or damage caused by asbestos-containing materials, and monitor the condition of asbestos-containing materials.
- Section 4. (1) There is created within the Executive Office of the Governor the Florida Asbestos Committee which shall consist of 12 members. The eight members representing state government shall be the Attorney General, the Commissioner of Education, the Insurance Commissioner, the executive director of the Department of General Services, the Secretary of Environmental Regulation, the Secretary of Health and Rehabilitative Services, the Secretary of Labor and Employment Security, and the director of the office of planning and budgeting of the Executive Office of the Governor, or their designees. The four professional members, appointed to serve at the pleasure of the Governor shall have knowledge of asbestos and shall be members of the industrial hygiene, construction contracting, architecture, or engineering professions. The committee shall be responsible for developing an Asbestos Identification and Remediation Plan which shall include:
- (a) Methods for inspecting public buildings for friable and nonfriable asbestos using United States Environmental Protection Agency guidelines as a minimum;

(b) Methods for collecting and monitoring airborne asbestos fiber samples and determining an action level for remediation;

(c) Methods for notifying employees and residents of the presence of friable asbestos using United States Environmental Protection Agency guidelines as a minimum;

(d) Methods for minimizing employee exposure when friable asbestos is discovered and until it is remediated;

(e) Procedures for determining when friable asbestos shall be remediated and how this shall be carried out so as to minimize exposure to employees, occupants and contractors;

(f) Procedures to be used when monitoring asbestos present in a building;

(g) Standards for verifying the asbestos liability coverage of asbestos contractors;

(h) An oversight program team for asbestos abatement projects, the membership and qualifications of which shall be determined by the committee;

(i) Standards to be used when inspecting a building following a remediation procedure;

(j) A certification and continuing education program for asbestos architects, engineers, consultants, contractors, and industrial hygienists, which at a minimum shall include requirements for prior asbestos experience and prior asbestos training from a state-approved training source.

(k) Requirements for training of asbestos abatement workers; and

(l) Requirements for asbestos training of state maintenance and building supervisors and workers when the potential for encountering asbestos is incidental but necessary to the performance of their normal job functions.

(2) The committee shall elect a chairman and vice-chairman.

(3) The committee shall meet at the call of the chairman or at such times as may be prescribed by its rules.

(4) Members of the committee shall receive no salary but shall receive travel and per diem as provided in s. 112.061, Florida Statutes.

(5) The existence of the committee shall terminate upon submission of the plan, which shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Labor and Employment Security by January 1, 1987.

Section 5. (1) The department shall be the agency responsible for managing the plan promulgated by the committee. Its duties shall include, but not be limited to:

(a) Monitoring agencies' asbestos remediation and deferred action activities.

(b) Receiving reports from each agency remediating asbestos to include, but not be limited to:

1. A copy of the actual initial inspection or reinspection report;

2. A copy of the annual report which shall detail the type of remediation procedure used, the name of the firm completing the remediation procedure, progress or problems experienced, and an estimated asbestos remediation completion date; and

3. A final report showing the completion date of the remediation project and whether the project was completed on time and within budget.

(c) Receiving annual reports from each agency monitoring nonfriable asbestos. A copy of the inspection results shall be attached.

(2) The department shall submit an annual report, notwithstanding the provisions of s. 286.001, Florida Statutes, to the Governor, the President of the Senate and the Speaker of the House of Representatives by March 1, detailing the asbestos activities, progress, and estimated completion date of each agency remediating asbestos. The first report shall be submitted by March 1, 1989, and the final report on March 1, 1990, if all asbestos remediation has been completed.

Section 6. Each agency having under its supervision buildings constructed prior to 1973 and having previously reported them asbestos-free shall:

(1) Reinspect those buildings for asbestos using the inspection requirements of the plan not later than October 1, 1988;

(2) Notify the department of the inspection results and the type of asbestos remediation to be used, the firm contracted to complete remediation procedures or monitoring procedures instituted; and

(3) Report its asbestos-related activities to the department pursuant to section 3(1)(b)2. annually by January 1. The first report shall be submitted by January 1, 1989, and a final report on January 1, 1990, if all asbestos remediation has been completed.

Section 7. Each agency having buildings under its supervision and having cause to suspect the presence of asbestos shall inspect the building for asbestos pursuant to the requirements of the plan and reporting procedures of this act.

Section 8. Any agency which is currently in the process of remediating asbestos shall notify the department within 30 days of the effective date of this act detailing its asbestos inspection findings, methods of remediation, firm contracted, cost of contract, present status, and an estimated date of completion for asbestos remediation. This provision applies to any agency currently monitoring nonfriable asbestos.

Section 9. Each agency which has under its supervision buildings found to contain asbestos shall, pursuant to the plan:

(1) Notify employees and residents of the presence of friable asbestos;

(2) Take steps necessary to minimize asbestos exposure to employees and residents; and

(3) Proceed to remediate asbestos, if required, using the safety requirements of the plan.

Section 10. The Department of Environmental Regulation shall:

(1) Assist with remediation project inspections as a member of the oversight program team.

(2) Monitor asbestos waste disposal pursuant to part IV of chapter 403, Florida Statutes.

Section 11. The Department of Health and Rehabilitative Services shall be responsible for:

(1) Establishing a medical surveillance program for employees who may be exposed or otherwise come in contact with asbestos during the normal course of their job functions.

(2) Assisting with remediation project inspections as a member of the oversight program team.

(3) Inspecting public buildings following an asbestos remediation project to determine if the air quality is safe for employees.

Section 12. An individualized asbestos abatement procedure pursuant to the requirements of the plan shall be completed for all public buildings found to contain friable asbestos by December 1, 1989, and all recommended procedures shall be completed expeditiously thereafter, consistent with priorities established by health and fiscal considerations.

Section 13. There is appropriated from the General Revenue Fund to the Department of Labor and Employment Security \$25,000 to carry out the purposes of this act.

Section 14. This act shall take effect July 1, 1986, except that sections 5 through 13 shall take effect July 1, 1987.

(Renumber subsequent section.)

Amendment 3—In title, on page 1, line 3, after "codes;" insert: amending s. 553.77, F.S.; authorizing the Board of Building Codes and Standards to prescribe certain fees for special inspector certification;

Amendment 4—In title, on page 1, line 15, after "personnel;" insert: providing definitions; creating the Florida Asbestos Committee; providing for membership and responsibilities of the committee; providing for the development of an Asbestos Identification and Remediation Plan; providing required components of the plan; providing a certification program; providing duties of the Department of Labor and Employment Security; providing for reports; providing for the inspection of certain buildings; providing procedures for buildings containing friable and nonfriable asbestos; providing duties of the Department of Environmental

Regulation; providing responsibilities of the Department of Health and Rehabilitative Services; providing a completion date for asbestos abatement procedures; providing an appropriation;

On motion by Senator Vogt, by two-thirds vote SB 233 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

On motion by Senator Neal, by two-thirds vote HB 1380 was withdrawn from the Committee on Appropriations.

On motion by Senator Neal, by unanimous consent—

HB 1380—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1986, and ending June 30, 1987, to pay salaries, other expenses, capital outlay - buildings and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was taken up out of order and read the second time by title.

On motion by Senator Neal, Amendment 1 striking everything after the enacting clause was adopted.

Pursuant to Rule 7.6 the amendment constituted an entirely new bill and was not published in the Journal.

Senator Neal moved the following amendment which was adopted:

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1986, and ending June 30, 1987, to pay salaries, other expenses, capital outlay - buildings and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

On motion by Senator Neal, by two-thirds vote HB 1380 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Neal, the rules were waived and HB 1380 was ordered immediately certified to the House.

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 refused to concur in Senate Amendments 1 and 2 to CS for HB 1307 and requests the Senate to recede.

Allen Morris, Clerk

CS for HB 1307—A bill to be entitled An act relating to tax on sales, use and other transactions; amending ss. 212.02, 212.05 and 212.06, F.S.; providing for application of the tax to provision of barber shop, beauty parlor, laundry, dry cleaning, certain pet grooming and other services; amending s. 212.08, F.S., and repealing paragraphs (7)(d) and (e) thereof; removing the exemption for candy; providing that chlorine used for treatment of swimming pools is subject to tax; removing the exemptions for newspapers, magazines, and professional services; amending s. 212.12, F.S.; providing for application of the dealer's credit to dealers providing certain services; providing for a joint select committee to consider sales tax exemptions; providing for reports; providing effective dates.

On motions by Senator Crawford, the Senate refused to recede from Senate amendments to CS for HB 1307 and requested a conference committee. The President appointed Senators Crawford, chairman; Jenne, Margolis and Johnson. The action of the Senate was certified to the House.

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

CS for SB 870—A bill to be entitled An act relating to the state correctional system; amending s. 944.598, F.S.; raising the population of the correctional system which constitutes a state of emergency; amending the gain-time provisions for reduction of the inmate population by providing for the Secretary of Corrections and the Parole and Probation Commission to determine those persons entitled to early termination of incarceration; amending s. 945.091, F.S.; providing for supervised release for certain inmates; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, line 16, strike everything after the enacting clause and insert:

Section 6. Section 944.598, Florida Statutes, is amended to read:
944.598 Emergency release of prisoners.—

(1) The Department of Corrections shall advise the Governor of the existence of a state of emergency in the state correctional system whenever the population of the state correctional system exceeds ~~99~~ ⁹⁸ percent of the lawful capacity of the system for males or females, or both. In conveying this information, the secretary of the department shall certify the rated design capacity, maximum capacity, lawful capacity, system maximum capacity, and current population of the state correctional system. When the Governor verifies such certification by letter, the secretary shall declare a state of emergency.

(2) Following the declaration of a state of emergency, the sentences of all inmates in the system who are eligible to earn gain-time shall be reduced by the credit of up to 30 days gain-time, in 5-day increments, as may be necessary to reduce the inmate population to ~~98~~ ⁹⁷ percent of lawful capacity of the system.

(3) If a state of emergency still exists 15 days after the credit of gain-time pursuant to subsection (2), the secretary of the department and the Parole and Probation Commission, as appropriate to their respective functions, shall authorize, prior to scheduled release by parole, gain-time, or expiration of sentence, the early termination of incarceration for those inmates confined in state correctional facilities and serving sentences of 3 years or less, unless sentenced pursuant to s. 775.087 or s. 893.135, who are within the last 60 days prior to release by parole, gain-time, or expiration of sentence. The secretary and the commission shall release such inmates by applying, in 5-day increments, credit for time served to all in this category.

(4) Within 15 days after the declaration of a state of emergency, the department shall supply the commission with the names of those inmates in the following categories, who shall be considered for compulsory conditional release:

(a) Any inmate confined in a state correctional facility with a sentence of 3 years or less, unless serving a mandatory minimum sentence, who is within the last 6 months prior to his release.

(b) Any inmate confined in a state correctional facility with a sentence of more than 3 years but less than 8 years, unless serving a mandatory minimum sentence, who is within the last year prior to his release.

(c) Any inmate confined in a state correctional facility with a sentence of 8 years or more, unless serving a mandatory minimum sentence, who is within the last 18 months prior to his release.

As used in this subsection, the term "compulsory conditional release" means a release from incarceration by commission action specifying the terms of release, including the period of time the person is subject to such conditions as the commission determines and subject to supervision as if on parole, but in no event may such supervision extend beyond the maximum term or terms for which he was actually sentenced. The commission shall consider all inmates not otherwise ineligible for parole who have maintained satisfactory institutional behavior and who are not serving a term of imprisonment for any "forcible felony" as defined in s. 776.08, for drug trafficking under s. 893.135, or as a habitual felony offender under s. 775.084.

(5) A violation of the terms or conditions of a compulsory conditional release pursuant to subsection (4) may render the person released liable to arrest and return to prison to serve out the term for which he was sentenced. However, an offender whose compulsory conditional release is revoked may, at the discretion of the commission, be credited with any portion of his time he has satisfactorily served while on release. For the purposes of this section, the releasee shall be subject to the provisions of ss. 947.22, 947.23, and 947.26, as though such releasee were on parole.

(6) The authority granted in this section shall cease whenever the secretary certifies to the Governor that the level of inmate population has remained at less than 98 97 percent of the lawful capacity of the system for 5 consecutive days.

(7) As used in this section, the term:

(a) "State correctional system" means the system as defined in s. 944.02.

(b) "Lawful capacity" of the state correctional system means the total capacity of all institutions and facilities in the prison system as determined either by the Legislature or by the courts.

Section 7. Subsection (1) of section 945.091, Florida Statutes, is amended to read:

945.091 Extension of the limits of confinement; restitution by employed inmates.—

(1) The department is authorized to adopt regulations permitting the extension of the limits of the place of confinement of an inmate as to whom there is reasonable cause to believe that he will honor his trust by authorizing him, under prescribed conditions and following investigation and approval by the secretary, who shall maintain a written record of such action, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time to:

(a) Visit, for a specified period, a specifically designated place or places:

1. For the purpose of visiting a dying relative, attending the funeral of a relative, or arranging for employment or for a suitable residence for use when released;

2. To otherwise aid in the rehabilitation of the inmate; or

3. For another compelling reason consistent with the public interest, and return to the same or another institution or facility designated by the Department of Corrections.

(b) Work at paid employment, participate in an education or a training program, or voluntarily serve a public or nonprofit agency in the community, while continuing as an inmate of the institution or facility in which he is confined, except during the hours of his employment, education, training, or service and traveling thereto and therefrom. An inmate may participate in paid employment only during the last 18 months of his confinement, unless sooner requested by the Parole and Probation Commission.

(c) Participate in a residential or nonresidential rehabilitative program operated by a public or private, nonprofit agency with which the department has contracted for the treatment of such inmate. The provisions of ss. 216.311 and 287.057 shall apply to all contracts between the department and any private entity providing such services. The department shall require such agency to provide appropriate supervision of

inmates participating in such program. *The department is authorized to terminate any inmate's participation in the program if such inmate fails to demonstrate satisfactory progress in the program as established by departmental rules. The failure of such inmate to demonstrate satisfactory progress in the program is a ground for the department to terminate the inmate's participation in the program and to terminate the extended limits of confinement.*

(d) *Participate in a rehabilitative community reentry program on conditional release for a specified period not to exceed the last 90 days of confinement. While in a supervised release status the inmate shall not be considered to be in the care and custody of the department or in confinement, extended or otherwise. The inmate shall be under the supervision of the department in the community as prescribed by the department. The department is authorized to terminate any inmate's participation in the program if such inmate fails to demonstrate satisfactory progress in the program as established by departmental rules and return such inmate to the institution or facility designated by the department. Inmates shall remain eligible to earn or lose gain-time as prescribed by law and rules of the department.*

Section 8. This act shall take effect upon becoming a law.

Amendment 2—On page 1, in the title, lines 2-13, strike all of said lines and insert: An act relating to corrections; amending s. 944.598, F.S., relating to the capacity of the state correctional system and the emergency release of inmates; amending s. 945.091, F.S.; providing for extending limits of confinement with respect to certain inmates in certain rehabilitative programs; providing an effective date.

Amendment 3—On page 1, line 17, insert:

Section 1. Section 922.09, Florida Statutes, is renumbered as section 922.052, Florida Statutes, and amended to read:

922 052 ~~922.09~~ *Issuance of warrant of execution Capital cases.—*

(1) When a person is sentenced to death, the clerk of the court shall prepare a certified copy of the record of the conviction and sentence, and the sheriff shall send the record to the Governor. The sentence shall not be executed until the Governor issues a warrant, attaches it to the copy of the record, and transmits it to the ~~superintendent warden~~, directing him to execute the sentence ~~during the week at a time~~ designated in the warrant.

(2) *If, for any reason, the sentence is not executed during the week designated, the warrant shall remain in full force and effect and the sentence shall be carried out as provided in s. 922.06.*

Section 2. Section 922.06, Florida Statutes, is amended to read:

922.06 Stay of execution of death sentence.—The execution of a death sentence may be stayed only by the Governor or incident to an appeal. *Should execution of the sentence be stayed at any time or for any reason, upon certification by the Attorney General that the stay has been lifted or dissolved, the Governor shall set the date of execution within 30 days subsequent to certification. When the date of execution is set, the superintendent shall make reasonable effort to notify the inmate's counsel of record of such time and date of execution.*

Section 3. Subsections (2) and (3) of section 922.08, Florida Statutes, are amended to read:

922.08 Proceedings when person under sentence of death appears to be pregnant.—

(2) After receiving the report of the physician, if the Governor determines that the convicted person is not pregnant, he shall *immediately notify the Attorney General that the stay has been lifted or dissolved issue a warrant to the warden directing him to execute the sentence at a time designated in the warrant.*

(3) If the Governor determines that a convicted person whose execution has been stayed because of pregnancy is no longer pregnant, he shall *immediately notify the Attorney General that the stay has been lifted or dissolved issue a warrant to the warden directing him to execute the sentence at a time designated in the warrant.*

Section 4. Subsection (1) of section 922.11, Florida Statutes, is amended, subsection (3) is renumbered as subsection (4), and a new subsection (3) is added to said section, to read:

922.11 Regulation of execution.—

(1) The superintendent of the state prison or a deputy designated by him shall be present at the execution. When the date of execution is set, the superintendent shall notify the respective medical examiner in the district from which the person was convicted. The superintendent shall set the day for execution within the week designated by the Governor in the warrant.

(3) Immediately following the announcement of death, the district medical examiner as described in subsection (1) shall make or have performed examinations, investigations, and autopsies to determine the cause of death and shall maintain and record the detailed findings of autopsy and laboratory investigations and shall mail to the Secretary of State an attested copy of such findings.

Section 5. Section 922.12, Florida Statutes, is amended to read:

922.12 Return of warrant of execution issued by Governor.—After the death sentence has been executed, the superintendent warden of the state prison shall return to the Secretary of State Governor the warrant and a signed statement of the execution. The superintendent warden shall file an attested copy of the warrant and statement with the clerk of the court that imposed the sentence.

(Renumber subsequent sections.)

Amendment 4—On page 9, lines 3 and 4, strike all of said lines and insert a new Section 8:

Section 8. This act shall take effect October 1, 1986 except that Section 6 and 7 shall take effect upon becoming law.

Amendment 5—On page 1, in the title, lines 2 and 3, strike "An act relating to state correctional systems;" and insert: An act relating to executions and corrections; amending s. 922.09, F.S., providing for continued effect of death warrants; amending s. 922.06, F.S., prescribing a period in which the date of execution of a death sentence shall be set following dissolution of a stay of the sentence; amending s. 922.08, F.S., requiring the Governor to notify the Attorney General when he lifts a stay of execution for pregnancy; amending s. 922.11, F.S., requiring the appropriate medical examiner to determine cause of death following an execution and to maintain certain records; amending s. 922.12, F.S., providing that the warrant shall be returned to the Secretary of State rather than the Governor following execution;

On motions by Senator Hill, the Senate concurred in House Amendments 1 and 2 and refused to concur in Amendments 3, 4 and 5 and the House was requested to recede.

CS for SB 870 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Neal

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1, 2, 3 and 5; has amended Senate Amendment 4, concurred in same as amended and passed CS for HB 476, as amended—

CS for HB 476—A bill to be entitled An act relating to procurement of personal property and services; amending ss. 11.147, 283.37, 283.42, 283.53, 287.055, 287.057, 287.058, 287.062, 287.064, 287.0641 and 287.102, F.S., and creating s. 287.017, F.S.; authorizing specified university publications to engage in certain activities and providing for deposit of moneys in trust funds with respect thereto; providing for purchasing threshold categories with respect to the procurement of personal property and ser-

vices by the state; authorizing the Division of Purchasing of the Department of General Services to adopt rules for annual adjustments to such categories; providing that the state university system shall be subject to such requirements; increasing the required threshold amount with respect to competitive bidding for legislative purchases; increasing the required threshold amount for bids for class A and class B printing; increasing the threshold amount for the purchase of certain professional services requiring public announcement and qualifications procedures; increasing the threshold amount with respect to competitive bids for the procurement of contractual services; increasing the threshold amount for the procurement of services requiring contractual documents; revising the interest rate limitation with respect to master equipment financing agreements; clarifying intent with respect to certain agreements and correcting a cross reference; increasing the threshold amounts necessary for competitive bidding; providing for the future repeal of s. 287.017(2), F.S., relating to the adoption of rules by the Division of Purchasing of the Department of General Services relative to annual adjustments of purchasing threshold amounts; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1 to Senate Amendment 4—On page 6, lines 17-24, after the period strike: Nothing in this section shall be construed as prohibiting a district school board to select an independent auditor to perform a financial audit notwithstanding the notification provisions elsewhere in this section. Where this action has occurred the Auditor General is encouraged to utilize the financial audit performed by the independent auditor and instead to perform specific compliance audits of the agency if necessary.

On motion by Senator Vogt, the Senate concurred in House Amendment 1 to Senate Amendment 4.

CS for HB 476 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Neal

SPECIAL ORDER, continued

CS for SB 842—A bill to be entitled An act relating to banking; creating part II of chapter 663, F.S., relating to international development banks; providing definitions; providing for applicability of state banking laws; providing for the creation and authority to operate as an international development bank; providing for investigations; providing criteria for authorization; providing restrictions on the name of such banks; providing for a principal place of doing business and authorizing branch banks; specifying permissible and prohibited banking activities; providing for boards of directors for such banks; restricting the issuance of stock; restricting changes in capital; providing limitations on stock ownership; providing lending and investment limits; authorizing such banks to borrow and requiring capital accounts; authorizing foreign lending and borrowing; providing reserve requirements; amending s. 517.051, F.S.; exempting securities of international development banks from certain registration; amending s. 658.74, F.S.; prohibiting unauthorized use of the name of such banks; designating ss. 663.01-663.14, F.S., as part I of chapter 663; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote CS for SB 842 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Neal

On motion by Senator Gordon, the rules were waived and CS for SB 842 was ordered immediately certified to the House.

SB 832—A bill to be entitled An act relating to confidentiality of public records; amending s. 119.07, F.S.; providing that criminal intelligence information or criminal investigative information revealing the identity of the victim of lewd, lascivious, or indecent assault upon or in the presence of a child is confidential; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 832 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Neal

On motions by Senator D. Childers, by two-thirds vote HB 403 was withdrawn from the Committees on Agriculture, Finance, Taxation and Claims and Appropriations.

On motion by Senator D. Childers—

HB 403—A bill to be entitled An act relating to citrus; amending s. 581.193, F.S.; revising and extending application of the excise tax on citrus nursery stock; removing an exemption; providing an effective date.

—a companion measure, was substituted for SB 830 and read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 403 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Neal

SB 830 was laid on the table.

CS for SB 726—A bill to be entitled An act relating to postsecondary education; amending s. 240.209, F.S.; clarifying Board of Regents authority over State University System employees; specifying categories for positions in budgets under the Board of Regents; amending s. 240.2111, F.S.; authorizing superior accomplishment awards to such employees under the Board of Regents meritorious service awards program; providing for additional awards; requiring certain reports by universities to the board; amending s. 240.283, F.S.; authorizing extra compensation for Board of Regents employees; repealing s. 240.227(13), F.S.; deleting authority of university presidents to make meritorious service awards; amending s. 240.529, F.S.; providing for continued approval of teacher education programs; amending s. 282.308, F.S.; authorizing universities to acquire information technology resources; amending s. 447.203, F.S.; correcting a cross-reference relating to the Board of Regents and State University System employees; providing an effective date.

—was read the second time by title.

The Committee on Personnel, Retirement and Collective Bargaining recommended the following amendment which was moved by Senator Peterson and adopted:

Amendment 1—On page 7, strike all of lines 29 and 30 and insert: Information technology resources acquired *primarily* through contracts and grants funds and used exclusively for research or

On motion by Senator Peterson, by two-thirds vote CS for SB 726 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Neal

SB 663—A bill to be entitled An act relating to public examination of documents; amending s. 624.319, F.S.; excluding certain lists of insurers or regulated companies being monitored by the Department of Insurance from public inspection under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 663 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Neal

Reconsideration

On motion by Senator Hair, the rules were waived and the Senate reconsidered the vote by which SB 663 passed this day.

Pending further consideration of SB 663, on motions by Senator Hair, by two-thirds vote CS for HB 614 was withdrawn from the Committees on Commerce and Governmental Operations.

On motion by Senator Hair—

CS for HB 614—A bill to be entitled An act relating to insurance; amending s. 624.319, F.S.; excluding certain lists of insurers or regulated companies being monitored by the Department of Insurance from public inspection under certain circumstances; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for SB 663 and read the second time by title. On motion by Senator Hair, by two-thirds vote CS for HB 614 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
Castor	Girardeau	Langley	Stuart
Childers, D.	Gordon	Malchon	Thomas
Childers, W. D.	Grant	Mann	Thurman
Crawford	Hair	Margolis	Vogt
Crenshaw	Hill	McPherson	Weinstein
Deratany	Jenne	Meek	
Dunn	Jennings	Myers	
Fox	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Neal

SB 663 was laid on the table.

CS for SB 1030—A bill to be entitled An act relating to affordable housing; creating part VI of chapter 420, F.S., consisting of ss. 420.601-420.609; creating s. 420.601, F.S., entitling part VI as the "Florida Affordable Housing Act of 1986"; creating s. 420.6015, F.S., providing legislative findings; creating s. 420.602, F.S., providing definitions; creating s. 420.603, F.S., creating the Florida Affordable Housing Trust Fund and providing for administration and disposition thereof; creating s. 420.604, F.S.; providing legislative findings and intent; establishing the Florida Affordable Housing Demonstration Program; providing for notice; providing for designation of demonstration areas in accordance with specified criteria; providing for advertisement and solicitation of proposals; providing application procedure; granting preference to demonstration areas for programs implemented under part VI; creating s. 420.605, F.S., establishing a zero- or reduced-interest loan program; providing intent; providing uses of and restrictions on loan funds; providing powers of the Florida Housing Finance Agency; creating s. 420.606, F.S.; providing legislative findings and purpose; directing the Department of Community Affairs to provide training and technical assistance to community-based organizations; providing powers of the department; creating s. 420.607, F.S., establishing a loan program to assist community-based organizations in meeting certain predevelopment expenses associated with housing development; providing uses of and restrictions on loan funds; providing application procedure; providing powers of the department; creating s. 420.608, F.S.; providing legislative findings and purpose; providing for an inventory of publicly owned lands and buildings; requiring a report; providing powers of the department; creating s. 420.609, F.S., creating the Affordable Housing Study Commission; providing for membership, organization, expenses, appointment, and termination; providing for certain assistance; providing duties; requiring reports; creating part VII of chapter 420, F.S., consisting of ss. 420.701-420.713; creating s. 420.701, F.S., entitling part VII as the "Florida Mobile Home Relocation Site Acquisition and Development Act of 1986"; creating s. 420.702, F.S., providing legislative findings; creating s. 420.703, F.S., providing definitions; creating s. 420.704, F.S., creating the Mobile Home Relocation Site Acquisition and Development Trust Fund; creating s. 420.705, F.S., providing for loans for acquisition and development of suitable sites for relocation parks; providing restrictions; creating s. 420.706, F.S., providing terms of loan agreements; creating s. 420.707, F.S., providing for rules; creating s. 420.708, F.S., providing for development of loan application procedure; creating s. 420.709, F.S., providing for expiration of lending authority; creating s. 420.710, F.S., providing procedures upon default; creating s. 420.711, F.S., providing recourse upon failure or inability to develop; creating s. 420.712, F.S., providing for disposition of property accruing to state; creating s. 420.713, F.S., declaring certain lands to be taxable; amending ss. 420.503, 420.508, and 420.509, F.S., providing an exception to the requirement that bonds issued by the Florida Housing Finance Agency be rated; providing an appropriation; providing for allocation of specified amounts to specified programs; providing an effective date.

—was read the second time by title.

Senators Malchon and Meek offered the following amendments which were moved by Senator Malchon and adopted:

Amendment 1—On page 41, strike line 28 and insert:

Section 31. The Department of Community Affairs, in conjunction with the Florida Housing Finance Agency, and in consultation with the Department of Health and Rehabilitative Services, shall assume the responsibility of forming a multidisciplinary, public and private sector advisory group to work cooperatively with agencies, organizations, professional groups, governmental units, and financial institutions, such as, but not limited to, the Florida Home Builders Association, the Florida Developers, Inc., the Florida Association of American Institute of Architects, organizations of financial institutions, organizations of city and county officials, the Florida Association of Homes for the Aging, the Florida Health Care Association, the federal Department of Housing and Urban Development (HUD), the Farmers Home Administration, and other organizations and agencies dealing with housing affairs:

(1) To develop in such groups or organizations an understanding of the special features in housing which contribute to the safety, comfort, and independent functioning of older and disabled individuals and to encourage participation by such groups or organizations in the provision of housing for the elderly.

(2) To gather data on housing for the elderly, the current and projected need for such housing in Florida through the year 1999, present availability of appropriate moderate-cost and low-cost housing in various typical communities, and the extent to which housing repairs and renovations could facilitate individuals remaining in their own homes and thereby promote continued independent functioning, and to plan for the dissemination of such data on a statewide basis and, upon request, to out-of-state inquiries. This data shall cover single-unit, multiple-unit, and group housing and the various types of retirement communities and shall include information as to the various living arrangements they offer.

(3) To plan with communities and city and county governmental bodies for land use and zoning regulations which promote the development of appropriate housing for the elderly in single, multiple, or group living facilities, and to encourage such communities to make maximum use of available federal, state, and local funds for the purpose of promoting improved housing for the elderly.

(4) To work with the Division of Hotels and Restaurants of the Department of Business Regulation in gathering data on retirement communities, including those used for multiple and single family homes for the elderly, and mobile home parks, as well as hotel-type facilities and apartments which cater to the elderly by providing living space, house-keeping services, and recreational programs. Information gathered on all retirement developments or facilities shall include, but not be limited to, licensure status, services provided to the residents, average costs to residents, conformity with zoning requirements, and health and safety requirements. Methods for disseminating such information to the general public shall be developed.

Section 32. The Department of Health and Rehabilitative Services shall provide services related to housing and living arrangements which meet the special needs of the elderly. Such services shall include, but not be limited to:

(1) Providing counseling concerning housing problems and alternate living arrangements when appropriate to the individual's needs.

(2) Coordinating with the Department of Community Affairs to gather and maintain data on living arrangements which meet the special needs of the elderly and to disseminate such information to the public. Such information shall include types of facilities, cost of care, services provided, and possible sources of help in meeting the cost of care for indigent individuals.

(3) Promoting, through the Department of Health and Rehabilitative Services staff activities and area agencies on aging, the development of a variety of living arrangements through public and private auspices to meet the various needs and desires of the elderly, including, but not limited to:

- (a) Foster homes.
- (b) Adult congregate living facilities.

(c) Homes for special services.

(d) Shared housing or other such group-living arrangements for independent living.

(e) Continuing care facilities which offer all levels of care, including independent living units, personal care, home health care supports, and skilled nursing home care.

(f) Retirement communities for independent communal living, to be developed in conjunction with the Department of Community Affairs.

(g) Other innovative living arrangements.

Demonstration projects shall be used advisedly to test the extent to which these and other innovative housing and living arrangements do meet the basic and special needs of the elderly.

Section 33. No later than January 1, 1988, and by January 1 of each year thereafter for which funding for this legislation is provided by the Legislature, the Department of Community Affairs and the Department of Health and Rehabilitative Services shall report to the President of the Senate and the Speaker of the House of Representatives on the implementation of the program provided in this act. The individual department reports shall provide information as to the extent that the department's actions have resulted in improving and/or making available adequate and appropriate housing for the elderly.

Section 34. The necessity for ongoing information on housing and living arrangements needed by the elderly mandates that there should be a central effort to produce data on the subject and, based on the data collected, to develop plans for meeting such current and future needs in the State of Florida. In order to ensure continuing sound programs on housing and living arrangements for the elderly, the Board of Regents shall develop a proposal for a multidisciplinary center on independent housing, and other living environments for the elderly, at one or more of the state universities, and report its findings to the Legislature by April 1987.

Section 35. Section 1 of this act is repealed on October 1, 1996, and the advisory group created therein shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

Section 36. This act shall take effect upon becoming a law.

Amendment 2—In title, on page 3, line 17, after the semicolon (;) insert: providing for formation of an advisory group under the Department of Community Affairs and the Florida Housing Finance Agency; providing purposes and duties; directing the Department of Health and Rehabilitative Services to provide services related to housing for the elderly; authorizing certain demonstration projects; requiring annual reports; directing the Board of Regents to develop a proposal for a multidisciplinary center on housing for the elderly at one or more state universities; providing for a report; providing for review and repeal;

On motion by Senator Meek, by two-thirds vote CS for SB 1030 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Neal

On motion by Senator Meek, the rules were waived and CS for SB 1030 after being engrossed was ordered immediately certified to the House.

Reconsideration

On motion by Senator W. D. Childers, the rules were waived and the Senate reconsidered the vote by which—

CS for CS for SB's 294, 184, 1061, 251, 647, 963, 987, 1040 and 1089—A bill to be entitled An act relating to highway safety; amending ss. 39.10, 316.193, 316.1932, 322.02, 322.261, 322.271, 322.34, F.S.; creating s. 322.055, F.S.; providing for revocation of drivers' licenses or driving privileges of persons under specified ages who have been found guilty of or delinquent for certain alcohol-related or drug-related offenses; authorizing restricted driving privileges for such persons; requiring clerks of court to report findings of guilt or delinquency; providing felony penalties for fourth or subsequent conviction for driving under the influence or driving while intoxicated; providing mandatory minimum incarceration for persons convicted of driving under the influence or driving while intoxicated who had a specified blood alcohol level; increasing the period of driver's license suspension for persons who refuse breath, blood, or urine tests; requiring substance abuse course for issuance of driver's license to a person who has certain previous convictions; specifying effect of restricted driving privileges; providing minimum mandatory penalties for driving while person's driving privilege has been suspended, canceled, or revoked if such suspension, cancellation, or revocation was for driving under the influence or driving while intoxicated; providing an effective date.

—as amended passed this day.

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

Amendment 6—On page 1, line 3, strike "39.10,"

Amendment 7—On page 15, line 17, strike "department shall" and insert: court may

Amendment 8—On page 16, line 10, strike "finding of guilt" and insert: revocation of the driver's license or driving privilege

Amendment 9—On page 2, lines 3-31, and on page 3, lines 1-17, strike all of said lines and renumber subsequent sections

Amendment 10—In title, on page 1, lines 11 and 12, strike "findings of guilt or delinquency" and insert: revocations of drivers' licenses or driving privileges

CS for CS for SB's 294, 184, 1061, 251, 647, 963, 987, 1040 and 1089 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Grizzle

Vote after roll call:

Yea—Barron, Neal

SB 1031—A bill to be entitled An act relating to the Orlando-Orange County Expressway Authority; amending s. 348.755, F.S.; removing a cap on the rate of interest on bonds of the authority; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 9, insert:

Section 1. Section 163.8075, Florida Statutes, is amended to read:

163.8075 Levy of ad valorem taxes by authority.—*Notwithstanding the provisions of section 100.341, Florida Statutes, it is the intent of the Legislature that ratification of the regional transportation plan by ref-*

erendum pursuant to s. 163.805, shall constitute approval of the electors under Article VIII, Section 12, State Constitution, of the issuance of bonds payable, in part or in whole, from ad valorem taxes at an annual rate not to exceed 1 mill for implementation of the regional ground transportation plan. The exercise of the powers granted to metropolitan transportation authorities is declared to be a public purpose. The authority is authorized to levy ad valorem taxes in an amount not to exceed 1 mill annually for the purposes of this act in any county in a metropolitan planning organization that has ratified the regional ground transportation plan by referendum pursuant to s. 163.805. The proceeds of such ad valorem tax shall be used by the authority to implement the regional ground transportation plan and may, if requested by an expressway authority created by general law in the metropolitan planning organization, be used for expressway projects for which plans have been presented by the expressway authority to, and approved by, the authority. Upon ratification of the regional ground transportation plan, the tax authorized by this section shall first be imposed and collected in the year the regional ground transportation plan is ratified, except that if said plan is ratified after July 1 said tax shall first be imposed and collected in the succeeding year.

(Renumber subsequent sections.)

Amendment 2—On page 1, line 20, before the period (.) insert: *and the Division of Bond Finance of the Department of General Services*

The Committee on Transportation recommended the following amendment which was moved by Senator Stuart and adopted:

Amendment 3—On page 1, strike all of lines 10-13 and insert:

Section 1. Subsection (1) of section 348.755, Florida Statutes, is amended to read:

348.755 Bonds of the authority.—

(1)(a) The bonds of the authority issued pursuant to the provisions of this part, whether on original issuance or on refunding, shall be authorized by resolution of the members thereof and may be either term or serial bonds, shall bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, ~~not exceeding 7.5 percent per annum~~, payable semiannually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals or other charges or receipts of the authority including the Orange County gasoline tax funds received by the authority pursuant to the terms of any lease-purchase agreement between the authority and the department, as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed either by manual or facsimile signature by such officers as the authority shall determine, provided that such bonds shall bear at least one signature which is manually executed thereon, and the coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority and shall have the seal of the authority affixed, imprinted, reproduced or lithographed thereon, all as may be prescribed in such resolution or resolutions.

Senator Deratany moved the following amendment which was adopted:

Amendment 4—On page 1, line 9, insert:

Section 1. Section 336.02, Florida Statutes, is amended to read:

336.02 Responsibility for county road system; *approval of maps of right-of-way reservation.*—

(1)(a) The commissioners are invested with the general superintendence and control of the county roads and structures within their respective counties, and they may establish new roads and change and discontinue old roads and keep the roads in good repair in the manner herein provided. They are responsible for establishing the width and grade of such roads and structures in their respective counties.

(b) *Commissioners may approve maps of right-of-way reservation for any road within the county's jurisdiction. Any such maps must delineate the limits of proposed rights-of-way for the eventual widening of an existing road or must delineate the limits of proposed rights-of-way for the initial construction of a road. Before approving or disapproving such map, the governing body of the county in which the right-*

of-way is located shall advertise and hold a public hearing and shall notify all affected property owners of record, as recorded in the property appraiser's office, and all local governmental entities in which the right-of-way is located, by mail at least 20 days prior to the date set for the hearing. If the map is approved by the governing body of the county, the circuit court clerk or county clerk, as appropriate, of the affected county shall forthwith record the map in accordance with chapter 177 in the public land records of the county. Minor amendments to such maps may be made by the county after recordation, which amendments are not subject to the notice and public hearing provisions of this section, except that property owners directly affected by changes in a minor amendment and all local governmental entities in which a minor amendment occurs must be notified by mail. Minor amendments are defined as those changes which affect less than 5 percent of the total right-of-way within the map.

(2) *Upon recording, the map of right-of-way reservation shall establish:*

(a) *A building setback line from the centerline of any road existing as of the date of such recording, and no development permits, as defined in s. 380.031(4), shall be granted by any governmental entity for new construction of any type or for renovation of an existing structure within the right-of-way limits shown on such map.*

(b) *An area of proposed road construction within which development permits, as defined in s. 380.031(4), shall not be issued for a period of 5 years from the date of recording such map. The 5-year period may be extended for an additional 5-year period by the same procedure set forth in paragraph (1)(b).*

(3) *Upon petition by an affected property owner alleging that such property regulation is unreasonable or arbitrary and that its effect is to deny a substantial portion of the beneficial use of such property, the county shall hold a hearing. When such a hearing results in favor of the petitioning property owner, the county shall have 180 days from the date of such order to acquire such property or file appropriate proceedings. Appellate review by either party may be resorted to, but such review will not affect the 180-day limitation when such appeal is taken by the county unless execution of such order is stayed by the appellate court having jurisdiction.*

(4) *Upon the failure by the county to acquire such property or initiate acquisition proceedings, the appropriate local governmental entity may issue any permit in accordance with its established procedures.*

Section 2. Subsections (1), (2), and (3) of section 337.241, Florida Statutes, are amended to read:

337.241 Acquisition of rights-of-way for roads; ~~recording approval by local governments~~ of maps of reservation for proposed rights-of-way; establishment of building setback lines; restrictions on issuance of development permits; hearings.—

(1) The department or any expressway authority created under chapter 348 with eminent domain authority pursuant to chapter 74 shall acquire all rights-of-way and may prepare *and record* maps of reservation for any road within its jurisdiction *or any road for which it administers the right-of-way fund*. Any such maps shall delineate the limits of proposed rights-of-way for the eventual widening of an existing road or shall delineate the limits of proposed rights-of-way for the initial construction of a road. ~~Before recording approving or disapproving such map, the department or expressway authority governing body of the county in which the right-of-way is located shall advertise and hold a public hearing and shall notify all affected property owners of record, as recorded in the property appraiser's office, and all local governmental entities in which the right-of-way is located, by mail at least 20 days prior to the date set for the hearing. After the public hearing, the department or expressway authority shall send the map to if the map is approved by the governing body of the county, the circuit court clerk of the court of the affected county, who shall forthwith record the map in accordance with chapter 177 in the public land records of the county. Minor amendments to such maps are not subject to the notice and public hearing provisions of this section, except that property owners directly affected by changes in a minor amendment and all local governmental entities in which a minor amendment occurs must be notified by mail. Minor amendments are defined as those changes which affect less than 5 percent of the total right-of-way within the map.~~

(2) Upon recording, such map shall establish:

(a) A building setback line from the centerline of any road existing as of the date of such recording; and no development permits, as defined in s. 380.031(4), shall be granted by any governmental entity for new construction of any type or for renovation of an existing commercial structure that exceeds 20 percent of the appraised value of the structure. No restriction shall be placed on the renovation or improvement of existing residential structures, as long as such structures continue to be used as private residences.

(b) An area of proposed road construction within which development permits, as defined in s. 380.031(4), shall not be issued for a period of 5 years from the date of recording such map. *The 5-year period may be extended for an additional 5-year period by the same procedure set forth in subsection (1).*

(3) Upon petition by an affected property owner alleging that such property regulation is unreasonable or arbitrary and that its effect is to deny a substantial portion of the beneficial use of such property, the department or expressway authority shall hold an administrative hearing in accordance with the provisions of chapter 120. When such a hearing results in an order finding in favor of the petitioning property owner, the department or expressway authority shall have ~~180~~ 150 days from the date of such order to acquire such property or file appropriate proceedings. Appellate review by either party may be resorted to, but such review will not affect the ~~180-day~~ 150-day limitation when such appeal is taken by the department or expressway authority unless execution of such order is stayed by the appellate court having jurisdiction.

(Renumber subsequent sections.)

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

Amendment 5—In title, on page 1, strike all of lines 2 and 3 and insert: An act relating to transportation authority bonds; amending s. 163.8075, F.S.; providing that certain referenda constitute approval for regional transportation authorities to issue bonds pledging ad valorem taxes; amending s. 348.755,

Senator Deratany moved the following amendment which was adopted:

Amendment 6—In title, on page 1, strike all of lines 2-6 and insert: An act relating to transportation; amending s. 336.02, F.S.; providing for approval of maps of reservation for proposed rights-of-way within county road system; providing for notice and hearing; providing for recording of such maps; providing for effect of recording on issuance of development permits; providing for minor amendments to such maps; providing for a 5-year extension of such maps; providing for hearings and appellate review; amending s. 348.755, F.S.; removing a cap on the rate of interest on bonds of the Orlando-Orange County Expressway Authority; providing an effective date.

On motion by Senator Stuart, by two-thirds vote SB 1031 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	Peterson
Beard	Gersten	Kirkpatrick	Plummer
Castor	Girardeau	Kiser	Scott
Childers, D.	Gordon	Langley	Stuart
Childers, W. D.	Grant	Malchon	Thomas
Crawford	Grizzle	Mann	Thurman
Crenshaw	Hair	Margolis	Vogt
Deratany	Hill	McPherson	Weinstein
Dunn	Jenne	Meek	

Nays—None

Vote after roll call:

Yea—Neal

On motion by Senator Stuart, the rules were waived and SB 1031 after being engrossed was ordered immediately certified to the House.

Ruling on Point of Order

Mr. President: Senators, I'm going to rule on a point of order by Senator Scott on Senate Bills 1313 and 1312, local bills filed by Senator Weinstein. But before I read the committee and minority reports, Senator Scott is recognizing.

Senator Scott: I would like to speak to the point just briefly. Mr. President, Senators, the committee—on a split vote—has made a recommendation to the President that the point is not well taken. The issue we have here concerns an expansion of the definition of a public employee under Chapter 447, which is the bible of all labor organizations in Florida, and the Supreme Court specifically ruled that the language in Chapter 447 does not reveal a legislative intent to include appointed deputy sheriffs within the definition of public employee.

This local bill specifically states, "It is the intent of this act to grant employees of the office of sheriff, including deputy sheriffs, all rights of public employees under the law. It is altering a law of general application and Mr. President, I recognize your position with your committee and your staff but I feel even they would admit it was a close question.

Mr. President: Senators, I have a report from the committee: Senator Thomas, chairman, Senator Stuart and Senator Langley. They feel that the point is not well taken. So the Chair rules the point not well taken.

The report of the committee and a minority report by Senator Langley follow:

Senator Scott's point of order is that under Rule 4.6, local bills that alter a law of general application throughout the state must be referred by the President, upon Rules Committee staff analysis, to a committee for hearing.

In the case of Senate Bills 1312 and 1313, neither of them on their face, appeared, at the time they had their Senate staff analysis, to alter a law of general application. They were referred accordingly by the President only to the Rules Committee.

With regard to these particular bills, it is your committee's opinion that the bills do not in fact alter a law of general application, although they may, depending on the circumstances in the way they are later administered, expand the number of cases that PERC may end up hearing.

Finally, our research indicates that last year, SB 1327, involving Broward County's collective bargaining rights for deputy clerks, was filed, introduced, went through the Rules Committee staff analysis required by Senate Rule 4.6, was referred by the President to the Committee on Rules and Calendar, was withdrawn from the Committee on Rules and Calendar, was placed on the local bill calendar, and passed the Senate in the last 10 days of the session. It then went to the House where it died in messages.

Therefore, we also rely on the precedent of similar handling of a similar bill last year.

s/ Pat Thomas, Chairman, George Stuart

The undersigned disagrees with the report of the select committee appointed to decide the point of order relating to SB 1313 for the following reasons:

1. The case of *Murphy v. Mack*, 358 So. 2d 822 (Fla. 1978), decided by the Florida Supreme Court in 1978, clearly states that deputy sheriffs are not public employees as defined in Chapter 447, F.S.
2. Section 30.53, F.S., clearly gives the Sheriffs of this State the independence to hire, fire, and employ deputies at their own discretion.

Therefore, my conclusion is that SB 1313 alters a law of general application as it directly affects both Chapter 447, F.S., and s. 30.53, F.S. and therefore should be considered by a Senate committee of substance as required by Senate Rule 4.6.

s/ Dick Langley

SB 1313—A bill to be entitled An act relating to Broward County; providing permanent status for certain employees of the Broward County Sheriff; specifying rights of employees, including collective bargaining rights; providing procedures for appeal of disciplinary actions and complaints against employees; providing for the appointment of boards to hear appeals and procedures with respect thereto; providing for subpoenas; providing an effective date.

—was read the second time by title.

Senator Weinstein moved the following amendments which were adopted:

Amendment 1—On page 3, strike all of lines 27-30 and insert:

(4) INTENT.—It is the intent of this act to grant the employees of the Office of Sheriff, including deputy sheriffs, all rights of public employees under law.

Amendment 2—On page 1, strike all of lines 13-24 and insert:

(1) APPLICABILITY.—The provisions of this act shall apply to all persons in the employ of the Office of the Broward County Sheriff, including deputy sheriffs who fall within the definition of "law enforcement officer" as contained in s. 943.10(1), Florida Statutes. The provisions of this act shall not apply to the sheriff, or to support personnel of the sheriff who are not officers, or to special deputy sheriffs appointed pursuant to s. 30.09(4), Florida Statutes, or to persons who fall within the definition of "correctional officer" or "part-time correctional officer" as contained in s. 943.10(2) and (6), Florida Statutes, or to members of the Sheriff's Posse or Reserve Unit, or to individuals or persons appointed as part-time deputy.

On motion by Senator Weinstein, by two-thirds vote SB 1313 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—21

Mr. President	Gersten	Malchon	Stuart
Castor	Girardeau	Margolis	Thurman
Crawford	Hair	McPherson	Weinstein
Dunn	Hill	Meek	
Fox	Jenne	Neal	
Frank	Kirkpatrick	Plummer	

Nays—14

Barron	Grant	Mann	Thomas
Beard	Grizzle	Myers	Vogt
Crenshaw	Jennings	Peterson	
Deratany	Kiser	Scott	

Vote after roll call:

Nay—Langley

SB 1312—A bill to be entitled An act relating to Broward County; ensuring collective bargaining rights for deputy clerks and other employees who receive remuneration for the services they perform for the Clerk of the Circuit and County Courts for the Seventeenth Judicial Circuit of Broward County; specifying rights of employees; providing an effective date.

—was read the second time by title.

Senator Weinstein moved the following amendments which were adopted:

Amendment 1—On pages 2-3, strike everything after the enacting clause and insert:

Section 1. Any person in the employ of the Clerk of the Circuit and County Courts of Broward County, other than a deputy clerk, has all of the rights of an employee of any other county officer. No more than 15 percent of the persons in the employ of the clerk may be designated as deputy clerks.

Section 2. This act shall take effect upon becoming a law.

Amendment 2—In title, on pages 1 and 2, strike everything before the enacting clause and insert: A bill to be entitled An act relating to Broward County; providing that any person in the employ of the Clerk of the Circuit and County Courts, except for a deputy clerk, has all of the rights of an employee of any other county officer; limiting the number of persons who may be designated as deputy clerks; providing an effective date.

On motion by Senator Weinstein, by two-thirds vote SB 1312 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Beard	Childers, W. D.	Crenshaw
Barron	Castor	Crawford	Deratany

Dunn	Hair	Margolis	Stuart
Fox	Hill	McPherson	Thomas
Frank	Jenne	Meek	Thurman
Gersten	Jennings	Myers	Vogt
Girardeau	Kirkpatrick	Neal	Weinstein
Gordon	Kiser	Peterson	
Grant	Malchon	Plummer	
Grizzle	Mann	Scott	

Nays—None

On motions by Senator Weinstein, the rules were waived and Senate Bills 1313 and 1312 after being engrossed were ordered immediately certified to the House.

On motion by Senator Jenne, the Senate recessed at 12:00 noon to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—35:

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

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

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 805, CS for HB 846, CS for HB 1226; has passed as amended House Bills 333, 607, CS for HB 776, HB 1260 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Health and Rehabilitative Services and Representatives Press and Souto—

CS for HB 805—A bill to be entitled An act relating to drugs, devices, and cosmetics; creating s. 499.0052, F.S., prohibiting certain false or misleading advertisement, or the manufacture, repackaging, sale, or distribution of any falsely advertised or labeled drug, device, or cosmetic; prohibiting advertisement that a drug or device has any effect on certain conditions, disorders, diseases, or processes; creating s. 499.0053, F.S., providing an exemption for certain advertisements; providing for advertisement of drugs or devices upon Department of Health and Rehabilitative Services determination of safety and effectiveness; amending s. 499.066, F.S., increasing the fine for violation of the Florida Drug and Cosmetic Act; providing for deposit of fines in the Florida Drug, Device, and Cosmetic Trust Fund; providing for review and repeal; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By the Committee on Judiciary and Representatives Langton and Metcalf—

CS for HB 846—A bill to be entitled An act relating to confidentiality of criminal records; amending s. 119.07, F.S.; providing for confidentiality of court and other records regarding child victims of sexual offenses; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Appropriations, the Select Committee on Citrus and Agricultural Funding and Representative C. F. Jones and others—

CS for HB 1226—A bill to be entitled An act relating to citrus; directing the Department of Agriculture and Consumer Services to adopt rules relating to citrus canker; providing for voluntary destruction agree-

ments; imposing an excise tax on citrus for a 1-year period; providing administrative and collection procedures; providing a penalty; providing for a financial assistance program for persons whose plants were destroyed or identified to be destroyed as of a specified date; providing an effective date.

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

By Representative Morse —

HB 333—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.736, F.S., prohibiting insurers from withdrawing payment of a treating physician under certain circumstances; creating s. 627.7282, F.S.; providing for return of premium when motor vehicle insurance is canceled by the insured; providing interest penalties; authorizing civil remedies; providing an effective date.

(Substituted for CS for SB 688 on the special order calendar this day.)

By Representative Arnold—

HB 607—A bill to be entitled An act relating to child custody proceedings; amending s. 61.20, F.S., providing that the required written report of the Department of Health and Rehabilitative Services or court staff shall be a nonpublic record subject to inspection only upon order of court; directing the department to submit a bill for its services; providing that the bill may be taxed as costs; directing the department to develop a fee schedule pursuant to chapter 120; providing an effective date.

(Substituted for SB 503 on the special order calendar this day.)

By the Committee on Community Affairs and Representative Jamerison—

CS for HB 776—A bill to be entitled An act relating to sale, by counties, of real property; amending s. 125.35, F.S.; revising the standards and procedure by which a board of county commissioners may effect the private sale of certain real property; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By the Committee on Agriculture and Representative Mitchell—

HB 1260—A bill to be entitled An act relating to self-service gasoline stations; amending s. 526.141, F.S.; prescribing the notice that such a station must give that it is required to have an attendant to dispense gasoline from the self-service pumps to certain handicapped persons; providing penalties for failure to provide such service or notice; providing for enforcement by the Department of Agriculture and Consumer Services of provisions requiring such service and notice; providing an effective date.

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

The Honorable Harry A. Johnston, II, President

I am directed to inform the Senate that the House of Representatives refused to concur in Senate Amendments 1 and 2 to HB 1380 and acceded to the request of the Senate for a Conference Committee. The Speaker has appointed (HRS/Criminal Justice) Representatives Gordon, Lippman, Messersmith; with alternates Representatives Upchurch, R. C. Johnson, M. E. Hawkins; (General Government) Representatives Gardner, Gustafson, Crotty; with alternates Representatives Hodges, Ogden, Gallagher; (Education) Representatives Mills, Morgan, Easley; with alternates Representatives Carpenter, Burnsed, Wetherell, Silver; (Salaries and Benefits) Representatives Hodges, Gallagher, Bell; with alternate Representative Ward as the Managers on the part of the House.

Allen Morris, Clerk

The President appointed Senators Neal, Chairman; Thomas, Gordon, Beard, Margolis, and alternate Jenne, Subcommittee A; Senators Castor, Peterson, Kirkpatrick, Grizzle, and alternates Thurman and Meek, Subcommittee B; Senators Mann, Hair, Langley, Fox, and alternate Stuart, Subcommittee C as conferees on HB 1380.

SPECIAL ORDER, continued

On motions by Senator Thurman, by two-thirds vote HB 940 was withdrawn from the Committees on Finance, Taxation and Claims and Appropriations.

On motions by Senator Thurman—

HB 940—A bill to be entitled An act relating to the Florida Commercial Feed Law; amending s. 580.031, F.S.; providing definitions; amending s. 580.041, F.S., relating to the authority of the Department of Agriculture to refuse, cancel or suspend master registrations; amending s. 580.051, F.S., relating to label requirements; amending s. 580.061, F.S., increasing penalties for nonpayment of required inspection fees; authorizing the assignment of certificates of deposit in lieu of posting surety bonds; increasing the minimum annual inspection fee; revising language with respect to random sampling; amending s. 580.071, F.S., relating to adulteration; deleting language relating to what constitutes an adulterated feedstuff; amending s. 580.081, F.S., relating to misbranding; amending s. 580.091, F.S., restricting the authority of the department with respect to sampling and analyzing; authorizing fee charges with respect to requests for sampling; amending s. 580.101, F.S., relating to rules and standards of the department; amending s. 580.111, F.S., relating to detained commercial feeds and feedstuffs; amending s. 580.112, F.S., relating to prohibited acts; providing clarifying language; amending s. 580.121, F.S., revising penalties with respect to the Florida Commercial Feed Law; amending s. 580.131, F.S., increasing penalties with respect to violations of the law which are payable to the consumer; providing additional penalties; amending s. 580.141, F.S., relating to publications; creating s. 580.151, F.S., establishing the Commercial Feed Technical Council; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 994 and read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 940 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Dunn	Jennings	Plummer
Beard	Frank	Johnson	Stuart
Childers, D.	Gordon	Kiser	Thurman
Childers, W. D.	Grant	Margolis	Vogt
Crenshaw	Grizzle	Meek	Weinstein
Deratany	Hill	Peterson	

Nays—None

Vote after roll call:

Yea—Fox, Gersten, Hair, Jenne, Kirkpatrick, Neal, Thomas

CS for SB 994 was laid on the table.

On motion by Senator Dunn, by two-thirds vote CS for HB 617 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Dunn—

CS for HB 617—A bill to be entitled An act relating to public accountancy; amending s. 473.308, F.S.; providing for a waiver of a portion of the educational requirements for certain applicants for licensure; amending s. 473.317, F.S.; authorizing the Florida Legislature to reopen certain competitive negotiation procedures; providing an effective date.

—a companion measure, was substituted for CS for SB 1042 and read the second time by title. On motion by Senator Dunn, by two-thirds vote CS for HB 617 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—24

Mr. President	Dunn	Jennings	Peterson
Beard	Frank	Johnson	Plummer
Childers, D.	Gordon	Kiser	Stuart
Childers, W. D.	Grant	Mann	Thurman
Crenshaw	Grizzle	Margolis	Vogt
Deratany	Hill	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Fox, Gersten, Hair, Jenne, Kirkpatrick, Neal, Thomas

CS for SB 1042 was laid on the table.

SB 1208—A bill to be entitled An act relating to education; requiring school districts to report annually to the Department of Education regarding the number of teachers in the district teaching outside their field of certification; requiring notice to parents or guardians of students in classes taught by such teachers; requiring an annual report to the Legislature; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 21, after the period (.) insert: The report shall contain an estimate of the number of teachers who will be assigned teaching duties outside the field in which they are certified for the ensuing school year. The report shall also include classes that were not offered due to teacher shortages in a specific area.

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

Amendment 2—On page 1, lines 27-29, after "be" on line 27 through "department" on line 29, strike all of said language and insert: provided in the annual report of school progress pursuant to s. 229.575

Senator Gordon moved the following amendment which was adopted:

Amendment 3—On page 1, line 17, after the period (.), insert: For the purposes of this act a teacher shall be considered assigned out-of-field if he is teaching at least one class on a regular basis in a subject field for which he does not hold certification.

Senators Castor and Hair offered the following amendment which was moved by Senator Thurman and adopted:

Amendment 4—On page 1, between lines 29 and 30, insert:

Section 3. Each school district shall have a plan to assist any teacher teaching out of field and priority consideration shall be given to teachers who are teaching out of field in summer inservice institutes.

(Renumber subsequent sections.)

Senator Castor offered the following amendments which were moved by Senator Hill and adopted:

Amendment 5—On page 2, line 8, after "1987" insert: except that section 2 shall take effect August 1, 1988.

Amendment 6—In title, on page 1, line 8, after the semicolon (;) insert: requiring each school district to have a plan to assist teachers teaching out of field; requiring that certain teachers be given priority

On motion by Senator Hill, by two-thirds vote SB 1208 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Beard	Grant	Malchon	Plummer
Castor	Grizzle	Mann	Stuart
Childers, D.	Hill	Margolis	Thurman
Crenshaw	Jennings	McPherson	Vogt
Dunn	Johnson	Meek	Weinstein
Frank	Kirkpatrick	Myers	
Gordon	Kiser	Peterson	

Nays—1

Mr. President

Vote after roll call:

Yea—W. D. Childers, Fox, Gersten, Hair, Jenne, Neal, Thomas

CS for SB 1105—A bill to be entitled An act relating to citrus; directing the Department of Agriculture and Consumer Services to adopt rules relating to citrus canker; providing for voluntary destruction agreements; imposing an excise tax on citrus for a 1-year period; providing administrative and collection procedures; providing a penalty; providing an appropriation to the department for expenses incurred in citrus canker eradication; providing for a financial assistance program for persons whose plants were destroyed or identified to be destroyed as of a specified date and providing an appropriation; providing an effective date.

—was read the second time by title.

Four amendments were adopted to CS for SB 1105 to conform the bill to CS for HB 1226.

Pending further consideration of CS for SB 1105 as amended, on motion by Senator D. Childers, by two-thirds vote CS for HB 1226 was withdrawn from the Committees on Agriculture; Finance, Taxation and Claims; and Appropriations.

On motion by Senator D. Childers—

CS for HB 1226—A bill to be entitled An act relating to citrus; directing the Department of Agriculture and Consumer Services to adopt rules relating to citrus canker; providing for voluntary destruction agreements; imposing an excise tax on citrus for a 1-year period; providing administrative and collection procedures; providing a penalty; providing for a financial assistance program for persons whose plants were destroyed or identified to be destroyed as of a specified date; providing an effective date.

—a companion measure, was substituted for CS for SB 1105 and by two-thirds vote read the second time by title. On motion by Senator D. Childers, by two-thirds vote CS for HB 1226 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Frank	Kirkpatrick	Plummer
Beard	Gordon	Kiser	Stuart
Childers, D.	Grant	Malchon	Thurman
Childers, W. D.	Grizzle	Mann	Vogt
Crenshaw	Hill	Margolis	Weinstein
Dunn	Jennings	McPherson	
Fox	Johnson	Meek	

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne, Neal, Peterson, Thomas

CS for SB 1105 was laid on the table.

CS for SB 653—A bill to be entitled An act relating to housing for the elderly; providing for formation of an advisory group under the Department of Community Affairs and the Florida Housing Finance Agency; providing purposes and duties; directing the Department of Health and Rehabilitative Services to provide services related to housing for the elderly; authorizing certain demonstration projects; requiring annual reports; directing the Board of Regents to develop a proposal for a multidisciplinary center on housing for the elderly at one or more state universities; providing for a report; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for SB 653 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Frank	Kirkpatrick	Myers
Beard	Gordon	Kiser	Peterson
Childers, D.	Grant	Malchon	Stuart
Childers, W. D.	Grizzle	Mann	Thurman
Crenshaw	Hill	Margolis	Vogt
Dunn	Jennings	McPherson	Weinstein
Fox	Johnson	Meek	

Nays—None

Vote after roll call:

Yea—Gersten, Hair, Jenne, Neal, Thomas

On motions by Senator D. Childers, by two-thirds vote HB 1260 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Appropriations.

On motions by Senator D. Childers—

HB 1260—A bill to be entitled An act relating to self-service gasoline stations; amending s. 526.141, F.S.; prescribing the notice that such a station must give that it is required to have an attendant to dispense gaso-

line from the self-service pumps to certain handicapped persons; providing penalties for failure to provide such service or notice; providing for enforcement by the Department of Agriculture and Consumer Services of provisions requiring such service and notice; providing an effective date.

—a companion measure, was substituted for SB 1143 and by two-thirds vote read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 1260 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Fox	Johnson	Plummer
Beard	Frank	Kiser	Scott
Castor	Gersten	Malchon	Stuart
Childers, D.	Gordon	Mann	Thurman
Childers, W. D.	Grant	Margolis	Vogt
Crenshaw	Grizzle	McPherson	Weinstein
Deratany	Hill	Meek	
Dunn	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Hair, Jenne, Kirkpatrick, Neal, Peterson, Thomas

SB 1143 was laid on the table.

SB 1181—A bill to be entitled An act relating to human graves and burials; creating s. 872.05, F.S.; authorizing the Division of Archives, History and Records Management of the Department of State to assume responsibility for and jurisdiction over certain unmarked human burials; requiring notification of certain authorities when a burial is discovered or disturbed; requiring that certain authorities be notified when a burial is discovered during an archaeological excavation; providing duties and responsibilities for the State Archaeologist regarding a newly discovered unmarked human burial; requiring certain reports; providing for the loan of burial artifacts for educational purposes; requiring the division to adopt rules regarding the public display of human remains; providing that excavation of a burial is not required except under certain circumstances; providing penalties; amending s. 872.02, F.S.; including burial mounds and certain monuments in the provision prohibiting the disturbing of graves or tombs; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 7, strike all of lines 8-10 and insert:

(b) Any person who has knowledge that an unmarked human burial is being disturbed, vandalized, or damaged and fails to notify the local law enforcement agency with jurisdiction in the area where the unmarked human burial is located is guilty of a misdemeanor of the

Amendment 2—On page 7, lines 22 and 26, after “monument” insert: *containing human skeletal remains or associated burial artifacts*

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

Amendment 3—On page 2, line 8, after “law” insert: or chapter 497

On motion by Senator Mann, by two-thirds vote SB 1181 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Mr. President	Fox	Johnson	Myers
Beard	Frank	Kiser	Peterson
Castor	Gersten	Malchon	Scott
Childers, D.	Grant	Mann	Stuart
Crenshaw	Grizzle	Margolis	Thurman
Deratany	Hill	McPherson	Weinstein
Dunn	Jennings	Meek	

Nays—1

Plummer

Vote after roll call:

Yea—W. D. Childers, Hair, Jenne, Kirkpatrick, Neal, Thomas, Vogt

On motion by Senator Mann, the rules were waived and SB 1181 after being engrossed was ordered immediately certified to the House.

On motions by Senator Kiser, by two-thirds vote HB 1021 was withdrawn from the Committees on Economic, Community and Consumer Affairs; and Judiciary-Civil.

On motion by Senator Kiser—

HB 1021—A bill to be entitled An act relating to municipal annexation; amending s. 171.0413, F.S., providing for a brief general description of the area to be annexed and the publication of a map; providing for public access to the complete legal description by metes and bounds and a copy of the ordinance; amending s. 171.044, F.S., reducing the number of weeks’ notice required for voluntary annexation; providing for a brief general description of the area to be voluntarily annexed and the publication of a map; providing for public access to the complete description by metes and bounds and a copy of the ordinance; providing an effective date.

—a companion measure, was substituted for CS for SB 1101 and read the second time by title.

Senator Kiser moved the following amendment which was adopted:

Amendment 1—In title, on page 1, lines 9 and 10, strike “reducing the number of weeks’ notice required for voluntary annexation”

On motion by Senator Kiser, by two-thirds vote HB 1021 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Frank	Malchon	Scott
Beard	Gersten	Mann	Stuart
Castor	Grant	Margolis	Thurman
Childers, D.	Grizzle	McPherson	Vogt
Crenshaw	Hill	Meek	Weinstein
Deratany	Jennings	Myers	
Dunn	Johnson	Peterson	
Fox	Kiser	Plummer	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Hair, Jenne, Kirkpatrick, Neal, Thomas

CS for SB 1101 was laid on the table.

SB 975—A bill to be entitled An act relating to education; amending s. 230.23, F.S.; requiring that parents be notified of their right to prohibit the use of corporal punishment; amending s. 232.27, F.S.; prohibiting school personnel from administering corporal punishment to any student whose parents have denied this authority to school personnel; providing an effective date.

—was read the second time by title.

Senator Weinstein moved the following amendments which were adopted:

Amendment 1—On page 2, line 31, and on page 3, line 1, strike “pursuant to s. 230.23”

Amendment 2—On page 1, lines 13-31, and on page 2, lines 1-19, strike all of said lines and renumber subsequent sections

Senator Langley moved the following amendment which failed:

Amendment 3—On page 3, between lines 19 and 20, insert:

Section 3. Section 228.095, Florida Statutes, is created to read:

228.095 Access to instructional material used in a research or experimentation program.—

(1) All instructional material, including teachers’ manuals, films, tapes, or other supplementary instructional material, which will be used in connection with any research or experimentation program or project shall be available for inspection by the parent or guardian of each child engaged in such program or project.

(2) For the purpose of this section:

(a) "Research or experimentation program or project" means any program or project in the public schools of this state that is designed to explore or develop new or unproven teaching methods or techniques.

(b) "Child" means a person under the age of 18 years who is enrolled in an elementary or secondary education level program.

Section 4. Section 228.097, Florida Statutes, is created to read:

228.097 Protection of students' privacy in examination, testing, or treatment.—

(1) No student shall be required as part of any program, project, class, course, or activity in the public schools of this state to submit without prior consent to psychiatric examination, testing, or treatment, or psychological examination, testing, or treatment, in which the primary purpose is to reveal information concerning one or more of the following:

- (a) Political affiliations;
- (b) Religious beliefs and practices;
- (c) Mental and psychological problems potentially embarrassing to the student or his or her family;
- (d) Sex behavior and attitudes;
- (e) Illegal, antisocial, self-incriminating, or demeaning behavior;
- (f) Critical appraisals of other individuals with whom the student has close family relationships;
- (g) Legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers; or
- (h) Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program.

(2) For the purpose of this section:

- (a) "Prior consent" means:
 1. Prior consent of the student, if the student is an adult or emancipated minor; or
 2. Prior written consent of the parent or guardian of the student, if the student is an unemancipated minor.

(b) "Psychiatric or psychological examination or testing" means a method of obtaining information, including a group activity, that is not directly related to academic instruction and is designed to elicit information about attitudes, habits, traits, opinions, beliefs, or feelings.

(c) "Psychiatric or psychological treatment" means an activity involving the planned, systematic use of methods or techniques designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group. This does not include appropriate discipline in the school situation as outlined in the student handbook.

(3) Nothing in this act relieves any person of complying with child abuse laws.

(Renumber subsequent section.)

Senator Weinstein moved the following amendment which was adopted:

Amendment 4—In title, on page 1, strike all of lines 2-5 and insert: An act relating to education; amending s. 232.27, F.S.;

On motion by Senator Weinstein, by two-thirds vote SB 975 as amended was read the third time by title and failed to pass. The vote was:

Yeas—14

Mr. President	Girardeau	Margolis	Stuart
Castor	Grizzle	McPherson	Weinstein
Fox	Jenne	Meek	
Gersten	Malchon	Myers	

Nays—24

Barron	Childers, D.	Crawford	Deratany
Beard	Childers, W. D.	Crenshaw	Dunn

Frank	Johnson	Mann	Scott
Grant	Kirkpatrick	Neal	Thomas
Hair	Kiser	Peterson	Thurman
Jennings	Langley	Plummer	Vogt

On motions by Senator Kirkpatrick, by two-thirds vote HB 914 was withdrawn from the Committees on Agriculture and Appropriations.

On motions by Senator Kirkpatrick—

HB 914—A bill to be entitled An act relating to aquaculture; amending s. 597.003, F.S.; expanding duties of the Department of Agriculture and Consumer Services with respect to aquaculture; providing for development of legislation; authorizing employment of persons; providing an effective date.

—a companion measure, was substituted for SB 939 and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote HB 914 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Neal

SB 939 was laid on the table.

On motion by Senator Kirkpatrick, the rules were waived and HB 914 was ordered immediately certified to the House.

SB 937—A bill to be entitled An act relating to law enforcement; authorizing a law enforcement officer to order telephone lines to be cut, rerouted, or diverted in certain hostage and barricade situations; providing immunity to telephone companies for certain civil, criminal, or administrative actions which arise from such an incident; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 937 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
Barron	Gersten	Kiser	Scott
Beard	Girardeau	Langley	Stuart
Castor	Grant	Malchon	Thomas
Childers, W. D.	Grizzle	Mann	Thurman
Crawford	Hair	Margolis	Vogt
Crenshaw	Hill	McPherson	Weinstein
Deratany	Jenne	Meek	
Dunn	Jennings	Myers	
Fox	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Neal

CS for SB 1243—A bill to be entitled An act relating to confidentiality of criminal records; amending s. 119.07, F.S.; providing for confidentiality of court and other records regarding victims of sexual offenses under a specified age; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 1243 to conform the bill to CS for HB 846.

Pending further consideration of CS for SB 1243 as amended, on motion by Senator Girardeau, by two-thirds vote CS for HB 846 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Girardeau—

CS for HB 846—A bill to be entitled An act relating to confidentiality of criminal records; amending s. 119.07, F.S.; providing for confidentiality of court and other records regarding child victims of sexual offenses; providing an effective date.

—a companion measure, was substituted for CS for SB 1243 and by two-thirds vote read the second time by title.

Senator Girardeau moved the following amendments which were adopted:

Amendment 1—On page 1, line 9, strike everything after the enacting clause and insert:

Section 1. Paragraph (h) of subsection (3) and subsection (4) of section 119.07, Florida Statutes, are amended to read:

119.07 Inspection and examination of records; exemptions.—

(3)

(h) Any criminal intelligence information or criminal investigative information including the photograph, name, address, or other fact or information which reveals the identity of the victim of the crime of sexual battery as defined in chapter 794; *the identity of the victim of the crime of lewd, lascivious, or indecent assault upon or in the presence of a child, as defined in chapter 800*; or the identity of the victim of the crime of child abuse as defined by chapter 827 *and any criminal intelligence information or criminal investigative information or other criminal record, including those portions of court records, which may reveal the identity of a person under the age of 18 who is a victim of any sexual offense, including sexual offenses proscribed in chapter 794, chapter 800, and chapter 827 is exempt from the provisions of subsection (1).*

(4) Nothing in this section shall be construed to exempt from subsection (1) a public record which was made a part of a court file and which is not specifically closed by order of court except as provided in paragraphs (e), (f), (g), (m), (o), and (r) of subsection (3) *and information or records which may reveal the identity of a person under the age of 18 who is a victim of a sexual offense as provided in paragraph (h) of subsection (3).*

Section 2. This bill shall take effect October 1, 1986, and shall relate to all records then existing or thereafter created.

Amendment 2—In title, on page 1, line 7, strike everything before the enacting clause and insert: A bill to be entitled An act relating to confidentiality of criminal records; amending s. 119.07, F.S.; providing for confidentiality of court and other records regarding victims of sexual offenses under a specified age; providing an effective date.

On motion by Senator Girardeau, by two-thirds vote CS for HB 846 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Jenne, Neal

CS for SB 1243 was laid on the table.

On motion by Senator Girardeau, the rules were waived and CS for HB 846 was ordered immediately certified to the House.

HB 963—A bill to be entitled An act relating to historic preservation; amending s. 266.408, F.S.; revising the membership of the Barrio Latino Commission, the architectural review board for the Ybor City Historic District; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote HB 963 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Frank	Jennings	McPherson
Beard	Gersten	Johnson	Meek
Castor	Girardeau	Kiser	Myers
Childers, D.	Gordon	Langley	Peterson
Childers, W. D.	Grant	Malchon	Stuart
Crawford	Grizzle	Mann	Thomas
Dunn	Hill	Margolis	

Nays—None

Vote after roll call:

Yea—Hair, Jenne, Kirkpatrick, Neal, Plummer, Weinstein

CS for SB 989—A bill to be entitled An act relating to Medicare supplement policies; amending s. 627.672, F.S.; redefining “policy” to include policies effectuated outside the state; creating s. 627.6735, F.S.; authorizing the Department of Insurance to order the discontinuance of certain advertising relating to such policies; providing penalties; providing for review and repeal; providing an effective date.

—was read the second time by title.

Four amendments were adopted to CS for SB 989 to conform the bill to CS for HB 805.

On motions by Senator Malchon, by two-thirds vote CS for HB 805 was withdrawn from the Committees on Commerce and Appropriations.

On motions by Senator Malchon—

CS for HB 805—A bill to be entitled An act relating to drugs, devices, and cosmetics; creating s. 499.0052, F.S., prohibiting certain false or misleading advertisement, or the manufacture, repackaging, sale, or distribution of any falsely advertised or labeled drug, device, or cosmetic; prohibiting advertisement that a drug or device has any effect on certain conditions, disorders, diseases, or processes; creating s. 499.0053, F.S., providing an exemption for certain advertisements; providing for advertisement of drugs or devices upon Department of Health and Rehabilitative Services determination of safety and effectiveness; amending s. 499.066, F.S., increasing the fine for violation of the Florida Drug and Cosmetic Act; providing for deposit of fines in the Florida Drug, Device, and Cosmetic Trust Fund; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 989 and by two-thirds vote read the second time by title.

Senator Malchon moved the following amendments which were adopted:

Amendment 1—On page 7, line 8, insert new Sections 5, 6 and 7:

Section 5. Subsection (2) of section 627.672, Florida Statutes, is amended to read:

627.672 Definitions.—

(2) For the purposes of ss. 627.672-627.675, the term “policy” includes a certificate issued or delivered in this state under a group policy, which policy has been effectuated within or outside issued, delivered, or issued for delivery in this state. A Medicare supplement policy is only a policy which can be expected, as estimated for the entire period for which rates are computed to provide coverage, on the basis of incurred-claims experience and earned premiums for such period and in accordance with accepted actuarial principles and practices, to return to policyholders, in the form of aggregate benefits provided under the policy, at least 75 percent of the aggregate amount of premiums collected in the case of group policies and at least 60 percent of the aggregate amount of premiums collected in the case of individual policies. For this purpose, policies issued as a result of solicitations of individuals through the mail or by mass media advertising, including both print and broadcast advertising, shall be deemed to be individual policies.

Section 6. Section 627.6735, Florida Statutes, is created to read:

627.6735 Order to discontinue certain advertising.—If in the opinion of the department any advertisement by a Medicare supplement policy insurer violates any of the provisions of part X of chapter 626 or any rule of the department, the department may enter an immediate order requiring that the use of the advertisement be discontinued. If requested by the insurer, the department shall conduct a hearing within 10 days of the entry of such order. If, after the hearing or by agreement with the insurer, a final determination is made that the advertising was in fact violative of any provision of part X of chapter 626 or any rule of the department, the department may, in lieu of revocation of the certificate of authority, require the publication of a corrective advertisement; impose an administrative penalty of up to \$10,000; and, in the case of an initial solicitation, require that the insurer, prior to accepting any application received in response to the advertisement, provide an acceptable clarification of the advertisement to each individual applicant.

Section 7. Each section which is added to chapter 627, Florida Statutes, by this act is repealed on October 1, 1992, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, strike all of lines 1-21 and insert: An act relating to health-related advertising; creating s. 499.0052, F.S.; prohibiting certain false or misleading advertisement, or the manufacture, repackaging, sale, or distribution of any falsely advertised or labeled drug, device, or cosmetic; prohibiting advertisement that a drug or device has any effect on certain conditions, disorders, diseases, or processes; creating s. 499.0053, F.S.; providing an exemption for certain advertisements directed at health professionals, for products approved as safe and effective by the United States Food and Drug Administration, or provided for educational purposes; providing for advertisement of drugs or devices for self-medication, under certain circumstances; amending s. 499.066, F.S.; increasing the fine for violation of the Florida Drug and Cosmetic Act; providing for deposit of fines in the Florida Drug, Device, and Cosmetic Trust Fund; providing for review and repeal; amending s. 627.672, F.S.; redefining "policy" to include policies effectuated outside the state; creating s. 627.6735, F.S.; authorizing the Department of Insurance to order the discontinuance of certain advertising relating to such policies; providing penalties; providing for review and repeal; providing an effective date.

On motion by Senator Malchon, by two-thirds vote CS for HB 805 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Neal, Thomas

CS for SB 989 was laid on the table.

On motion by Senator Malchon, the rules were waived and CS for HB 805 was ordered immediately certified to the House.

CS for SB 32—A bill to be entitled An act relating to motor vehicles; creating s. 316.1936, F.S.; prohibiting the possession of open containers of alcoholic beverages in motor vehicles being operated in the state; providing exceptions; providing penalties; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 11, strike everything after the enacting clause and insert:

Section 1. Section 316.1936, Florida Statutes, is created to read:

316.1936 Consumption of alcoholic beverages in motor vehicle being operated prohibited; penalties.—

(1) This section may be cited as the "Florida Open Container Law."

(2) As used in this section, "open container" means any container which is immediately capable of being consumed from, or the seal of which has been broken.

(3) It is unlawful and punishable as provided in this section for any person to consume an alcoholic beverage while operating a motor vehicle in the state or while riding in a motor vehicle being operated in the state. However, it shall not be unlawful for a passenger in a commercial passenger vehicle for hire or a passenger in a recreational vehicle as defined in s. 320.01(1)(b) to consume an alcoholic beverage, provided that the driver of such a vehicle shall not consume an alcoholic beverage or have an open container of alcoholic beverage in or about the driver's area.

(4) The presence of an open container of alcoholic beverage in either actual or constructive possession of the operator or passenger of a motor vehicle shall be evidence of guilt.

(5) An open container shall not be considered to be in the actual or constructive possession of an operator or passenger of a motor vehicle when the container is located in a compartment of the vehicle such as a locked glove compartment, trunk, or other nonpassenger area of the motor vehicle.

(6) Violations of this section shall constitute a noncriminal traffic infraction, punishable as provided in s. 318.18(3) and s. 322.27.

Section 2. Section 166.046, Florida Statutes, is created to read:

166.046 No municipality may adopt any ordinance relating to the consumption of alcoholic beverages in motor vehicles. Any such ordinance in effect on October 1, 1986 is void.

Section 3. Section 125.591, Florida Statutes, is created to read:

125.591 No county may adopt any ordinance relating to the consumption of alcoholic beverages in motor vehicles. Any such ordinance in effect on October 1, 1986 is void.

Section 4. This act shall take effect October 1, 1986.

The vote was:

Yeas—19

Mr. President	Fox	Kiser	Peterson
Beard	Grizzle	Langley	Plummer
Castor	Hair	Malchon	Stuart
Childers, D.	Jenne	Margolis	Thomas
Dunn	Johnson	Myers	

Nays—14

Barron	Girardeau	McPherson	Vogt
Childers, W. D.	Grant	Meek	Weinstein
Deratany	Jennings	Scott	
Gersten	Mann	Thurman	

Vote after roll call:

Yea—Crawford

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

Amendment 2—In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to motor vehicles; creating s. 316.1936, F.S.; prohibiting the consumption of alcoholic beverages in motor vehicles being operated in the state; specifying evidence of guilt; providing exceptions; creating s. 166.046, F.S.; prohibiting municipalities from enacting ordinances relating to the consumption of alcoholic beverages in motor vehicles; repealing any such municipal ordinances in effect on a certain date; creating s. 125.591, F.S.; prohibiting counties from enacting ordinances relating to the consumption of alcoholic beverages in motor vehicles; repealing any such county ordinances in effect on a certain date; providing an effective date.

Reconsideration

On motion by Senator Margolis, the rules were waived and the Senate reconsidered the vote by which Amendment 1 was adopted. The vote was:

Yeas—21

Barron	Girardeau	Kiser	Thurman
Beard	Gordon	Mann	Vogt
Childers, W. D.	Grant	Margolis	Weinstein
Crawford	Hair	McPherson	
Deratany	Jennings	Meek	
Gersten	Kirkpatrick	Scott	

Nays—16

Mr. President	Dunn	Jenne	Peterson
Castor	Fox	Johnson	Plummer
Childers, D.	Frank	Langley	Stuart
Crenshaw	Grizzle	Myers	Thomas

Amendment 1 was adopted. The vote was:

Yeas—18

Mr. President	Dunn	Jenne	Plummer
Castor	Fox	Johnson	Stuart
Childers, D.	Frank	Langley	Thomas
Childers, W. D.	Grizzle	Myers	
Crenshaw	Hair	Peterson	

Nays—17

Barron	Grant	Margolis	Vogt
Crawford	Jennings	McPherson	Weinstein
Deratany	Kirkpatrick	Meek	
Gersten	Kiser	Scott	
Girardeau	Mann	Thurman	

Senator D. Childers moved that CS for SB 32 be read the third time by title. The motion failed to receive the required two-thirds vote. The vote was:

Yeas—20

Mr. President	Dunn	Jenne	Peterson
Beard	Fox	Johnson	Plummer
Castor	Frank	Langley	Stuart
Childers, D.	Gersten	Malchon	Thomas
Crenshaw	Grizzle	Myers	Thurman

Nays—16

Barron	Girardeau	Kirkpatrick	Meek
Childers, W. D.	Grant	Mann	Scott
Crawford	Hair	Margolis	Vogt
Deratany	Jennings	McPherson	Weinstein

Senator Dunn presiding**SPECIAL ORDER, continued**

CS for SB 705—A bill to be entitled An act relating to chemical substances; creating s. 499.039, F.S.; providing that it is a violation of chapter 499, F.S., to sell, deliver, or give specified chemical substances to a minor for certain purposes; providing penalties for violation; providing for rules; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, strike all of lines 4-7 and insert: according to s. 499.066.

(3) The Department of Health and Rehabilitative Services shall adopt rules to implement this section.

(4) Notwithstanding the provisions of s. 499.071, the department shall report all violations of this section to the appropriate state attorney for possible prosecution pursuant to s. 877.111. Nothing in this section shall preclude a state attorney from prosecuting any violation of s. 877.111.

Amendment 2—In title, on page 1, line 8, before "providing" insert: requiring the reporting of violations to the state attorney;

On motion by Senator Myers, by two-thirds vote CS for SB 705 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Hair, Hill, Jenne, Neal

On motion by Senator Myers, the rules were waived and CS for SB 705 after being engrossed was ordered immediately certified to the House.

Consideration of CS for SB 688 was deferred.

The President presiding

CS for SB's 812 and 1078—A bill to be entitled An act relating to assault or battery upon school personnel; amending s. 231.06, F.S.; providing for penalties; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 13-18 and insert: person is charged with knowingly committing ~~not subject to the discipline of the school commits~~ an assault or battery upon any person employed in any capacity by a district school board and the employee is on school property or is away from school property on official school business, the offense for which the person is charged shall be classified:

On motion by Senator Grizzle, by two-thirds vote CS for SB's 812 and 1078 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Hill, Neal

On motion by Senator Grizzle, the rules were waived and CS for SB's 812 and 1078 after being engrossed was ordered immediately certified to the House.

CS for SB 1010—A bill to be entitled An act relating to construction contracting; amending ss. 489.103, 489.113, 489.115, 489.129, F.S.; creating s. 489.108, F.S.; providing exemptions from certification and registration requirements; providing rulemaking authority of the board; clarifying when a contractor is required to subcontract installation of roofing materials; specifying when subcontracting is required for swimming pool work; providing for applications under oath; providing that financial mismanagement, abandonment, and failure to perform legal obligations or violating a lawful order of the board or department are grounds for disciplinary action; providing procedures, penalties, and limitations; repealing s. 489.131(8), F.S., relating to local certificates or licenses for mechanical or plumbing work; providing an effective date.

—was taken up, having been amended May 22.

Senator Grizzle moved the following amendment which was adopted by two-thirds vote:

Amendment 2—On page 5, lines 11 and 12, strike “*Any plea of nolo contendere shall be considered a conviction for purposes of this part.*”

Senators Deratany and D. Childers offered the following amendment which was moved by Senator Deratany and adopted by two-thirds vote:

Amendment 3—On page 1, lines 24-31, and on page 2, lines 1-17, strike all of said lines and insert:

Section 1. Subsection (14) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This act does not apply to:

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

Amendment 4—On page 1, strike line 24 and insert:

Section 1. Subsections (6), (7), (11), and (14) of section

Amendment 5—On page 2, between lines 17 and 18, insert:

(11) A registered architect *or*; engineer, ~~or residential designer~~ acting in his professional capacity or any person exempted by the law regulating architects and engineers.

Senator Frank moved the following amendment which was adopted:

Amendment 6—In title, on page 1, line 6, after the semicolon (;) insert: removing the term “residential designer” with respect to an exemption from the construction contracting law;

Senator Frank moved that the Senate reconsider the vote by which Amendment 1 was adopted. The motion failed.

CS for SB 1010 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Hill, Kirkpatrick

On motion by Senator Frank, the rules were waived and CS for SB 1010 after being engrossed was ordered immediately certified to the House.

Reconsideration

Senator Johnson moved that the Senate reconsider the vote by which CS for SB 32 failed to be read the third time by title. The motion was adopted. The vote was:

Yeas—23

Mr. President	Dunn	Johnson	Peterson
Beard	Frank	Kiser	Plummer
Castor	Gordon	Langley	Stuart
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Jenne	Myers	Vogt
Crenshaw	Jennings	Neal	

Nays—10

Barron	Girardeau	Mann	Scott
Deratany	Grant	McPherson	
Gersten	Hair	Meek	

Senator D. Childers moved that CS for SB 32 be read the third time by title. The motion failed to receive the required two-thirds vote. The vote was:

Yeas—18

Mr. President	Crenshaw	Kiser	Plummer
Castor	Dunn	Langley	Stuart
Childers, D.	Frank	Myers	Thomas
Childers, W. D.	Jenne	Neal	
Crawford	Johnson	Peterson	

Nays—17

Barron	Gordon	Mann	Vogt
Beard	Grant	Margolis	Weinstein
Deratany	Grizzle	McPherson	
Gersten	Hair	Meek	
Girardeau	Malchon	Scott	

On motions by Senator Kiser, by two-thirds vote HB 792 was withdrawn from the Committees on Governmental Operations and Judiciary-Civil.

SPECIAL ORDER, continued

On motion by Senator Kiser—

HB 792—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.57, F.S.; prescribing requirements with respect to the signing of pleadings, motions, and other papers filed in certain proceedings under ch. 120, F.S.; providing for effect of a signature on such a paper; authorizing a hearing officer to impose an appropriate sanction for violation of the signing requirements, including ordering the violator to pay the other party’s reasonable expenses, including attorney’s fees; providing an effective date.

—a companion measure, was substituted for CS for SB 481 and read the second time by title.

Senator Kiser moved the following amendments which were adopted:

Amendment 1—On page 4, line 13, insert:

Section 2. Subsection (6) is added to section 120.57, Florida Statutes, to read:

120.57 Decisions which affect substantial interests.—

(6) *In cases where a conceptual review permit has been issued by a water management district, petitions challenging the issuance of a construction or operating permit implementing the conceptual review permit, upon a motion of a party, shall be subject to expedited review. Within fifteen (15) days of filing a motion for expedited review by the district or the applicant, the hearing officer shall, by order, establish a schedule for the proceedings, including discovery, which provides for a final hearing within sixty (60) days of the issuance of the order. Proposed recommended orders must be submitted to the hearing officer, if at all, within ten (10) days of the filing of the hearing transcript. Recommended orders shall be submitted to the district within thirty (30) days of the last day for the filing of the proposed recommended order. The district shall issue its final order within forty-five (45) days of the receipt of the recommended order. If the district grants the construction or operating permit, the permittee may proceed unless judicial review of final agency action is sought pursuant to s. 120.68 and a stay is applied for and issued.*

Amendment 2—In title, on page 1, line 12, after the semicolon (;) insert: authorizes expedited review of certain permits issued pursuant to chapter 373, F.S.;

On motion by Senator Kiser, by two-thirds vote HB 792 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Crawford	Gersten	Hill
Beard	Crenshaw	Gordon	Jenne
Castor	Dunn	Grant	Jennings
Childers, D.	Fox	Grizzle	Johnson
Childers, W. D.	Frank	Hair	Kirkpatrick

Kiser	McPherson	Plummer	Vogt
Langley	Meek	Scott	Weinstein
Malchon	Myers	Stuart	
Mann	Neal	Thomas	
Margolis	Peterson	Thurman	

Nays—None

Vote after roll call:

Yea—Girardeau

CS for SB 481 was laid on the table.

On motions by Senator Plummer—

HB 333—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.736, F.S., prohibiting insurers from withdrawing payment of a treating physician under certain circumstances; creating s. 627.7282, F.S.; providing for return of premium when motor vehicle insurance is canceled by the insured; providing interest penalties; authorizing civil remedies; providing an effective date.

—a companion measure, was substituted for CS for SB 688 and by two-thirds vote read the second time by title.

Senator Plummer moved the following amendments which were adopted:

Amendment 1—On page 1, line 14, strike everything after the enacting clause and insert:

Section 1. Section 627.7282, Florida Statutes, is created to read:

627.7282 Cancellation by insured; return of premium.—If the insured cancels a policy of motor vehicle insurance, the insurer shall return the unearned portion of any premium paid within 30 days of receipt of notice of cancellation. If the unearned premium is not returned within such period, the insurer shall pay 8 percent interest on the amount due and, if such return is not made within 45 days of such notice, the insured may bring an action against the insurer pursuant to s. 624.155.

Section 2. Subsection (1) of section 624.155, Florida Statutes, is amended to read:

624.155 Civil remedy.—

(1) Any person may bring a civil action against an insurer when such person is damaged:

(a) By a violation of any of the following provisions by the insurer:

1. Section 626.9541(1)(i), (o), or (x);
2. Section 626.9551;
3. Section 626.9705;
4. Section 626.9706; or
5. Section 626.9707; or
6. Section 627.7282; or

(b) By the commission of any of the following acts by the insurer:

1. Not attempting in good faith to settle claims when, under all the circumstances, it could and should have done so, had it acted fairly and honestly toward its insured and with due regard for his interests;

2. Making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made; or

3. Except as to liability coverages, failing to promptly settle claims, when the obligation to settle a claim has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage.

Notwithstanding the provisions of the above to the contrary, a person pursuing a remedy under this section need not prove that such act was committed or performed with such frequency as to indicate a general business practice.

Section 3. This act shall take effect October 1, 1986.

Amendment 2—In title, on page 1, strike all of lines 1-10 and insert: A bill to be entitled An act relating to motor vehicle insurance; creating s. 627.7282, F.S.; providing for return of premium when motor vehicle insurance is canceled by the insured; providing interest penalties; authorizing civil remedies; amending s. 624.155, F.S.; providing a cross-reference; providing an effective date.

On motion by Senator Plummer, by two-thirds vote HB 333 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 688 was laid on the table.

On motion by Senator Plummer, the rules were waived and HB 333 was ordered immediately certified to the House.

CS for SB 495—A bill to be entitled An act relating to sale, by counties, of real property; amending s. 125.35, F.S.; revising the standards and procedure by which a board of county commissioners may effect the private sale of certain real property; providing an effective date.

—was read the second time by title.

One amendment was adopted to CS for SB 495 to conform the bill to CS for HB 776.

Pending further consideration of CS for SB 495 as amended, on motion by Senator Malchon, by two-thirds vote CS for HB 776 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motions by Senator Malchon—

CS for HB 776—A bill to be entitled An act relating to sale, by counties, of real property; amending s. 125.35, F.S.; revising the standards and procedure by which a board of county commissioners may effect the private sale of certain real property; providing an effective date.

—a companion measure, was substituted for CS for SB 495 and by two-thirds vote read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for HB 776 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	Frank	Kirkpatrick	Peterson
Beard	Gersten	Kiser	Plummer
Castor	Girardeau	Langley	Scott
Childers, D.	Gordon	Malchon	Stuart
Childers, W. D.	Grant	Mann	Thomas
Crawford	Grizzle	Margolis	Thurman
Crenshaw	Hair	McPherson	Vogt
Deratany	Hill	Meek	Weinstein
Dunn	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Jenne

CS for SB 495 was laid on the table.

On motions by Senator Fox—

HB 607—A bill to be entitled An act relating to child custody proceedings; amending s. 61.20, F.S., providing that the required written report of the Department of Health and Rehabilitative Services or court staff shall be a nonpublic record subject to inspection only upon order of

court; directing the department to submit a bill for its services; providing that the bill may be taxed as costs; directing the department to develop a fee schedule pursuant to chapter 120; providing an effective date.

—a companion measure, was substituted for SB 503 and by two-thirds vote read the second time by title.

Senator Fox moved the following amendments which were adopted:

Amendment 1—On page 1, lines 26-31, and on page 2, lines 1-17, strike all of said lines and insert: court and all parties of record in the proceeding with a written report containing with its recommendation and with a written statement of facts found in its social investigations on which its recommendations are based. The court may consider the information contained in the report in making a decision on the child's custody and the technical rules of evidence do not exclude such report from consideration.

(2) Upon submission of its report to the court, the Department of Health and Rehabilitative Services shall include a bill for its services based on its fee schedule. The bill shall be taxed as cost in the proceeding and ordered paid to the department.

(3) The Department of Health and Rehabilitative Services shall develop a fee schedule for social investigations and reports based on the reasonable cost for providing the service and the parties' ability to pay. The fee schedule shall be adopted as a rule pursuant to chapter 120.

Amendment 2—In title, on page 1, strike all of lines 2-12 and insert: An act relating to child custody investigations and social studies; amending s. 61.20, F.S.; requiring that certain reports of the Department of Health and Rehabilitative Services or court staff be given to all parties of record in the proceeding; directing the department to submit a bill for its services; providing that the bill be taxed as a cost of the proceeding; directing the department to adopt a fee schedule; providing an effective date.

On motion by Senator Fox, by two-thirds vote HB 607 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Jenne

SB 503 was laid on the table.

On motion by Senator Fox, the rules were waived and HB 607 was ordered immediately certified to the House.

On motion by Senator Johnson, by two-thirds vote CS for HB 149 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Johnson—

CS for HB 149—A bill to be entitled An act relating to cremation; creating s. 470.0255, F.S., providing a procedure for declaration of intent with respect to cremation; providing for the disposition of cremated remains; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 529 and read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for HB 149 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Jenne

CS for SB 529 was laid on the table.

CS for SB 1242—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.06, F.S., providing clarifying language with respect to saltwater products licenses; authorizing an alternative license fee for nonresident licenses; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 1242 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Jenne

The Senate resumed consideration of—

HB 65—A bill to be entitled An act relating to municipalities; amending s. 166.241, F.S., providing a penalty for unlawful withdrawal of municipal funds by a municipal officer; providing an effective date.

—which was taken up with pending Amendment 2 which was withdrawn.

Senator Frank moved the following amendments which were adopted:

Amendment 3—On page 1, line 8, insert:

Section 1. Section 839.25, Florida Statutes, is amended to read:

839.25 Official misconduct; *unlawful use of public office or employment.*—

(1)(a) "Official misconduct" means the commission of one of the following *act* acts by a public servant, with corrupt intent to obtain a benefit for himself or another or to cause unlawful harm to another,:

(a) ~~Knowingly refraining, or causing another to refrain, from performing a duty imposed upon him by law; or~~

(b) knowingly falsifying, or causing another to falsify, any official record or official document.

(b)(2) "Corrupt" means done with knowledge that *the* act is wrongful and with improper motives.

(c)(2) Official misconduct under this ~~subsection~~ section is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any public officer or public employee who commits a crime and who, in the commission of that crime, wrongfully uses, attempts to use,

or conspires to use his public office or public employment or the influence or color of such office or employment to obtain or to attempt to obtain a profit, gain, or advantage for himself or some other person is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any public officer or public employee who corruptly and wrongfully uses, attempts to use, or conspires to use his public office or public employment or the influence or color of such office or employment to unlawfully obtain or attempt to obtain a profit, gain, or advantage for himself or some other person is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Renumber subsequent sections.)

Amendment 4—In title, on page 1, strike line 2 and insert: An act relating to public officers and employees; amending s. 839.25, F.S.; prohibiting certain uses of a public office or employment and certain actions under color of such office or employment; providing penalties; amending s.

On motion by Senator Frank, by two-thirds vote HB 65 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Jenne

On motion by Senator Frank, the rules were waived and HB 65 was ordered immediately certified to the House.

The Senate resumed consideration of SB 275 as amended—

On motion by Senator Thurman—

HB 219—A bill to be entitled An act relating to elections; amending s. 101.62, F.S.; providing that one request shall be sufficient to receive an absentee ballot for all elections held within a calendar year; providing cancellation of such request under certain circumstances; providing an effective date.

—a companion measure, was substituted for SB 275 and read the second time by title.

Senator Langley moved the following amendment:

Amendment 1—On page 1, strike line 29 and insert:

(4) To each absent qualified elector overseas who has made a request for an absentee ballot, the supervisor of elections shall, not fewer less than 30 days before the first primary election, mail absentee ballots for the first primary, second primary, and general elections, which shall have printed thereon the names of all candidates who originally qualify as candidates. However, such ballots shall be styled to show which ballot is to be used for the first primary election, which for the second primary election, and which for the general election. No additional ballots shall thereafter be sent to such absent elector for the second primary election or the general election. Rather, such absent elector shall ascertain by any means available to him which of the candidates who originally qualified are still candidates in the second primary election and, subsequently, which are candidates in the general election, and immediately upon learning of the results he may vote for his choice on the respective ballot previously sent. If such an absent elector votes for any candidate in the second primary election or the general election who is not a candidate in the respective election, his vote for the office shall be disregarded. After these ballots have been mailed to such absent qualified electors overseas not less than 24 days before the second primary elec-

tion, and not less than 30 days before the general election, mail an absentee ballot to each absent elector overseas who has made a request for an absentee ballot; and, as soon as the remainder of the absentee ballots are printed, the supervisor of elections shall deliver or mail an absentee ballot to each elector by whom a request for such ballot has been made. Any elector may designate in writing a person to pick up the ballot for him; however, no candidate may be designated to pick up an absentee ballot for any elector other than a member of his immediate family. Upon presentation of such written authorization by such designee in person, the supervisor may give the ballot to such designee for delivery to the elector. The supervisor shall initial the stub attached to the absentee ballot and enter the name of the elector in the place indicated for the elector to sign. The supervisor shall then detach the ballot from the stub and mail or deliver the ballot. Before mailing or delivering the ballot, the supervisor shall fill in the number of the precinct in which the voter is registered in the space provided for this purpose on the envelope. If an elector appears in person to cast an absentee ballot, the elector shall sign the stub, and the supervisor shall then detach the ballot from the stub and deliver the ballot to the elector.

Section 2. This act shall take effect October 1, 1986, except that the amendments to subsection (4) shall take effect January 1, 1987.

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

Amendment 1A—On page 1, line 12, and on page 2, line 3, strike "overseas"

Amendment 1 as amended failed.

Senator Margolis moved the following amendment which was adopted:

Amendment 2—On page 1, line 11, insert:

Section 1. Paragraph (a) of subsection (2) of section 98.271, Florida Statutes, is amended to read:

98.271 Appointment of deputy supervisors and volunteer deputy voter registrars; authority; compensation; rules.—

(2)(a) The supervisor of elections may appoint as a volunteer deputy voter registrar, for the purpose of registering voters and accepting changes in registration, any registered elector of the state who resides in or is employed in the county who seeks such appointment and who completes a training session as provided in subsection (3). No person shall be denied appointment simply because of his race, sex, religion, political affiliation, organizational involvement, or political activity. Each volunteer deputy voter registrar shall, before entering office, make an oath in writing that he will faithfully perform the duties of his office, which oath shall be acknowledged by the supervisor or designated deputy supervisor of elections and filed in the office of the supervisor and which shall include a clear statement of the penalty for false swearing.

Section 2. Section 101.572, Florida Statutes, is created to read:

101.572 Public inspection of ballots.—The official ballots and ballot cards received from election boards and removed from absentee ballot mailing envelopes shall be open for public inspection or examination while in the custody of the supervisor of elections or the county canvassing board at any reasonable time, under reasonable conditions; however, no persons other than the supervisor of elections or his employees or the county canvassing board shall handle any official ballot or ballot card. The supervisor of elections shall make a reasonable effort to notify all candidates whose names appear on such ballots or ballot cards by telephone or otherwise of the time and place of the inspection or examination. All such candidates, or their representatives, shall be allowed to be present during the inspection or examination.

(Renumber subsequent sections.)

Senator Plummer moved the following amendment which was adopted:

Amendment 3—On page 1, line 11, insert:

Section 1. Subsections (1) and (2) of section 101.253, Florida Statutes, are amended to read:

101.253 When names not to be printed on ballot.—

(1) No candidate's name, which candidate is required to qualify with a supervisor of elections for any primary or general election, shall be printed on the ballot if such candidate has notified the supervisor of elec-

tions in writing, under oath, on or before the 42nd 30th day before the election that he will not accept the nomination or office for which he filed qualification papers. The supervisor of elections may, in his discretion with the approval of the Department of State, allow such a candidate to withdraw after the 42nd 30th day before an election, upon receipt of written notice, sworn to under oath, that he will not accept the nomination or office for which he qualified.

(2) No candidate's name, which candidate is required to qualify with the Department of State for any primary or general election, shall be printed on the ballot if such candidate has notified the Department of State in writing, under oath, on or before the 42nd 30th day before the election that he will not accept the nomination or office for which he filed qualification papers. The Department of State may in its discretion allow such a candidate to withdraw after the 42nd 30th day before an election upon receipt of a written notice, sworn to under oath, that he will not accept the nomination or office for which he qualified.

(Renumber subsequent sections.)

Senator Margolis moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 98.271, F.S.; prescribing the qualifications for appointment of volunteer deputy voter registrars; creating s. 101.572, F.S.; providing for public inspection of ballots and ballot cards; providing for notification of candidates;

Senator Plummer moved the following amendment which was adopted:

Amendment 5—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 101.253, F.S.; changing the time by which a candidate must notify the supervisor of elections or Department of State of his withdrawal from an election in order not to have his name printed on the ballot;

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

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Gersten, Hill

SB 275 was laid on the table.

On motion by Senator Mann, 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 recalled from the Senate, reconsidered passage, further amended and passed as further amended HB 1069.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

HB 1069—A bill to be entitled An act relating to Collier County; establishing and organizing a municipality to be known and designated as the City of Marco Island in said county; defining its territorial boundaries; providing for its government, jurisdiction, powers, franchises, immunities, privileges, and means for exercising the same; prescribing the general powers to be exercised by said city; providing for a referendum.

On motion by Senator Mann, by unanimous consent HB 1069 was taken up out of order. On motions by Senator Mann, by two-thirds vote HB 1069 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	Fox	Kirkpatrick	Peterson
Barron	Frank	Kiser	Plummer
Beard	Gersten	Langley	Scott
Castor	Girardeau	Malchon	Stuart
Childers, D.	Gordon	Mann	Thomas
Childers, W. D.	Grant	Margolis	Thurman
Crawford	Hair	McPherson	Vogt
Crenshaw	Jenne	Meek	Weinstein
Deratany	Jennings	Myers	
Dunn	Johnson	Neal	

Nays—None

Vote after roll call:

Yea—Hill

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Kirkpatrick, by two-thirds vote CS for SB 450, SB 950, CS for SB 990 and CS for SB 1005 were withdrawn from the Committee on Appropriations.

On motion by Senator Jenne, by two-thirds vote CS for SB 752 was withdrawn from the Committee on Appropriations.

On motion by Senator Jenne, the rules were waived and by two-thirds vote CS for SB 752 was added to the beginning of the special order calendar for Friday, May 30.

On motions by Senator Jenne, by two-thirds vote SCR 9, SB 318, SM 743, SCR 286, SCR 641, SM 501, SM 568, SCR 928, SCR 943, SCR 944, SM 1064 and SM 1307 were withdrawn from the Committee on Rules and Calendar.

On motion by Senator Thurman, by two-thirds vote SB 1168 was withdrawn from the committees of reference and indefinitely postponed.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 28 was corrected and approved.

CO-INTRODUCERS

Senator Johnson—CS for CS for SB's 294, 184, 1061, 251, 647, 963, 987, 1040 and 1089; Senator Barron—SR 1337

VOTES RECORDED

Senator Crawford was recorded as voting yea on SB 371 which was considered May 13; CS for SB's 13 and 293, SB 52, CS for SB 145, Senate Bills 295, 308, 498, CS for SB 504, CS for SB 576, SB 605, SCR 1314, CS for HB 439, HB 477, CS for HB's 612 and 313, May 14; CS for SB 203, CS for SB 345, SB 703, CS for SB 767, SB 833, May 15; Senate Bills 73, 1115, May 20; CS for SB's 517, 407 and 540, CS for SB 1023, CS for CS for HB 4, HB 372, May 22.

RECESS

On motion by Senator Jenne, the Senate recessed at 5:16 p.m. to reconvene at 9:00 a.m., Friday, May 30.