



# Journal of the Senate

Number 4

Thursday, April 16, 1987

## CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—37:

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Mr. President   | Frank         | Johnson     | Scott     |
| Barron          | Girardeau     | Kirkpatrick | Stuart    |
| Beard           | Gordon        | Kiser       | Thomas    |
| Brown           | Grant         | Langley     | Thurman   |
| Childers, D.    | Grizzle       | Lehtinen    | Weinstein |
| Childers, W. D. | Hair          | Malchon     | Weinstock |
| Crawford        | Hill          | Margolis    | Woodson   |
| Crenshaw        | Hollingsworth | McPherson   |           |
| Deratany        | Jenne         | Meek        |           |
| Dudley          | Jennings      | Myers       |           |

Excused: Senators Peterson and Ros-Lehtinen

## PRAYER

The following prayer was offered by Captain James Lane, Commanding Officer, The Salvation Army, Panama City:

O Lord, my God, in thee do I put my trust.

We come before you with many needs. We seek and ask for knowledge, wisdom, understanding, compassion, love, strength and guidance in the business that comes before this governing body.

God, our Father, grant to each senator a determination toward all that is just for the people of the state of Florida. Let each one here search their hearts for the purpose for which they serve in this body, putting aside those things which may hinder their service. Let each one here, we pray, use all their abilities for we are stewards over many things.

We pray, dear God, for them in their hours of need and struggle when the burden of their position is heavy laden and they seek rest.

We pray that when their differences separate them, that their common goal, the welfare and good of the people will unite them.

We pray, dear God, for the families and friends who will miss those that serve here and during their absence let them be comforted and protected.

And now, dear God, we give thanks for the blessings of this day. Amen.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 16, 1987: SB 30, SB 36, SB 37, SB 38, SB 92, SB 93, SB 94, SB 95, SB 96, SB 114, SB 193, SB 194, SB 195, SB 24, SB 25, CS for SB 113, SB 60, CS for SB 64, SB 65, SB 104, SB 105, SB 107, SB 108, SB 42, SB 43, SB 45, SB 72

Respectfully submitted,  
*Dempsey J. Barron, Chairman*

The Committee on Education recommends the following pass: SB 269

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

The Committee on Education recommends the following pass: SB 339

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

The Committee on Personnel, Retirement and Collective Bargaining recommends committee substitutes for the following: SB 524, SB 582

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

The Committee on Governmental Operations recommends a committee substitute for the following: SB 152

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

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 512

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

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: Senate Bills 369 and 450

**The bills with committee substitute attached were referred to the Committee on Judiciary-Civil under the original reference.**

The Committee on Agriculture recommends a committee substitute for the following: SB 212

The Committee on Governmental Operations recommends a committee substitute for the following: SB 608

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

## FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Governmental Operations and Senator Grant—

**CS for SB 152**—A bill to be entitled An act relating to cemeteries; amending s. 497.006, F.S.; revising criteria for determining the need for new cemeteries; creating s. 497.091, F.S.; requiring owners of burial rights to keep cemeteries informed of their addresses; requiring certain notice of cemetery companies; providing abandonment proceedings; establishing a method by which abandoned burial rights may be sold; repealing s. 497.051, F.S., relating to financial reports of company affairs; providing for review and repeal; providing an effective date.

By the Committee on Agriculture and Senator Peterson—

**CS for SB 212**—A bill to be entitled An act relating to plant industry; amending s. 581.011, F.S.; clarifying the definition of "plants and plant products"; amending s. 581.031, F.S.; providing for cooperative arrangements for inspection and control and eradication purposes; amending s. 581.182, F.S.; clarifying provisions relating to movement of citrus plants and plant products; amending s. 581.185, F.S.; requiring possession of a permit when transporting for the purpose of sale, selling, or offering for sale certain plants harvested from one's own property; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senators Frank, Lehtinen, Margolis, Ros-Lehtinen and Woodson—

**CS for SB's 369 and 450**—A bill to be entitled An act relating to crimes against handicapped and elderly persons; amending s. 426.001, F.S., deleting certain legislative findings relating to crimes against the elderly; amending ss. 426.002, 426.003, 426.007, 426.008, and 426.009, F.S., updating references to subdivisions of the Department of Community Affairs; providing for the return of grant funds to the county of origin; redefining "housing project"; amending ss. 426.005 and 426.006,

F.S., deleting a restriction upon housing authorities which may apply for a security assistance grant under the Handicapped and Elderly Security Assistance Act; amending ss. 775.0836 and 939.015, F.S., expanding the scope of provisions imposing a surcharge and certain costs upon fines for offenses against handicapped or elderly persons; increasing the surcharge and costs and providing for the disposition thereof; repealing s. 903.381, F.S., deleting a surcharge on bail for such offenses; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senator Thomas—

**CS for SB 512**—A bill to be entitled An act relating to emergency distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; amending s. 218.65, F.S.; increasing the maximum population that a county may have in order to receive an emergency distribution from such fund; increasing the per capita limitation on moneys distributed to counties; providing for the annual adjustment for inflation of the per capita limitation; providing an effective date.

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

**CS for SB 524**—A bill to be entitled An act relating to the State Group Insurance Program Law; amending s. 110.123, F.S.; allowing certain individuals to participate in the program; prohibiting a state contribution to the premium cost for such individuals; directing the Department of Administration to provide for contracts by competitive bid process with health maintenance organizations; providing for premiums; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining and Senators Margolis, W. D. Childers, Hollingsworth, Thomas, Kirkpatrick, Kiser, Barron, Scott and Crawford—

**CS for SB 582**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021, F.S., redefining the term "normal retirement date"; amending s. 121.055, F.S.; providing for a contribution rate increase; providing an effective date.

By the Committee on Governmental Operations and Senator W. D. Childers—

**CS for SB 608**—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.52, F.S.; defining the term "invalid exercise of delegated legislative authority"; amending s. 120.54, F.S.; prohibiting the use of general intent or general policy as a basis for rule promulgation; deleting the requirement that a separate statement of a rule's effect upon small business be submitted to the committee; amending s. 120.545, F.S.; providing clarifying language to create uniform terminology for review of rules; amending s. 120.57, F.S.; providing 15 days for agency request for hearing officer; amending s. 120.59, F.S.; clarifying statutory sections under which administrative hearing or judicial review is available; amending s. 120.68, F.S.; requiring agencies to submit copies of certain appeal petitions to the committee; providing an effective date.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Barron, by two-thirds vote Senate Bills 31 and 487 were withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed at the end of the special order calendar.

On motion by Senator Barron, by two-thirds vote SB 565 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator D. Childers, by two-thirds vote SB 71 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Grant, by two-thirds vote Senate Bills 291 and 294 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Meek, by two-thirds vote Senate Bills 111 and 473 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Woodson, by two-thirds vote SB 138 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Scott, by two-thirds vote Senate Bills 100, 261 and 389 were withdrawn from the Committee on Appropriations.

On motion by Senator Scott, by two-thirds vote SB 206 was removed from the calendar and referred to the Committee on Appropriations.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

##### First Reading

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed House Bills 96, 97, 190 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committee on Governmental Operations and Representative Hodges—

**HB 96**—A bill to be entitled An act relating to public employees; amending s. 112.21, F.S.; providing an exemption from public records requirements for records relating to tax-sheltered annuities or custodial accounts for such employees; amending s. 112.215, F.S., which provides such an exemption for records relating to deferred compensation programs; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

(Substituted for SB 65 on the special order calendar this day.)

By the Committee on Governmental Operations and Representative Hodges—

**HB 97**—A bill to be entitled An act relating to the Department of Administration; amending s. 110.201, F.S.; reenacting the public records exemption for specified collective bargaining discussions and work products; extending the exemption to include agency heads and their representatives; providing for future review and repeal; providing an effective date.

(Substituted for SB 60 on the special order calendar this day.)

By the Committee on Governmental Operations and Representative Hodges—

**HB 190**—A bill to be entitled An act relating to electric utilities; amending s. 163.01, F.S., which provides an exemption from public records requirements for certain material received by a public agency which is an electric utility or by a separate entity consisting of electric utilities under the Florida Interlocal Cooperation Act of 1969; revising such exemption; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

(Substituted for SB 108 on the special order calendar this day.)

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed SB 514.

*John B. Phelps, Clerk*

The bill contained in the foregoing message was ordered enrolled.

#### SPECIAL ORDER

**SB 30**—A bill to be entitled An act relating to the marketing of watermelons; repealing ss. 573.801-573.827, F.S., the Florida Watermelon Marketing Law; providing an effective date.

—was read the second time by title.

Senator Thurman moved the following amendments which were adopted:

**Amendment 1**—On page 1, strike all of lines 11-14 and insert: 573.811, 573.812, 573.813, 573.817, 573.818, 573.819, 573.820, 573.821, 573.822, 573.823, 573.824, 573.825, 573.826, and 573.827, Florida Statutes, are repealed effective October 1, 1988.

Section 2. (1) Notwithstanding the provisions of section 1, chapter 82-46, Laws of Florida, as amended by section 2, chapter 83-265, Laws of Florida, sections 573.814, 573.815, and 573.816, Florida Statutes, shall not stand repealed on October 1, 1987, as scheduled by such acts, but such sections, as amended, are hereby revived and readopted.

(2) Sections 573.814, 573.815, and 573.816, Florida Statutes, are repealed effective October 1, 1988.

(Renumber subsequent section.)

**Amendment 2**—In title, on page 1, strike all of lines 3 and 4 and insert: watermelons; repealing ss. 573.801 - 573.813, 573.817 - 573.827, F.S., effective October 1, 1988; reviving and readopting ss. 573.814, 573.815, and 573.816, F.S., notwithstanding repeals scheduled pursuant to the Sundown Act; providing for future repeal of said sections;

On motion by Senator Hollingsworth, by two-thirds vote SB 30 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Mr. President   | Frank         | Jennings    | Scott     |
| Beard           | Girardeau     | Johnson     | Stuart    |
| Brown           | Gordon        | Kirkpatrick | Thomas    |
| Childers, D.    | Grant         | Kiser       | Thurman   |
| Childers, W. D. | Grizzle       | Langley     | Weinstein |
| Crawford        | Hair          | Lehtinen    | Weinstock |
| Crenshaw        | Hill          | Malchon     | Woodson   |
| Deratany        | Hollingsworth | Meek        |           |
| Dudley          | Jenne         | Myers       |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

On motion by Senator Hollingsworth, the rules were waived and SB 30 after being engrossed was ordered immediately certified to the House.

**SB 36**—A bill to be entitled An act relating to the marketing of peanuts; amending s. 573.895, F.S.; changing the composition of, and method of appointment of members of, the marketing order advisory councils; providing for officers, personnel, meetings, and expenses of the council; providing for conduct of business; providing for travel expenses of members; amending s. 573.897, F.S., relating to council members' exemption from individual liability, to include employees of the council within the exemption; reviving and readopting ss. 573.885(14), 573.895-573.897, F.S., as amended, notwithstanding the provisions of ch. 81-59 or ch. 82-46, Laws of Florida; providing for future repeal and review of said subsection and sections; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 36 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Mr. President   | Frank         | Jennings    | Meek      |
| Beard           | Girardeau     | Johnson     | Myers     |
| Brown           | Gordon        | Kirkpatrick | Scott     |
| Childers, D.    | Grant         | Kiser       | Stuart    |
| Childers, W. D. | Grizzle       | Langley     | Thomas    |
| Crawford        | Hair          | Lehtinen    | Thurman   |
| Crenshaw        | Hill          | Malchon     | Weinstein |
| Deratany        | Hollingsworth | Margolis    | Weinstock |
| Dudley          | Jenne         | McPherson   | Woodson   |

Nays—None

Excused: Peterson, Ros-Lehtinen

On motion by Senator Hollingsworth, the rules were waived and SB 36 was ordered immediately certified to the House.

**SB 37**—A bill to be entitled An act relating to the marketing of flue-cured tobacco; amending s. 573.869, F.S.; changing the composition of, and method of appointment of members of, the marketing order advisory councils; providing for officers, personnel, meetings, and expenses of the council; providing for conduct of business; providing for travel expenses of members; amending s. 573.870, F.S.; revising council duties; amending s. 573.878, F.S.; providing for the Department of Agriculture and Consumer Services to issue certificates of exemption to producers and handlers; reviving and readopting ss. 573.859(14), 573.869-573.871, F.S., as amended, notwithstanding the provisions of ch. 81-60 or ch. 82-46, Laws of Florida; providing for future repeal and review of said subsection and sections; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 37 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Mr. President   | Frank         | Jennings    | Meek      |
| Barron          | Girardeau     | Johnson     | Myers     |
| Beard           | Gordon        | Kirkpatrick | Scott     |
| Brown           | Grant         | Kiser       | Stuart    |
| Childers, D.    | Grizzle       | Langley     | Thomas    |
| Childers, W. D. | Hair          | Lehtinen    | Thurman   |
| Crawford        | Hill          | Malchon     | Weinstein |
| Crenshaw        | Hollingsworth | Margolis    | Weinstock |
| Dudley          | Jenne         | McPherson   | Woodson   |

Nays—None

Excused: Peterson, Ros-Lehtinen

On motion by Senator Hollingsworth, the rules were waived and SB 37 was ordered immediately certified to the House.

**SB 38**—A bill to be entitled An act relating to marketing of soybeans; amending s. 573.843, F.S.; changing the composition of, and method of appointment of members of, the marketing order advisory councils; providing for officers, personnel, meetings, and expenses of the council; providing for conduct of business; providing for travel expenses of members; reviving and readopting ss. 573.833(14), 573.843-573.845, F.S., as amended, notwithstanding the provisions of ch. 81-61 or ch. 82-46, Laws of Florida; providing for future repeal and review of said subsection and sections; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 38 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Mr. President   | Frank         | Johnson     | Scott     |
| Barron          | Girardeau     | Kirkpatrick | Stuart    |
| Beard           | Gordon        | Kiser       | Thomas    |
| Brown           | Grant         | Langley     | Thurman   |
| Childers, D.    | Grizzle       | Lehtinen    | Weinstein |
| Childers, W. D. | Hair          | Malchon     | Weinstock |
| Crawford        | Hill          | Margolis    | Woodson   |
| Crenshaw        | Hollingsworth | McPherson   |           |
| Deratany        | Jenne         | Meek        |           |
| Dudley          | Jennings      | Myers       |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

On motion by Senator Hollingsworth, the rules were waived and SB 38 was ordered immediately certified to the House.

**SB 92**—A bill to be entitled An act relating to the Soil and Water Conservation Council, reviving and readopting ss. 582.01(3)(b), 582.06, Florida Statutes, notwithstanding repeals scheduled pursuant to the Sundown Act; providing for future repeal and review of said sections; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 92 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Mr. President   | Frank         | Jennings    | Scott     |
| Beard           | Girardeau     | Johnson     | Stuart    |
| Brown           | Gordon        | Kirkpatrick | Thomas    |
| Childers, D.    | Grant         | Kiser       | Thurman   |
| Childers, W. D. | Grizzle       | Langley     | Weinstein |
| Crawford        | Hair          | Lehtinen    | Weinstock |
| Crenshaw        | Hill          | Malchon     | Woodson   |
| Deratany        | Hollingsworth | Meek        |           |
| Dudley          | Jenne         | Myers       |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

On motion by Senator Hollingsworth, the rules were waived and SB 92 was ordered immediately certified to the House.

**SB 93**—A bill to be entitled An act relating to forestry; reviving and readopting ss. 589.01, 589.011, 589.02, 589.03, F.S., relating to the Florida Forestry Council and relating to the authority over state forest lands given to the Division of Forestry of the Department of Agriculture and Consumer Services, notwithstanding repeals scheduled pursuant to the Sundown Act; providing for future repeal and review of sections relating to the council; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 93 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Mr. President   | Frank         | Johnson     | Myers     |
| Beard           | Girardeau     | Kirkpatrick | Scott     |
| Brown           | Gordon        | Kiser       | Stuart    |
| Childers, D.    | Grant         | Langley     | Thomas    |
| Childers, W. D. | Grizzle       | Lehtinen    | Thurman   |
| Crawford        | Hair          | Malchon     | Weinstein |
| Crenshaw        | Hill          | Margolis    | Weinstock |
| Deratany        | Hollingsworth | McPherson   | Woodson   |
| Dudley          | Jennings      | Meek        |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

Vote after roll call:

Yea—Jenne

On motion by Senator Hollingsworth, the rules were waived and SB 93 was ordered immediately certified to the House.

**SB 94**—A bill to be entitled An act relating to the Dairy Industry Technical Council; amending s. 570.42, F.S.; providing for terms of office for council members to begin on a certain date; reviving and readopting ss. 570.42, 570.43, F.S., notwithstanding repeals scheduled under the Sundown Act; providing for future review and repeal of said sections; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 94 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Mr. President   | Frank         | Johnson     | Myers     |
| Beard           | Girardeau     | Kirkpatrick | Scott     |
| Brown           | Gordon        | Kiser       | Stuart    |
| Childers, D.    | Grant         | Langley     | Thomas    |
| Childers, W. D. | Grizzle       | Lehtinen    | Thurman   |
| Crawford        | Hair          | Malchon     | Weinstein |
| Crenshaw        | Hill          | Margolis    | Weinstock |
| Deratany        | Hollingsworth | McPherson   | Woodson   |
| Dudley          | Jennings      | Meek        |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

Vote after roll call:

Yea—Jenne

On motion by Senator Hollingsworth, the rules were waived and SB 94 was ordered immediately certified to the House.

**SB 95**—A bill to be entitled An act relating to the Plant Industry Technical Council; amending s. 570.34, F.S.; clarifying the composition of the council; changing the term of office for a citrus member; reviving and readopting ss. 570.34 and 570.35, F.S., notwithstanding the provisions of ch. 81-63 or ch. 82-46, Laws of Florida; providing for future repeal and review of said sections; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 95 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Mr. President   | Dudley        | Jennings    | Meek      |
| Barron          | Frank         | Johnson     | Myers     |
| Beard           | Girardeau     | Kirkpatrick | Scott     |
| Brown           | Gordon        | Kiser       | Stuart    |
| Childers, D.    | Grant         | Langley     | Thomas    |
| Childers, W. D. | Grizzle       | Lehtinen    | Thurman   |
| Crawford        | Hair          | Malchon     | Weinstein |
| Crenshaw        | Hill          | Margolis    | Weinstock |
| Deratany        | Hollingsworth | McPherson   | Woodson   |

Nays—None

Excused: Peterson, Ros-Lehtinen

Vote after roll call:

Yea—Jenne

On motion by Senator Hollingsworth, the rules were waived and SB 95 was ordered immediately certified to the House.

**SB 96**—A bill to be entitled An act relating to the State Agricultural Advisory Council; amending s. 570.23, F.S.; revising the composition and method of appointment of the membership of the council; providing for terms of office and the filling of vacancies; reviving and readopting ss. 570.23, 570.24, 570.25, 570.26, 570.27, 570.28, F.S., notwithstanding the provisions of ch. 81-62 or ch. 82-46, Laws of Florida; providing for future review and repeal of said sections; providing an effective date.

—was read the second time by title.

Senator Hollingsworth moved the following amendment which was adopted:

**Amendment 1**—On page 1, line 27, strike “or an employee of an organization of active producers or growers”

On motion by Senator Hollingsworth, by two-thirds vote SB 96 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   | Dudley        | Jenne       | McPherson |
| Barron          | Frank         | Jennings    | Meek      |
| Beard           | Girardeau     | Johnson     | Myers     |
| Brown           | Gordon        | Kirkpatrick | Scott     |
| Childers, D.    | Grant         | Kiser       | Thomas    |
| Childers, W. D. | Grizzle       | Langley     | Thurman   |
| Crawford        | Hair          | Lehtinen    | Weinstein |
| Crenshaw        | Hill          | Malchon     | Weinstock |
| Deratany        | Hollingsworth | Margolis    | Woodson   |

Nays—None

Excused: Peterson, Ros-Lehtinen

On motion by Senator Hollingsworth, the rules were waived and SB 96 after being engrossed was ordered immediately certified to the House.

**Senator Thomas presiding**

**SB 114**—A bill to be entitled An act relating to the marketing of foliage plants; repealing ss. 573.50-573.62, 573.66-573.76, F.S., effective October 1, 1988; reviving and readopting ss. 573.63, 573.64, 573.65, F.S., notwithstanding repeals scheduled pursuant to the Sundown Act; providing for future repeal of said sections; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 114 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

|              |                 |           |         |
|--------------|-----------------|-----------|---------|
| Barron       | Childers, W. D. | Dudley    | Grant   |
| Beard        | Crawford        | Frank     | Grizzle |
| Brown        | Crenshaw        | Girardeau | Hair    |
| Childers, D. | Deratany        | Gordon    | Hill    |

|               |          |           |           |
|---------------|----------|-----------|-----------|
| Hollingsworth | Kiser    | McPherson | Thurman   |
| Jenne         | Langley  | Meek      | Weinstein |
| Jennings      | Lehtinen | Myers     | Weinstock |
| Johnson       | Malchon  | Scott     | Woodson   |
| Kirkpatrick   | Margolis | Stuart    |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

On motion by Senator Hollingsworth, the rules were waived and SB 114 was ordered immediately certified to the House.

**SB 193**—A bill to be entitled An act relating to state and county forest fire prevention councils; repealing ss. 590.36-590.41, F.S., which relate to the creation, membership, compensation, and duties of such councils; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 193 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Barron          | Frank         | Jennings    | Meek      |
| Beard           | Girardeau     | Johnson     | Myers     |
| Brown           | Gordon        | Kirkpatrick | Scott     |
| Childers, D.    | Grant         | Kiser       | Stuart    |
| Childers, W. D. | Grizzle       | Langley     | Thurman   |
| Crawford        | Hair          | Lehtinen    | Weinstein |
| Crenshaw        | Hill          | Malchon     | Weinstock |
| Deratany        | Hollingsworth | Margolis    | Woodson   |
| Dudley          | Jenne         | McPherson   |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

On motion by Senator Hollingsworth, the rules were waived and SB 193 was ordered immediately certified to the House.

**SB 194**—A bill to be entitled An act relating to the Fertilizer Technical Council, amending s. 576.091, F.S.; prescribing membership of the council; reviving and readopting s. 576.091, F.S., notwithstanding repeals scheduled pursuant to the Sundown Act; providing for future repeal and review of said section; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 194 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Barron          | Frank         | Jennings    | Meek      |
| Beard           | Girardeau     | Johnson     | Myers     |
| Brown           | Gordon        | Kirkpatrick | Scott     |
| Childers, D.    | Grant         | Kiser       | Thomas    |
| Childers, W. D. | Grizzle       | Langley     | Thurman   |
| Crawford        | Hair          | Lehtinen    | Weinstein |
| Crenshaw        | Hill          | Malchon     | Weinstock |
| Deratany        | Hollingsworth | Margolis    | Woodson   |
| Dudley          | Jenne         | McPherson   |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

On motion by Senator Hollingsworth, the rules were waived and SB 194 was ordered immediately certified to the House.

**SB 195**—A bill to be entitled An act relating to the Animal Industry Technical Council; amending s. 570.38, F.S.; revising members' terms of office; reviving and readopting ss. 570.38, 570.39, F.S., notwithstanding repeals scheduled under the Sundown Act; providing for future repeal and review of said sections; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 195 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Barron          | Frank         | Jennings    | Meek      |
| Beard           | Girardeau     | Johnson     | Myers     |
| Brown           | Gordon        | Kirkpatrick | Scott     |
| Childers, D.    | Grant         | Kiser       | Stuart    |
| Childers, W. D. | Grizzle       | Langley     | Thurman   |
| Crawford        | Hair          | Lehtinen    | Weinstein |
| Crenshaw        | Hill          | Malchon     | Weinstock |
| Deratany        | Hollingsworth | Margolis    | Woodson   |
| Dudley          | Jenne         | McPherson   |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

On motion by Senator Hollingsworth, the rules were waived and SB 195 was ordered immediately certified to the House.

**SB 24**—A bill to be entitled An act relating to the Florida Commission on Veterans' Affairs; amending s. 292.04, F.S.; authorizing the commission to give testimony on matters pertaining to veterans' affairs; requiring state agencies to cooperate with the commission; clarifying the commission's method of soliciting action; revising and readopting s. 292.04, F.S., relating to the commission and its duties, notwithstanding repeals scheduled pursuant to the Sundown Act; providing for future review and repeal of said section; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendments which were moved by Senator Margolis and adopted:

**Amendment 1**—On page 3, line 21, strike "*and the United States Government and its agencies*"

**Amendment 2**—On page 4, strike all of lines 1-3 and insert:

(d) *The Florida Commission on Veterans Affairs shall promulgate uniform rules to effectuate the provisions of ss. 295.07-295.09, in accordance with chapter 120, and each employing agency shall operate within the uniform rules promulgated by the commission. The Executive Office of the Governor shall provide legal and technical assistance to the commission to effectuate the provisions of this section.*

(e) (d) *The commission shall prepare an annual report based on the duties carried out under the provisions of paragraphs (a), (b), and (c), and (d), which report is to be presented*

**Amendment 3**—In title, on page 1, line 8, after the semicolon (;) insert: *authorizing the commission to promulgate uniform rules relating to veteran's preference;*

On motion by Senator Margolis, by two-thirds vote SB 24 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

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Barron          | Frank         | Jennings    | Meek      |
| Beard           | Girardeau     | Johnson     | Myers     |
| Brown           | Gordon        | Kirkpatrick | Scott     |
| Childers, D.    | Grant         | Kiser       | Stuart    |
| Childers, W. D. | Grizzle       | Langley     | Thomas    |
| Crawford        | Hair          | Lehtinen    | Thurman   |
| Crenshaw        | Hill          | Malchon     | Weinstein |
| Deratany        | Hollingsworth | Margolis    | Weinstock |
| Dudley          | Jenne         | McPherson   | Woodson   |

Nays—None

Excused: Peterson, Ros-Lehtinen

**SB 25**—A bill to be entitled An act relating to the Florida Consumers' Council; amending s. 570.543, F.S.; providing a 4-year term of office for council members; reviving and readopting provisions relating to the council notwithstanding the provisions of ch. 81-55 or ch. 82-46, Laws of Florida; providing for future review and repeal of said section; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 25 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Beard           | Girardeau     | Kirkpatrick | Scott     |
| Brown           | Gordon        | Kiser       | Stuart    |
| Childers, D.    | Grant         | Langley     | Thomas    |
| Childers, W. D. | Grizzle       | Lehtinen    | Thurman   |
| Crawford        | Hair          | Malchon     | Weinstein |
| Crenshaw        | Hollingsworth | Margolis    | Weinstock |
| Deratany        | Jenne         | McPherson   | Woodson   |
| Dudley          | Jennings      | Meek        |           |
| Frank           | Johnson       | Myers       |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

**CS for SB 113**—A bill to be entitled An act relating to energy resources; amending s. 377.703, F.S., requiring the Executive Office of the Governor to develop and maintain an energy research index; repealing s. 377.703(3)(k), F.S., relating to the development of a research plan for energy programs; repealing s. 377.706, F.S., relating to the establishment of the Energy Research and Development Task Force; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for SB 113 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Barron          | Frank         | Johnson     | Myers     |
| Beard           | Girardeau     | Kirkpatrick | Scott     |
| Brown           | Gordon        | Kiser       | Stuart    |
| Childers, D.    | Grant         | Langley     | Thurman   |
| Childers, W. D. | Grizzle       | Lehtinen    | Weinstein |
| Crawford        | Hair          | Malchon     | Weinstock |
| Crenshaw        | Hill          | Margolis    | Woodson   |
| Deratany        | Hollingsworth | McPherson   |           |
| Dudley          | Jennings      | Meek        |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

Vote after roll call:

Yea—Jenne

On motions by Senator Kiser—

**HB 97**—A bill to be entitled An act relating to the Department of Administration; amending s. 110.201, F.S.; reenacting the public records exemption for specified collective bargaining discussions and work products; extending the exemption to include agency heads and their representatives; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for SB 60 and by two-thirds vote read the second time by title. On motion by Senator Kiser, by two-thirds vote HB 97 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Beard           | Girardeau     | Johnson     | Meek      |
| Brown           | Gordon        | Kirkpatrick | Myers     |
| Childers, D.    | Grant         | Kiser       | Scott     |
| Childers, W. D. | Grizzle       | Langley     | Stuart    |
| Crenshaw        | Hair          | Lehtinen    | Thurman   |
| Deratany        | Hill          | Malchon     | Weinstein |
| Dudley          | Hollingsworth | Margolis    | Weinstock |
| Frank           | Jennings      | McPherson   | Woodson   |

Nays—None

Excused: Peterson, Ros-Lehtinen

Vote after roll call:

Yea—Jenne

SB 60 was laid on the table.

**CS for SB 64**—A bill to be entitled An act relating to voter registration records; amending s. 98.211, F.S.; reviving and reenacting an exemption from public records requirements for the production of voter registration information; providing an exception; prohibiting the use of information for commercial solicitation; providing fines and penalties; providing for future review and repeal under the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for SB 64 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Beard           | Girardeau     | Kirkpatrick | Scott     |
| Brown           | Gordon        | Kiser       | Stuart    |
| Childers, D.    | Grant         | Langley     | Thomas    |
| Childers, W. D. | Grizzle       | Lehtinen    | Thurman   |
| Crawford        | Hair          | Malchon     | Weinstein |
| Crenshaw        | Hill          | Margolis    | Weinstock |
| Deratany        | Hollingsworth | McPherson   | Woodson   |
| Dudley          | Jennings      | Meek        |           |
| Frank           | Johnson       | Myers       |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

Vote after roll call:

Yea—Jenne

On motions by Senator Kiser—

**HB 96**—A bill to be entitled An act relating to public employees; amending s. 112.21, F.S.; providing an exemption from public records requirements for records relating to tax-sheltered annuities or custodial accounts for such employees; amending s. 112.215, F.S., which provides such an exemption for records relating to deferred compensation programs; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for SB 65 and by two-thirds vote read the second time by title. On motion by Senator Kiser, by two-thirds vote HB 96 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Beard           | Girardeau     | Kirkpatrick | Scott     |
| Brown           | Gordon        | Kiser       | Stuart    |
| Childers, D.    | Grant         | Langley     | Thurman   |
| Childers, W. D. | Grizzle       | Lehtinen    | Weinstein |
| Crawford        | Hair          | Malchon     | Weinstock |
| Crenshaw        | Hill          | Margolis    | Woodson   |
| Deratany        | Hollingsworth | McPherson   |           |
| Dudley          | Jennings      | Meek        |           |
| Frank           | Johnson       | Myers       |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

Vote after roll call:

Yea—Jenne

SB 65 was laid on the table.

**SB 104**—A bill to be entitled An act relating to adoptions; amending ss. 63.022, 63.162, F.S.; exempting from public inspection the records concerning custody and adoption of children; reviving and reenacting the public records law exemptions notwithstanding the Open Government Sunset Review Act; providing for future review of such exemptions; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 104 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Beard           | Girardeau     | Kirkpatrick | Scott     |
| Brown           | Gordon        | Kiser       | Stuart    |
| Childers, D.    | Grant         | Langley     | Thomas    |
| Childers, W. D. | Grizzle       | Lehtinen    | Thurman   |
| Crawford        | Hair          | Malchon     | Weinstein |
| Crenshaw        | Hill          | Margolis    | Weinstock |
| Deratany        | Hollingsworth | McPherson   | Woodson   |
| Dudley          | Jennings      | Meek        |           |
| Frank           | Johnson       | Myers       |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

Vote after roll call:

Yea—Jenne

**SB 105**—A bill to be entitled An act relating to complaints against law enforcement officers; amending s. 112.533, F.S.; providing for confidentiality of such complaints and related records; providing for review of exemptions pursuant to the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 105 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Beard           | Girardeau     | Kirkpatrick | Scott     |
| Brown           | Gordon        | Kiser       | Stuart    |
| Childers, D.    | Grant         | Langley     | Thurman   |
| Childers, W. D. | Grizzle       | Lehtinen    | Weinstein |
| Crawford        | Hair          | Malchon     | Weinstock |
| Crenshaw        | Hill          | Margolis    | Woodson   |
| Deratany        | Hollingsworth | McPherson   |           |
| Dudley          | Jennings      | Meek        |           |
| Frank           | Johnson       | Myers       |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

Vote after roll call:

Yea—Jenne

**SB 107**—A bill to be entitled An act relating to the proposed purchase of real property by a county; amending s. 125.355, F.S.; exempting from public inspection for a specified time appraisals, offers, and counteroffers for the purchase of real property by the county; reviving and reenacting the public records law exemption notwithstanding the Open Government Sunset Review Act; providing for future expiration and review of such exemptions; providing an effective date.

—was read the second time by title.

Senator Kiser moved the following amendment which was adopted:

**Amendment 1**—On page 2, line 4, strike “an” and insert: *a proposed an*

On motion by Senator Kiser, by two-thirds vote SB 107 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

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Brown           | Gordon        | Kirkpatrick | Scott     |
| Childers, D.    | Grant         | Kiser       | Thomas    |
| Childers, W. D. | Grizzle       | Langley     | Thurman   |
| Crawford        | Hair          | Lehtinen    | Weinstein |
| Crenshaw        | Hill          | Malchon     | Weinstock |
| Deratany        | Hollingsworth | Margolis    | Woodson   |
| Dudley          | Jenne         | McPherson   |           |
| Frank           | Jennings      | Meek        |           |
| Girardeau       | Johnson       | Myers       |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

On motions by Senator Kiser—

**HB 190**—A bill to be entitled An act relating to electric utilities; amending s. 163.01, F.S., which provides an exemption from public records requirements for certain material received by a public agency which is an electric utility or by a separate entity consisting of electric utilities under the Florida Interlocal Cooperation Act of 1969; revising such exemption; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for SB 108 and by two-thirds vote read the second time by title. On motion by Senator Kiser, by two-thirds vote HB 190 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Barron          | Frank         | Jennings    | Meek      |
| Beard           | Girardeau     | Johnson     | Myers     |
| Brown           | Gordon        | Kirkpatrick | Scott     |
| Childers, D.    | Grant         | Kiser       | Thomas    |
| Childers, W. D. | Grizzle       | Langley     | Thurman   |
| Crawford        | Hair          | Lehtinen    | Weinstein |
| Crenshaw        | Hill          | Malchon     | Weinstock |
| Deratany        | Hollingsworth | Margolis    | Woodson   |
| Dudley          | Jenne         | McPherson   |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

SB 108 was laid on the table.

**SB 42**—A bill to be entitled An act relating to the Firefighters Standards and Training Council; reviving and readopting ss. 633.30(4), 633.31, 633.32, 633.33, F.S., notwithstanding repeals scheduled under the Sundown Act; providing for future review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote SB 42 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Barron          | Frank         | Jenne       | Margolis  |
| Beard           | Girardeau     | Jennings    | McPherson |
| Brown           | Gordon        | Johnson     | Myers     |
| Childers, D.    | Grant         | Kirkpatrick | Scott     |
| Childers, W. D. | Grizzle       | Kiser       | Thurman   |
| Crawford        | Hair          | Langley     | Weinstein |
| Crenshaw        | Hill          | Lehtinen    | Weinstock |
| Deratany        | Hollingsworth | Malchon     | Woodson   |

Nays—None

Excused: Peterson, Ros-Lehtinen

**SB 43**—A bill to be entitled An act relating to fire prevention and control; reviving and readopting ss. 633.511, 633.514, 633.60, F.S., notwithstanding repeals scheduled pursuant to the Sundown Act or Regulatory Sunset Act; providing for future review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote SB 43 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Barron          | Frank         | Jenne       | Myers     |
| Beard           | Girardeau     | Jennings    | Scott     |
| Brown           | Gordon        | Johnson     | Thurman   |
| Childers, D.    | Grant         | Kirkpatrick | Weinstein |
| Childers, W. D. | Grizzle       | Kiser       | Weinstock |
| Crawford        | Hair          | Langley     | Woodson   |
| Crenshaw        | Hill          | Malchon     |           |
| Deratany        | Hollingsworth | McPherson   |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

**SB 45**—A bill to be entitled An act relating to the sale of liquefied petroleum gas; repealing s. 2, ch. 82-6, and s. 10, ch. 86-69, Laws of Florida, which sections repeal the provisions of ch. 527, F.S., relating to the sale of liquefied petroleum gas, effective October 1, 1987; repealing ss. 527.01-527.16, F.S., and ss. 527.055, 527.065, and 527.067, F.S., 1986 Supplement, effective October 1, 1997, and providing for future review of said sections; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote SB 45 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Barron          | Frank         | Jennings    | Meek      |
| Beard           | Girardeau     | Johnson     | Myers     |
| Brown           | Gordon        | Kirkpatrick | Scott     |
| Childers, D.    | Grant         | Langley     | Thurman   |
| Childers, W. D. | Hair          | Lehtinen    | Weinstein |
| Crawford        | Hill          | Malchon     | Weinstock |
| Crenshaw        | Hollingsworth | Margolis    | Woodson   |
| Dudley          | Jenne         | McPherson   |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

**SB 72**—A bill to be entitled An act relating to the advisory council for the Government Employees Deferred Compensation Plan; amending s. 112.215, F.S.; increasing the council membership and providing terms of office; providing for a council chairman; providing for meetings; requiring the council to make certain reports; providing for reimbursement for per diem and travel; providing for expiration of terms of present members; reviving and readopting s. 112.215(8), (9), F.S., notwithstanding repeal scheduled pursuant to the Sundown Act; providing for future review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote SB 72 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Beard           | Frank         | Jenne       | McPherson |
| Brown           | Girardeau     | Jennings    | Meek      |
| Childers, D.    | Gordon        | Johnson     | Myers     |
| Childers, W. D. | Grant         | Kirkpatrick | Scott     |
| Crawford        | Grizzle       | Langley     | Thurman   |
| Crenshaw        | Hair          | Lehtinen    | Weinstein |
| Deratany        | Hill          | Malchon     | Weinstock |
| Dudley          | Hollingsworth | Margolis    | Woodson   |

Nays—None

Excused: Peterson, Ros-Lehtinen

**SB 31**—A bill to be entitled An act relating to the marketing of celery and sweet corn; repealing ss. 573.01-573.29, F.S., the Florida Celery and Sweet Corn Marketing Law; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 31 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Beard           | Gordon        | Kirkpatrick | Scott     |
| Brown           | Grant         | Kiser       | Thomas    |
| Childers, D.    | Grizzle       | Langley     | Thurman   |
| Childers, W. D. | Hair          | Lehtinen    | Weinstein |
| Crenshaw        | Hill          | Malchon     | Weinstock |
| Deratany        | Hollingsworth | Margolis    | Woodson   |
| Dudley          | Jenne         | McPherson   |           |
| Frank           | Jennings      | Meek        |           |
| Girardeau       | Johnson       | Myers       |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

On motion by Senator Hollingsworth, the rules were waived and SB 31 was ordered immediately certified to the House.

**SB 487**—A bill to be entitled An act relating to the Interagency Advisory Council on Loss Prevention; amending s. 284.50, F.S.; establishing requirements for departmental safety coordinators; providing for an alternate safety coordinator; requiring an annual loss prevention report be made to the Governor and the Legislature by each department head; providing for evaluation of departmental compliance with loss prevention programs by the Auditor General; reviving and readopting s. 284.50, F.S., notwithstanding repeal scheduled pursuant to the Sundown Act; providing for future review and repeal; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendments which were adopted:

**Amendment 1**—On page 3, line 4, strike “and the Legislature” and insert: ~~and the Legislature~~

**Amendment 2**—In title, on page 1, line 8, strike “and the Legislature”

On motion by Senator Jennings, by two-thirds vote SB 487 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Beard           | Girardeau     | Johnson     | Myers     |
| Brown           | Gordon        | Kirkpatrick | Scott     |
| Childers, D.    | Grant         | Kiser       | Thomas    |
| Childers, W. D. | Grizzle       | Langley     | Thurman   |
| Crawford        | Hair          | Lehtinen    | Weinstein |
| Crenshaw        | Hill          | Malchon     | Weinstock |
| Deratany        | Hollingsworth | Margolis    | Woodson   |
| Dudley          | Jenne         | McPherson   |           |
| Frank           | Jennings      | Meek        |           |

Nays—None

Excused: Peterson, Ros-Lehtinen

#### INFORMAL RECESS

The Senate recessed at 3:18 p.m. to reconvene at 4:15 p.m.

The Senate was called to order by the President at 4:26 p.m. A quorum present—30:

|                 |               |             |           |
|-----------------|---------------|-------------|-----------|
| Mr. President   | Dudley        | Jennings    | Scott     |
| Barron          | Frank         | Johnson     | Thomas    |
| Beard           | Gordon        | Kirkpatrick | Thurman   |
| Brown           | Grant         | Kiser       | Weinstein |
| Childers, D.    | Grizzle       | Lehtinen    | Weinstock |
| Childers, W. D. | Hill          | McPherson   | Woodson   |
| Crawford        | Hollingsworth | Meek        |           |
| Deratany        | Jenne         | Myers       |           |

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 777 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 777**—A bill to be entitled An act relating to taxation; creating s. 212.059, F.S.; providing for levy of the tax on the sale and use of services; providing for apportionment under certain conditions; creating s. 212.0591, F.S.; providing rules of construction; providing for apportionment; providing limitations; creating s. 212.0592, F.S.; providing exemptions from the tax on services; providing for a refund under certain circumstances; creating s. 212.0593, F.S.; providing for administration of s. 212.0592(1), F.S.; creating s. 212.0594, F.S.; providing for implementing and administering the tax on construction services; amending s. 212.02, F.S.; providing definitions; amending s. 212.031, F.S.; providing exemptions from tax on lease of real property; amending s. 212.04, F.S.; providing an exemption from admissions tax; amending ss. 212.05, F.S.; exempting certain boat or airplane sales; providing conforming amendments;

amending s. 212.052, F.S.; correcting a reference; amending s. 212.054, F.S.; conforming certain language; amending ss. 212.06 and 212.07, F.S.; exempting certain fabrication labor; conforming administrative provisions relating to dealers and collection of the tax, and penalties for violations, to include tax on services; amending s. 212.08, F.S.; exempting certain services relating to new or expanding businesses; providing a limitation; reenacting provisions relating to medical exemptions; revising the exemption for sales to political subdivisions; restructuring other exemptions; removing a deduction allowed manufacturers of flyable aircraft; amending s. 212.095, F.S.; conforming provisions relating to refunds to apply to services; amending s. 212.11, F.S.; revising provisions relating to estimated tax liability; providing for quarterly returns under certain circumstances; amending s. 212.12, F.S.; requiring certain information on returns; including the tax on services within enforcement and collection provisions; amending ss. 212.13, 212.14, 212.17, 212.18, and 212.21, F.S.; conforming provisions relating to recordkeeping and inspection, hearings and enforcement regarding unpaid taxes, credits for returns, dealer registration, legislative intent, and related penalties to apply to services; amending s. 212.61, F.S.; correcting cross-references; amending s. 8 of chapter 86-166, Laws of Florida; deleting the repeal scheduled for July 1, 1987, of certain exemptions; amending ss. 212.0821, 290.007, and 564.02, F.S.; correcting references; providing exceptions for collecting and remitting sales taxes on certain contracts for construction services; providing penalties; amending s. 240.533, F.S.; providing for using certain sales taxes for women's athletics; creating the State Infrastructure Trust Fund; providing appropriations; specifying uses; authorizing revenue bonds; creating s. 206.871, F.S.; imposing an additional tax on special fuel; providing for distribution; providing for attorney-client confidentiality; amending s. 57.111, F.S.; providing attorneys' fees in certain tax assessment cases; amending s. 120.57, F.S.; providing exceptions to proceedings; amending s. 120.575, F.S.; providing for administrative proceedings to contest tax assessments on the sale and use of services; amending s. 120.65, F.S.; providing for a hearing officer tax panel; repealing Rule 12A-1.9(6), F.A.C., relating to self accruing sales taxes; authorizing the Department of Revenue to adopt emergency rules; providing severability; providing for retroactivity; providing an effective date.

(For text of amendments, see HB 1250 and amendments adopted thereto by the House of Representatives in this day's House Journal.)

On motions by Senator Barron, the Senate refused to concur in the House amendments and the House was requested to recede and in the event the House refused to recede a conference committee was requested.

The President appointed Senators Deratany, Scott, Jennings, Crawford, Barron, Gordon and Brown; and alternates: Senators Kiser and Weinstock as conferees on CS for SB 777. The action of the Senate was certified to the House.

#### CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 15 was corrected and approved as follows:

Page 86, column 1, between lines 9 and 10 insert:

#### FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Judiciary-Criminal and Senators Langley, Johnson, Kiser, Thomas, Peterson, Grant, Dudley, W. D. Childers, Crawford, Jennings, Myers, Thurman, Hollingsworth, Deratany, Beard, Lehtinen, Ros-Lehtinen, Woodson, Kirkpatrick, Hill and Crenshaw—

**CS for SB 253**—A bill to be entitled An act relating to weapons and firearms; amending s. 790.06, F.S.; authorizing the Department of State rather than the counties to issue licenses for the carrying of concealed weapons or firearms; providing criteria for the issuance of a license; providing for a standard application form; providing procedures for the issuance of a license; providing for license revocation in certain circumstances; providing for limitation of the license in certain circumstances; providing grandfather provisions; providing for disposition of fees collected; providing a declaration of policy and intent; providing for reports; repealing s. 790.05, F.S., which provides penalties for carrying certain weapons without a license; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senators Myers and Malchon—

**CS for SB 359**—A bill to be entitled An act relating to adult congregate living facilities; amending s. 400.401, F.S.; providing legislative purpose; amending s. 400.402, F.S.; changing definitions; amending s. 400.404, F.S.; exempting certain retirement community facilities from

licensure under this part; amending s. 400.407, F.S.; providing requirements for facilities that give and persons who receive limited nursing services; revising license fees and allowing periodic adjustment of those fees; providing for an additional fee for certain facilities and specifying the use of such fee; amending s. 400.411, F.S.; expanding the information required to be on license applications; prohibiting counties and municipalities from issuing an occupational license without first ascertaining that the applicant has been licensed as an adult congregate living facility; amending s. 400.412, F.S.; increasing the time period for giving notice and making application for a license before a transfer of ownership; requiring certain information to be sent to the Department of Health and Rehabilitative Services for licensure after a sale or transfer; amending s. 400.414, F.S.; providing grounds for denying a license and for taking action against a licensee; amending s. 400.421, F.S.; providing for temporary injunction and enjoining of a facility; amending s. 400.424, F.S.; revising and adding certain contract requirements; amending s. 400.426, F.S.; requiring a documented, periodic nursing assessment of residents; requiring records to be maintained for departmental inspection; amending s. 400.427, F.S.; revising the maximum value of personal effects that may be retained in the safekeeping of the facility; amending s. 400.441, F.S.; providing for standards based on the size of a facility; amending s. 400.447, F.S.; providing that a facility may be advertised while under construction if the department approves; requiring a disclaimer; creating s. 400.453, F.S.; providing for departmental consultation; providing for a fee; creating s. 205.1965, F.S.; prohibiting counties and municipalities from issuing an occupational license without first ascertaining that the applicant has been licensed as an adult congregate living facility; providing for review and repeal; providing an appropriation; providing an effective date.

By the Committee on Commerce and Senators Langley, Beard and W. D. Childers—

**CS for SB 406**—A bill to be entitled An act relating to the Motor Fuel Marketing Practices Act; amending s. 526.303, F.S.; defining the terms "nonrefiner," and "nonrefiner cost"; amending s. 526.304, F.S.; prohibiting nonrefiners from selling below cost; limiting the conditions in which a sale may be below cost; amending s. 526.311, F.S.; increasing certain fines; requiring refiners to provide the Department of Agriculture and Consumer Services with reasonable access to certain information; amending s. 526.3135, F.S.; eliminating a report by the Department of Agriculture and Consumer Services; providing an effective date.

By the Committee on Appropriations and Senators Scott and Crenshaw—

**CS for SB 727**—A bill to be entitled An act making appropriations; providing a staff position and making an appropriation to the Executive Office of the Governor to administer certain pre-startup functions of a state lottery; providing for contracts with consultants for pre-startup lottery activities; providing for the transfer of lottery activities, staff, moneys, contracts, and obligations; providing for repayment of such appropriation; providing an appropriation to the Department of Revenue for purposes of paying costs and other expenses incurred in preparing to implement the provisions of chapter 86-166, Laws of Florida, relating to taxes on sales, use, and other transactions; requiring the Department of Commerce to develop an application for the siting of a Superconducting Super Collider facility in this state; authorizing certain intergovernmental agreements; authorizing transfer of certain land title; providing for Federal Government responsibility for public safety; requiring the Department of Environmental Regulation, the Department of Community Affairs, and the Department of Transportation to develop legislative proposals; providing an appropriation to the Department of Commerce to pay costs and expenses incurred in applying for the siting of the facility in Florida; providing for the reversion of any unexpended and unencumbered balance; providing an effective date.

By the Committee on Appropriations and Senator Deratany—

**CS for SB 777**—A bill to be entitled An act relating to taxation; creating s. 212.059, F.S.; providing for levy of the tax on the sale and use of services; providing for apportionment under certain conditions; creating s. 212.0591, F.S.; providing rules of construction; providing for apportionment; providing limitations; creating s. 212.0592, F.S.; providing exemptions from the tax on services; providing for a refund under certain circumstances; creating s. 212.0593, F.S.; providing for administration of s. 212.0592(1), F.S.; creating s. 212.0594, F.S.; providing for implementing and administering the tax on construction services; amending s. 212.02, F.S.; providing definitions; amending s. 212.031, F.S.; providing exemptions from tax on lease of real property; amending s. 212.04, F.S.; provid-

ing an exemption from admissions tax; amending ss. 212.05, F.S.; exempting certain boat or airplane sales; providing conforming amendments; amending s. 212.052, F.S.; correcting a reference; amending s. 212.054, F.S.; conforming certain language; amending ss. 212.06 and 212.07, F.S.; exempting certain fabrication labor; conforming administrative provisions relating to dealers and collection of the tax, and penalties for violations, to include tax on services; amending s. 212.08, F.S.; exempting certain services relating to new or expanding businesses; providing a limitation; reenacting provisions relating to medical exemptions; revising the exemption for sales to political subdivisions; restructuring other exemptions; removing a deduction allowed manufacturers of flyable aircraft; amending s. 212.095, F.S.; conforming provisions relating to refunds to apply to services; amending s. 212.11, F.S.; revising provisions relating to estimated tax liability; providing for quarterly returns under certain circumstances; amending s. 212.12, F.S.; requiring certain information on returns; including the tax on services within enforcement and collection provisions; amending ss. 212.13, 212.14, 212.17, 212.18, and 212.21, F.S.; conforming provisions relating to recordkeeping and inspection, hearings and enforcement regarding unpaid taxes, credits for returns, dealer registration, legislative intent, and related penalties to apply to services; amending s. 212.61, F.S.; correcting cross-references; amending s. 8 of chapter 86-166, Laws of Florida; deleting the repeal scheduled for July 1, 1987, of certain exemptions; amending ss. 212.0821, 290.007, and 564.02, F.S.; correcting references; providing exceptions for collecting and remitting sales taxes on certain contracts for construction services; providing penalties; amending s. 240.533, F.S.; providing for using certain sales taxes for women's athletics; creating the State Infrastructure Trust Fund; providing appropriations; specifying uses; authorizing revenue bonds; creating s. 206.871, F.S.; imposing an additional tax on special fuel; providing for distribution; providing for attorney-client confidentiality;

amending s. 57.111, F.S.; providing attorneys' fees in certain tax assessment cases; amending s. 120.57, F.S.; providing exceptions to proceedings; amending s. 120.575, F.S.; providing for administrative proceedings to contest tax assessments on the sale and use of services; amending s. 120.65, F.S.; providing for a hearing officer tax panel; repealing Rule 12A-1.9(6), F.A.C., relating to self accruing sales taxes; authorizing the Department of Revenue to adopt emergency rules; providing severability; providing for retroactivity; providing an effective date.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable John W. Vogt, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 686.

*John B. Phelps, Clerk*

#### CO-INTRODUCERS

Senator Gordon—SB 20; Senators Weinstock and Peterson—SB 204; Senator Kiser—SB 242, SJR 297; Senator Woodson—SB 383; Senator Meek—SB 683; Senator Dudley—SB 779

#### RECESS

Senator Barron moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Tuesday, April 21 at 10:00 a.m. The motion was adopted.

Pursuant to the motion by Senator Barron, the Senate recessed at 4:29 p.m. to reconvene at 10:00 a.m. Tuesday, April 21.