



Journal of the Senate

Number 5

Tuesday, April 19, 1988

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—40:

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

Excused: Senator Malchon at 11:30 a.m.

PRAYER

The following prayer was offered by the Rev. Philip Lykes, Pastor, Southside Baptist Church, Lakeland:

Heavenly Father, as we begin to pray today, I'm reminded that your great and beloved King David constantly reminded the people to be continuously expressing their thanks to you and to tell everyone about your greatness. As they did, they became a strong and effective people. So today as these Florida Senators convene with their staffs and all who work to help them, receive from us our offering of thankfulness: for the privilege of life; for this great country; for our beloved Florida; for the privilege of our family; for the responsibility and privilege of being law-makers, people helpers, truth seekers; for being the object of your love and compassion; for the wisdom that you so willingly share with us.

And, Father, also the wise King Solomon told his people to trust in you with all their hearts and not lean to their own understanding, to acknowledge you in all their ways because you were quite willing to direct their paths. Lord, that comes from one who has been declared to be the wisest man who ever lived. Now, really, only you know the truth of that, but I pray that somehow we would give that word a chance to work today, for we really have nothing to lose and so much to gain.

The issues are real and the answers are oftentimes elusive, but you're truth, light, wisdom, love, power, beauty, you're anything and everything that anyone on planet Earth could ever want or desire. Thank you for being for us and with us today. Amen.

PLEDGE

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

Senator W. D. Childers presiding

Motion

On motion by Senator Vogt, by two-thirds vote SR 646 was withdrawn from the Committee on Rules and Calendar.

Consideration of Resolutions

On motion by Senator Vogt—

SR 646—A resolution honoring Shanan Rene Stewart for her academic and leadership excellence and for being selected Miss Florida U.S. Teen.

WHEREAS, Shanan Rene Stewart has received acclaim for her outstanding leadership skills and community service, and

WHEREAS, she is president of her high school freshman class, maintains an outstanding academic average, and has won awards for her excellence in mathematics, and

WHEREAS, Shanan was chosen Miss Florida U.S. Teen from a group of more than 100 outstanding Florida teens and will go on to represent Florida in the upcoming national Miss U.S. Teen competition, and

WHEREAS, Shanan is an outstanding Florida high school student and an inspiration to all who know her, NOW, THEREFORE,

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

That Shanan Rene Stewart is honored for her academic and leadership excellence, and her achievement in honoring Florida by representing it in the upcoming Miss U.S. Teen competition.

BE IT FURTHER RESOLVED, that a copy of this resolution, with the Seal of the Senate affixed, be presented to Shanan Rene Stewart as a tangible token of the respect and admiration of the members of the Senate.

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

Senator Vogt introduced the following special guests: Shanan Rene Stewart, Miss Florida U.S. Teen; her mother, Mrs. Roger Stewart of Sanford, and a family friend, Beth Bridges.

At the request of the presiding officer, Senator Vogt escorted Miss Stewart to the rostrum where she was presented a copy of SR 646.

The President presiding

On motion by Senator Kiser, by unanimous consent—

By Senator Kiser—

SR 1268—A resolution urging the Congress of the United States to approve the Free Trade Agreement between the United States and Canada.

WHEREAS, the State of Florida has a substantial international orientation and an increasingly multi-cultural population which includes over 150,000 residents who are Canadians, and

WHEREAS, through geography, tourism, and trade, this state serves as an essential interchange in the network of the Western Hemisphere and is visited by more than 1.5 million Canadians annually who spend \$700 million in the state, and

WHEREAS, Canada is one of this state's strongest cultural and trade partners and plays a large role in the exchange each year between the United States and Canada of more goods, services, and capital than any other two countries in the world, and

WHEREAS, the Florida Legislature has established the Florida-Canada Institute as a formal exchange between the two systems of higher education to strengthen cultural, educational, and commercial relations between Florida and Canada, and

WHEREAS, trade between Florida and Canada now totals almost \$2 billion annually, and

WHEREAS, the President of the United States and the Prime Minister of Canada have signed the Free Trade Agreement designed to eliminate tariffs and other artificial barriers, to enhance linkages between Florida and Canada, and to widen the markets of each, NOW, THEREFORE,

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

That the Congress of the United States is urged to approve the Free Trade Agreement between the United States and Canada.

BE IT FURTHER RESOLVED that copies of this resolution be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was introduced out of order and read the first time by title. On motion by Senator Kiser, SR 1268 was read the second time in full and unanimously adopted.

On motion by Senator Langley, by unanimous consent—

By Senator Langley—

SR 1269—A resolution proclaiming Canada Day in Florida.

WHEREAS, the State of Florida has a substantial international orientation and an increasingly multi-cultural population which includes over 150,000 residents who are Canadians, and

WHEREAS, through geography, tourism, and trade, this state serves as an essential interchange in the network of the Western Hemisphere and is visited by more than 1.5 million Canadians annually who spend \$700 million here, and

WHEREAS, Canada is one of this state's strongest cultural and trade partners and plays a large role in the exchange each year between the United States and Canada of more goods, services, and capital than any other two countries in the world, and

WHEREAS, the Florida Legislature has established the Florida-Canada Institute as a formal exchange between the two systems of higher education to strengthen cultural, educational, and commercial relations between Florida and Canada, and

WHEREAS, trade between Florida and Canada now totals almost \$2 billion annually, and

WHEREAS, the President of the United States and the Prime Minister of Canada have signed the Free Trade Agreement designed to eliminate tariffs and other artificial barriers, to enhance linkages between Florida and Canada, and to widen the markets of each, NOW, THEREFORE,

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

That April 19, 1988, is proclaimed Canada Day in Florida, in recognition of the growth of our mutually beneficial relationships.

—was introduced out of order and read the first time by title. On motion by Senator Langley, SR 1269 was read the second time in full and unanimously adopted.

Senator Langley introduced the following special guests: Canadian Consul General Geoffrey Elliot, Florida's Secretary of State Jim Smith and a delegation of 30 Canadian business leaders.

At the request of the President, Senators Kiser and Langley escorted the Consul General and Secretary Smith to the rostrum where Mr. Elliot was presented a copy of SR 1269.

On motion by Senator Scott, by unanimous consent—

By Senators Scott, Weinstein, Jenne and McPherson—

SR 1219—A resolution commending Myrtle T. "Andy" Anderson and the Florida Association of Realtors.

WHEREAS, the rapidly expanding population of this state relies heavily upon the professional real estate services provided by the 78,000 members of the Florida Association of Realtors, and

WHEREAS, Myrtle T. "Andy" Anderson has for many years been an active member of the real estate profession and the Fort Lauderdale Area Board of Realtors, having served on most and chaired several major committees of the local board and having been recognized as "Realtor of the Year" by the Fort Lauderdale Area Board of Realtors, and

WHEREAS, Ms. Anderson has been active in the Florida Association of Realtors for many years, serving as a director and holding the positions of District Vice-President, Corporation Secretary and President-Elect, as well as serving on most and chairing several of the major committees of the state association, and

WHEREAS, Ms. Anderson has been active in the National Association of Realtors, acting as a director, in addition to chairing and serving on important committees, and

WHEREAS, Ms. Anderson has been an active member of the Fort Lauderdale Chamber of Commerce, serving 1 year as director, was recognized as Woman of the Year by the Fort Lauderdale Business and Professional Women, and is a valuable member of her community, and

WHEREAS, Ms. Anderson has earned the Real Estate Fraternity Award, the honorary Omega Tau Rho medallion for distinguished service to her profession, and is a Life Member of the Capitol Club of the Realtors Political Action Committee, and

WHEREAS, Ms. Anderson earned a Bachelor of Arts degree in Economics, with a minor in Political Science, from Douglass College, which is now Rutgers University, and has earned the designations of Graduate, Realtor Institute (GRI) and Certified Residential Specialist (CRS), and

WHEREAS, Myrtle T. "Andy" Anderson, as president of the Florida Association of Realtors in 1988, demonstrated the qualities of leadership and professional ability that have made the association so valuable to our state, NOW, THEREFORE,

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

That Myrtle T. "Andy" Anderson and the Florida Association of Realtors are commended for the services performed on behalf of the State of Florida.

BE IF FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Myrtle T. "Andy" Anderson and to the Florida Association of Realtors as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read the first time by title. On motion by Senator Scott, SR 1219 was read the second time in full and unanimously adopted.

At the request of the President, Senators Scott, Jenne, McPherson and Weinstein escorted Ms. Anderson to the rostrum where she was presented a copy of SR 1219.

On motion by Senator Lehtinen, by unanimous consent—

By Senator Lehtinen—

SR 1072—A resolution recognizing the week of April 17-23 as "Victims' Rights Week."

WHEREAS, the Florida Department of Law Enforcement has reported that during 1987 over 1 million serious crimes occurred in this state, and

WHEREAS, victims of violent crimes seldom fully recover their psychological, physical, or financial health and well-being, and the rights of crime victims are often overlooked in the administration of our system of justice, and

WHEREAS, creating a better understanding of the rights of victims of crime will help to restore fairness and effectiveness to the administration of justice, and

WHEREAS, the Legislature has passed a joint resolution proposing an amendment to the State Constitution which would provide constitutional protection for certain basic rights of victims of crime and would make Florida a national leader in this area, and

WHEREAS, the Legislature anticipates that the people of this state will overwhelmingly signal their approval of that constitutional amendment at the general election to be held in November, 1988, NOW, THEREFORE,

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

That the week of April 17-23, 1988, is recognized as "Victims' Rights Week" in Florida.

BE IT FURTHER RESOLVED, that the Senate urges persons to join in becoming more sensitive to the rights of victims of crime.

—was introduced out of order and read the first time by title. On motion by Senator Lehtinen, SR 1072 was read the second time in full and unanimously adopted.

On motion by Senator Thurman, by unanimous consent—

By Senator Thurman—

SR 1290—A resolution recognizing the week of April 18-23, 1988, as Runaway Prevention Week.

WHEREAS, during fiscal year 1986-1987, 16,076 runaway, truant, and ungovernable children were received by the Department of Health and Rehabilitative Services, and

WHEREAS, 1,901 runaway, truant, and ungovernable adolescents were placed in secure detention facilities in this state, during fiscal year 1986-1987, and

WHEREAS, these children stayed in detention much longer than delinquent children, and

WHEREAS, the Department of Health and Rehabilitative Services incurred costs in excess of \$2.5 million housing runaway, truant, and ungovernable children in secure detention facilities, during fiscal year 1986-1987, and

WHEREAS, data provided by the National Criminal Investigation Center indicates that 37,878 missing children reports were filed by Florida law enforcement agencies during 1987, and

WHEREAS, the Department of Law Enforcement estimates that 90 percent or 34,090 of these missing children reports concerned runaway children, excluding those children who were asked to leave by their parents or guardians, and

WHEREAS, statistical data indicates that many of these children eventually develop delinquent behavior, and

WHEREAS, the Legislature recognizes that runaway children pose a significant problem for the state, and

WHEREAS, the Governor has proclaimed the week of April 18-23, 1988, as Runaway Prevention Week, NOW, THEREFORE,

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

That this legislative body join the Governor and the people of this state in recognizing the week of April 18-23, 1988, as Runaway Prevention Week.

BE IT FURTHER RESOLVED that this legislative body actively encourage children and families to stay together.

—was introduced out of order and read the first time by title. On motion by Senator Thurman, SR 1290 was read the second time in full and unanimously adopted.

Motion

On motion by Senator Johnson, the rules were waived by unanimous consent and the following bill was introduced out of order:

By Senators Johnson and Woodson—

SB 1345—A bill to be entitled An act relating to New College; naming the library at New College in honor of Jane Bancroft Cook; providing for suitable markers; providing an effective date.

—which was referred to the Committee on Rules and Calendar.

On motion by Senator Johnson, by two-thirds vote SB 1345 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Johnson, by unanimous consent SB 1345 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Childers, D.	Dudley	Grant
Barron	Childers, W. D.	Frank	Grizzle
Beard	Crawford	Girardeau	Hair
Brown	Deratany	Gordon	Hill

Hollingsworth	Lehtinen	Peterson	Thurman
Jenne	Malchon	Plummer	Weinstein
Jennings	Margolis	Ros-Lehtinen	Weinstock
Johnson	McPherson	Scott	Woodson
Kirkpatrick	Meek	Stuart	
Kiser	Myers	Thomas	

Nays—None

Vote after roll call:

Yea—Crenshaw, Langley

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, April 19, 1988: CS for SB 57, CS for SB 155, CS for SB 82, CS for SB 212, SB 132, SB 128, SB 338, SB 339, SB 340, CS for SB 412, SB 372, SB 383, SB 258, SB 264, SB 84, SB 331, SB 36, SB 152, CS for SB 54, SB 18

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Governmental Operations recommends the following pass: SB 238 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: SB 88

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 528, SB 576 with 1 amendment

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

The Committee on Health and Rehabilitative Services recommends the following pass: SB 542

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

The Committee on Governmental Operations recommends the following pass: CS for SB's 174 and 51, SB 550, SB 562 with 3 amendments

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 367

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

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 143

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 87, SB 567, SB 598, SB 790

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: SB 342

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 127

The bill with committee substitute attached was 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 659

The bill with committee substitute attached was placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

April 19, 1988

The Special Master on Claims requests an extension of 15 days for consideration of the following: Senate Bills 68, 105, 107, 180, 181, 189, 280, 336, 386, 387, 424, 490, 494, 495, 506, 515, 647, 1027

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Kirkpatrick—

SB 1028—A bill to be entitled An act relating to workers' compensation; amending s. 440.57, F.S.; exempting certain governmental entities from regulations relating to employers who pool liabilities to qualify as a group self-insurer's fund; providing an effective date.

—was referred to the Committees on Commerce; and Personnel, Retirement and Collective Bargaining.

By Senator Kirkpatrick—

SB 1029—A bill to be entitled An act relating to elections; amending s. 99.097, F.S.; providing for the payment to supervisors of elections of the costs of verifying petition signatures to have an issue placed on the ballot; providing an effective date.

—was referred to the Committees on Judiciary-Civil and Appropriations.

By Senators Kirkpatrick and Gordon—

SB 1030—A bill to be entitled An act relating to cholesterol screening; allowing a person who meets specified requirements to provide a cholesterol screening service for a reasonable fee; providing procedures and standards; providing for licensure by the Department of Health and Rehabilitative Services; requiring the submission of a protocol for departmental approval; providing requirements for the protocol; allowing the department to deny or revoke licensure as specified; providing for fees; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Appropriations.

By Senator Kirkpatrick—

SB 1031—A bill to be entitled An act relating to opticians; amending s. 484.002, F.S.; defining the term "board-certified optician"; amending s. 484.007, F.S.; increasing the registration fee to take the examination to be licensed as an optician; amending s. 484.008, F.S.; providing for the Board of Opticianry to approve continuing education courses; amending s. 484.014, F.S.; providing penalties for specified acts relating to the practice of opticianry; providing an effective date.

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

By Senator Kirkpatrick—

SB 1032—A bill to be entitled An act relating to wildlife; amending s. 372.65, F.S.; providing a license fee for nonresident dealers who buy freshwater fish or frogs from a resident dealer for resale outside the state; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

By Senator Girardeau—

SB 1033—A bill to be entitled An act relating to medical malpractice risk apportionment; amending s. 627.351, F.S.; providing for an additional member on the board of governors of the Joint Underwriting Association; providing an effective date.

—was referred to the Committee on Commerce.

By Senator Girardeau—

SB 1034—A bill to be entitled An act relating to shrimp fishing; amending s. 370.153, F.S.; revising language with respect to dead shrimp production in certain counties to provide for the inheritance or transfer of a license to an immediate family member; revising language with respect to license possession; providing an effective date.

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

By Senator Langley—

SB 1035—A bill to be entitled An act relating to cigarette tax proceeds; amending s. 210.20, F.S.; providing for the transfer of a portion of

such proceeds to be used to supplement funding certain functions of the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation; providing an effective date.

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

By Senator D. Childers—

SB 1036—A bill to be entitled An act relating to grandparental visitation rights; amending s. 752.01, F.S.; providing that award of reasonable rights of visitation for grandparents shall be based upon the best interests of the minor child; defining the term "grandparent"; amending s. 752.07, F.S.; revising language with respect to termination of right of visitation for a grandparent when there is a remarriage of one of the natural parents of the child; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By Senator Lehtinen—

SJR 1037—A joint resolution proposing an amendment to Section 6, Article IV of the State Constitution, relating to executive departments.

—was referred to the Committees on Governmental Operations; Appropriations; and Rules and Calendar.

By Senator Kirkpatrick—

SB 1038—A bill to be entitled An act relating to drivers' licenses; amending s. 322.125, F.S.; requiring the Medical Advisory Board to the Department of Highway Safety and Motor Vehicles to assist the department in developing coded restrictions for licensees whose medical condition warrants a requirement that they wear medical identification bracelets; amending s. 322.126, F.S.; requiring the department to provide coded medical identification bracelet restrictions and requiring disability reporting; amending s. 322.16, F.S.; authorizing the department to impose medical identification bracelet restrictions upon the use of licenses; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Stuart—

SB 1039—A bill to be entitled An act relating to the Board of Trustees of the Internal Improvement Trust Fund; amending s. 253.03, F.S.; authorizing the board to retain certain real property obtained under the Florida RICO Act in public ownership; authorizing reimbursement to the Forfeited Property Trust Fund for funds expended in regard to such property; authorizing the board to reimburse an investigative or law enforcement agency from funds in said trust fund; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Governmental Operations; and Appropriations.

By Senator Hair (by request)—

SB 1040—A bill to be entitled An act relating to employees of financial institutions; providing immunity from civil liability under certain circumstances to financial institutions providing certain information with respect to employees or former employees to other financial institutions or persons that provide information to employers; providing an effective date.

—was referred to the Committee on Commerce.

By Senator Woodson—

SB 1041—A bill to be entitled An act relating to public health units; amending s. 154.06, F.S.; authorizing the Department of Health and Rehabilitative Services to establish fees and fee schedules for all services provided through public health units; directing the department to adopt a uniform fee schedule for all personal health services and primary care services; requiring the public health units to collect such fees once established; providing for the deposit of the fees collected into the Public Health Unit Trust Fund to the credit of the collecting public health unit; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Appropriations.

By Senator Plummer—

SB 1042—A bill to be entitled An act relating to saltwater crawfish traps; amending s. 370.14, F.S.; prohibiting the Division of Law Enforcement of the Department of Natural Resources from issuing new trap numbers or reissuing expired trap numbers for a specified period of time, thereby prohibiting the use of new traps and certain old traps during the specified period of time; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Finance, Taxation and Claims.

By Senator Hill—

SB 1043—A bill to be entitled An act relating to the files of the Department of Corrections; amending s. 945.10, F.S.; authorizing the department to grant an inmate access to the files pertaining to him upon court order; providing an effective date.

—was referred to the Committee on Corrections, Probation and Parole.

By Senator Kirkpatrick—

SB 1044—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.01, F.S.; defining the term “marine fish”; creating s. 370.0605, F.S.; providing for nonresident saltwater fishing licenses; providing fees; providing duties of tax collectors and the Department of Natural Resources; prohibiting certain unlawful uses of a saltwater fishing license; creating s. 370.0606, F.S.; providing for the appointment of sub-agents for the issuance and sale of saltwater fishing licenses; providing for the disposition of license fees; creating a Marine Resources Conservation Trust Fund; providing for a marine information system; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

By Senator Hill—

SB 1045—A bill to be entitled An act relating to the employment of state correctional inmates; amending s. 945.091, F.S.; extending the period of time during which an inmate may be allowed to work at certain paid employment before release from confinement; amending s. 946.513, F.S.; increasing the period of time during which an inmate may be employed on the grounds of a correctional institution before release; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By Senator Malchon—

SB 1046—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.727, F.S.; providing for offer by insurers of policies providing uninsured motorist coverage which contain particular policy provisions under certain circumstances; requiring notice of coverage options to be enclosed with the notice of premium; clarifying uninsured motorist coverage with respect to excess, umbrella, or other policies not providing primary insurance; providing an effective date.

—was referred to the Committee on Commerce.

By Senator Hill—

SB 1047—A bill to be entitled An act relating to taxes on cigarettes and tobacco products; amending ss. 210.01, 210.02, 210.04, 210.05, 210.09, 210.11, 210.16, 210.18, 210.25, 210.35, 210.40, 210.45, 210.50, 210.55, 210.60, F.S.; providing definitions; providing a penalty for late payment of certain taxes; providing for liability for payment of taxes on cigarettes prior to their delivery to a wholesale or retail dealer; revising certain reporting requirements; requiring certain out-of-state entities who ship cigarettes or tobacco products into the state to file reports with the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation; increasing the amount of time allowed in which to apply for certain tax refunds; providing additional circumstances under which the division may revoke or suspend a permit or license to deal in cigarettes or tobacco products; authorizing the division to examine records, issue subpoenas, administer oaths, and take depositions in the course of enforcing cigarette and tobacco products tax laws; providing additional penalties for possessing unstamped cigarettes and failing to remit certain taxes; requiring a person acting as a tobacco products distributing agent

to be licensed by the division; providing conforming language; providing an effective date.

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

By Senator Kirkpatrick—

SB 1048—A bill to be entitled An act relating to the University of Florida; authorizing and directing the university to name a designated sports facility the “Alfred A. McKethan Baseball Stadium”; providing funds; providing an effective date.

—was referred to the Committee on Education.

By Senator Kirkpatrick—

SB 1049—A bill to be entitled An act relating to the University of Florida; authorizing and directing the university to name a designated building at the University of Florida the “Robert Q. Marston Hall”; providing funds; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Finance, Taxation and Claims—

SB 1050—A bill to be entitled An act relating to the public record exemption; amending ss. 192.105, 193.074, 195.027, 195.084, 196.101, 199.222, 201.022, 206.27, 211.125, 211.33, 212.0305, 213.053, 213.21, 213.22, 213.27, 220.242, F.S.; continuing the exemptions from public record disclosure requirements provided for state and federal tax information, returns, and records, records of the amount paid for real property, information concerning audits and investigations by the Department of Revenue or the Florida Department of Law Enforcement, books and records relating to the tax on the production of oil, gas, and solid minerals, records relating to local government resort taxes, records of settlements and compromises made by the Department of Revenue relating to a taxpayer's liability for taxes, interest, or penalties, technical assistance advisements issued by the department, information shared with debt collection or auditing agencies, and certain declarations of estimated taxes; requiring future legislative review of such exemptions pursuant to the Open Government Sunset Review Act; authorizing the department to provide information to property appraisers and tax collectors or their authorized agents; providing an effective date.

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

By Senator Woodson—

SB 1051—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.212, F.S., authorizing the operation of a golf cart to cross roads or highways in the state under certain circumstances; providing an effective date.

—was referred to the Committee on Transportation.

By Senators Peterson and Crawford—

SB 1052—A bill to be entitled An act relating to executive clemency; providing Legislative intent; creating the Commission on Conditional Release to recommend to the Executive Clemency Board those inmates who may be granted clemency, early conditional release, and the terms and conditions of such release; providing for membership of the commission and terms of office; providing powers and duties of the commission; providing criteria under which the commission may recommend an inmate for release; providing exceptions; providing for notice of possible release to the sentencing court and for its objection; creating the office of public advocate within the Department of Legal Affairs to review the commission's recommendations; providing for release conditions to be recommended by the commission; providing for the early conditional release of an inmate upon failure by the Executive Clemency Board to deny a recommendation by the commission; providing for reconsideration for release by the Executive Clemency Board; requiring an inmate to accept the terms of release prior to being granted such release; providing for the arrest of release violators; providing for a revocation hearing for any person charged with a violation of early conditional release; providing for the waiver of such hearing; providing for a determination if a charge of violation of release has been sustained at such hearing; requiring cooperation with the commission by certain custodians of prisoners; providing for application; amending ss. 20.315, 39.12, 322.16, 921.001, 921.16, 940.05, 940.06, 941.22, 941.23, 944.09, 944.096, 944.28, 944.602, 944.605, 944.611, 944.612, 945.091, 945.10, 945.25, 945.30, 945.47, 945.48, 947.01,

947.04, 947.10, 947.25, 947.26, 948.10, 960.17, F.S.; providing powers and duties of the commission commensurate with the powers and duties of the Parole and Probation Commission relating to access to confidential records, powers to impose conditions on released inmates, and to request the return of released inmates; providing conforming language relating to the Department of Corrections and its powers and duties to supervise, provide services, and maintain certain records relating to offenders granted early conditional release which are commensurate with the powers and duties of the department relating to parolees and parole violators; requiring the payment of certain costs of supervision and rehabilitation; providing for certain orders of restitution to be made a condition of release; providing for membership on the Parole and Probation Commission; providing for appointment of the chairman of the Parole and Probation Commission; deleting reference to the Board of Clemency Review; repealing ss. 947.005(6), 947.082, F.S., relating to the Board of Clemency Review; amending ss. 33 and 34 of ch. 83-131, Laws of Florida, as amended, delaying the legislative review and repeal of ch. 947, F.S.; providing for severability; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; and Appropriations.

By Senator Woodson—

SB 1053—A bill to be entitled An act relating to substance abuse; amending ss. 396.042, 397.031, F.S.; requiring the Department of Health and Rehabilitative Services to establish a program for the dissemination of such moneys for use in local alcohol and drug treatment programs; creating s. 939.017, F.S.; providing for imposition of a surcharge on persons found guilty of a misdemeanor involving alcohol and drugs as an additional cost in the case; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Appropriations.

By Senators Deratany, Crawford, Hair, W. D. Childers, Hollingsworth, Jennings, Girardeau, Crenshaw and Grant—

SB 1054—A bill to be entitled An act relating to the insurance premium tax; amending s. 624.429, F.S.; providing for a credit to reduce retaliatory taxes with respect to insurers; providing for deposit of the excess amount of certain fees, licenses, and taxes into the General Revenue Fund; amending s. 624.509, F.S.; reducing the percentage rate of the insurance premium tax on gross receipts for life and health insurance policies; providing for a credit for intangible taxes; redefining the term "employees" and increasing the credit allowed against the premium tax for certain employees covered by unemployment compensation; providing for consolidated premium tax returns for certain taxpayers; amending section 35 of chapter 87-99, Laws of Florida; providing for a credit against the insurance premium tax for certain taxpayers; amending s. 624.442, F.S.; requiring multiple-employer welfare arrangements to pay a tax on all contributions and premiums; providing an alternative method of payment; amending s. 624.470, F.S.; requiring commercial self-insurance funds to pay a tax on all contributions, premiums, or assessments; providing an alternative method of payment; amending s. 627.356, F.S.; providing that premiums, contributions, and assessments received by professional liability risk management trust funds shall be subject to the insurance premium tax; creating s. 629.5011, F.S.; providing that premiums and assessments received by reciprocal insurers are subject to the insurance premium tax; amending s. 634.131, F.S.; providing an insurance premium tax credit for motor vehicle service agreement companies; providing an effective date.

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

By Senators Woodson and Langley—

SB 1055—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.051, F.S.; providing a procedure for cities that have elected to participate in the system to withdraw from participation in the system effective October 1, 1988; specifying employee rights; requiring cities electing to withdraw to provide a system with comparable benefits and to make certain actuarial reports prior to making the election to withdraw; amending s. 121.071, F.S.; increasing contribution rates to fund the act; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

By Senators Kiser, Margolis, Gordon, McPherson, Dudley, Myers, Johnson, Hill, Kirkpatrick, Woodson, Frank, Grant, Stuart, Plummer, Malchon, Meek, Hair and Weinstein—

SB 1056—A bill to be entitled An act relating to motor vehicle inspections; providing a short title; providing definitions; providing requirements for a motor vehicle emissions inspection program to be administered by the Department of Highway Safety and Motor Vehicles; specifying motor vehicles that are subject to inspection requirements; requiring such inspection prior to vehicle registration; providing exemptions; providing for inspection reports; providing repair procedures with respect to defective vehicles; requiring the Department of Environmental Regulation to adopt rules establishing emissions standards and test procedures and equipment; requiring the department to enforce and administer such rules; authorizing the department to waive inspection requirements under certain circumstances; requiring the department to establish requirements for inspection stations; authorizing the department to enter into contracts to implement the emissions inspection program; providing contract requirements; providing procedures for protesting contract awards and requests for proposals; providing for licensure as a self-inspector; providing penalties; providing a maximum inspection fee; providing for the distribution of such fee; requiring the department to submit an emissions inspection program budget to the Governor; providing that inspection does not constitute a warranty of mechanical condition; requiring a report; requiring a public education program prior to implementation of the emissions inspection program; amending s. 20.24, F.S.; establishing the Division of Motor Vehicle Inspection within the department; deleting the Bureau of Motor Vehicle Inspection within the Division of Motor Vehicles of the department; providing an effective date.

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

By the Committee on Governmental Operations—

SB 1057—A bill to be entitled An act relating to periodic legislative review programs; repealing s. 11.61, F.S., the Regulatory Sunset Act, which provides for legislative review of regulatory functions, effective October 1, 1992; repealing s. 11.611, F.S., the Sundown Act, which provides for legislative review of advisory bodies, commissions, and boards of trustees adjunct to executive agencies, effective October 1, 1992; providing for legislative review of said sections in advance of that date; prescribing criteria for such review; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Senator Grizzle—

SB 1058—A bill to be entitled An act relating to family policy; creating the "Family Policy Act"; establishing a legislative goal; establishing provisions; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Appropriations; and Rules and Calendar.

By Senators Grizzle and Brown—

SB 1059—A bill to be entitled An act relating to surface waters of the state; amending s. 403.8171, F.S.; ratifying the rule adopted by the Environmental Regulation Commission which provides for the determination of the landward extent of surface waters of the state; deleting previous legislative changes to the rule; providing an effective date.

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

By Senators Dudley, Crenshaw, Thurman, Grizzle, Johnson, Hollingsworth, Kiser, Frank, Stuart, Meek and Langley—

SJR 1060—A joint resolution proposing the addition of Section 17 to Article VII of the State Constitution, relating to general laws that require a county or municipal government to expend funds or that limit the ability of a county or municipal government to raise revenue or receive state revenue.

—was referred to the Committees on Economic, Community and Consumer Affairs; Finance, Taxation and Claims; and Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

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

CS for SB 87—A bill to be entitled An act relating to juveniles; amending s. 39.41, F.S.; providing for court approval of independent living arrangements for certain foster children; providing conditions; amending s. 409.165, F.S.; providing for Department of Health and Rehabilitative Services placement of a child in an independent living situation under certain conditions; authorizing use of state foster care funds for establishment of an independent living program for certain minors; providing procedures; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senators McPherson, Dudley, Kiser, Grant and Meek—

CS for SB 127—A bill to be entitled An act relating to architecture and interior design; amending s. 20.30, F.S.; providing for a joint Board of Architecture and Interior Design; amending s. 481.201, F.S.; delineating purpose; amending s. 481.203, F.S.; providing definitions; amending s. 481.205, F.S.; designating a Board of Architecture and Interior Design; amending s. 481.207, F.S.; providing fees for the newly designated Board of Architecture and Interior Design; amending s. 481.209, F.S.; mandating, for architects, passage of the licensure examination and revising prerequisites that entitle an applicant to take the licensure examination and providing for examination and education requirements for interior designers; amending s. 481.211, F.S.; revising certain internship requirements; amending s. 481.213, F.S.; revising requirements for licensure by endorsement; creating s. 481.2131, F.S.; providing for interior design practice requirements; amending s. 481.215, F.S.; providing for license renewal; amending s. 481.217, F.S.; providing for license reactivation; amending s. 481.219, F.S.; revising requirements to clarify the practice of architecture by a partnership or corporation and creating such requirements in relation to interior design; amending s. 481.221, F.S.; reflecting present professional usage of terms; providing for rules to be adopted by the board which delineate responsible supervisory control; providing for the use of license numbers by registered architects; providing for the use of a seal by interior designers; amending s. 481.223, F.S.; reflecting the interchangeable use of terms; amending s. 481.225, F.S.; providing additional grounds for disciplinary action; creating s. 481.2251, F.S.; providing for disciplinary proceedings against registered interior designers; amending s. 481.229, F.S.; creating licensure exceptions for interior designers; amending s. 481.231, F.S.; revising the effect of the architecture practice act locally; providing for licensure without examination; repealing s. 481.233, F.S., relating to the registrations of certain architects; saving part I of ch. 481, F.S., from Sunset repeal and providing for future review and repeal; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs—

CS for SB 143—A bill to be entitled An act relating to land sales practices; amending s. 498.003, F.S.; clarifying legislative intent; amending s. 498.005, F.S.; clarifying various definitions and adding a definition of "common promotional plan"; amending s. 498.007, F.S.; clarifying powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes; amending s. 498.011, F.S.; deleting obsolete language with respect to employees of the division; amending s. 498.013, F.S.; clarifying language with respect to the seal and authentication of certain records; amending s. 498.017, F.S.; revising provisions relating to fees; requiring the division to set fees by rule for filing notification of a material change of an offering; providing limits on such fees; amending s. 498.019, F.S.; requiring the division to maintain separate accounts within the trust fund for each of the businesses it regulates; amending s. 498.021, F.S.; clarifying language with respect to jurisdiction; creating s. 498.022, F.S.; providing for jurisdiction over fraudulent acts; amending s. 498.023, F.S.; clarifying language relating to prohibitions on dispositions of interests in subdivided lands; amending s. 498.024, F.S., relating to reservation programs; amending s. 498.025, F.S., relating to exemptions; providing clarifying language; amending s. 498.027, F.S.; revising provisions relating to requirements for application for registration; requiring subdividers to furnish evidence of waivers of jurisdiction or possession of required permits for certain subdivided lands prior to the entry of an order of registration; providing for hearings; providing alternatives to required waivers, approvals or permits; providing for consolidation of registrations for additional subdivided lands; deleting duplicative language; amending s. 498.029, F.S., relating to notice of filing and registration; amending s. 498.031, F.S., relating to the division's power to make inquiry and examine applicants; amending s. 498.033, F.S., relating to post-registration

requirements; amending s. 498.035, F.S., relating to advertising materials; amending s. 498.037, F.S.; clarifying requirements for contents of public offering statements; amending s. 498.039, F.S., relating to required assurances or trust and escrow accounts and required encumbrance reports; amending s. 498.041, F.S., relating to annual renewal of registrations; deleting duplicative language; adding a requirement that registrants provide specified information on all real estate brokers and salesmen who work for them; amending s. 498.047, F.S.; providing that the division shall have the power to investigate registrants as necessary; amending s. 498.049, F.S., providing for revocation or suspension of registrations and for civil penalties; amending s. 498.051, F.S.; providing for the issuance of cease and desist orders; amending s. 498.053, F.S.; providing for the issuance of notice to show cause orders; amending s. 498.057, F.S., relating to service of process; amending s. 498.059, F.S., relating to penalties; amending s. 498.061, F.S., relating to civil remedies; deleting the 5-year statute of repose; amending s. 498.063, F.S.; eliminating duplicative and obsolete language in the saving clause; repealing s. 498.015, F.S., relating to the advisory council appointed to advise the division in land sales matters; repealing s. 498.045, F.S., relating to the registration and regulation of salesmen and brokers; repealing s. 498.055, F.S., relating to reports of disciplinary action made to the Florida Real Estate Commission; saving chapter 498, F.S., from Sunset repeal; providing for future review and repeal; providing an effective date.

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

CS for SB 342—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; providing that special risk criteria for correctional officers shall include control and investigation of prisoners; clarifying the procedure for designating special risk membership in the system; providing for the retention of special risk membership for certain members transferred or reassigned to other positions; authorizing members of the Regular Class and the Special Risk Administrative Support Class to apply for and be admitted as members of the Special Risk Class; restoring special risk credit for certain periods of employment; providing for contributions; amending s. 121.091, F.S.; providing a reduction in the percentage of average final compensation earned for certain members of the Special Risk Class who exceed 25 years of service; providing for an increased employer contribution to fund benefits; providing an effective date.

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

CS for SB 567—A bill to be entitled An act relating to displaced homemakers; amending s. 410.30, F.S.; requiring the Department of Health and Rehabilitative Services to contract with and make grants to entities that provide programs for displaced homemakers; revising the definition of the term "displaced homemaker"; deleting certain duties of the department; providing for statewide availability of displaced homemaker service programs; providing criteria for contract and grant awards to entities providing displaced homemaker service programs; requiring a state plan and an annual report by the department; establishing the Displaced Homemaker Trust Fund to be used by the department to fund displaced homemaker service programs; amending s. 28.101, F.S.; providing an additional fee upon filing a petition for dissolution of marriage; providing that such fee be deposited in the Displaced Homemaker Trust Fund; providing for the waiver of the fee under certain circumstances; amending s. 741.01, F.S.; providing an additional fee for issuance of a marriage license; providing that such fee be deposited in the Displaced Homemaker Trust Fund; providing an effective date.

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

CS for SB 659—A bill to be entitled An act relating to child protective investigations of reports of institutional child abuse or neglect; amending s. 415.505, F.S.; allowing the Department of Health and Rehabilitative Services to restrict the access to certain children by a subject of a report of child abuse or neglect pending the outcome of an investigation; providing for judicial review; providing for continued restrictive access with judicial consent; requiring the department to provide personnel to act in a receivership manner to prevent the closure of a facility; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Deratany, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to consider CS for SB 48 on April 20.

On motions by Senator Deratany, by two-thirds vote Senate Bills 262 and 850 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Malchon, by two-thirds vote SB 905 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator McPherson, by two-thirds vote SB 78 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Beard, by two-thirds vote SB 625 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Grant, by two-thirds vote Senate Bills 58 and 617 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Scott, by two-thirds vote Senate Bills 160, 343, 535, CS for SB 3, CS for SB 309 and CS for SB 395 were withdrawn from the Committee on Appropriations.

On motion by Senator Gordon, the rules were waived and the Select Subcommittee on Education was granted permission to meet April 20 from 1:00 p.m. until 2:00 p.m. in lieu of 12:00 noon until 2:00 p.m.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

Appointments Subject to Confirmation by the Senate:

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Florida Citrus Commission Appointee: Raley, William L., Winter Haven	05/31/91
Hillsborough County Civil Service Board Appointee: Leisey, Jr., C. E., Ruskin	07/02/91
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Appointee: Crum, James D., Miami	09/30/91
State Board of Community Colleges Appointee: Barnes-LeGrande, Sydel, Miami Shores	09/30/92
Construction Industry Licensing Board Appointees: Green, Jr., Edwin M., Miami Padreda, Camilo A., Miami Rutkoski, J. J., Tampa	02/18/91 02/18/92 02/18/92
Tampa-Hillsborough County Expressway Authority Appointee: Levy, Sidney Wallace, Tampa	07/01/91
Harbormaster for the Port of Key West Appointee: Sweeting, Ulric E., Key West	02/08/90
Hospital Cost Containment Board Appointees: Otis, II, Kenneth C., Jacksonville Weiss, Jeffrey J., Miami	01/01/91 01/01/91
Board of Trustees of South Lake County Hospital District Appointee: Simmons, Richmond H., Minneola	07/05/91
Postsecondary Education Planning Commission Appointee: Kerrigan, Robert G., Pensacola	02/04/90

Referred to the Committee on Executive Business.

SPECIAL ORDER

CS for SB 57—A bill to be entitled An act relating to electrical and alarm system contracting; amending s. 489.503, F.S.; revising exemptions from regulation under part II, ch. 489, F.S.; amending s. 489.505, F.S.; providing definitions applicable to said part; amending s. 489.507, F.S.,

relating to the Electrical Contractors' Licensing Board; deleting obsolete provisions; amending s. 489.509, F.S.; providing for regulatory fees; amending s. 489.511, F.S.; providing requirements for certification as an electrical or alarm system contractor; providing for licensure by endorsement under certain circumstances; amending s. 489.513, F.S.; providing for registration of electrical contractors; deleting provisions regarding temporary registration; amending s. 489.515, F.S.; providing for licensure of contractors; amending s. 489.519, F.S.; revising provisions for reactivating a license; amending s. 489.521, F.S.; clarifying requirements of an applicant or its proposed qualifying agent; deleting a provision relating to charging a fee for certifying a business organization as qualified; providing that a licensee must include his certificate or registration number on all applications for building permits and all advertising; amending s. 489.525, F.S.; revising certain reporting requirements; amending s. 489.531, F.S.; proscribing certain acts and providing penalties; amending s. 489.533, F.S.; establishing additional grounds for disciplinary action; amending s. 489.535, F.S.; requiring the board to report certain criminal violations; repealing s. 489.537(4), F.S., relating to local governmental requirements concerning specialty contractors; saving part II of ch. 489, F.S., and ss. 633.70, 633.71, and 633.72, F.S., from Sunset repeal and providing for future review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for SB 57 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

CS for SB 155—A bill to be entitled An act relating to contracting; amending s. 489.103, F.S., revising exemptions from regulation under part I, ch. 489, F.S.; amending s. 489.105, F.S.; providing definitions applicable to said part; providing for regulation of persons who perform work with respect to hot tubs or spas and with respect to roof coating and persons who use fiberglass for sheet-metal type work; including underground utility contractors and specialty contractors among the categories of Division II contractors; amending s. 489.107, F.S.; revising composition of the Construction Industry Licensing Board; amending s. 489.109, F.S.; providing for regulatory fees; providing for the disposition of certain fees; requiring annual summaries of allocations by institution and of projects funded; amending s. 489.111, F.S.; revising requirements for examination for certification; providing for cease and desist orders against persons who do not hold the required certification or registration; amending s. 489.113, F.S.; revising requirements for engaging in contracting in the state; amending s. 489.115, F.S.; providing for certification or registration as a contractor; revising requirements for licensure by endorsement; providing for renewal; amending s. 489.117, F.S.; revising requirements relating to temporary limited registration; amending s. 489.119, F.S.; providing for licensure of business organizations, including joint ventures; providing for submission of bids by joint ventures; creating s. 489.1195, F.S.; prescribing classes of qualifying agents; defining responsibilities of such agents; amending s. 489.129, F.S.; providing grounds and penalties for disciplinary action; providing for recommendations by hearing officers concerning penalties; providing for reinstatement; amending s. 489.131, F.S.; providing for applicability of the part; providing for local examination to engage in contracting; permitting structural components of buildings to be constructed or altered only by Division I contractors; reviving and readopting ss. 489.101-489.107, 489.109-489.131, F.S., notwithstanding their scheduled repeal; providing for future review and repeal of ss. 489.101-489.131, F.S.; reviving, readopting, transferring, and amending s. 489.5331, F.S., relating to damages in certain actions against contractors; clarifying the application of said section; repealing s. 16, ch. 87-310, Laws of Florida, relating to Sunset termination of said section; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendment which was adopted:

Amendment 1—On page 26, strike all of lines 11-29 and insert:

(4) As a prerequisite to the initial issuance or the renewal of a certificate, the applicant shall submit an affidavit on a form provided by the Board attesting to the fact that the applicant ~~satisfactory evidence that~~ he has obtained public liability and property damage insurance for the safety and welfare of the public in amounts determined by rule of the board. The Board shall by rule establish a procedure for verification of the aforementioned affidavit's accuracy based upon a random sample method. In addition to the aforementioned affidavit of insurance, as a prerequisite to the initial issuance of a certificate, and the applicant shall furnish evidence of financial responsibility, credit, and business reputation of either himself or the business organization he desires to qualify. The board shall adopt rules defining financial responsibility based upon the applicant's credit history, ability to be bonded, and any history of bankruptcy or assignment of receivers. Such rules shall specify the financial responsibility grounds on which the board may refuse to qualify an applicant for certification. If, within 60 days from the date the applicant is notified that he has qualified, he does not provide the evidence required, he shall apply to the department for an extension of time which shall be granted upon a showing of just cause.

On motion by Senator Margolis, by two-thirds vote CS for SB 155 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

CS for SB 82—A bill to be entitled An act relating to real estate brokers, salesmen, schools, and appraisers; amending s. 475.01, F.S.; providing definitions; amending s. 475.011, F.S.; providing exemptions from regulation under ch. 475, F.S.; amending s. 475.02, F.S.; revising qualifications for membership on the Florida Real Estate Commission; amending s. 475.04, F.S.; providing for duties of the commission; amending s. 475.045, F.S.; revising qualifications for membership on the Foundation Advisory Committee of the Florida Real Estate Commission Education and Research Foundation; revising powers and duties of the committee and the foundation; amending s. 475.125, F.S.; revising license and renewal fees; providing for fees for certification and recertification; amending s. 475.15, F.S.; requiring the registration or licensure of only the general partners in a limited partnership; amending s. 475.17, F.S.; revising qualifications for practice as a real estate broker or salesman; requiring post-licensure education for brokers; providing qualifications for nonresident applicants and licensees; amending s. 475.175, F.S.; providing for license examinations; amending s. 475.182, F.S.; providing for license renewal, including continuing education requirements; providing for inactive status; amending s. 475.183, F.S.; revising requirements to renew inactive licenses; amending s. 475.23, F.S.; requiring a licensee to notify the commission of a change of address; amending s. 475.25, F.S.; prescribing disciplinary actions and revising grounds for disciplinary action; including certification as an appraiser within the scope of disciplinary authority; amending s. 475.31, F.S.; deleting certain relicensing limitations; amending s. 475.37, F.S.; providing for reversal of certain disciplinary actions; amending s. 475.38, F.S.; deleting provisions allowing payment by the commission of certain fees and costs of a defendant; amending s. 475.42, F.S.; revising a prohibition and providing an additional prohibition; providing penalties; amending s. 475.451, F.S.; providing requirements for certain schools and instructors teaching courses in real estate practice; amending s. 475.452, F.S.; requiring advance fees to be deposited in a bank in this state; amending s. 475.482, F.S.; modifying requirements for disbursements from the Real Estate Recovery Fund; raising the fund levels at which the imposition of special fees for the fund must be discontinued and at which they may be reimposed thereafter; amending s. 475.483, F.S.; revising conditions for recovery from the fund; amending s. 475.4835, F.S.; providing for certain actions to be taken by the commission on behalf of the state; amending s. 475.484, F.S.; prohib-

iting the recovery of treble damages, court costs, attorney's fees, and interest from the Real Estate Recovery Fund except under specified circumstances; creating s. 475.501, F.S.; providing definitions; providing for certification of real estate appraisers and residential appraisers; creating the Real Estate Appraisal Subcommittee of the Florida Real Estate Commission; providing for membership of the subcommittee; prescribing its duties; providing for certification of licensed brokers, broker-salesmen, and salesmen as appraisers; providing examination requirements; providing education and experience requirements; providing for term of certification; providing for recertification; limiting certification to individuals; requiring the display of certification numbers; providing continuing education requirements; providing for disciplinary actions and grounds therefor; providing standards for developing certified appraisal reports and communicating such reports; providing for interpreting such standards; requiring the retention of certain documents; amending s. 337.271, F.S.; requiring certain appraisals related to right-of-way acquisitions to be conducted by state-certified real estate appraisers; repealing s. 475.181(4), F.S.; deleting provisions relating to the applicant's request for a license; repealing s. 475.1825, F.S., relating to the inactive status of certain expired registrations; reviving and readopting ss. 475.001-475.486, F.S.; repealing ss. 475.001-475.501, F.S., and providing for review of said sections prior to their repeal; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendments which were adopted:

Amendment 1—On page 7, line 11, strike "strictly" and insert: strictly

Amendment 2—On page 14, lines 12 and 13 and on page 33, line 13, strike "a county vocational center" and insert: an area vocational-technical center

Amendment 3—On page 14, line 27; on page 45, line 25; and on page 46, line 10, strike "county vocational center" and insert: area vocational-technical center

Amendment 4—On page 32, line 3, strike "county vocational centers" and insert: area vocational-technical centers

Amendment 5—On page 32, line 16, strike "and community colleges" and insert: community colleges, and area vocational-technical centers

Amendment 6—On page 40, line 6, strike "a state-certified appraiser" and insert: appraisers

Amendment 7—On page 40, between lines 20 and 21, insert:

(b) "Appraisal report" means any written or oral analysis, opinion, or conclusion issued by an appraiser relating to the nature, quality, value, or utility of a specified interest in, or aspect of, identified real property and includes a report communicating an appraisal analysis, opinion, or conclusion of value, regardless of title.

(Renumber subsequent paragraphs.)

Amendment 8—On page 41, line 22, after the period (.) insert:

Such persons may continue to provide appraisals and appraisal services for compensation so long as they do not represent themselves or the appraisal report as certified.

(c) This section shall not apply to a real estate broker or salesman who, in the ordinary course of business, gives an opinion of the value of real estate for the purpose of a prospective sale. However, in no event may this opinion be referred to or construed as an appraisal, nor can any compensation, fee, or consideration be charged for the opinion other than the normal commission or fee for services rendered in the sale of the real property involved.

Amendment 9—On page 42, line 2, after the period (.) insert:

The members shall be as representative of the entire industry as possible and membership in a nationally or state recognized organization shall not be a prerequisite to membership on the subcommittee. To the extent possible, no more than one member of the subcommittee shall be primarily affiliated with any one particular national or state association.

Amendment 10—On page 42, strike all of lines 14 and 15 and insert: December 31, 1989, two of the members must be state-certified residential appraisers and three of the members must

Amendment 11—On page 42, strike all of lines 19-21 and insert: be appointed for 3-year terms, and three members shall be appointed for 4-year terms. Thereafter, all members shall be appointed for 4-year terms. Any vacancy occurring in the

Amendment 12—On page 48, line 13, after "activities" insert: and shall include the certification number in any newspaper, telephone directory, or other advertising medium used by the appraiser

Amendment 13—On page 49, strike all of lines 6 and 7 and insert: misrepresentation in the practice of real estate appraising.

Amendment 14—On page 49, between lines 25 and 26, insert:

(14) **CONSIDERATION OF PURPOSE OF APPRAISAL.**—In developing a certified real estate appraisal analysis, opinion, or conclusion for an employer or a client, an appraiser must carefully consider and determine whether the appraisal service to be performed is intended to result in a analysis, opinion, or conclusion of a disinterested third party and therefore would be classified as an appraisal assignment. If the appraisal service to be performed is not intended to result in an analysis, opinion, or conclusion of a disinterested third party, the appraiser shall carefully consider whether or not he would be perceived by third parties or the public as acting as a disinterested third party.

(Renumber subsequent subsections.)

Amendment 15—On page 58, between lines 8 and 9, insert:

Section 25. The Florida Real Estate Commission shall provide for a study to be conducted through the auspices of its Education and Research Foundation which shall address the following issues:

1. Should real estate appraisers be required to hold a real estate license and be regulated by the Florida Real Estate Commission?
2. Should a separate certification structure be established for business appraisers and business opportunity specialists?
3. Should other classifications be established for appraisers, such as "rural and farm appraiser"?
4. Should personal property appraisers be regulated and if so how?

The results of the study shall be reported to the Legislature no later than December 1, 1989.

(Renumber subsequent sections.)

Amendment 16—On page 60, strike all of lines 2 and 3 and insert: 1988, except that amendments to subsection (4) of section 337.271, Florida Statutes, made by this act, shall take effect October 1, 1990.

Amendment 17—On page 19, line 1, strike "for" and insert: in

Senator Crawford moved the following amendment which was adopted:

Amendment 18—On page 15, lines 15-31; on page 16, lines 1-30; and on page 17, lines 1-3, strike all of said lines and insert:

(3)(a) *The commission may prescribe a post-licensure education requirement in order for a person to maintain a valid salesman's license, which shall not exceed 45 classroom hours of 50 minutes each, inclusive of examination, within the 2-year period immediately following initial licensure. If prescribed, this shall consist of a 45-hour course on subjects which include, but are not limited to, property management, appraisal, real estate finance, or the economics of real estate management. Required post-licensure courses must be taken at an accredited college, university, community college, an area vocational-technical center, or at a registered real estate school.*

(b) *Satisfactory completion of the post-licensure requirement is demonstrated by successfully meeting all standards established for the commission-prescribed or commission-approved institution, or school. However, notice of satisfactory completion shall not be issued if the student has absences in excess of 10 percent of the required classroom hours.*

(c) *The license of any salesman who does not complete the post-licensure education requirement within the 2-year period immediately following initial licensure shall be considered null and void. Such person wishing to again operate as a real estate salesman must requalify by satisfactorily completing the salesman's pre-licensure course and passing the state examination for licensure as a salesman.*

(d) *A salesman must complete any post-licensure education requirement in order to be eligible for licensure as a broker.*

(4)(a) *The commission may prescribe a post-licensure education requirement in order for a person to maintain a valid broker's license, which shall not exceed 60 classroom hours of 50 minutes each, inclusive of examination, within the 2-year period immediately following initial licensure. If prescribed, this shall consist of 2 courses of 30 classroom hours each on subjects which include, but are not limited to, advanced appraisal, advanced property management, real estate marketing, business law, advanced real estate investment analyses, advanced legal aspects, general accounting, real estate economics, syndications, commercial brokerage, feasibility analyses, advanced real estate finance, residential brokerage, or real estate brokerage office operations. Required post-licensure courses must be taken at an accredited college, university, community college, area vocational-technical center, or at a registered real estate school.*

(b) *Satisfactory completion of the post-licensure requirement is demonstrated by successfully meeting all standards established for the commission-prescribed or commission-approved institution or school. However, notice of satisfactory completion shall not be issued if the student has absences in excess of 10 percent of the required classroom hours.*

(c) *The license of any broker who does not complete the post-licensure education requirement within the 2-year period immediately following initial licensure shall be considered null and void. If the licensee wishes to operate as a salesman, he may be issued a salesman's license after providing proof that he has satisfactorily completed the 14-hour continuing education course within the 6 months following expiration of his broker's license. To operate as a broker, he must requalify by satisfactorily completing the broker's pre-licensure course and passing the state examination for licensure as a broker.*

(5)(a) *The commission may allow an additional 6-month period at the end of the 2-year timeframe for completing the post-licensure education courses for salesmen and brokers who cannot, due to individual physical hardship, complete the courses within the required time.*

(b) *Except as provided in subsection (4), salesmen and brokers are not required to meet the 14-hour continuing education requirement during the 2-year period following initial licensure.*

(c) *The commission shall provide for post-licensure education courses to be made available by correspondence or other suitable means to any person who, by reason of hardship, cannot attend the place or places where courses are regularly conducted.*

(6)(a) *If an applicant is not a resident of this*

Senator Margolis moved the following amendments which were adopted:

Amendment 19—In title, on page 3, line 24, after "documents;" insert: requiring a study to be conducted through the Education and Research Foundation relating to appraising;

Amendment 20—In title, on page 1, line 24, after "for" insert: salesmen and

On motion by Senator Margolis, by two-thirds vote CS for SB 82 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 212—A bill to be entitled An act relating to the Florida Drug and Cosmetic Act; amending ss. 499.003, 499.017, 499.018, 499.02, 499.021, 499.022, 499.041, 499.067, F.S.; creating s. 499.024, F.S.; providing restrictions on the use of legend drugs; clarifying procedures for applying for state approval and permits for the manufacture, use, distribution, repackaging, and sale of generic drugs and investigational drugs; revising provisions relating to the meetings of the Florida Drug and Cosmetic Technical Review Panel; providing duties of the panel; providing for recommendations by the panel to the Department of Health and Rehabilitative Services; providing authority for classification of products as drugs; clarifying provisions relating to certain fees and consulting contracts; clarifying grounds for denying certain permits; reviving and re-adopting ss. 499.02, 499.021, 499.022, F.S., notwithstanding repeals scheduled under the Sundown Act and Regulatory Sunset Act; providing for future review and repeal of said sections; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendment which was adopted:

Amendment 1—On page 2, lines 10 and 11, strike “be used” and insert: be use

On motion by Senator Myers, by two-thirds vote CS for SB 212 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—McPherson

SB 132—A bill to be entitled An act relating to the Medical Advisory Board; amending s. 322.125, F.S., and s. 28(1), ch. 87-172, Laws of Florida, to increase the membership of the board, to revise the eligibility requirements for appointment to the board, to redesignate the member that serves as chairman of the board, and to revise the duties of the board; continuing s. 322.125, F.S., after September 30, 1988, notwithstanding the provisions of ch. 82-46, Laws of Florida; providing for future review and repeal of said section; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote SB 132 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Hill, Stuart

SB 128—A bill to be entitled An act relating to the Environmental Regulation Commission; reviving and readopting s. 20.261(3), F.S., relating to the Environmental Regulation Commission and its membership, notwithstanding repeal scheduled pursuant to the Sundown Act; providing for future review and repeal of said section; providing an effective date.

—was read the second time by title. On motion by Senator Crawford, by two-thirds vote SB 128 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Peterson

Senator Hair presiding

SB 338—A bill to be entitled An act relating to citrus marketing orders; amending s. 601.154, F.S.; replacing provisions providing for citrus marketing order administrative committees with provisions providing for citrus marketing order advisory councils; specifying the appointing authority of such councils; providing for staggered terms of membership; providing for election of officers and recordkeeping; providing for travel reimbursement; specifying council duties; revising duties of citrus marketing order advisory committees; repealing a provision relating to the funding of the administration of marketing orders; reviving and re-adopting s. 601.154(4), F.S., relating to the appointment of such councils and committees, notwithstanding the scheduled repeal of said subsection pursuant to the Sundown Act; repealing said subsection at a distant date and providing for review of said subsection prior thereto; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 338 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Hair

SB 339—A bill to be entitled An act relating to the aquaculture advisory councils; amending s. 597.003, F.S.; clarifying duties of the Department of Agriculture and Consumer Services; amending s. 597.005, F.S., relating to the Aquaculture Review Council; providing for nomination, appointment, and terms of members; providing for conduct of meetings and recordkeeping; clarifying powers and duties; amending s. 597.006, F.S., relating to the Aquaculture Interagency Coordinating Board; redefining the board as a coordinating council; providing for additional members; providing for the conduct of coordinating council business; providing responsibilities; reviving and readopting ss. 597.005, 597.006, F.S., notwithstanding repeal under the Sundown Act; providing for future review and repeal of said sections; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 339 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 340—A bill to be entitled An act relating to the Florida Citrus Commission; reviving, readopting, and amending s. 601.04(3), F.S.; continuing provisions authorizing the commission to elect officers and to appoint advisory committees and councils, notwithstanding their scheduled repeal pursuant to the Sundown Act; limiting areas of advisory committee or council concern; providing for the expiration of the authority of the commission to appoint advisory committees and councils, effective October 1, 1998; providing for review of said paragraph before its expiration; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote SB 340 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for SB 412—A bill to be entitled An act relating to the Commission on Ethics; amending s. 110.205, F.S.; exempting employees of the Commission on Ethics from the Career Service System; repealing s. 110.402(3), F.S., which provides that the Executive Director and Deputy Executive Director of the Commission on Ethics receive Senior Management Service benefits; amending s. 112.321, F.S.; providing that the Commission on Ethics shall employ an executive director and furnish assistants and secretaries as required in accordance with the policies established therefor by the Joint Legislative Management Committee pursuant to applicable provisions of s. 11.147, F.S.; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for SB 412 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 372—A bill to be entitled An act relating to the State Apprenticeship Council; amending s. 446.045, F.S.; increasing the council membership; providing for appointment of members; providing for terms of office; providing for meetings, a quorum, and official action; providing for removal of members, minutes of meetings, and reimbursement for per diem and traveling expenses; abrogating the repeal of such section scheduled pursuant to the Sundown Act; providing for future review and repeal of said section; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote SB 372 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 383—A bill to be entitled An act relating to highway designation; designating State Road 8-A in Escambia County as the Reubin O'Donovan Askew Parkway; directing the Department of Transportation to erect appropriate markers; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 383 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Weinstein

SB 258—A bill to be entitled An act relating to bridge designation; amending ss. 1, 2 of ch. 79-416, Laws of Florida, designating the bridge over the Intracoastal Waterway at State Road 826 in Dade County which is to be known as the Milton Littman Memorial Bridge; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 2, strike "is" and insert: and the companion bridge which is being constructed are

On motion by Senator Margolis, by two-thirds vote SB 258 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 264—A bill to be entitled An act relating to traffic infractions; amending ss. 318.18, 322.27, F.S.; reducing certain penalties for violation of state bicycle regulations; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of lines 17 and 18 and insert: 316.2065(12), and violations of chapter 316 by persons bicyclists 14 years of age or ~~and~~ under who are operating bicycles.

On motion by Senator Deratany, by two-thirds vote SB 264 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 84—A bill to be entitled An act relating to public food service establishments; amending s. 509.214, F.S.; requiring customer notification when automatic gratuity charges are imposed at such establishments; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 84 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Deratany

SB 331—A bill to be entitled An act relating to obscene materials; amending s. 847.001, F.S.; redefining the term “obscene” with respect to criminal offenses that relate to obscene materials; providing an effective date.

—was read the second time by title.

Senator W. D. Childers moved the following amendment:

Amendment 1—On page 1, between lines 23 and 24, insert:

Section 2. Section 847.002, Florida Statutes, is created to read:

847.002 *Indecent devices prohibited; penalty.*—

(1) No person owning or operating a motor vehicle in this state shall affix to any part of such motor vehicle which is visible to members of the public not occupying such motor vehicle any sticker, decal, emblem, or other device containing obscene descriptions, photographs, or depictions of deviate sexual intercourse, nudity, sadomasochistic abuse, sexual battery, sexual bestiality, sexual conduct, simulated sexual conduct, sexual excitement or excretory functions, or any of these when harmful to minors. All terminology in this section shall be defined and interpreted as provided in s. 847.001.

(2) Any person who violates the provisions of subsection (1) is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(Renumber subsequent section.)

Senator Gordon moved the following amendment to Amendment 1 which failed:

Amendment 1A—insert: It is legal to quote any or all of the language of Section (1) in any sticker, decal, emblem or other device affixed to said motor vehicle

Amendment 1 was adopted.

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

Amendment 2—In title, on page 1, line 5, after the semicolon (;) insert: creating s. 847.002, F.S.; prohibiting persons who own or operate a motor vehicle from affixing to such vehicle any sticker, decal, emblem or other device containing certain obscene descriptions, photographs or depictions; providing a penalty;

On motion by Senator Johnson, by two-thirds vote SB 331 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Gordon

Vote after roll call:

Yea—Deratany, Weinstein

Explanation of Vote

Any limitation on free speech which does not meet the Supreme Court test of obscenity is a violation of the first amendment. I do not wish to be recorded in opposition to our constitutional right of free speech.

Jack D. Gordon, 35th District

Consideration of **SB 36** was deferred.

SB 152—A bill to be entitled An act relating to dissolution of marriage; creating s. 61.075, F.S.; authorizing courts to equitably distribute marital assets and liabilities and prescribing factors for the court to consider in making such distributions; defining marital and nonmarital assets and liabilities; providing for the effect of a recorded judgment; establishing the date for determining marital assets and liabilities and the value thereof; providing a presumption as to marital assets and liabilities; providing for monetary payments in lump sum or installments; providing for the consideration of an alimony award; amending s. 61.08, F.S.; authorizing the award of periodic alimony; providing that the court may consider the adultery of either spouse in determining the amount of alimony to award; adding marital assets and liabilities as factors in the determination of an award of alimony or maintenance; 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 5, line 14, strike “, periodic,”

Senator Ros-Lehtinen moved the following amendments which were adopted:

Amendment 2—On page 6, between lines 10 and 11, insert:

Section 3. Distribution of retirement plans upon dissolution of marriage.—

(1) All vested and nonvested benefits, rights, and funds accrued during the marriage in retirement, pension, profit-sharing, annuity, deferred compensation, and insurance plans and programs are marital assets subject to equitable distribution.

(2) If the parties were married for at least 10 years, during which at least one of the parties who was a member of the federal uniformed services performed at least 10 years of creditable service, and if the division of marital property includes a division of uniformed services retired or retainer pay, the final judgment shall include the following:

(a) Sufficient information to identify the member of the uniformed services;

(b) Certification that the Soldiers' and Sailors' Civil Relief Act of 1940 was observed if the decree was issued while the member was on active duty and was not represented in court;

(c) A specification of the amount of retired or retainer pay to be distributed pursuant to the order, expressed in dollars or as a percentage of the disposable retired or retainer pay;

(3) An order which provides for distribution of retired or retainer pay from the federal uniformed services shall not provide for payment from this source more frequently than monthly and shall not require the payor to vary normal pay and disbursement cycles for retired or retainer pay in order to comply with the order.

(Renumber subsequent sections.)

Amendment 3—In title, on page 1, line 22, after the semicolon (;) insert: providing that certain sources of income are marital property; providing that certain information must be included in final judgments of dissolution of marriage if funds are to come from retired or retainer pay of the federal uniformed services;

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

Amendment 4—In title, on page 1, strike line 16

On motion by Senator Langley, by two-thirds vote SB 152 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Deratany, Kiser, Meek, Weinstein

Reconsideration

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

SB 331—A bill to be entitled An act relating to obscene materials; amending s. 847.001, F.S.; redefining the term "obscene" with respect to criminal offenses that relate to obscene materials; providing an effective date.

—as amended passed this day.

Senator W. D. Childers moved the following amendment which was adopted by two-thirds vote:

Amendment 3—On page 1, between lines 23 and 24, insert:

Section 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(Renumber subsequent sections.)

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

Amendment 4—In title, on page 1, line 5, after the semicolon (;) insert: providing severability;

SB 331 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Gordon

CS for SB 54—A bill to be entitled An act relating to condominiums; amending s. 718.115, F.S.; providing for additional expense items to be treated as common expenses; providing an effective date.

—was read the second time by title. On motion by Senator Weinstock, by two-thirds vote CS for SB 54 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—1

Grizzle

SB 18—A bill to be entitled An act relating to adult congregate living facilities; amending s. 400.435, F.S., directing the Department of Health and Rehabilitative Services to forward certain inspection results to public libraries or the county seat of counties in which an inspected facility is located; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services recommended the following amendments which were moved by Senator Woodson and adopted:

Amendment 1—On page 1, strike all of lines 13-23 and insert:

Section 1. Subsection (2) of section 400.435, Florida Statutes, is amended and subsection (4) is added to said section to read:

400.435 Maintenance of records; reports.—

(2) Within 60 days from the date of the annual inspection visit or within 30 days from the date of any interim visit, the department shall forward the results of the inspection to the district ombudsman council committee in whose district the facility is located and to at least one public library or, in the absence of a public library, the county seat in the county in which the inspected adult congregate living facility is located.

(4) Any records, reports, or documents which by state or federal law or regulation are deemed confidential may not be distributed or made available for purposes of compliance with this section unless and until such confidential status expires.

Amendment 2—In title, on page 1, line 8, after the semicolon (;) insert: prohibiting the distribution of confidential material;

On motion by Senator Woodson, by two-thirds vote SB 18 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	Girardeau	Kiser	Ros-Lehtinen
Beard	Gordon	Langley	Scott
Brown	Grant	Lehtinen	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	McPherson	Thurman
Crawford	Hollingsworth	Meek	Weinstein
Crenshaw	Jenne	Myers	Weinstock
Dudley	Johnson	Peterson	Woodson
Frank	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Deratany

The President presiding

SB 36—A bill to be entitled An act relating to federal law enforcement officers; providing a definition; granting certain powers to such federal officers with respect to arrests without warrants, the use of force, searches and seizures, and possession of firearms; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, strike all of lines 23-25 and insert:

(2) Every federal law enforcement officer has the following authority:

Senator Grant moved the following amendments which were adopted:

Amendment 2—On page 2, strike all of lines 28 and 29 and insert: statute, involving violence, in the presence of the officer or who has committed a felony or misdemeanor in the presence of the officer while the officer is engaged in the exercise of his federal law enforcement duties. If the officer reasonably believes that such a felony or misdemeanor as defined by state

Amendment 3—On page 3, strike all of lines 17 and 18 and insert:

Section 2. Any provision to the contrary notwithstanding, any actively employed full-time or part-time law enforcement officer of this state who is certified pursuant to the requirements of chapter 943, Florida Statutes, has full jurisdictional authority to arrest for the commission of a state felony in the presence of such officer.

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

Amendment 4—In title, on page 1, line 7, after the semicolon (;) insert: providing that all state-certified law enforcement officers have full arrest authority with respect to felonies committed in their presence;

On motion by Senator Grant, by two-thirds vote SB 36 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Stuart

On motion by Senator Jennings, 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 HB 624 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Regulatory Reform and Representatives Kelly and Lippman—

HB 624—A bill to be entitled An act relating to the State Apprenticeship Council; amending s. 446.045, F.S.; increasing the council membership; providing for appointment of members; providing for terms of office; providing for meetings, a quorum, and official action; providing for removal of members, minutes of meetings, and reimbursement for per diem and travel expenses; saving the State Apprenticeship Council from scheduled Sundown repeal; providing for future review and repeal of the council; providing an effective date.

—was referred to the Committee on Commerce.

On motion by Senator Jennings, by two-thirds vote HB 624 was withdrawn from the Committee on Commerce.

On motions by Senator Jennings, by unanimous consent HB 624 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed SB 596.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

Motion

On motion by Senator Barron, the rules were waived and all bills passed this day were ordered immediately certified to the House.

ENROLLING REPORTS

SB 596 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 14, 1988.

Joe Brown, Secretary

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 596, which he approved on April 15, 1988.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 18, 14 and 12 were corrected and approved.

CO-INTRODUCERS

Senator Margolis—SB 66; Senator Kirkpatrick—SB 325; Senator Myers—CS for SB 471; Senator Meek—SB 997; Senators Ros-Lehtinen and Malchon—SB 1021

RECESS

Senator Barron moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Tuesday, April 26 at 10:00 a.m. The motion was adopted.

Pursuant to the motion by Senator Barron, the Senate recessed at 11:45 a.m. to reconvene at 10:00 a.m., Tuesday, April 26.