



Journal of the Senate

Number 14

Thursday, May 21, 1987

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—38:

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

Excused: Senators Girardeau and Stuart

PRAYER

The following prayer was offered by the Rev. Robert M. Gibbs, Pastor, John Wesley United Methodist Church, Tallahassee:

God of power and of justice, we call upon you this day to inform and empower us to do what is right and true and loving in all things.

We seek your divine guidance in this Senate Chamber and in the chambers of power and governance the world over. May all of us, from the powerless to the powerful, be open to your counsel and authority in our lives.

As we go about the activities and responsibilities of the day, O God, may we blend strength with compassion, intellect with integrity and truth with justice. And since politics is the art of dealing with people, may we be students of your style and grace as we practice our craft. Amen.

Consideration of Resolutions

On motion by Senator Peterson, by two-thirds vote SR 1278 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Peterson—

SR 1278—A resolution designating May 23 as William Bartram Day in the State of Florida.

WHEREAS, William Bartram was the first American-born scientist to explore the extensive wild areas of Florida, and

WHEREAS, his book, "Travels," considered the finest literary work of his time, describes in prose and drawings the flora and fauna of the land he explored, and

WHEREAS, Bartram's account of the manners and habits of the Indians, their history and mores, is definitive material on the subject today, and

WHEREAS, William Bartram was born on the 23rd of May, 1739, NOW, THEREFORE,

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

That May 23 is designated "William Bartram Day."

—was read the second time in full and unanimously adopted.

Senator Crawford presiding

On motion by Senator Thomas, by unanimous consent—

By Senators Thomas and Hollingsworth—

SR 1350—A resolution commending the Godby High School football team for its 1986 football season.

WHEREAS, the Godby High School football team, under the direction of Head Coach Art Witters, finished the 1986 season with an impressive 10 wins and only 2 losses, and

WHEREAS, during the 1986 season the Godby High School football team won the District 2 championship, the Region 1 championship, the Section 1 championship, and the state championship for class AAA high school football teams, and

WHEREAS, the 1986-1987 football team is only the second football team in the history of Godby High School to win a state championship, and

WHEREAS, in addition to its accomplishments on the field, the Godby High School football team maintained an overall cumulative grade-point average of 2.8 during the season, and

WHEREAS, under the direction of Coach Witters, the team has gone from a losing season to state champions in only 4 years, and

WHEREAS, by such achievements, the team has brought honor and recognition to Godby High School and the City of Tallahassee, NOW, THEREFORE,

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

That the Godby High School football team, Head Coach Art Witters, and the coaching staff are commended for their outstanding accomplishments in high school football.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the Godby High School football team and to Coach Art Witters as a tangible token of the sentiments of the Senate.

—was introduced out of order and read the first time by title. On motion by Senator Thomas, SR 1350 was read the second time in full and unanimously adopted.

The President presiding

The President requested Senators Thomas and Hollingsworth to escort Bill Montford, principal of Godby High School; Art Witters, head football coach; and team captains Ricky Wyche, Ryan Clark, John Spell and Derick Morris to the rostrum where they were presented a copy of the resolution.

Senator Thomas introduced to the Senate the Godby football team and cheerleaders who were seated in the gallery.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 21, 1987: SB 984, SB 233, CS for SB 1184, SB 1078, CS for SB 673, SB 840, CS for SB's 1061 and 1054, CS for SB 165, CS for CS for SB 123, CS for SB 655, SB 980, SB 497, SB 283, CS for SB 189, CS for SB 683, CS for SB 676, SB 381, SB 332, CS for SB 245, CS for SB 419, CS for SB 510, CS for SB 878, SB 745, CS for SB 744, SB 1155, SB 658, SB 106, SB 465, SB 666, CS for SB 1193, CS for SB 1145, CS for SB 1075, SB 710, CS for SB 494, CS for SB 564, SB 645, SB 682, SB 841, SB 360, SB 1173, HB 369, CS for SB 1134, CS for SB 903, CS for SB 754, SB 75, SB 295, CS for SB 323, SB 543

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Commerce recommends committee substitutes for the following: CS for SB 414, SB 421, SB 865

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1181

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1008

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 Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 1271

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1247

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

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 950

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

The Committee on Commerce recommends a committee substitute for the following: SB 1040

The Committee on Economic, Community and Consumer Affairs recommends committee substitutes for the following: SB 357, SB 873, SB 1006, SB 1255

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

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1057

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

The Committee on Commerce recommends a committee substitute for the following: SB 764

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

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: Senate Bills 942, 945 and 946

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1081

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

The Committee on Commerce recommends committee substitutes for the following: CS for SB 378, Senate Bills 468, 549 and 648, SB 904, SB 941, SB 1222

The Committee on Economic, Community and Consumer Affairs recommends committee substitutes for the following: SB 774, SB 1196

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 791, SB 1011, SB 1132

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

REQUESTS FOR EXTENSION OF TIME

May 21, 1987

The Committee on Appropriations requests an extension of 15 days for consideration of the following: Senate Bills 27, 33, 35, 46, 47, 54, 56, 58, 69, 79, 87, 102, 109, 129, 130, 136, 139, 143, 144, 145, 156, 157, 170, 174, 177, 181, 182, 206, 207, 215, 221, 227, 231, 235, 236, 242, 246, 258, 264, 269, 272, 274, 279, 286, 292, 304, 315, 341, 349, 353, 354, 358, 359, 375, 382, 385,

390, 399, 400, 401, 413, 414, 418, 421, 422, 426, 441, 447, 452, 454, 461, 463, 484, 507, 508, 515, 517, 525, 534, 535, 538, 544, 547, 562, 563, 573, 582, 587, 589, 595, 603, 605, 606, 607, 611, 612, 615, 616, 619, 624, 629, 638, 650, 653, 657, 662, 670, 680, 693, 697, 711, 715, 729, 733, 734, 737, 748, 749, 761, 767, 768, 770, 778, 783, 786, 793, 799, 803, 805, 806, 810, 811, 815, 821, 822, 823, 828, 831, 833, 836, 839, 848, 859, 861, 862, 865, 872, 877, 892, 899, 905, 911, 914, 916, 917, 931, 973, 976, 982, 990, 993, 995, 998, 1018, 1019, 1021, 1030, 1031, 1044, 1046, 1047, 1072, 1073, 1083, 1084, 1088, 1092, 1098, 1099, 1105, 1115, 1123, 1148, 1164, 1168, 1181, 1185, 1186, 1189, 1195, 1224, 1243, 1246, 1251, 1262, 1270, 1272; House Bill 123

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following: Senate Bills 50, 67, 120, 147, 200, 270, 299, 352, 372, 386, 443, 500, 530, 602, 610, 691, 707, 742, 814, 817, 827, 843, 845, 851, 858, 879, 909, 936, 947, 956, 961, 964, 989, 992, 1002, 1020, 1038, 1069, 1070, 1103, 1110, 1119, 1142, 1171, 1176, 1191, 1216, 1217, 1226, 1230, 1239, 1241, 1242, 1250, 1260, 1266, 1274, 1286, 1330, 1339; House Bills 73, 79, 245, 259, 501, 830, 918, 1063, 1264

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Economic, Community and Consumer Affairs and Senators Kirkpatrick, W. D. Childers, Hill, Thomas, Kiser, Hollingsworth, D. Childers, Meek, Crenshaw and Stuart—

CS for SB 357—A bill to be entitled An act relating to electrolysis; creating the "Electrolysis Practice Act"; providing legislative intent; providing definitions; creating the Electrolysis Council under the Board of Medical Examiners in the Department of Professional Regulation; providing membership and terms; providing powers and duties of the board and council; requiring licensure of electrologists and providing a civil penalty; providing for application and examination for licensure; providing for temporary permits and temporary licenses; providing for license renewal; providing for reactivation, renewal, and expiration of an inactive license; providing for establishment and use of fees; authorizing disciplinary actions against licensees; providing exemptions; providing for continuing education; providing for the approval of schools of electrology; providing for curriculum; providing for licensure of instructors; providing for infection control; providing for maintenance of the physical environment of electrology offices; providing for a code of ethics and advertisements; providing for application of the act; providing for review and repeal; providing an effective date.

By the Committees on Commerce and Health and Rehabilitative Services and Senators Deratany, Jennings, Barron, Lehtinen, Langley, Kirkpatrick, Beard, Brown, Kiser, Peterson, Johnson, Ros-Lehtinen, Malchon, Myers, Dudley, Grant, W. D. Childers, Hill, McPherson, Crawford and Margolis—

CS for CS for SB 378—A bill to be entitled An act relating to medical practice; amending s. 768.13, F.S.; providing immunity from civil liability to physicians, hospitals, and certain hospital employees rendering medical care or treatment in response to an emergency within a hospital or trauma center; providing definitions; repealing ss. 458.320, 459.0085, F.S., relating to the requirement that physicians and osteopathic physicians demonstrate certain evidence of financial responsibility as a condition of licensure; providing an effective date.

By the Committees on Commerce and Health and Rehabilitative Services and Senators Malchon, Woodson, Langley, Gordon, Plummer and McPherson—

CS for CS for SB 414—A bill to be entitled An act relating to smoking in public places; amending s. 386.203, F.S.; providing a definition; amending s. 386.207, F.S.; providing for enforcement by the Department of Health and Rehabilitative Services; requiring public agencies to report violations; providing enforcement procedures; providing for civil penalties; providing for exemptions; providing for the adoption of rules; providing an effective date.

By the Committee on Commerce and Senator Hill—

CS for SB 421—A bill to be entitled An act relating to alarm systems; amending s. 489.501, F.S.; providing for state regulation of alarm system contractors; amending s. 489.503, F.S.; providing exemptions to certain businesses and alarm installations; amending s. 489.505, F.S.; providing certain definitions; amending s. 489.507, F.S.; expanding board membership; providing rulemaking authority; amending s. 489.509, F.S.; providing fee requirements; amending s. 489.511, F.S.; providing for examination

and certification of alarm system contractors; amending s. 489.515, F.S.; requiring licensure of certified alarm system contractors; amending s. 489.531, F.S.; providing prohibition and penalties for alarm system contractors; amending s. 489.533, F.S.; extending disciplinary proceedings to alarm system contractors; amending s. 489.537, F.S.; expanding the application of the part; creating s. 633.70, F.S.; providing jurisdiction of State Fire Marshal over alarm system contractors and certified unlimited electrical contractors; creating s. 633.71, F.S.; providing certain requirements for fire alarm system equipment; creating s. 633.72, F.S.; prohibiting certain acts regarding alarm system contractors or certified unlimited electrical contractors; providing penalties; providing for review and repeal; providing an effective date.

By the Committee on Commerce and Senators Thurman, Hill and McPherson—

CS for SB's 468, 549 and 648—A bill to be entitled An act relating to family attendance at horseraces; creating s. 550.041, F.S.; permitting minors to attend horseraces under certain circumstances; prohibiting minors from placing wagers; amending ss. 550.04, 550.41, F.S.; conforming language; providing an effective date.

By the Committee on Commerce and Senator Peterson—

CS for SB 764—A bill to be entitled An act relating to continuing care contracts; amending s. 651.015, F.S.; providing for an application and renewal fee for provisional certificates of authority; amending s. 651.022, F.S.; providing time frames with respect to state action on provisional certificates of authority; amending s. 651.023, F.S.; modifying feasibility study requirements; creating criteria to assess the financial soundness of a provider; providing for administrative hearings under certain circumstances and resident notice with regard to the release of escrow funds; providing time frames for the review of applications for certificates of authority and the release of escrow funds; prohibiting the department from issuing a certificate of authority to facilities which do not offer certain services; transferring renewal requirements for a certificate of authority to a new section; creating s. 651.0235, F.S.; providing for the annual renewal of provisional certificates of authority and certificates of authority; amending s. 651.026, F.S., relating to filing annual statements; amending s. 651.033, F.S., relating to escrow accounts; amending s. 651.035, F.S.; providing a procedure for computing minimum liquid reserves with respect to certain providers; amending s. 651.055, F.S.; revising criteria with respect to a resident's right to rescind; providing for review and repeal; providing an effective date.

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

CS for SB 774—A bill to be entitled An act relating to contracting; amending s. 489.131, F.S., to provide that a municipality or county may require a bond for a construction contractor; amending s. 489.537, F.S., to provide that a municipality or county may require a bond for an electrical contractor; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Stuart—

CS for SB 791—A bill to be entitled An act relating to medical assistance; amending s. 409.268, F.S.; revising requirements for certified public accountants who prepare certain statements with respect to the cost of providing nursing home care to indigents; providing an effective date.

By the Committee on Commerce and Senator Dudley—

CS for SB 865—A bill to be entitled An act relating to community association managers; providing definitions; providing for certification of community association managers; providing that the Department of Business Regulation shall administer the act; providing qualifications and for examination of applicants to be community association managers; creating an advisory council on community association managers; providing for membership, powers, and duties; providing fees; providing for suspension or revocation of certification; providing penalties; providing for review and repeal; providing an effective date.

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

CS for SB 873—A bill to be entitled An act relating to chiropractic; amending s. 460.4065, F.S.; revising a requirement for licensure by endorsement; amending s. 460.4104, F.S.; providing that a peer review committee shall file a complaint with the Department of Professional

Regulation under certain circumstances; providing for department access to patient records and providing for confidentiality; providing for review and repeal; providing an effective date.

By the Committee on Commerce and Senator Malchon—

CS for SB 904—A bill to be entitled An act relating to toxic substances; amending ss. 442.102, 442.103, 442.109, 442.115, 442.118, F.S.; creating s. 442.130, F.S.; revising the definitions of the terms "health professional" and "work area"; providing for regulation of toxic substances stored in a workplace by the Department of Labor and Employment Security; providing an additional source for the Florida Substance List; exempting sealed substances, consumer products, and stored substances from certain regulations; providing for information regarding the presence of toxic substances to be furnished to local emergency agencies; providing for enforcement of regulations of the department by counties and municipalities; providing a penalty; providing for department rules; providing an effective date.

By the Committee on Commerce and Senators Dudley, Crawford and Deratany—

CS for SB 941—A bill to be entitled An act relating to municipalities and counties; providing definitions; requiring municipalities and counties to consider certain criteria at a public hearing when granting cable service franchises; providing the circumstances under which an overlapping cable service franchise may be granted; providing exceptions for certain current cable service franchises; providing for enforcement and attorneys' fees; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senators Kiser, Dudley, Deratany and Crawford—

CS for SB's 942, 945 and 946—A bill to be entitled An act relating to electric utilities; amending s. 177.091, F.S., providing an additional requirement for plats of subdivisions; creating s. 337.4061, F.S., providing definitions; providing that it is unlawful to use the right-of-way of any state-maintained road for cable service purposes unless the cable system holds a franchise from the municipality or county for the area in which the right-of-way is located; providing a penalty; creating s. 366.031, F.S.; providing definitions; prohibiting electric utilities or their affiliates from giving certain preferential treatment relating to cable television service; providing penalties; providing for actual damages and the award of costs and attorney's fees; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Gordon—

CS for SB 950—A bill to be entitled An act relating to medical practice; amending s. 395.017, F.S., providing access to confidential patient records for certain proceedings of the Department of Professional Regulation; limiting public access thereto; amending s. 395.041, F.S., expanding internal risk management training requirements; requiring certain incident reports relating to surgical procedures; requiring report of certain incidents to the department; limiting public access; providing for department investigation of incidents which may involve grounds for physician discipline; amending s. 455.241, F.S., providing for reports on certain psychiatric patient records; amending s. 458.307, F.S., expanding membership of the Board of Medicine; modifying membership requirements; specifying composition of probable cause panels; providing for a training program; amending s. 458.311, F.S., relating to licensure by examination; amending s. 458.313, F.S., correcting cross-references; amending s. 458.315, F.S., prohibiting issuance of temporary certificates for practice in areas of critical need to certain persons by endorsement; amending s. 458.3165, F.S., providing for biennial renewal of public psychiatry certificates; amending s. 458.331, F.S., clarifying grounds for disciplinary action due to malpractice; amending s. 458.345, F.S., establishing requirements for registration of resident physicians and interns; providing a fee; restricting renewal or extension; prohibiting registration of certain persons; increasing a penalty; deleting requirement that hospitals annually list their employees; requiring reports; amending s. 627.912, F.S., requiring insurers to report certain claims against dentists; requiring the Department of Insurance to send certain closed claims to the department; providing for department investigations; requiring provision of investigation reports to licensees upon request; amending s. 768.57, F.S., requiring notice to the department prior to filing certain malpractice claims; specifying contents; protecting claimants' legal rights; providing for department investigation; providing an effective date.

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

CS for SB 1006—A bill to be entitled An act relating to professional regulation; creating the "Irrigation Contracting Practice Act"; providing definitions; providing for the creation and powers of the Irrigation Contracting Licensing Board; providing rulemaking authority; providing for fees; specifying requirements for certification and registration; providing for licensure; providing for biennial license renewal; providing for inactive status of licenses; specifying requirements for business organizations and their qualifying agents; providing for emergency registration upon death of contractor; providing for reports to local officials; providing prohibitions and penalties; providing grounds for disciplinary proceedings; providing for prosecution of criminal violations; specifying the application of the act; providing an exception; providing for review and repeal; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Woodson—

CS for SB 1008—A bill to be entitled An act relating to pediatric health care; providing for the establishment and licensure of prescribed pediatric extended care centers; providing legislative intent; providing definitions; providing exemptions; requiring licensure; providing a license fee; providing a penalty; prescribing requirements for license applications; providing grounds for the Department of Health and Rehabilitative Services to deny, revoke, or suspend a license or impose an administrative fine; providing for disposition of fines and fees; establishing the Prescribed Pediatric Extended Care Center Trust Fund; providing for license expiration and renewal and for a conditional license; authorizing injunctions; prescribing prerequisites to voluntarily closing a center; providing the department with a right of entry and inspection; providing for the adoption of rules and enforcement of standards; establishing requirements for constructing or renovating a center; prohibiting certain acts; providing penalties; providing for review and repeal; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Weinstein—

CS for SB 1011—A bill to be entitled An act relating to recreational vehicles; amending s. 513.01, F.S., redefining the term "recreational vehicle"; providing an effective date.

By the Committee on Commerce and Senators Thurman and Thomas—

CS for SB 1040—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 215.22, F.S.; exempting the Pari-mutuel Wagering Trust Fund and the Research Trust Fund from a list of funds from which certain deductions are authorized; amending s. 550.09, F.S.; providing that a designated portion of funds paid to the Division of Pari-mutuel Wagering shall be paid into the Research Trust Fund; amending s. 550.241, F.S.; providing that money in the Research Trust Fund shall be used for research relating to the medication and health of racing animals; creating s. 550.1635, F.S.; establishing a Florida-whelped awards program; creating the "Florida-whelped Dog Awards Program Trust Fund"; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Weinstein—

CS for SB 1057—A bill to be entitled An act relating to child abuse and neglect; amending s. 415.503, F.S.; providing a definition; amending s. 415.504, F.S.; providing classifications of abuse or neglect reports; providing timeframes and procedures for amendment or expunction of records; amending s. 415.505, F.S.; conforming terminology; amending s. 415.51, F.S.; providing Division of Administrative Hearings access to abuse and neglect records for specific purpose; providing guidance on search of records; specifying information to be released; amending ss. 110.1127, 393.0655, 394.457, 396.0425, 397.0715, 402.305, and 409.175, F.S.; conforming cross references in terminology; amending s. 39.407, F.S.; emphasizing the need for immunization of children in shelter care; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senators Ros-Lehtinen and Lehtinen—

CS for SB 1081—A bill to be entitled An act relating to children; amending s. 63.032, F.S.; providing a definition of the term "mother" for purposes of the Florida Adoption Act; amending s. 63.212, F.S.; prohibit-

ing contracts for the transfer of parental rights for any child, whether conceived or not, for consideration; providing penalties; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senator Ros-Lehtinen—

CS for SB 1132—A bill to be entitled An act relating to human resource personnel screening; exempting such personnel and teachers who have been fingerprinted or screened from having to be re-fingerprinted or rescreened under specified circumstances; providing an effective date.

By the Committee on Governmental Operations and Senator Margolis—

CS for SB 1181—A bill to be entitled An act relating to persons with disabilities; authorizing the Governor to designate a private nonprofit corporation to receive federal funds for certain programs providing for protection and advocacy of the rights of persons with disabilities; transferring all powers, duties, property, etc., of the Governor's Commission on Advocacy for Persons with Disabilities to the nonprofit corporation; requiring the nonprofit corporation to meet certain federal requirements; authorizing access to client records and facilities as provided by federal law; providing for the confidentiality of certain records; providing state liability insurance coverage, use of state communications system, and sovereign immunity; requiring state agencies to cooperate with the nonprofit corporation; providing for submission of annual audits by the nonprofit corporation to the Governor; providing an effective date.

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

CS for SB 1196—A bill to be entitled An act relating to cosmetology; amending s. 477.013, F.S.; revising definitions; amending s. 477.0135, F.S.; exempting from licensure certain persons practicing shampooing; amending s. 477.019, F.S.; revising qualifications for licensure; amending s. 477.0201, F.S.; providing for registration, rather than licensure, of specialty practitioners; deleting examination requirements; amending s. 477.026, F.S.; providing registration fees; amending s. 477.0265, F.S.; providing prohibited acts for which there are penalties; amending s. 477.028, F.S.; providing grounds for disciplinary proceedings; amending s. 477.029, F.S.; providing penalties; amending s. 476.044, F.S.; exempting from licensure as a barber persons practicing shampooing; authorizing the Department of Professional Regulation to refund certain license fees; providing an effective date.

By the Committee on Commerce and Senator Malchon—

CS for SB 1222—A bill to be entitled An act relating to bingo; amending s. 849.093, F.S., prohibiting callers in bingo games to be participants in the bingo games which they call; requiring cancellation of bingo games under certain circumstances; providing for players in such canceled games to play free of charge in the next game; providing an effective date.

By the Committee on Health and Rehabilitative Services and Senators Myers, Grant, Frank and Grizzle—

CS for SB 1247—A bill to be entitled An act relating to employment opportunities for public assistance applicants and recipients; creating s. 409.029, F.S.; the "Florida Employment Opportunity Act;" providing legislative findings and intent; providing definitions; providing interagency service integration requirements; requiring the development of district employment and training plans; providing for specified employment and training program; providing for support services for participants; providing for case management, assessment, and employment plan contracts; providing registration of public assistance applicants and recipients and participation requirements; providing procedures for sanctioning mandatory participants for program noncompliance; requiring contracts, sub-contracts, and agreements to include specific performance criteria; requiring a program evaluation and annual report; providing rulemaking authority to the department; amending s. 228.074, F.S.; requiring representation of the Department of Health and Rehabilitative Services on the regional coordinating councils in vocational education planning regions; repealing s. 409.027, F.S., relating to the Public Assistance Productivity Act; repealing s. 409.028, F.S., relating to workfare policy; providing an effective date.

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

CS for SB 1255—A bill to be entitled An act relating to alternative method of making local municipal improvements; amending ss. 170.01 and 170.03, F.S.; authorizing municipalities to utilize the provisions of chapter 170, F.S., including the levy of special assessments, to provide improvements for retail and/or wholesale business districts and/or nationally recognized historic districts; providing an effective date.

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

CS for SB 1271—A bill to be entitled An act relating to fire prevention and control; amending s. 553.73, F.S., relating to the State Minimum Building Codes; providing for resolution of conflicts between a building code and a minimum firesafety code; providing for appeal to a local administrative board; amending s. 553.79, F.S., relating to application of said codes; requiring compliance with firesafety standards as a condition for issuance of building permits; providing application of said section to part IV of ch. 553, F.S.; amending s. 633.01, F.S.; providing powers and duties of the State Fire Marshal; providing rulemaking authority; providing for certain joint rule promulgation by the State Fire Marshal and the Department of Education; providing intent with respect to effect of rules on mobile homes and child care facilities; amending s. 633.021, F.S.; providing definitions; creating s. 633.022, F.S.; providing for establishment of uniform firesafety standards and specifying the structures to which they apply; providing effect on standards required by local authorities; providing for alternative standards; providing for local enforcement; specifying considerations applicable to said standards and certain minimum standards; creating s. 633.025, F.S.; requiring adoption of specified special districts; specifying application of such standards; providing for application to existing buildings; repealing ss. 633.05, 633.051, F.S., which provide for promulgation of rules and regulations by the State Fire Marshal and provide procedures for adoption thereof; amending s. 633.061, F.S.; revising provisions relating to rules with respect to fire extinguishers and preengineered systems; amending s. 633.081, F.S.; providing for inspections by the State Fire Marshal and his agents; providing for employment of firesafety inspectors by counties, municipalities, and certain special districts; providing for fees; providing qualifications of certified inspectors; providing requirements for renewal of certification; deleting provisions relating to inservice company inspections and to suspension or revocation of certificates held by employees of district school boards or community college boards of trustees; amending s. 633.15, F.S.; specifying force and effect of chapter 633 and rules thereunder; amending s. 633.161, F.S.; providing for issuance of specified orders for specified violations; providing that orders to vacate a building are immediate final orders; deleting provisions relating to application of the Administrative Procedure Act; amending s. 633.162, F.S.; revising time periods for suspension or revocation of licenses or permits; repealing s. 633.40, F.S., relating to a study by the State Fire Marshal of firesafety enforcement; amending ss. 633.171 and 633.549, F.S., relating to penalties and injunctions, to remove references to regulations; amending s. 633.554, F.S.; including references to chapter 633; creating s. 633.70, F.S.; creating a Florida Fire Code Advisory Council; providing for review and repeal; amending ss. 381.472 and 513.05, F.S.; correcting references; providing for severability; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Margolis, by two-thirds vote SB 765 and CS for SB's 19, 856 and 705 were withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Myers, by two-thirds vote CS for SB's 22, 51, 89, 137, 158, 169, 303, 376, 429, 555, 634 and 796 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator D. Childers, by two-thirds vote SB 1257 was withdrawn from the Committee on Education.

On motions by Senator Grant, by two-thirds vote SB 78 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Langley, by two-thirds vote HB 645 was withdrawn from the Committee on Economic, Community and Consumer Affairs and referred to the Committee on Judiciary-Civil.

On motion by Senator Langley, the rules were waived and the Committee on Judiciary-Civil was granted permission to consider HB 645 this day.

On motion by Senator Barron, by two-thirds vote SB 119 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Barron, by two-thirds vote CS for SB 987 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Deratany, by two-thirds vote SB 1146, HB 1278, CS for SB 357, CS for SB 873, and CS for SB 1233 were withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Deratany, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider SB 444 May 22.

On motion by Senator Scott, the rules were waived and the Committee on Appropriations was granted permission to consider CS for HB 1350, if received, on May 22.

On motions by Senator Scott, by two-thirds vote Senate Bills 587, 1046, 136, CS for SB 749, CS for SB 821, CS for SB 401 and CS for SB 227 were withdrawn from 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 as amended HB 295 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Lawson—

HB 295—A bill to be entitled An act relating to state employment; amending s. 110.1245, F.S. and s. 240.2111, F.S.; increasing the maximum cost of service awards; providing an effective date.

(Substituted for CS for SB 245 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 returns CS for SB 223 as requested.

John B. Phelps, Clerk

CS for SB 223—A bill to be entitled An act relating to education; amending ss. 230.645, 240.35, F.S.; including certain contributions by apprenticeship programs in student fee waiver provisions; providing that such contributions to a community college shall not be included in the aggregate value of fees waived; amending s. 240.604, F.S., relating to the public school work experience program; changing eligibility requirements for participation in the program; specifying conditions for renewal of financial assistance under the program; providing an effective date.

Reconsideration

On motion by Senator D. Childers, the rules were waived and the Senate reconsidered the vote by which CS for SB 223, contained in the foregoing message, passed May 19.

On motion by Senator D. Childers, by two-thirds vote the Senate reconsidered the vote by which CS for SB 223 was read the third time.

On motions by Senator D. Childers, the Senate reconsidered the vote by which Amendments 1 and 2 were adopted. By permission, Amendments 1 and 2 were withdrawn.

On motion by Senator D. Childers, by two-thirds vote CS for SB 223 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Beard	Childers, D.	Crawford
Barron	Brown	Childers, W. D.	Deratany

Dudley	Jenne	Malchon	Ros-Lehtinen
Frank	Jennings	McPherson	Scott
Grant	Johnson	Meek	Thomas
Grizzle	Kiser	Myers	Weinstein
Hair	Langley	Peterson	Weinstock
Hollingsworth	Lehtinen	Plummer	Woodson

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Kirkpatrick

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendment 1 to SB 107 and again requests the Senate to concur.

John B. Phelps, Clerk

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.

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

SB 107 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gordon	Langley	Ros-Lehtinen
Beard	Grant	Lehtinen	Scott
Brown	Grizzle	Malchon	Thomas
Childers, D.	Hair	Margolis	Weinstein
Childers, W. D.	Hollingsworth	McPherson	Weinstock
Crawford	Jenne	Meek	Woodson
Crenshaw	Jennings	Myers	
Dudley	Johnson	Peterson	
Frank	Kiser	Plummer	

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Kirkpatrick

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 8 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 8—A bill to be entitled An act relating to consumer products; amending definitions in s. 499.003, F.S., to conform to certain definitions in chapter 501, F.S.; creating s. 501.93, F.S., the "Florida Anti-Tampering Act"; defining "consumer product," "labeling," and "bodily injury"; providing penalties for tampering with, or attempting or conspiring to tamper with, a consumer product, rendering the label or container thereof false or misleading, threatening such actions, or communicating false information that a consumer product has been tampered with; authorizing certain actions by the Department of Agriculture and Consumer Services and the Department of Health and Rehabilitative Services to safeguard the public welfare; providing an effective date. lmf020!x

Amendment 1—On page 6, line 14, strike all of line 14 and insert: , under chapter 499, shall initiate actions

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

CS for SB 8 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Grant	Kiser	Plummer
Beard	Grizzle	Langley	Ros-Lehtinen
Brown	Hair	Lehtinen	Scott
Childers, D.	Hill	Malchon	Thomas
Childers, W. D.	Hollingsworth	Margolis	Weinstein
Crawford	Jenne	McPherson	Weinstock
Crenshaw	Jennings	Meek	
Frank	Johnson	Myers	
Gordon	Kirkpatrick	Peterson	

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Dudley

SPECIAL ORDER

Consideration of Senate Bills 984 and 233 was deferred.

The Senate resumed consideration of—

CS for SB 1184—A bill to be entitled An act relating to security with respect to governmental property; providing confidentiality for certain systems and records; providing an effective date.

—which was taken up with pending Amendment 1 by Senator Frank.

Point of Order

Senator Barron restated the point of order he raised on May 13 that the amendment was identical to SB 1215 which was in the Committee on Rules and Calendar and to remove it from the committee as an amendment would bypass the committee system and further that the amendment was not germane to the bill in that the bill relates to security in buildings and the amendment relates to open meetings.

Ruling on Point of Order

The President in ruling on the point of order cited Rules 2.14, 3.8, 4.6, 4.10 and 6.2 and stated that all these rules relate to reference of bills to and withdrawal from committees, and that if you allow bills that have not been heard or have been reported unfavorably to be passed under the color of amendments to other bills, it would destroy the committee system and thwart all the other rules. The President ruled the point well taken and the amendment out of order.

Senator Plummer moved the following amendment:

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

Section 1. Section 286.011, Florida Statutes, is amended to read:

286.011 Public meetings and records; public inspection; penalties.—

(1) *All meetings of State Government*, or of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting.

Point of Order

Senator Barron raised a point of order that the amendment was not germane and therefore out of order.

Ruling on Point of Order

The President ruled the point well taken and the amendment out of order.

Senator Frank moved the following amendment:

Amendment 3—On page 1, between lines 15 and 16, insert:

Section 2. All provisions of section 286.011, Florida Statutes, shall be construed to apply to all meetings of the Legislature or any legislative committee or meetings between agencies or officers within the executive branch and the Legislature or any legislative committee.

(Renumber subsequent section.)

Point of Order

Senator Barron raised a point of order that the amendment was not germane and therefore out of order.

Ruling on Point of Order

The President ruled the point well taken and the amendment out of order.

On motion by Senator Johnson, by two-thirds vote CS for SB 1184 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Excused: Girardeau, Stuart

On motion by Senator Johnson, the rules were waived and CS for SB 1184 was ordered immediately certified to the House.

On motion by Senator Langley, by two-thirds vote CS for HB 211 was withdrawn from the Committee on Education.

On motion by Senator Langley—

CS for HB 211—A bill to be entitled An act relating to education; repealing s. 3 of chapter 85-144, Laws of Florida, which provides for the repeal of provisions relating to regular school attendance and home education programs; providing an effective date.

—a companion measure, was substituted for SB 1078 and read the second time by title. On motion by Senator Langley, by two-thirds vote CS for HB 211 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Dudley	Kirkpatrick	Plummer
Barron	Gordon	Langley	Ros-Lehtinen
Beard	Grant	Lehtinen	Scott
Brown	Hair	Margolis	Thomas
Childers, D.	Hill	McPherson	Thurman
Childers, W. D.	Hollingsworth	Meek	Weinstein
Crenshaw	Jennings	Myers	Woodson
Deratany	Johnson	Peterson	

Nays—5

Frank	Jenne	Weinstock
Grizzle	Malchon	

Excused: Girardeau, Stuart

SB 1078 was laid on the table.

CS for SB 673—A bill to be entitled An act relating to cosmetology; amending s. 477.0135, F.S.; providing an exemption for graduates of cosmetology schools, pending licensing examination results; providing a limitation; providing an effective date.

—was read the second time by title.

Senator Frank moved the following amendments which were adopted:

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

Section 1. Section 477.013, Florida Statutes, is amended to read:

477.013 Definitions.—As used in this chapter set:

- (1) "Board" means the Board of Cosmetology.
- (2) "Department" means the Department of Professional Regulation.
- (3) "Cosmetologist" means a person who is licensed to engage in the practice of cosmetology in this state under the authority of this chapter.
- (4) "Cosmetology instructor" means a person who is licensed to teach cosmetology in this state under the authority of this chapter.
- (5) "Cosmetology" means the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, hair relaxing, hair removing, pedicuring, and manicuring, for compensation.
- (6) "Specialist" means any person holding a specialty *registration* license in one or more of the specialties *registered* licensed under this chapter.

(7) "Specialty" means the practice of one or more of the following:

- (a) Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive.
- (b) Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.
- (c) Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations.

~~(8)(d)~~ "Shampooing" means, ~~or~~ the washing of the hair with soap and water or with a special preparation, ~~or the coloring of the hair~~ or applying hair tonics.

~~(9)(g)~~ "Specialty salon" means any place of business wherein the practice of one or all of the specialties as defined in subsection (7) are engaged in or carried on.

Section 2. Section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—This chapter does not apply to the following persons when practicing pursuant to their professional or occupational responsibilities and duties:

- (1) Persons authorized under the laws of this state to practice medicine, surgery, osteopathy, chiropractic, massage, naturopathy, or podiatry.
- (2) Commissioned medical or surgical officers of the United States Armed Forces hospital services.
- (3) Registered nurses under the laws of this state.
- (4) Persons practicing barbering under the laws of this state.
- (5) Persons employed in federal, state, or local institutions, hospitals, or military bases as cosmetologists, whose practices are limited to the inmates, patients, or authorized military personnel of such institutions, hospitals, or bases.
- (6) Persons whose practice is limited to the application of cosmetic products to another person in connection with the sale, or attempted sale, of such products at retail, without compensation from such other person other than the regular retail price of such merchandise.
- (7) A license is not required of any person whose occupation or practice is confined solely to shampooing.

(8) Graduates of licensed cosmetology schools or cosmetology programs offered in public school systems, which schools or programs are certified by the Department of Education, pending the result of the first licensing examination for which such graduates are eligible following graduation, provided such graduates shall practice under the supervision of a licensed cosmetologist in a licensed cosmetology salon. A graduate who fails the examination may continue to practice under the supervision of a licensed cosmetologist in a licensed cosmetology salon if he applies for the next available examination and until he receives the results of that examination. No graduate may continue to practice under this exemption if he fails the examination twice.

Section 3. Section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; license renewal; endorsement.—

(1) ~~A person desiring to be licensed as a cosmetologist shall apply to the department for licensure. Any person is qualified for licensure as a cosmetologist under this chapter who:~~

(2) ~~An applicant shall be entitled to take the licensure examination to practice cosmetology if the applicant:~~

(a) ~~Is at least 16 years of age or has received a high school diploma;~~

(b) ~~Pays the required application fee; and~~

(c) ~~1. Holds an active valid license to practice cosmetology in another state, has held the license for at least 1 year, and does not qualify for licensure by endorsement as provided for in subsection (5); or~~

2. ~~Has received a minimum of 1,200 hours of training as established by the board, which shall include, but shall not be limited to, the equivalent of completion of services directly related to the practice of cosmetology at one of the following:~~

a. ~~A school of cosmetology approved by the department.~~

b. ~~A cosmetology program within the public school system.~~

c. ~~The Cosmetology Division of the Florida School for the Deaf and the Blind, provided the division meets the standards of this chapter.~~

d. ~~A government-operated cosmetology program in this state.~~

~~The board shall establish by rule procedures whereby (e) Has met standards established by the board equivalent to 1,200 hours of training. These standards shall include procedures for certification by the school or program may certify that a of any such person is qualified to qualify to take the required examination hereinafter provided once only after the completion of a minimum of 1,000 actual school hours. If the such person then passes the examination, he shall have satisfied this requirement; but if he such person fails the examination, he shall not be qualified to take the examination again until the completion of the full requirements provided by this section herein.~~

~~(d) Has received a passing grade on an examination administered by the department.~~

~~(2) Every person desiring to be examined for licensure as a cosmetologist shall apply to the department in writing upon forms prepared and furnished by the department, after which the applicant may take a department examination.~~

(3) Upon an applicant receiving a passing grade, as established by board rule, on passing the examination and paying the initial licensing fee, the department shall issue a license to practice cosmetology.

(4) Renewal of license registration shall be accomplished pursuant to rules adopted by the board.

(5) The board shall adopt rules specifying procedures for the licensure by endorsement licensing of practitioners desiring to be licensed in this state who hold a current active license in another state or country and who have met qualifications have been licensed and are practicing in states which have licensing standards substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state more stringent than the standards of this state.

Section 4. Section 477.0201, Florida Statutes, is amended to read:

477.0201 Specialty registration licenses; qualifications; licensure; registration license renewal; endorsement.—

(1) Any person is qualified for registration licensure as a specialist in any one or more of the specialty practices within the practice of cosmetology under this chapter who:

(a) Is at least 16 years of age or has received a high school diploma.

(b) Has received a certificate of completion in a specialty pursuant to s. 477.013(7) from one of the following:

1. A school licensed pursuant to s. 477.023.

2. A school licensed pursuant to chapter 246 or the equivalent licensing authority of another state.

3. A specialty program within the public school system.

4. A specialty division within the Cosmetology Division of the Florida School for the Deaf and the Blind, provided the training programs comply with minimum curriculum requirements established by the board.

~~(e) Has received a passing grade on an examination administered by the department.~~

(2) A person desiring to be registered examined for licensure as a specialist shall apply to the department in writing upon forms prepared and furnished by the department, after which the applicant may take a department examination.

(3) Upon an applicant passing the examination and paying the initial registration licensing fee, the department shall register the applicant issue a license to practice one or more of the specialty practices within the practice of cosmetology.

(4) Renewal of license registration shall be accomplished pursuant to rules adopted by the board.

(5) The board shall adopt rules specifying procedures for the registration licensing of specialty practitioners desiring to be registered licensed in this state who have been registered or licensed and are practicing in states which have registering or licensing standards substantially similar to, equivalent to, or more stringent than the standards of this state.

Section 5. Paragraph (a) of subsection (1) of section 477.026, Florida Statutes, is amended, and paragraphs (e) and (f) are added to said subsection, to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(a) For cosmetologists, specialists, and cosmetology instructors, fees for original licensing, license renewal, and delinquent renewal shall not exceed \$25.

(e) For specialists, fees for application and endorsement registration shall not exceed \$30.

(f) For specialists, fees for initial registration, registration renewal, and delinquent renewal shall not exceed \$50.

Section 6. Section 477.0265, Florida Statutes, is amended to read:

477.0265 Prohibited acts.—

(1) It is unlawful for any person to:

(a) Engage in the practice of cosmetology or a specialty without an active license as a cosmetologist or registration as a specialist issued by the department pursuant to the provisions of this chapter.

(b) Own, operate, maintain, open, establish, conduct, or have charge of, either alone or with another person or persons, a cosmetology salon or specialty salon:

1. Which is not licensed or registered under the provisions of this chapter; or

2. In which a person not licensed or registered as a cosmetologist or a specialist is permitted to perform cosmetology services or any specialty.

(c) Engage in willful or repeated violations of this chapter or of any rule adopted by the board.

(d) Permit an employed person to engage in the practice of cosmetology or of a specialty unless such person holds a valid, active license as a cosmetologist or registration as a specialist.

(e) Obtain or attempt to obtain a license or registration for money, other than the required fee, or any other thing of value or by fraudulent misrepresentations.

(f) Use or attempt to use a license to practice cosmetology or a registration to practice a specialty, which license or registration is suspended or revoked.

(2) Any person who violates any provision of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 7. Subsection (1) of section 477.028, Florida Statutes, is amended to read:

477.028 Disciplinary proceedings.—

(1) The board shall have the power to revoke or suspend the license of a cosmetologist, ~~a specialist~~, or a cosmetology instructor licensed under this chapter, ~~or the registration of a specialist registered under this chapter~~, and to reprimand, censure, deny subsequent licensure ~~or registration~~ of, or otherwise discipline a cosmetologist, a specialist, or a cosmetology instructor licensed ~~or registered~~ under this chapter in ~~any~~ either of the following cases:

- (a) Upon proof that a license ~~or registration~~ has been obtained by fraud or misrepresentation.
- (b) Upon proof that the holder of a license ~~or registration~~ is guilty of fraud or deceit or of gross negligence, incompetency, or misconduct in the practice or instruction of cosmetology or a specialty.
- (c) Upon proof that the holder of a license ~~or registration~~ is guilty of aiding, assisting, procuring, or advising any unlicensed person to practice as a cosmetologist.

Section 8. Paragraphs (a), (c), and (i) of subsection (1) and paragraph (a) of subsection (2) of section 477.029, Florida Statutes, are amended to read:

477.029 Penalty.—

- (1) It is unlawful for any person to:
 - (a) Hold himself out as a cosmetologist, specialist, or cosmetology instructor unless duly licensed ~~or registered~~ as provided in this chapter, except that nothing herein shall be construed to prevent the use of the title "cosmetology instructor" by persons certified by the Department of Education to teach in the public school system or to prevent employment of instructors in other government-operated programs of cosmetology in this state.
 - (c) Permit an employed person to practice or teach cosmetology or a specialty unless duly licensed ~~or registered~~ as provided in this chapter.
 - (h) Violate any provision of s. 477.0265, s. 477.028, or s. 455.227(1).
 - (i) Violate or refuse to comply with any provision of this chapter or chapter 455 or a rule or final order of the board ~~or the department~~.
- (2) Any person who violates the provisions of this section shall be subject to one or more of the following penalties, as determined by the board:
 - (a) Revocation or suspension of any license or registration issued pursuant to this ~~chapter act~~.
 - (b) Issuance of a reprimand or censure.
 - (c) Imposition of an administrative fine not to exceed \$500 for each count or separate offense.
 - (d) Placement on probation for a period of time and subject to such reasonable conditions as the board may specify.
 - (e) Refusal to certify to the department an applicant for licensure.

Section 9. Section 476.044, Florida Statutes, is amended to read:

476.044 Exemptions.—This ~~chapter act~~ does not apply to the following persons when practicing pursuant to their professional responsibilities and duties:

- (1) Persons authorized under the laws of this state to practice medicine, surgery, osteopathy, chiropractic, naturopathy, or podiatry;
- (2) Commissioned medical or surgical officers of the United States Armed Forces hospital service;
- (3) Licensed nurses under the laws of this state;
- (4) Persons practicing cosmetology under the laws of this state; ~~or~~
- (5) Persons employed in federal, state, or local institutions, hospitals, or military bases as barbers, whose practice is limited to the inmates, patients, or authorized military personnel of such institutions, hospitals, or bases; ~~or~~

(6) *Persons who practice only shampooing as defined in s. 477.013, and whose practice is limited to the acts described therein.*

Section 10. Upon application by a person holding an unexpired shampooing specialty license when this act takes effect, the Department of Professional Regulation shall refund to that person that portion of the license fee paid that is proportional to the unexpired term of the license.

Section 11. This act shall take effect October 1, 1987.

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to cosmetology; amending s. 477.013, F.S., revising definitions; amending s. 477.0135, F.S., exempting from licensure certain persons practicing shampooing; providing an exemption for graduates of cosmetology schools, pending licensing examination results; providing a limitation; amending s. 477.019, F.S., revising qualifications for licensure; amending s. 477.0201, F.S., providing for registration, rather than licensure, of specialty practitioners; deleting examination requirements; amending s. 477.026, F.S., providing registration fees; amending s. 477.0265, F.S., providing prohibited acts for which there are penalties; amending s. 477.028, F.S., providing grounds for disciplinary proceedings; amending s. 477.029, F.S., providing penalties; amending s. 476.044, F.S., exempting from licensure as a barber persons practicing shampooing; authorizing the Department of Professional Regulation to refund certain license fees; providing an appropriation; providing an effective date.

On motion by Senator Thurman, by two-thirds vote CS for SB 673 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	Johnson	Peterson
Barron	Frank	Kirkpatrick	Plummer
Beard	Gordon	Langley	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crawford	Hollingsworth	McPherson	Weinstein
Crenshaw	Jenne	Meek	Weinstock
Deratany	Jennings	Myers	Woodson

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Hair

SB 840—A bill to be entitled An act relating to the University of North Florida; naming the student life center at the university the Andrew A. Robinson Student Life Center; directing the university to erect suitable markers; providing an effective date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote SB 840 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Dudley	Langley	Ros-Lehtinen
Barron	Frank	Lehtinen	Scott
Beard	Grizzle	Malchon	Thomas
Brown	Hill	Margolis	Thurman
Childers, D.	Hollingsworth	McPherson	Weinstein
Childers, W. D.	Jenne	Meek	Weinstock
Crawford	Jennings	Myers	Woodson
Crenshaw	Johnson	Peterson	
Deratany	Kirkpatrick	Plummer	

Nays—1

Gordon

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Hair

Explanation of Vote

I voted no on SB 840 because I believe university buildings should be named for persons who have made significant monetary gifts to the institution.

Jack D. Gordon, 35th District

CS for SB's 1061 and 1054—A bill to be entitled An act relating to speed limits; amending s. 316.187, F.S.; increasing the maximum speed limit on rural interstate highways to 65 miles per hour; increasing the maximum speed limit to 65 miles per hour on the Florida Turnpike and other limited access highways; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 4 and 5, insert:

Section 2. Section 335.14, Florida Statutes, is amended to read:

335.14 Traffic control devices on State Highway System or State Park Road System; speed limit signs; exemption for computerized traffic systems and control devices.—

(1) All traffic control devices installed on any road on the State Highway System or State Park Road System shall conform to the uniform system of traffic control devices adopted pursuant to s. 316.0745. No such device shall be installed on the State Highway System without the approval of the department and, if the road is a federal-aid road, the additional concurrence of the Federal Highway Administration. Any such device that is installed without such approval may be removed without payment to the owner if, upon request by the department, the owner refuses to remove such device.

~~(2) Subject to approval by the Federal Highway Administration, all new or replacement speed limit signs erected by the department shall show the legal speed limit both in miles per hour and in kilometers per hour.~~

~~(2)(3) Computerized traffic systems and control devices which are used solely for the purpose of motor vehicle traffic control and surveillance shall be exempted from the provisions of chapter 282 and s. 287.073.~~

Amendment 2—On page 1, line 20, after the period (.) insert: *These speed limits shall take effect upon the posting of appropriate signs. Should the United States Department of Transportation take final action to apply sanctions under federal law or federal regulation involving the loss of federal highway funding to the State of Florida as a result of the increase in speed limits, then the Department of Transportation shall return the maximum speed limit to 55 miles per hour.*

Amendment 3—In title, on page 1, line 7, after the semicolon (;) insert: providing for lowering of the speed limit from 65 miles per hour to 55 miles per hour on certain roads under specified circumstances; increasing the speed limit to 65 miles per hour on certain four-lane divided highways upon congressional approval;

Amendment 4—In title, on page 1, line 7, after the semicolon (;) insert: amending s. 335.14, F.S., removing the requirement that new or replacement speed limit signs show the speed limit both in miles per hour and in kilometers per hour;

On motion by Senator Beard, by two-thirds vote CS for SB's 1061 and 1054 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	Kirkpatrick	Peterson
Barron	Frank	Kiser	Plummer
Beard	Gordon	Langley	Ros-Lehtinen
Brown	Grizzle	Lehtinen	Scott
Childers, D.	Hill	Malchon	Thomas
Childers, W. D.	Hollingsworth	Margolis	Thurman
Crawford	Jenne	McPherson	Weinstein
Crenshaw	Jennings	Meek	Weinstock
Deratany	Johnson	Myers	Woodson

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Grant, Hair

CS for SB 165—A bill to be entitled An act relating to the enforcement of traffic laws; amending ss. 316.003, 316.640, F.S.; providing that traffic laws apply and authorizing municipal police officers to enforce traffic laws within mobile home park recreation districts; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendment which was moved by Senator Thomas and adopted:

Amendment 1—On page 2, line 10, strike "as well" and insert: *and may enforce the traffic laws of this state in*

Senator Deratany moved the following amendment which was adopted:

Amendment 2—On page 2, strike all of lines 1-14 and insert:

Section 2. Subsection (4) is added to section 316.640, Florida Statutes, to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(4) *Notwithstanding subsection (2) or subsection (3), the sheriff's office of each of the several counties of this state and the police department of each chartered municipality have authority, but are not required, to enforce the traffic laws of this state on any way or place used for vehicular traffic on a controlled access basis within a mobile home park recreation district which has been created under s. 418.30 and the recreational facilities of which district are open to the general public.*

Senator Thomas presiding

Senator Frank moved the following amendment which was adopted:

Amendment 3—On page 2, between lines 14 and 15, insert:

Section 3. Section 316.252, Florida Statutes, is created to read:

316.252 Splash and spray suppressant devices.—

(1) No person shall drive or operate, or cause to be driven or operated, any truck of gross vehicle weight of 26,000 pounds or more, any truck-tractor, or any trailer or semitrailer the net weight of which is 2,000 pounds or more unless such vehicle is equipped with fenders, covers, or other splash and spray suppressant devices such as substantial flexible flaps on the rearmost wheels of such vehicle or combination of vehicles which will effectively prevent or minimize the splash or spray of water or mud, and the throwing of other materials on the windshields of following vehicles.

(2) The Department of Transportation shall adopt rules necessary for the implementation of this section.

Section 4. This act shall take effect October 1, 1987, except that section 3 shall take effect January 1, 1988.

Senator Deratany moved the following amendment:

Amendment 4—On page 2, between lines 14 and 15, insert:

Section 3. Section 316.1951, Florida Statutes, is created to read:

316.1951 Parking for certain purposes prohibited.—

(1) No person shall park a motor vehicle, as defined in s. 320.01, for a period in excess of 24 hours after notice provided for herein:

(a) Upon a public street, public parking lot, or other public property, or upon private property where the public has the right to travel by motor vehicle, for the principal purpose and intent of displaying the motor vehicle thereon for sale, hire, or rental, unless such property is zoned for that type of business activity at that location and the vendor is duly licensed to transact such business at that location;

(b) Upon any street for the principal purpose of painting, lubricating, or repairing such motor vehicle, except repairs necessitated by an emergency; or

(c) Upon any street for the principal purpose of displaying advertising.

(2) No provision of subsection (1) shall prohibit a person from parking his own motor vehicle or his other personal property or from granting permission to a person to do so on any private real property which he owns or leases or on the public street or private property where the public has the right to travel by motor vehicle immediately adjacent thereto, for the principal purpose and intent of sale, hire, or rental.

(3) For the purpose of this section, "notice" means:

(a) If the motor vehicle is attended, personal communication to the attending person by a law enforcement officer; or

(b) If the motor vehicle is unattended, the affixing of a written notice in a conspicuous place upon such vehicle by a law enforcement officer.

(4) The Department of Highway Safety and Motor Vehicles shall establish by administrative rule a uniform written notice to be utilized in the enforcement of this section. All law enforcement agencies in this state shall provide, at their own expense, the notice forms necessary for enforcement of this section.

(5) A law enforcement officer may cause to be removed at the owner's expense any motor vehicle found upon a public street, public parking lot, or other public place which is in violation of this section for a continuous period of 24 hours from the time of notice.

(6) Unless such motor vehicle may be shown by its owner to be incapable of movement and disabled, the parking of such motor vehicle in violation of subsection (1) shall be prima facie evidence of the owner's intent to unlawfully sell, hire, or rent same from a public right-of-way.

(7) A violation of subsection (1) is a noncriminal infraction, subject to a fine not to exceed \$500, plus costs and towing fees reasonably necessitated by removal and storage of such motor vehicle.

(Renumber subsequent section.)

Senator Deratany moved the following amendment to Amendment 4 which was adopted:

Amendment 4A—On page 1, strike all of lines 19-24 and insert: public property.

Amendment 4 as amended was adopted.

Senator Frank moved the following amendment which was adopted:

Amendment 5—In title, on page 1, line 7, after the semicolon (;) insert: creating s. 316.252, F.S.; prohibiting the operation of certain motor vehicles unless equipped with fenders, wheel covers, or other splash and spray suppressant devices, a penalty for which is provided by law;

Senator Deratany moved the following amendments which were adopted:

Amendment 6—In title, on page 1, strike line 5 and insert: authorizing certain officers and agencies to

Amendment 7—In title, on page 1, strike all of lines 1-8 and insert: A bill to be entitled An act relating to state uniform traffic control; amending ss. 316.003, 316.640, F.S.; providing that traffic laws apply and authorizing municipal police officers to enforce traffic laws within mobile home park recreation districts; creating s. 316.1951, F.S.; prohibiting parking for certain purposes; providing for removal of an unlawfully parked motor vehicle; providing penalties; providing an effective date.

On motion by Senator Deratany, by two-thirds vote CS for SB 165 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

Barron	Crawford	Gordon	Hollingsworth
Beard	Crenshaw	Grant	Jenne
Brown	Deratany	Grizzle	Jennings
Childers, D.	Dudley	Hair	Johnson
Childers, W. D.	Frank	Hill	Kirkpatrick

Kiser	McPherson	Ros-Lehtinen	Weinstock
Langley	Meek	Scott	Woodson
Lehtinen	Myers	Thomas	
Malchon	Peterson	Thurman	
Margolis	Plummer	Weinstein	

Nays—None

Excused: Girardeau, Stuart

CS for CS for SB 123—A bill to be entitled An act relating to traffic control; amending ss. 316.003, 316.302, 316.545, 316.640, 316.655, 316.70, F.S.; creating ss. 316.3025, 316.3026, F.S.; defining "nonpublic-sector bus" for purposes of ch. 316, F.S.; providing safety rules and regulations for commercial motor vehicles, including rules and regulations relating to the transportation of hazardous materials; providing exceptions; providing limitations on the amount of time certain drivers may be on duty or drive; providing an exception; requiring motor carriers to furnish time cards to the Department of Transportation; prohibiting falsification of time card information; providing a penalty; providing that persons under a specified age may not operate commercial motor vehicles; providing exceptions; providing penalties; providing for rules authorizing cooperative agreements; providing for enforcement; providing fines; providing for the attachment of a lien and foreclosure proceedings against certain commercial motor vehicle owners; providing for deposit of penalties; providing for review of contested penalties; providing for injunctive relief; providing for a Commercial Motor Vehicle Review Board within the Department of Transportation and specifying the board's jurisdiction, membership, and meetings; deleting an obsolete provision relating to enforcement of safety rules; giving the Department of Transportation the authority to enforce certain traffic laws; requiring that safety rules relating to nonpublic-sector buses be consistent with certain federal regulations; providing an effective date.

—was read the second time by title.

Senator Beard moved the following amendments which were adopted:

Amendment 1—On page 9, between lines 3 and 4, insert:

Section 5. Effective January 1, 1988, section 316.3027, Florida Statutes, is created to read:

316.3027 Identification required on commercial motor vehicles.—

(1) There shall be displayed on each side of the power unit of every commercial motor vehicle, as defined in s. 207.002, the name, city or town or place of domicile of the vehicle owner or motor carrier and the vehicle unit number in letters that contrast in color with the background and are readily visible and readable from a distance of 50 feet.

(2) If a removable device is used to identify a vehicle as required in subsection (1), such device shall be approximately 18 inches by 24 inches in size and shall be made of wood, plastic, metal or other similar durable material.

(3) Company or corporate logos which contain the company name and place of domicile, shall be considered in compliance with this section. However, such identification cannot be used on vehicles transporting hazardous materials unless such identification complies with applicable federal regulations.

(4) When any vehicle which is required to be identified in accordance with the provisions of this section is sold or removed from service, the owner shall remove or entirely efface the identification from the vehicle.

(5) Any vehicle which meets the vehicle identification requirements of the Interstate Commerce Commission regulations shall be considered in compliance with this section.

(Renumber subsequent sections.)

Amendment 2—In title, on page 2, line 5, after the semicolon (;) insert: creating s. 316.3027, F.S.; requiring motor carriers to display certain information on commercial motor vehicles operating in this state;

On motion by Senator Beard, by two-thirds vote CS for CS for SB 123 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—D. Childers

CS for SB 655—A bill to be entitled An act relating to liens on aircraft; amending s. 329.40, F.S.; providing clarifying language; providing that a lien for unpaid charges due a public airport attaches to all aircraft on such airport property, owned by the debtor; providing criminal penalties for removal of aircraft to which a lien attaches; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 13 and 14, insert:

Section 2. Section 713.50, Florida Statutes, is reenacted and section 713.655, Florida Statutes, is created to read:

713.50 Liens upon property.—Liens prior in dignity to all others accruing thereafter shall exist in favor of the following persons, upon the following described personal property under the circumstances hereinafter mentioned in this part II. This part II is limited to liens on personal property and their enforcement and related matters.

713.655 *Liens for professional services of veterinarians.*—*In favor of any veterinarian who renders professional services to an animal at the request of the owner of the animal, or the agent, bailee, lessee, or custodian of the owner of the animal, for the unpaid portion of the fees for such professional services, upon the animal to which such services were rendered. Such lien shall remain valid and enforceable for a period of 1 year from the date the professional services were rendered, and such lien is to be enforced in the manner provided for the enforcement of other liens on personal property in this state.*

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 2, after “on aircraft” and on line 8, after the semicolon (;) insert: Reenacting s. 713.50, F.S.; providing liens upon personal property; creating s. 713.655, F.S.; providing liens to veterinarians for unpaid fees for professional services rendered;

On motion by Senator Plummer, by two-thirds vote CS for SB 655 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Excused: Girardeau, Stuart

SB 980—A bill to be entitled An act relating to firefighters; amending s. 843.08, F.S.; providing that a person who impersonates a firefighter is guilty of a misdemeanor of the first degree; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote SB 980 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Hair

SB 497—A bill to be entitled An act relating to burglary; amending s. 810.07, F.S.; providing that, in a trial for attempted burglary, proof of the attempt to enter a structure or conveyance under specified circumstances is prima facie evidence of attempting to enter with the intent to commit an offense; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote SB 497 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Barron	Frank	Kiser	Peterson
Beard	Grant	Langley	Ros-Lehtinen
Brown	Grizzle	Lehtinen	Scott
Childers, D.	Hollingsworth	Malchon	Thurman
Childers, W. D.	Jenne	Margolis	Weinstein
Crenshaw	Jennings	McPherson	Weinstock
Deratany	Johnson	Meek	Woodson
Dudley	Kirkpatrick	Myers	

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Hair

SB 283—A bill to be entitled An act relating to capital felonies; amending s. 921.141, F.S.; providing an additional aggravating circumstance for purposes of imposition of the death penalty; 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, line 9, insert:

Section 1. Subsection (1) of section 775.082, Florida Statutes, is amended to read:

775.082 Penalties.—

(1) A person who has been convicted of a capital felony shall be punished by death if life imprisonment and shall be required to serve no less than 25 years before becoming eligible for parole unless the proceeding held to determine sentence according to the procedure set forth in s. 921.141 results in findings by the court that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and:

(a) If convicted of murder in the first degree or of a capital felony under s. 790.161, shall be ineligible for parole, or

(b) If convicted of any other capital felony, shall be required to serve no less than 25 years before becoming eligible for parole in the latter event such person shall be punished by death.

Section 2. Subsection (4) of section 790.161, Florida Statutes, is amended to read:

790.161 Making, possessing, throwing, placing, or discharging any destructive device or attempt so to do, felony; penalties.—A person who makes, possesses, throws, places, discharges, or attempts to discharge any destructive device, with intent to do bodily harm to any person or with intent to do damage to property:

(4) If the act results in the death of another person, shall be guilty of a capital felony, punishable as provided in s. 775.082 by death. ~~In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment, and such person shall be required to serve a term of imprisonment of not less than 25 calendar years before becoming eligible for parole.~~

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 775.082, F.S.; providing that persons convicted of specified capital felonies and sentenced to life imprisonment are ineligible for parole; amending s. 790.161, F.S.; prescribing penalties for persons convicted of a capital felony involving death as a result of making, possessing, throwing, placing, discharging, or attempting to discharge a destructive device;

On motion by Senator Kirkpatrick, by two-thirds vote SB 283 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Meek Weinstock

Excused: Girardeau, Stuart

Motion to Reconsider

Senator Gordon moved that the Senate reconsider the vote by which SB 283 passed this day.

The motion was placed on the calendar.

Consideration of CS for SB 189 was deferred.

CS for SB 683—A bill to be entitled An act relating to discrimination in the treatment of persons; amending s. 760.22, F.S.; expanding the definition of "handicap" for purposes of the protections against discrimination provided by the state Fair Housing Act, to include mental retardation and developmental disability; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for SB 683 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Beard	Grant	Lehtinen	Plummer
Brown	Grizzle	Malchon	Ros-Lehtinen
Childers, D.	Hair	Margolis	Scott
Crawford	Jenne	McPherson	Thomas
Deratany	Johnson	Meek	Weinstein
Dudley	Kiser	Myers	Weinstock
Frank	Langley	Peterson	Woodson

Nays—None

Excused: Girardeau, Stuart

On motion by Senator Thurman, by two-thirds vote HB 589 was withdrawn from the Committee on Commerce.

On motion by Senator Thurman—

HB 589—A bill to be entitled An act relating to cremation; amending s. 470.0255, F.S., providing that the authorized procedures for the disposition of cremated remains apply retrospectively to remains cremated prior to October 1, 1986; providing an effective date.

—a companion measure, was substituted for CS for SB 676 and read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 589 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Girardeau, Stuart

CS for SB 676 was laid on the table.

SB 381—A bill to be entitled An act relating to insurance; amending s. 624.155, F.S.; specifying information to be included in a notice of an alleged violation that must be given as a condition precedent to bringing a civil action against an insurer; providing for the review of certain claims against an insurer by the Department of Insurance; requiring insurers to report the disposition of certain alleged violations; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 31, after the period (.) insert: *If the person bringing the civil action is a third party claimant, he shall not be required to reference the specific policy language if the insurer has not provided a copy of the policy to the third party claimant pursuant to written request.*

Senator Jennings moved the following amendment which was adopted:

Amendment 2—On page 2, between lines 19 and 20, insert: Section 2. Section 627.6698, Florida Statutes, is created to read:

627.6698 Attorney's fees.—

(1) Upon the rendition of a judgment by any of the courts of this state against an insurer and in favor of any resident of this state who is one of a group of persons insured under a master group health insurance policy executed by the insurer, and covering residents of this state, whether issued or delivered inside or outside this state, the trial court or, in the event of an appeal in which the insured prevails, the appellate court shall award the insured a reasonable attorney's fee. However, attorney's fees shall not be allowed if the suit was commenced prior to the expiration of 60 days after proof of the claim was duly filed with the insurer.

(2) When so awarded, the attorney's fee shall be included in the judgment or decree rendered in the case.

Section 3. Section 627.6698, Florida Statutes, as created by this act, expires October 1, 1992, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes, in advance of that date.

(Renumber subsequent section.)

Further consideration of SB 381 was deferred.

SB 332—A bill to be entitled An act relating to state bonds; amending s. 215.58, F.S.; defining the term "original issue discount" for purposes of the State Bond Act; amending s. 215.59, F.S.; authorizing the issuance, without referendum, of state revenue bonds payable solely from funds

derived directly from sources other than state tax revenues; amending s. 215.68, F.S.; exempting original issue discounts from the limitation on the amount of discount; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 332 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Excused: Girardeau, Stuart

The Senate resumed consideration of—

SB 381—A bill to be entitled An act relating to insurance; amending s. 624.155, F.S.; specifying information to be included in a notice of an alleged violation that must be given as a condition precedent to bringing a civil action against an insurer; providing for the review of certain claims against an insurer by the Department of Insurance; requiring insurers to report the disposition of certain alleged violations; providing an effective date.

On motion by Senator Langley, the Senate reconsidered the vote by which Amendment 1 was adopted. Amendment 1 failed.

On motion by Senator Langley, the Senate reconsidered the vote by which Amendment 2 was adopted. By permission, Amendment 2 was withdrawn.

Pending further consideration of SB 381, on motions by Senator Langley, by two-thirds vote HB 428 was withdrawn from the Committees on Commerce and Judiciary-Civil.

On motion by Senator Langley—

HB 428—A bill to be entitled An act relating to insurance; amending s. 624.155, F.S., requiring additional information to be included in a notice of an alleged violation by an insurer as a condition to bringing a civil remedy action; specifying authority of the Department of Insurance relative to such notices; requiring insurers to report on the disposition of the violation; providing an effective date.

—a companion measure, was substituted for SB 381 and read the second time by title.

Senator Langley moved the following amendment which was adopted:

Amendment 1—On page 2, line 5, after the period (.) insert: *If the person bringing the civil action is a third party claimant, he shall not be required to reference the specific policy language if the insurer has not provided a copy of the policy to the third party claimant pursuant to written request.*

Senator Jennings moved the following amendment which was adopted:

Amendment 2—On page 3, between lines 4 and 5, insert:

Section 2. Section 627.6698, Florida Statutes, is created to read:

627.6698 Attorney's fees.—

(1) Upon the rendition of a judgment by any of the courts of this state against an insurer and in favor of any resident of this state who is one of a group of persons insured under a master group health insurance policy executed by the insurer, and covering residents of this state, whether issued or delivered inside or outside this state, the trial court or, in the event of an appeal in which the insured prevails, the appellate court shall award the insured a reasonable attorney's fee. However, attorney's fees shall not be allowed if the suit was commenced prior to the expiration of 60 days after proof of the claim was duly filed with the insurer.

(2) When so awarded, the attorney's fee shall be included in the judgment or decree rendered in the case.

Section 3. Section 627.6698, Florida Statutes, as created by this act, expires October 1, 1992, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes, in advance of that date.

(Renumber subsequent section.)

On motion by Senator Langley, by two-thirds vote HB 428 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Langley

SB 381 was laid on the table.

Reconsideration

On motion by Senator Thurman, the rules were waived and the Senate reconsidered the vote by which CS for SB 673 as amended passed this day.

On motion by Senator Thurman, by two-thirds vote CS for HB 376 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Thurman, by two-thirds vote—

CS for HB 376—A bill to be entitled An act relating to cosmetology; amending s. 477.0135, F.S., providing an exemption for graduates of cosmetology schools, pending licensing examination results; providing a limitation; providing an effective date.

—a companion measure, was substituted for CS for SB 673 and read the second time by title.

Senator Frank moved the following amendments which were adopted:

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

Section 1. Section 477.013, Florida Statutes, is amended to read:

477.013 Definitions.—As used in this chapter are:

- (1) "Board" means the Board of Cosmetology.
- (2) "Department" means the Department of Professional Regulation.
- (3) "Cosmetologist" means a person who is licensed to engage in the practice of cosmetology in this state under the authority of this chapter.
- (4) "Cosmetology instructor" means a person who is licensed to teach cosmetology in this state under the authority of this chapter.
- (5) "Cosmetology" means the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, hair relaxing, hair removing, pedicuring, and manicuring, for compensation.
- (6) "Specialist" means any person holding a specialty registration license in one or more of the specialties registered license under this chapter.
- (7) "Specialty" means the practice of one or more of the following:

(a) Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive.

(b) Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.

(c) Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations.

(8)(d) "Shampooing" means, or the washing of the hair with soap and water or with a special preparation, or the coloring of the hair or applying hair tonics.

(9)(e) "Specialty salon" means any place of business wherein the practice of one or all of the specialties as defined in subsection (7) are engaged in or carried on.

Section 2. Section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—This chapter does not apply to the following persons when practicing pursuant to their professional or occupational responsibilities and duties:

(1) Persons authorized under the laws of this state to practice medicine, surgery, osteopathy, chiropractic, massage, naturopathy, or podiatry.

(2) Commissioned medical or surgical officers of the United States Armed Forces hospital services.

(3) Registered nurses under the laws of this state.

(4) Persons practicing barbering under the laws of this state.

(5) Persons employed in federal, state, or local institutions, hospitals, or military bases as cosmetologists, whose practices are limited to the inmates, patients, or authorized military personnel of such institutions, hospitals, or bases.

(6) Persons whose practice is limited to the application of cosmetic products to another person in connection with the sale, or attempted sale, of such products at retail, without compensation from such other person other than the regular retail price of such merchandise.

(7) A license is not required of any person whose occupation or practice is confined solely to shampooing.

(8) Graduates of licensed cosmetology schools or cosmetology programs offered in public school systems, which schools or programs are certified by the Department of Education, pending the result of the first licensing examination for which such graduates are eligible following graduation, provided such graduates shall practice under the supervision of a licensed cosmetologist in a licensed cosmetology salon. A graduate who fails the examination may continue to practice under the supervision of a licensed cosmetologist in a licensed cosmetology salon if he applies for the next available examination and until he receives the results of that examination. No graduate may continue to practice under this exemption if he fails the examination twice.

Section 3. Section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; license renewal; endorsement.—

(1) A person desiring to be licensed as a cosmetologist shall apply to the department for licensure. ~~Any person is qualified for licensure as a cosmetologist under this chapter who:~~

(2) An applicant shall be entitled to take the licensure examination to practice cosmetology if the applicant:

(a) Is at least 16 years of age or has received a high school diploma;

(b) Pays the required application fee; and

(c)1. Holds an active valid license to practice cosmetology in another state, has held the license for at least 1 year, and does not qualify for licensure by endorsement as provided for in subsection (5); or

2.(b) Has received a minimum of 1,200 hours of training as established by the board, which shall include, but shall not be limited to, the equivalent of completion of services directly related to the practice of cosmetology at one of the following:

a.1. A school of cosmetology approved by the department.

b.2. A cosmetology program within the public school system.

c.3. The Cosmetology Division of the Florida School for the Deaf and the Blind, provided the division meets the standards of this chapter.

d.4. A government-operated cosmetology program in this state.

~~The board shall establish by rule procedures whereby (e) Has met standards established by the board equivalent to 1,200 hours of training. These standards shall include procedures for certification by the school or program may certify that a of any such person is qualified to qualify to take the required examination hereinafter provided once only after the completion of a minimum of 1,000 actual school hours. If the such person then passes the examination, he shall have satisfied this requirement; but if he such person fails the examination, he shall not be qualified to take the examination again until the completion of the full requirements provided by this section herein.~~

(d) ~~Has received a passing grade on an examination administered by the department.~~

(2) ~~Every person desiring to be examined for licensure as a cosmetologist shall apply to the department in writing upon forms prepared and furnished by the department, after which the applicant may take a department examination.~~

(3) Upon an applicant receiving a passing grade, as established by board rule, on passing the examination and paying the initial licensing fee, the department shall issue a license to practice cosmetology.

(4) Renewal of license registration shall be accomplished pursuant to rules adopted by the board.

(5) The board shall adopt rules specifying procedures for the licensure by endorsement licensing of practitioners desiring to be licensed in this state who hold a current active license in another state or country and who have met qualifications have been licensed and are practicing in states which have licensing standards substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state more stringent than the standards of this state.

Section 4. Section 477.0201, Florida Statutes, is amended to read:

477.0201 Specialty registration licenses; qualifications; licensure; registration license renewal; endorsement.—

(1) Any person is qualified for registration licensure as a specialist in any one or more of the specialty practices within the practice of cosmetology under this chapter who:

(a) Is at least 16 years of age or has received a high school diploma.

(b) Has received a certificate of completion in a specialty pursuant to s. 477.013(7) from one of the following:

1. A school licensed pursuant to s. 477.023

2. A school licensed pursuant to chapter 246 or the equivalent licensing authority of another state.

3. A specialty program within the public school system.

4. A specialty division within the Cosmetology Division of the Florida School for the Deaf and the Blind, provided the training programs comply with minimum curriculum requirements established by the board.

(e) ~~Has received a passing grade on an examination administered by the department.~~

(2) A person desiring to be registered examined for licensure as a specialist shall apply to the department in writing upon forms prepared and furnished by the department, after which the applicant may take a department examination.

(3) Upon an applicant passing the examination and paying the initial registration licensing fee, the department shall register the applicant issue a license to practice one or more of the specialty practices within the practice of cosmetology.

(4) Renewal of license registration shall be accomplished pursuant to rules adopted by the board.

(5) The board shall adopt rules specifying procedures for the *registration licensing* of specialty practitioners desiring to be *registered licensed* in this state who have been *registered or licensed* and are practicing in states which have *registering or licensing* standards substantially similar to, equivalent to, or more stringent than the standards of this state.

Section 5. Paragraph (a) of subsection (1) of section 477.026, Florida Statutes, is amended, and paragraphs (e) and (f) are added to said subsection, to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(a) For cosmetologists, ~~specialists~~, and cosmetology instructors, fees for original licensing, license renewal, and delinquent renewal shall not exceed \$25.

(e) For specialists, fees for application and endorsement registration shall not exceed \$30.

(f) For specialists, fees for initial registration, registration renewal, and delinquent renewal shall not exceed \$50.

Section 6. Section 477.0265, Florida Statutes, is amended to read:

477.0265 Prohibited acts.—

(1) It is unlawful for any person to:

(a) Engage in the practice of cosmetology or a specialty without an active license as a cosmetologist or *registration as a specialist* issued by the department pursuant to the provisions of this chapter.

(b) Own, operate, maintain, open, establish, conduct, or have charge of, either alone or with another person or persons, a cosmetology salon or specialty salon:

1. Which is not licensed or ~~registered~~ under the provisions of this chapter; or

2. In which a person not licensed or registered as a cosmetologist or a specialist is permitted to perform cosmetology services or any specialty.

(c) Engage in willful or repeated violations of this *chapter act* or of any rule adopted by the board.

(d) Permit an employed person to engage in the practice of cosmetology or of a specialty unless such person holds a valid, active license as a cosmetologist or *registration as a specialist*.

(e) Obtain or attempt to obtain a license or *registration* for money, other than the required fee, or any other thing of value or by fraudulent misrepresentations.

(f) Use or attempt to use a license to practice cosmetology or a *registration to practice a specialty*, which license or *registration* is suspended or revoked.

(2) Any person who violates any provision of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 7. Subsection (1) of section 477.028, Florida Statutes, is amended to read:

477.028 Disciplinary proceedings.—

(1) The board shall have the power to revoke or suspend the license of a cosmetologist, ~~a specialist~~, or a cosmetology instructor licensed under this chapter, or *the registration of a specialist registered under this chapter*, and to reprimand, censure, deny subsequent licensure or *registration* of, or otherwise discipline a cosmetologist, a specialist, or a cosmetology instructor licensed or *registered* under this chapter in any either of the following cases:

(a) Upon proof that a license or *registration* has been obtained by fraud or misrepresentation.

(b) Upon proof that the holder of a license or *registration* is guilty of fraud or deceit or of gross negligence, incompetency, or misconduct in the practice or instruction of cosmetology or a specialty.

(c) Upon proof that the holder of a license or *registration* is guilty of aiding, assisting, procuring, or advising any unlicensed person to practice as a cosmetologist.

Section 8. Paragraphs (a), (c), and (i) of subsection (1) and paragraph (a) of subsection (2) of section 477.029, Florida Statutes, are amended to read:

477.029 Penalty.—

(1) It is unlawful for any person to:

(a) Hold himself out as a cosmetologist, specialist, or cosmetology instructor unless duly licensed or *registered* as provided in this chapter, except that nothing herein shall be construed to prevent the use of the title "cosmetology instructor" by persons certified by the Department of Education to teach in the public school system or to prevent employment of instructors in other government-operated programs of cosmetology in this state.

(c) Permit an employed person to practice or teach cosmetology or a specialty unless duly licensed or *registered* as provided in this chapter.

(h) Violate any provision of s. 477.0265, s. 477.028, or s. 455.227(1).

(i) Violate or refuse to comply with any provision of this chapter or chapter 455 or a rule or final order of the board or *the department*.

(2) Any person who violates the provisions of this section shall be subject to one or more of the following penalties, as determined by the board:

(a) Revocation or suspension of any license or registration issued pursuant to this *chapter act*.

(b) Issuance of a reprimand or censure.

(c) Imposition of an administrative fine not to exceed \$500 for each count or separate offense.

(d) Placement on probation for a period of time and subject to such reasonable conditions as the board may specify.

(e) Refusal to certify to the department an applicant for licensure.

Section 9. Section 476.044, Florida Statutes, is amended to read:

476.044 Exemptions.—This *chapter act* does not apply to the following persons when practicing pursuant to their professional responsibilities and duties:

(1) Persons authorized under the laws of this state to practice medicine, surgery, osteopathy, chiropractic, naturopathy, or podiatry;

(2) Commissioned medical or surgical officers of the United States Armed Forces hospital service;

(3) Licensed nurses under the laws of this state;

(4) Persons practicing cosmetology under the laws of this state; or

(5) Persons employed in federal, state, or local institutions, hospitals, or military bases as barbers, whose practice is limited to the inmates, patients, or authorized military personnel of such institutions, hospitals, or bases; or

(6) Persons who practice only shampooing as defined in s. 477.013, and whose practice is limited to the acts described therein.

Section 10. Upon application by a person holding an unexpired shampooing specialty license when this act takes effect, the Department of Professional Regulation shall refund to that person that portion of the license fee paid that is proportional to the unexpired term of the license.

Section 11. This act shall take effect October 1, 1987.

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to cosmetology; amending s. 477.013, F.S., revising definitions; amending s. 477.0135, F.S., exempting from licensure certain persons practicing shampooing; providing an exemption for graduates of cosmetology schools, pending licensing examination results; providing a limitation; amending s. 477.019, F.S., revising qualifications for licensure; amending s. 477.0201, F.S., providing for registration, rather than licensure, of specialty practitioners; deleting examination requirements; amending s. 477.026, F.S., providing registration fees; amending s. 477.0265, F.S., providing prohibited acts for which there are penalties; amending s. 477.028, F.S., providing grounds for disciplinary proceedings; amending s. 477.029, F.S., providing penalties; amending s. 476.044, F.S., exempting from

licensure as a barber persons practicing shampooing; authorizing the Department of Professional Regulation to refund certain license fees; providing an appropriation; providing an effective date.

On motion by Senator Thurman, by two-thirds vote CS for HB 376 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Peterson

CS for SB 673 was laid on the table.

On motion by Senator Thurman, the rules were waived and CS for HB 376 was ordered immediately certified to the House.

CS for SB 189—A bill to be entitled An act relating to criminal justice standards and training; amending s. 943.13, F.S.; clarifying that the commission of any felony makes one ineligible for employment or appointment as an officer; amending s. 943.1395, F.S.; providing penalties for not maintaining good moral character; amending s. 943.22, F.S.; providing that salary incentive payments are not available for training completed pursuant to s. 943.1395(6), F.S.; amending s. 943.25, F.S., relating to criminal justice trust funds, to resolve a problem caused by multiple amendments to that section; repealing s. 24, ch. 81-24, Laws of Florida, s. 18, ch. 82-149, Laws of Florida, and s. 2(1), ch. 86-286, Laws of Florida, and amending s. 1(14)(f), ch. 82-46, Laws of Florida, as amended, to eliminate provisions for termination of ss. 943.085(3), 943.10(5), and 943.11-943.25, F.S., on October 1, 1987; repealing ss. 943.085(3), 943.10(5), 943.11, 943.12, 943.13, 943.131, 943.133, 943.135, 943.137, 943.139, 943.1395, 943.14, 943.16, 943.17, 943.171, 943.173, 943.175, 943.18, 943.19, 943.22, 943.25, F.S., relating to legislative intent with respect to the role of the Criminal Justice Standards and Training Commission; the definition of the term "commission" as used in ss. 943.085-943.255, F.S.; the membership, organization, meetings, and powers, duties, and functions of the commission; minimum qualifications for employment or appointment of certain law enforcement officers, correctional officers, and correctional probation officers; temporary employment or appointment of such officers; the minimum basic recruit training exemption; responsibilities of the employing agency, the commission, and the Division of Criminal Justice Standards and Training with respect to compliance and employment qualifications; injunctive relief; requirements for continued employment or appointment; establishment of qualifications and standards above the minimum; notice of employment, appointment, or termination; certification for employment or appointment, concurrent certification, reemployment or reappointment, inactive status, revocation of certification, and investigation; criminal justice training schools; payment of tuition by employing agency; basic recruit, advanced, and career development programs; basic skills training in handling domestic violence cases; examinations, administration, and disposal of materials; inservice and specialized training; compensation and benefits study; saving clauses; salary incentive program for full-time officers; and criminal justice trust funds, effective October 1, 1997; providing for review of said sections prior to such repeal; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for SB 189 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Peterson

CS for SB 245—A bill to be entitled An act relating to state employment; amending s. 110.1245, s. 240.2111, F.S.; increasing the maximum amount for certain service awards; providing an effective date.

—was read the second time by title. On motion by Senator Meek, by two-thirds vote CS for SB 245 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Peterson

Reconsideration

On motion by Senator Meek, the rules were waived and the Senate reconsidered the vote by which CS for SB 245 passed this day.

Pending further consideration of CS for SB 245, on motions by Senator Meek, by two-thirds vote—

HB 295—A bill to be entitled An act relating to state employment; amending s. 110.1245, F.S. and s. 240.2111, F.S.; increasing the maximum cost of service awards; providing an effective date.

—a companion measure, was substituted for CS for SB 245 and by two-thirds vote read the second time by title. On motion by Senator Meek, by two-thirds vote HB 295 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Barron, Peterson

CS for SB 245 was laid on the table.

Reconsideration

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

CS for SB 655—A bill to be entitled An act relating to liens on aircraft; amending s. 329.40, F.S.; providing clarifying language; providing that a lien for unpaid charges due a public airport attaches to all aircraft on such airport property, owned by the debtor; providing criminal penalties for removal of aircraft to which a lien attaches; providing an effective date.

—as amended passed this day.

On motion by Senator Langley, by two-thirds vote the Senate reconsidered the vote by which CS for SB 655 was read the third time.

On motions by Senator Langley, the Senate reconsidered the vote by which Amendments 1 and 2 were adopted. By permission, Amendments 1 and 2 were withdrawn.

On motion by Senator Langley, by two-thirds vote CS for SB 655 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Girardeau, Stuart

On motion by Senator Plummer, the rules were waived and CS for SB 655 was ordered immediately certified to the House.

Motion

On motion by Senator Barron, the rules were waived and time of adjournment was extended until final action on Senate Bills 1325 and 1326.

CS for SB 419—A bill to be entitled An act relating to the judiciary; creating the Study Commission on the Florida Trial Court System; providing for appointment of members; providing duties and responsibilities; providing for staffing of the commission; providing per diem for members; requiring the submission of a report to the Legislature; providing for expiration of the commission; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote CS for SB 419 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Beard	Grant	Langley	Ros-Lehtinen
Brown	Grizzle	Lehtinen	Scott
Childers, D.	Hair	Malchon	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crenshaw	Hollingsworth	Meek	Weinstein
Deratany	Jenne	Myers	Weinstock
Frank	Johnson	Peterson	Woodson
Gordon	Kiser	Plummer	

Nays—None

Excused: Girardeau, Stuart

CS for SB 510—A bill to be entitled An act relating to energy conservation; creating the Public Education Energy Management Incentives Program to promote economical management of energy in district public schools; providing for energy audits, district and school energy management coordinators, and an energy management committee and program in each participating school district; providing contents of district programs; specifying duties of the Governor's Energy Office, in coordination with the Department of Education, with respect to such programs;

requiring annual reports to the Commissioner of Education; creating a trust fund, to be administered by the Governor's Energy Office, to finance incentive rewards for school districts which achieve certain energy management goals; providing the amounts of incentive rewards; providing an appropriation; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote CS for SB 510 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Beard	Gordon	Kiser	Peterson
Brown	Grant	Langley	Ros-Lehtinen
Childers, D.	Hair	Lehtinen	Scott
Childers, W. D.	Hollingsworth	Malchon	Thurman
Deratany	Jenne	Margolis	Weinstein
Dudley	Johnson	Meek	Weinstock
Frank	Kirkpatrick	Myers	Woodson

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Hill

CS for SB 878—A bill to be entitled An act relating to veterinary medicine; amending s. 474.207, F.S., relating to education and examination requirements for licensure; amending s. 474.214, F.S., relating to grounds for disciplinary actions; amending s. 474.217, F.S., relating to education and examination requirements for licensure by endorsement; creating s. 499.033, F.S., making animal rabies vaccine a legend drug; amending ss. 455.241 and 474.2141, F.S., correcting cross-references; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 878 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Beard	Gordon	Kirkpatrick	Plummer
Brown	Grant	Langley	Ros-Lehtinen
Childers, D.	Grizzle	Lehtinen	Scott
Childers, W. D.	Hair	Malchon	Thomas
Crenshaw	Hill	Margolis	Weinstein
Deratany	Hollingsworth	Meek	Weinstock
Dudley	Jenne	Myers	Woodson
Frank	Johnson	Peterson	

Nays—None

Excused: Girardeau, Stuart

SB 745—A bill to be entitled An act relating to professional licensing fees; amending ss. 481.207, 481.307, F.S.; increasing certain licensing fees for architects and landscape architects; providing for nonrefundable application fees; providing for examination fees to be refunded in certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 745 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Excused: Girardeau, Stuart

CS for SB 744—A bill to be entitled An act relating to barbering; amending s. 476.114, F.S.; providing that certain persons who are licensed to practice barbering in other states are qualified to take the license examination in this state; amending s. 476.192, F.S.; increasing the maximum fees that the Barbers' Board may charge barbers, barbering instructors, and barbershops with respect to licensing; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for SB 744 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Barron	Grizzle	Margolis	Thomas
Beard	Hill	McPherson	Thurman
Brown	Jenne	Meek	Weinstein
Crenshaw	Johnson	Myers	Weinstock
Deratany	Kirkpatrick	Peterson	Woodson
Dudley	Kiser	Plummer	
Frank	Lehtinen	Ros-Lehtinen	
Grant	Malchon	Scott	

Nays—5

Childers, D.	Gordon	Hollingsworth
Childers, W. D.	Hair	

Excused: Girardeau, Stuart

Vote after roll call:

Yea to Nay—Thomas

The President presiding

Special Guest

The President introduced United States Senator Albert Gore of Tennessee who addressed the Senate.

Senator Thomas presiding

SB 1155—A bill to be entitled An act relating to the Board of Professional Engineers; creating s. 471.008, F.S.; providing rulemaking authority; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 1—On page 1, strike all of lines 14 and 15 and insert: chapter.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 2—On page 1, line 16, insert: a new Section 2

Section 2. Paragraph (f) of subsection (2) of section 471.003, Florida Statutes, is amended to read:

471.003 Qualifications for practice, exemptions.—

(2) The following persons are not required to register under the provisions of ss. 471.001-471.039 as a registered engineer:

(f) Any certified full-time faculty member teaching the principles and methods of engineering design in any college or university located in the state, as of July 1, 1979, and any such faculty member initially employed after July 1, 1979, for a period of 3 2 years from the date of employment.

(Renumber subsequent sections.)

Amendment 3—On page 1, line 4, after the semicolon (;) insert: amending s. 471.003, F.S.; amending the registration requirement for certified full-time engineering faculty;

On motion by Senator Kirkpatrick, by two-thirds vote SB 1155 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	Frank	Johnson	Myers
Beard	Gordon	Kirkpatrick	Peterson
Brown	Grant	Kiser	Ros-Lehtinen
Childers, D.	Grizzle	Langley	Scott
Childers, W. D.	Hair	Lehtinen	Thomas
Crawford	Hill	Malchon	Thurman
Crenshaw	Hollingsworth	Margolis	Weinstein
Deratany	Jenne	McPherson	Weinstock
Dudley	Jennings	Meek	Woodson

Nays—None

Excused: Girardeau, Stuart

SB 984—A bill to be entitled An act relating to campaign financing; amending s. 106.011, F.S.; revising the definition of "political committee" for purposes of ch. 106, F.S.; creating s. 106.035, F.S.; requiring a public official to form a political committee in order to solicit or accept contributions for use to support or oppose or make contributions to candidates; providing penalties for soliciting or accepting such contributions without complying; creating s. 106.101, F.S.; providing that a specified portion of each filing fee remitted to a state executive committee of a political party must be used to promote candidacies for certain officers; creating s. 106.102, F.S.; prohibiting a political party, or person acting on behalf thereof, from accepting a contribution to be expended to support or oppose, or be contributed to, a particular candidate, from maintaining accounts, funds, or records of contributions segregated for use in support or opposition to a particular candidate, from placing funds at the disposition of a public official for use, in his discretion, in supporting or opposing or making contributions to candidates, from making contributions to certain political committees in excess of certain limits, from making expenditures or contributions to a candidate unless approved by the central committee, and from making expenditures or contributions to a particular candidate in any primary election; providing penalties; creating s. 106.103, F.S.; prohibiting a person from requiring, directing, or requesting a political party to use a contribution for a particular candidate; providing penalties; amending s. 99.061, F.S.; deleting a provision that specifies the portion of each filing fee that a state executive committee must use to promote candidacies for certain offices; amending s. 103.121, F.S.; regulating expenditures and contributions by party executive committees with respect to candidates; providing for forfeiture of party assessments; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote SB 984 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Excused: Girardeau, Stuart

SB 658—A bill to be entitled An act relating to talent agencies; amending s. 468.401, F.S., clarifying a definition; amending s. 468.403, F.S., relating to license requirements; providing an application fee for change of operator; clarifying fingerprint and photograph requirements; changing affidavit requirements; amending s. 468.404, F.S., providing for biennial license renewal procedures; deleting provision relating to use of confusing names; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 658 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Peterson

On motion by Senator Kiser, by two-thirds vote HB 1257 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Kiser—

HB 1257—A bill to be entitled An act relating to the Florida State Commission on Hispanic Affairs; saving s. 14.25, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for SB 106 and read the second time by title. On motion by Senator Kiser, by two-thirds vote HB 1257 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Excused: Girardeau, Stuart

Vote after roll call:

Yea—Hair

SB 106 was laid on the table.

The President presiding

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

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 amendment SB 1325 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1325—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1987, and ending June 30, 1988, 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 Scott, the amendment constituted an entirely new bill and therefore was not published in the Journal.

On motion by Senator Scott, the Senate refused to concur in the House amendment and the House was requested to recede and in the event the House refused to recede a conference committee was requested.

Conferees on SB 1325 Appointed

The President appointed Senators Scott and D. Childers; Subcommittee A: Senators W. D. Childers, Beard, Hollingsworth and alternate Jennings; Subcommittee B: Senators Peterson, Kirkpatrick, Grizzle, alternates Lehtinen and Hair; Subcommittee C: Senators Thomas, Margolis, Myers and alternate Grant as conferees on SB 1325. The action of the Senate was certified to the House.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1326 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1326—A bill to be entitled An act relating to state government; providing legislative intent; limiting expenditures of lottery proceeds deposited in the Education Enhancement Trust Fund; authorizing the Administration Commission to approve certain transfers related to reorganization; providing requirements for the purchasing or leasing of automobiles; restricting the transfer or utilization of services of certain employees; restricting price at which vehicles may be purchased; restricting lease or installment purchase of equipment by the executive or judicial branches unless approved by the Comptroller; providing legislative intent regarding the expenditure of certain funds available as a result of litigation against oil companies and refiners and distributors; providing restrictions with respect to advances for program start-up or advances for contracted services; providing for waiver of such restrictions; providing for the advance of funds in any specific appropriation under certain conditions; authorizing the expenditure of certain funds by state attorneys and public defenders and requiring a report with respect thereto; requiring the Department of Transportation to allocate resources to districts prior to a specified date; authorizing the Department of Transportation to provide moneys to the Department of Commerce to fund economic development transportation projects; authorizing district Deputy Assistant Secretaries in the Department of Transportation to transfer resources between budget entities; authorizing the Department of Transportation to advance funds for Valkaria Airport in Brevard County; restricting the use of Special Category Contract Education funds of the Department of Corrections; providing requirements for contract educational services; abolishing the trust funds of certain agencies and providing for transfer of moneys therein; reviving certain trust funds scheduled for repeal; providing procedures for state agencies with respect to solicitation for contractual training needs; providing for waiver of certain fees and acceptance of in-kind contributions in lieu of fees; providing for the establishment of certain student fees by school districts; providing for reimbursement to school districts for costs of residential nonpublic school contracts and providing conditions, eligibility, and funding with respect thereto; providing that appropriations to the Department of Education for certain purchases of electronic data processing equipment by school districts, community colleges, and the Board of Regents are subject to approval by the Commissioner of Education; modifying procedures for determining annual allocations to school districts; providing for the establishment of enrollment ceilings by program groups; providing that certain provisions relating to education shall be implemented only to the extent specifically provided for in the General Appropriations Act; providing that district school boards may levy a nonvoted discretionary millage; providing procedures to be used in determining annual allocations through the Florida Education Finance Program; reviving and readopting the provisions of s. 212.11(1)(a) and (5), F.S., relating to tax returns and regulations; requiring budget entities to meet certain approved annual salary rate restrictions; prohibiting the Department of Health and Rehabilitative Services from expending funds for the purchase or production of wood pellets; authorizing the Department of Administration to use the discretionary paid holiday for Career Service System employees as a paid holiday commemorating the birthday of Dr. Martin Luther King, Jr.; modifying certain matching funding requirements relating to certain funds appropriated for local community mental health centers and alcohol project grants; authorizing construction of certain facilities from non-PECO sources; providing that funds for certain projects shall not be subject to certain provisions relating to undisbursed balances; authorizing the Board of Regents to issue bonds to finance certain projects; exempting from reversion provisions certain funds appropriated for land acquisition and planning of a new regional service center in Jacksonville; exempting from reversion provisions certain funds appropriated for fixed capital outlay energy conservation projects; amending s. 215.32, F.S., establishing the State Infrastructure Fund; providing source and use of

funds therein; providing for use of funds from the sale of Ellyson Field; prescribing powers and duties of school districts, community colleges, and the Division of Vocational, Adult and Community Education with respect to vocational education programs; prohibiting the reduction in a community college's allocation from the Community College Program Fund in certain circumstances; providing for college credit for summer inservice institute participants; transferring relocatable facilities at the South Florida State Hospital and North Florida State Hospital to the Broward County and Baker County school districts, respectively; renaming programs under the Florida Education Finance Program; authorizing Florida International University, the University of North Florida, and the University of South Florida to rename specified components; specifying the date for application of reversion provisions with respect to an appropriation for Palm Beach Junior College; authorizing dormitory improvements at Florida State University; postpones the date by which matching funds for an appropriation for Broward County Performing Arts Center must be paid; rescinding the requirement that \$1 million be transferred from the Working Capital Trust Fund to General Revenue; reinstating certain provisions of law contained in Chapter 86-168, Laws of Florida; authorizing Lake City Community College to acquire property; providing a retroactive effective date and an expiration date.

On motion by Senator Scott, the amendments constituted an entirely new bill and therefore were not published in the Journal.

On motions by Senator Scott, 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.

Conferees on SB 1326 Appointed

The President appointed Senators Scott and D. Childers; Subcommittee A: Senators W. D. Childers, Beard, Hollingsworth and alternate Jennings; Subcommittee B: Senators Peterson, Kirkpatrick, Grizzle, alternates Lehtinen and Hair; Subcommittee C: Senators Thomas, Margolis, Myers and alternate Grant as conferees on SB 1326. The action of the Senate was certified to the House.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House amendments to SB 1325 and the Speaker of the House of Representatives has appointed Representatives Bell, Gordon, Lippman, Hawkins, Kelly, alternates Tobin and Martinez (Sub. I); Representatives Carlton, Burnsed, Crotty, Gardner, R. C. Johnson, alternates Silver and D. L. Jones (Sub. II); Representatives

Wetherell, Gustafson, Burke, Liberti, Messersmith, alternates Martin, Carpenter, Friedman and B. L. Johnson (Sub. III) as Conferees on the part of the House on SB 1325.

John B. Phelps, Clerk

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House amendments to SB 1326 and the Speaker of the House of Representatives has appointed Representatives Bell, Gordon, Lippman, Hawkins, Kelly, alternates Tobin and Martinez (Sub. I); Representatives Carlton, Burnsed, Crotty, Gardner, R. C. Johnson, alternates Silver and D. L. Jones (Sub. II); Representatives Wetherell, Gustafson, Burke, Liberti, Messersmith, alternates Martin, Carpenter, Friedman and B. L. Johnson (Sub. III) as Conferees on the part of the House on SB 1326.

John B. Phelps, Clerk

Motion

On motion by Senator Thomas, the rules were waived and SB 984 was ordered immediately certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Deratany, by two-thirds vote CS for HB 1350 was withdrawn from the Committee on Finance, Taxation and Claims.

ENROLLING REPORTS

SB 389 and CS for SB 201 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 21, 1987.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 20 was corrected and approved.

CO-INTRODUCERS

Senator Woodson—CS for SB 109; Senator Frank—CS for CS for SB 414

RECESS

Senator Barron moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Monday, May 25 at 2:00 p.m. The motion was adopted.

Pursuant to the motion by Senator Barron, the Senate recessed at 12:21 p.m. to reconvene at 2:00 p.m., Monday, May 25.