



Journal of the Senate

Number 12

Wednesday, May 11, 1988

CALL TO ORDER

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

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

Excused: Senator Scott at 10:42 a.m.; Senator Hair

PRAYER

The following prayer was offered by the Rev. Terry Dyer, Pastor, First Presbyterian Church, Quincy:

Our Eternal God, as we pause for a few moments, we give you thanks that our experience as Floridians is enriched by men and women from every walk of life, of every color, language and belief.

We thank you for our dependence on one another's skills, labor, and love as we strive to make our state an even better place in which to live. But most of all, I want to thank you for our elected officials, and more specifically our Senators, who dedicate more time than they are compensated for; more love and compassion than they are given credit for; and who give more of themselves than we will ever realize.

In the closing weeks of this legislative session, surround them with your presence and grant them the awareness of your peace, as they seek to do that which will insure a better tomorrow for all of us who call Florida our home. Amen.

Consideration of Resolutions

On motion by Senator Thomas, by two-thirds vote SR 1341 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Thomas—

SR 1341—A resolution commending the Graceville High School Basketball Team for its 1988 basketball season.

WHEREAS, the Graceville High School "Tigers" Basketball Team, under the direction of Head Coach Donahue Johnson, won 28 games and lost only 3 games during the 1988 basketball season, and

WHEREAS, the Graceville High School "Tigers" won the 1988 state class A high school basketball championship by defeating Lantana-Lake Worth Christian High School by a score of 48-33, and

WHEREAS, the 1988 Graceville High School "Tigers" Basketball Team is the first basketball team in the school's history to win a state championship, and

WHEREAS, by such achievements, the team has brought honor and pride to Graceville High School and the City of Graceville, NOW, THEREFORE,

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

That the Graceville High School "Tigers" Basketball Team, Andrew Leon Davis, Jr., Jim Murray Franklin, Chris Gainer, William Eddie Hudson, Dallas Derion Johnson, Deveroe Lester Lawrence, Bobby Wayne McDaniel, Darrell Mitchell, Rusty Tomberlin, and Jerry Walker; Head

Coach Donahue Johnson; and assistant coaches Phil Fowler and Al Hayes are commended for their outstanding accomplishments in winning the first state championship in basketball for Graceville High School.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to the Graceville High School "Tigers" Basketball Team as a tangible token of the sentiments of the Senate.

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

Senator Thomas introduced the following special guests who were seated in the chamber: Donahue Johnson, Graceville High School head coach; Al Hayes, assistant coach; Andy Davis and Darrell Mitchell, team captains.

At the request of the President, Senator Thomas escorted the guests to the rostrum where they were presented a copy of the resolution.

On motion by Senator Myers, by two-thirds vote SR 1398 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Myers—

SR 1398—A resolution supporting the Governor's proclamation calling for observance of "Just Say No" to Drugs Week" and "Red Ribbon Day."

WHEREAS, the abuse of drugs and alcohol in this country continues to pose a serious threat to the health, safety, welfare, and well-being of children, youth, and adults, and

WHEREAS, drug abuse among our children and youth touches every segment of society; not only is it present, but it is a major problem of such gigantic proportions that families and individuals from all walks of life are affected, and

WHEREAS, it is the responsibility of the entire community to become involved in the fight to combat drug and alcohol abuse, and many groups have organized to assist in helping others to become aware of the extent and nature of this devastating problem, and

WHEREAS, the "Just Say No" movement is a national campaign that is intended to assist in preventing and reversing the use of drugs in schools and communities, and "Red Ribbon Day" is intended to be a day of awareness in which all community members, especially our students, are being asked to wear red ribbons to highlight the need to prevent the abuse of drugs and alcohol, NOW, THEREFORE,

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

That the Senate supports the Governor's proclamation calling upon the people of the State to join in observing the week of May 9 through 13, 1988, as "Just Say No" to Drugs Week" and Wednesday, May 11, 1988, as "Red Ribbon Day" by conducting appropriate ceremonies and activities.

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

On motion by Senator W. D. Childers, by two-thirds vote SR 1399 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator W. D. Childers—

SR 1399—A resolution commending the Pensacola-Escambia Clean Community Commission and the Pensacola Board of Realtors on their efforts to maintain the natural beauty of the City of Pensacola.

WHEREAS, the City of Pensacola has been blessed with an abundance of resources and natural beauty, and

WHEREAS, the public should do what it can in order to maintain this heritage by joining together in an effort to work toward a cleaner living environment for everyone, and

WHEREAS, the Pensacola-Escambia Clean Community Commission, in conjunction with the Pensacola Board of Realtors, are cosponsoring a communitywide effort to involve more people in working for a cleaner community, and

WHEREAS, Mayor Vince Whibbs proclaimed April 1988 as "Keep America Beautiful/Clean and Green Month," and

WHEREAS, the Pensacola-Escambia Clean Community Commission kicked off its 1988 Clean and Green/American Home Week Campaign on April 23, 1988, by cosponsoring a countywide cleanup, and

WHEREAS, the commission, the board of realtors, and the mayor have joined in urging the public to work with civic groups, government agencies, and businesses to help preserve the natural splendor of the community throughout the year, NOW, THEREFORE,

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

That the Pensacola-Escambia Clean Community Commission and the Pensacola Board of Realtors are commended on their efforts to maintain the natural beauty of the City of Pensacola, and that the Senate encourages the public in each community in this state to show such civic pride.

BE IT FURTHER RESOLVED that copies of this resolution, with the seal of the Senate affixed, be presented to Ellis A. Davis, Executive Director of the Pensacola-Escambia Clean Community Commission, to the Pensacola Board of Realtors, and to the Honorable Vince Whibbs, Mayor of the City of Pensacola.

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

On motion by Senator W. D. Childers, by two-thirds vote SR 1402 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator W. D. Childers—

SR 1402—A resolution honoring Miss Jeanie Bell Parker, pioneer principal of the Allie Yniestra Elementary School.

WHEREAS, early in this century, Miss Jeanie Bell Parker chose to dedicate her life to the teaching of young children, and

WHEREAS, after several years of educational service in another state, she moved to Pensacola and continued her career as a teacher at the Allie Yniestra Elementary School, which had been rebuilt after a fire, and

WHEREAS, after several years of exceptional service as a classroom teacher, she was elevated to the position of school principal, which position she held until her retirement in 1976, and

WHEREAS, during the period in which Miss Parker was associated with Allie Yniestra Elementary School, the school was regularly cited for its pivotal role in developing teaching options and programs for children of all economic strata, and

WHEREAS, through Miss Parker's leadership, the school also acquired one of the region's strongest bases of parental support, and

WHEREAS, on May 30, 1988, the school and its faculty, students, and alumni will celebrate the school's golden anniversary and recognize the exceptional contributions of Jeanie Bell Parker, NOW, THEREFORE,

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

That Miss Jeanie Bell Parker is honored and commended for a career which exemplified the spirit of education in Florida and which showed her dedication to the children of this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Miss Jeanie Bell Parker as a tangible token of the appreciation and thanks of the Florida Senate.

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 11, 1988 and Thursday, May 12, 1988: CS for SM 302, HB 212, HB 633, HB 657, CS for SB 1084, CS for SB 211, SB 1064, CS for SJR's 318 and 356, SB 357, CS for SB 111, SB 1338, CS for CS for SB 392, SB 836, CS for SB 925, CS for CS for SB 556, CS for SB 74, SB 88, SB 937, CS for SB 759, SB 1114, CS for SB 500, SB 409, SB 414, CS for SB 218, SB 442, SB 589, SB 590, CS for SB 831, SB 907, SB 951, CS for SB 1174, CS for SB 874, CS for SB 602, CS for SB 573, CS for SB 459, SB 283, SB 198, CS for SB 606, CS for SB 872, CS for SB 924, SB 1028, CS for SB 1119, SB 1077, SB 880, CS for SB 702, CS for SB 419, SB 378, CS for SB 539

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Transportation recommends a committee substitute for the following: SB 1293

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

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 727

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 376

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 Education recommends a committee substitute for the following: SB 1333

The Committee on Transportation recommends a committee substitute for the following: SB 1193

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

The Committee on Education recommends a committee substitute for the following: SB 926

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

The Committee on Judiciary-Civil recommends a committee substitute for the following: SJR 1227

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

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 1247

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

FIRST READING OF COMMITTEE SUBSTITUTES

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

CS for SB 727—A bill to be entitled An act relating to contracting; amending s. 489.501, F.S.; including reference to locksmiths with respect to legislative purpose; amending s. 489.503, F.S.; providing for exemptions from the act; amending s. 489.505, F.S.; providing definitions; amending s. 489.507, F.S.; revising the membership of the Electrical Contractors' Licensing Board to include a certified locksmith; amending s. 489.509, F.S.; providing fees for certification and registration as a locksmith; amending s. 489.511, F.S.; providing reference to locksmiths with respect to certification, application, examinations, prerequisites, and endorsement; creating s. 489.512, F.S.; providing for qualification and competency with respect to certified locksmiths; amending s. 489.513, F.S.; providing registration requirements for locksmiths; amending s. 489.515, F.S.; providing for licensure; amending s. 489.531, F.S.; providing prohibitions and penalties; amending s. 489.533, F.S.; providing for disciplinary proceedings; amending s. 489.537, F.S.; providing for the application of the act; providing a date on which the registration provisions will apply; providing an effective date.

By the Committee on Education and Senator Hollingsworth—

CS for SB 926—A bill to be entitled An act relating to community colleges; permitting certain Georgia residents to attend specified community colleges and pay in-state tuition; exempting certain Georgia residents from state residency requirements; providing an effective date.

By the Committee on Education and Senators Lehtinen, Myers and Meek—

CS for SB 1333—A bill to be entitled An act relating to community colleges; amending s. 240.345, F.S.; authorizing community college boards of trustees to levy an ad valorem tax for capital outlay purposes; requiring referendum approval; providing limitations; amending s. 240.3031, F.S.; specifying the counties served by state community colleges; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Meek, by two-thirds vote Senate Bills 722, 839 and 1253 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Jenne, by two-thirds vote Senate Bills 1303 and 1362 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Langley, by two-thirds vote SB 978 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Jennings, by two-thirds vote CS for SB 73 was withdrawn from the Committee on Commerce.

On motions by Senator Margolis, by two-thirds vote CS for SB 1354, Senate Bills 929 and 1102 were withdrawn from the Committee on Economic, Community and Consumer Affairs.

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>
Greater Orlando Aviation Authority Appointee: Garcia, III, M. A., Winter Park	04/16/92
Board of Building Codes and Standards Appointee: Locke, Charles E., Tallahassee	05/01/91
Capitol Center Planning Commission Appointee: Revell, Walter L., Miami	09/30/89
Florida Citrus Commission Appointee: Hilliard, Joe Marlin, Clewiston	05/31/91
Board of Cosmetology Appointee: Green, Anita B., Ft. Pierce	01/01/92
Board of Professional Engineers Appointee: Kennedy, Beverly B., Ft. Lauderdale	12/20/91
Board of Trustees of South Lake County Hospital District Appointee: Gray, Cecil E., Groveland	07/05/91
Florida Commission on Human Relations Appointees: Mangione, Ralph P., Tampa Townsend, Ronald P., Pensacola	09/30/91 09/30/91
State Board of Independent Colleges and Universities Appointee: Patch, James M., Jacksonville	09/30/88
Board of Massage Appointee: Holt, Constance B., Winter Park	01/01/92
Board of Osteopathic Medical Examiners Appointee: Cunningham, J. Courtney, Orlando	01/29/90
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc. Appointees: Gong, Edmond J., Miami Hines, Jr., Andrew H., St. Petersburg Mixson, Wayne, Tallahassee	09/30/91 09/30/91 09/30/88

Referred to the Committee on Executive Business.

Executive Director of Department of Law Enforcement
Appointee: Moore, James T., Tallahassee
Pleasure of Governor and Cabinet

Referred to the Committees on Judiciary-Criminal and Executive Business.

The Governor advised that he had filed with the Secretary of State Senate Bills 115, 119, 163, 165, 230 and 1345, which he approved on April 28, 1988; Senate Bills 56, 84, 171, 229, 252, 258 and 383, which he approved on May 3, 1988; Senate Bills 82 and 908, which he approved on May 4, 1988.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 559, CS for HB 824, HB 1662; has passed as amended House Bills 45, 433, 610, 642, 1432; has passed by the required Constitutional three-fifths vote of the membership of the House CS for HJR 290; has adopted HM 1520 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Ethics and Elections and Representatives Bloom and Gonzalez-Quevedo—

CS for HB 559—A bill to be entitled An act relating to the code of ethics; amending s. 112.313, F.S., relating to standards of conduct for public officers and employees; creating an additional exception from requirements relating to conflicting employment or contractual relationships for elected public officers under certain conditions; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Natural Resources and Representative Thomas—

CS for HB 824—A bill to be entitled An act relating to the operation of seaplanes on the public waters; amending s. 332.10, F.S.; providing that a seaplane operating or taxiing upon any public waters of the state shall be considered a vessel during such operation and subject to certain provisions of law; providing an effective date.

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

By Representative Crotty and others—

HB 1662—A bill to be entitled An act relating to adoption of a county charter; amending s. 125.82, F.S.; providing that the time limitations for holding a special election with respect to a charter proposed by the charter commission method do not apply to a charter proposed by the alternative ordinance method; providing for manner of conducting the special election, and for giving notice of the special election, under the ordinance method of proposing a charter; ratifying certain existing county charters; providing an effective date.

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

By Representative Sample and others—

HB 45—A bill to be entitled An act relating to condominiums and cooperatives; amending ss. 718.401 and 719.401, F.S.; providing for the application of certain options available to condominium and cooperative leases governing recreational facilities or other common elements; prohibiting the enforcement of escalation clauses in certain existing condominium and cooperative leases; providing an effective date.

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

By Representative Gardner—

HB 433—A bill to be entitled An act relating to theft; amending s. 812.015, F.S.; providing that the charges of theft and resisting a merchant may be tried concurrently; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representatives Martin and Canady—

HB 610—A bill to be entitled An act relating to the designation of facilities; naming the new State Services Building in Largo, Florida as the “Mary R. Grizzle State Office Building”; authorizing and directing the university to name a designated sports facility the “Scott Linder Tennis Stadium”; providing funds; providing an effective date.

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

By Representative Simon—

HB 642—A bill to be entitled An act relating to obstruction of justice; amending s. 843.08, F.S.; increasing the penalty for falsely personating a law enforcement officer, including a state attorney investigator and enhancing such penalty if false personation as a police officer occurs during the commission of a felony; providing an effective date.

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

By the Committee on Corrections, Probation and Parole and Representative Smith—

HB 1432—A bill to be entitled An act relating to correctional industries; amending s. 946.515, F.S.; providing for items manufactured or serviced by the corporation operating the prison industry program to meet specifications of the purchasing authority or agency; providing for a non-binding arbitration process for settling disputes; providing that certain competitive bidding provisions do not apply to purchases from the corporation; amending s. 946.516, F.S.; providing publication of sales not produced by the corporation; requiring a supplement to the annual report; amending s. 287.042, F.S.; providing for issuance of commodity numbers and state term contracts to certified corporation products; exempting purchases of correctional industry products from competitive bid requirements; providing that correctional industry products shall meet comparable requirements of purchasing agencies; amending s. 570.50, F.S.; providing for testing of samples submitted by the corporation operating the prison industry program; creating s. 236.0836, F.S.; providing authority for renovating and rehabilitating school buses; amending s. 946.009, F.S.; providing for priority of assignment of inmates to correctional work programs; providing an effective date.

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

By the Committees on Judiciary; Veterans, Military Affairs and Emergency Preparedness and Representative Locke and others—

CS for HJR 290—A joint resolution proposing the creation of Section 11 of Article IV of the State Constitution relating to a Department of Veterans Affairs.

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

By the Committee on Housing and Representatives Jamerson and Reaves—

HM 1520—A memorial to the Congress of the United States, urging Congress to amend ss. 42 and 143 of the Internal Revenue Code of 1986 to extend the authorization for the low-income housing tax credit and issuance of mortgage revenue bonds through 1992.

—was referred to the Committee on Rules and Calendar.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 10, 384, 328, 329, 214 and CS for SB 309.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

SPECIAL ORDER

Consideration of **CS for SM 302** was deferred.

HB 212—A bill to be entitled An act relating to the Medical Advisory Board; amending s. 322.125, F.S.; providing for administrative officer of board to be employed by the Department of Highway Safety and Motor Vehicles; deleting unnecessary language; providing that a member of the

board shall be a chiropractic physician; clarifying immunity from liability for board members; saving s. 322.125, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, lines 29-31, and on page 2, lines 1-20, strike all of said lines and insert: board members. Every member but one two must be a doctor of medicine licensed to practice medicine in this or any other state and must be a member in good standing of the Florida Medical Association or the Florida Osteopathic Association. One member must be an optometrist licensed to practice optometry in this state and must be a member in good standing of the Florida Optometric Association. ~~One member must be a person who is not, and has never been, licensed to practice medicine or optometry in this or any other state.~~ Members shall be approved by the Cabinet and shall serve 4-year staggered terms. The board membership must, to the maximum extent possible, consist of equal representation of the disciplines of the medical community treating the mental or physical disabilities that could affect the safe operation of motor vehicles.

(5) ~~There shall be no monetary liability on the part of and no cause of action for damages shall arise against any member of the board, for any action taken without intentional fraud in carrying out the provisions of this section. Members of the board and other persons making examinations shall not be held liable for their opinions and recommendations.~~

Section 2. Subsection (1) of section 28 of chapter 87-172, Laws of Florida, is amended to read:

Section 28. The amendments made by this act do not apply with respect to a particular board, commission, or council until the next vacancy or expiration of a term occurs; and further, with respect to the requirement that there be a member who is 60 years of age or older on the board, commission, or council, if no member 60 years of age or older is serving on a board, commission, or council when the next vacancy occurs, that requirement does not apply:

(1) With respect to the Board of Medicine, Board of Osteopathic Medical Examiners, Board of Chiropractic, Board of Podiatric Medicine, Board of Optometry, Board of Nursing, Board of Pharmacy, Board of Dentistry, Board of Nursing Home Administrators, Board of Funeral Directors and Embalmers, Board of Accountancy, Board of Architecture, Board of Opticianry, Board of Psychological Examiners, Florida Real Estate Commission, ~~Medical Advisory Board,~~ or Florida State Advisory Council of Speech-Language Pathology and Audiology, until the next lay vacancy on said board, commission, or council occurs;

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, strike all of lines 1-12 and insert: 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, and to redesignate the member that serves as chairman 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.

On motion by Senator Beard, by two-thirds vote HB 212 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Crawford, Crenshaw, Stuart

HB 633—A bill to be entitled An act relating to the Florida Citrus Commission; amending s. 601.04, F.S., relating to certain powers of the Florida Citrus Commission; providing clarifying language with respect to areas of concern of advisory bodies; saving s. 601.04(3), F.S., from Sun-down repeal; providing for future review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote HB 633 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Crawford, Crenshaw, Stuart

HB 657—A bill to be entitled An act relating to the Florida Citrus Code; amending s. 601.154, F.S., relating to citrus marketing order advisory councils; specifying the appointing authority of such councils; providing for staggered terms of members; providing for election of officers; providing for recordkeeping of the council; clarifying provisions relative to reimbursement for travel and per diem; revising council duties; deleting obsolete language; saving s. 601.154(4), F.S., from Sun-down repeal; providing for future review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote HB 657 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Crawford, Crenshaw, Stuart

CS for SB 1084—A bill to be entitled An act relating to pesticides; amending s. 487.021, F.S.; providing for the definition of the term "special review"; amending s. 487.041, F.S.; providing duties of the Department of Agriculture and Consumer Services relating to the registration of pesticides; providing for the communication by the department of data relative to application for registration of pesticides to the Pesticide Review Council; providing for interagency coordination in pesticide registration; specifying the authority of the department and Commissioner of Agriculture in pesticide registration; amending s. 487.042, F.S.; providing for classification of pesticide as restricted-use; amending s. 487.0615, F.S.; clarifying the purpose of the Pesticide Review Council; revising the composition of the council; providing for the appointment and terms of council members; providing for the conduct of council meetings and the transaction of business by the council; providing for recordkeeping; providing powers and responsibilities of the council; requiring the council to submit an annual report to specified officials; repealing s. 487.043, F.S., relating to the testing of restricted-use pesticides; reviving and readopting s. 487.0615, F.S., relating to the council, notwithstanding the provisions of s. 11, ch. 83-310, Laws of Florida; repealing s. 11, ch. 83-310, Laws of Florida, which provides for repeal of provisions relating to the council; providing for the future repeal and review of s. 487.0615, F.S.; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote CS for SB 1084 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Crawford, Crenshaw, Stuart

CS for SB 211—A bill to be entitled An act relating to abortion; amending s. 390.002, F.S.; requiring that a report of a termination of pregnancy must be filed with the Department of Health and Rehabilitative Services by the medical facility or physician within a certain time; authorizing the department to require additional information in such reports; prescribing penalties relating to such reports; amending s. 390.012, F.S.; amending the rulemaking responsibilities of the Department of Health and Rehabilitative Services with respect to such clinics and to the disposal of fetal remains; providing penalties for the improper disposal of fetal remains; requiring compliance with the rules and standards governing ambulatory surgical centers; amending s. 390.026, F.S., pertaining to internal risk management programs in the clinics; deleting obsolete cross-references; amending s. 395.041, F.S., pertaining to internal risk management programs in hospitals; deleting references to abortion clinics and obsolete cross-references; reviving and readopting ss. 390.011(2), 390.012-390.019, 390.021, 390.026, F.S., relating to the termination of pregnancies, notwithstanding repeals scheduled pursuant to the Sunset Act; providing for future review and repeal of said sections; providing an effective date.

—was read the second time by title.

Senator Woodson moved the following amendment which was adopted:

Amendment 1—On page 2, before line 3, insert:

Section 1. Paragraph (a) of subsection (4) of section 390.001, Florida Statutes, is amended to read:

390.001 Termination of pregnancies.—

(4) **CONSENTS REQUIRED.**—Prior to terminating a pregnancy, the physician shall obtain the written informed consent of the pregnant woman or, in the case of a mental incompetent, the written consent of her court-appointed guardian.

(a)1. If the pregnant woman is under 18 years of age and unmarried, in addition to her written request, the physician shall obtain the written informed consent of a parent, custodian, or legal guardian of such unmarried minor, or the physician may rely on an order of the circuit court, on petition of the pregnant unmarried minor or another person on her behalf, authorizing, for good cause shown, such termination of pregnancy without the written consent of her parent, custodian, or legal guardian. The cause may be based on a showing that the minor is sufficiently mature to give an informed consent to the procedure, or based on the fact that a parent, custodian, or legal guardian unreasonably withheld consent by her parent, custodian, or legal guardian, or based on the minor's fear of physical or emotional abuse if her parent, custodian, or legal guardian were requested to consent, or based upon any other good cause shown. At its discretion, the court may enter its order *ex parte*. *If the court determines that the minor is sufficiently mature to give an informed consent to the procedure, the court shall issue an order authorizing the procedure without the consent of her parent, custodian, or legal guardian. If the court determines that the minor is not sufficiently mature, the court shall determine the best interest of the minor and enter its order in accordance with such determination.*

2. *The court must ensure that a minor who files a petition pursuant to this paragraph will remain anonymous. The minor may participate*

in proceedings in the court on her own or through another person on her behalf. Court proceedings brought pursuant to this paragraph are confidential and must be given the priority necessary for the court to reach a decision promptly. The court must rule within 48 hours after the petition is filed; but the 48-hour limitation may be extended at the request of the minor. An expedited anonymous appeal must be made available to a minor who files a petition pursuant to this paragraph.

3. The Supreme Court may adopt any rules it considers necessary to ensure that proceedings brought pursuant to this paragraph are handled expeditiously and are kept confidential.

(Renumber subsequent sections.)

The vote was:

Yeas—20

Mr. President	Crawford	Jennings	Peterson
Barron	Crenshaw	Kiser	Plummer
Brown	Dudley	Langley	Ros-Lehtinen
Childers, D.	Hill	Lehtinen	Thomas
Childers, W. D.	Hollingsworth	Myers	Woodson

Nays—15

Deratany	Grizzle	Margolis	Thurman
Frank	Jenne	McPherson	Weinstein
Girardeau	Kirkpatrick	Meek	Weinstock
Gordon	Malchon	Stuart	

Vote after roll call:

Yea—Beard, Grant, Johnson

Senator Gordon moved the following amendment:

Amendment 2—On page 2, lines 10-12, strike underlined portions

Senator Dudley moved the following substitute amendment which was adopted:

Amendment 3—On page 2, line 11, after “additional” insert: *statistical or technical*

Senator Myers moved the following amendment which was adopted:

Amendment 4—On page 2, lines 15-17, remove overstriking

Senator Woodson moved the following amendment which was adopted:

Amendment 5—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 390.001, F.S.; providing that a minor may have a termination-of-pregnancy procedure performed on her without parental consent if a court determines that she is sufficiently mature to give an informed consent to the procedure; prescribing procedures for such proceedings and for appeal therefrom; providing for confidentiality of such proceedings;

On motion by Senator Myers, by two-thirds vote CS for SB 211 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Crenshaw	Johnson	Peterson
Barron	Deratany	Kirkpatrick	Plummer
Beard	Dudley	Kiser	Ros-Lehtinen
Brown	Grant	Langley	Stuart
Childers, D.	Grizzle	Lehtinen	Thomas
Childers, W. D.	Hollingsworth	McPherson	Thurman
Crawford	Jennings	Myers	Woodson

Nays—9

Frank	Jenne	Meek
Girardeau	Malchon	Weinstein
Gordon	Margolis	Weinstock

On motion by Senator Kirkpatrick, 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 adopted HCR 1666 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Wallace and others—

HCR 1666—A concurrent resolution supporting the appointment of Dr. David Reynolds Challoner to the White House Science Council.

—was read by title. On motions by Senator Kirkpatrick, HCR 1666 was taken up out of order by unanimous consent, and by two-thirds vote read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—38

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

Nays—None

SPECIAL ORDER, continued

SB 1064—A bill to be entitled An act relating to periodic legislative review of regulatory functions and advisory bodies, commissions, and boards of trustees adjunct to executive agencies; repealing the following regulatory laws and providing for review of such laws pursuant to s. 11.61, F.S., the Regulatory Sunset Act, in advance of their respective dates of repeal: ss. 395.032, 395.035, and 395.036, F.S., relating to the regulation of trauma centers; s. 471.008, F.S., relating to the authority of the Board of Professional Engineers to make rules; ss. 554.1011-554.115, F.S., relating to boiler safety; ss. 593.101-593.117, F.S., relating to boll weevil eradication; and ss. 641.261, 641.411, F.S., relating to regulation of health maintenance organizations and prepaid health clinics; repealing the following laws relating to bodies adjunct to executive agencies and providing for review of such laws pursuant to s. 11.611, F.S., the Sundown Act, in advance of their respective dates of repeal: ss. 228.0875(3), (4), F.S., relating to the Governor's Summer Colleges Council; s. 240.551, F.S., relating to the Prepaid Postsecondary Education Expense Program; s. 280.20, F.S., relating to the Security for Public Deposits Task Force; ss. 282.3061, 282.3062, 282.3115, 282.312, F.S., relating to the Information Resource Commission and information resources management operating plans and annual performance reports; s. 316.545(7), F.S., relating to the Commercial Motor Vehicle Review Board and unlawful weights and loads; s. 406.075, F.S., relating to the Medical Examiners Commission and the discipline of medical examiners; s. 413.011(2), relating to the Advisory Council for the Blind; s. 413.605, F.S., relating to the Advisory Council on Spinal Cord Injuries; and ss. 573.112, 573.113, F.S., relating to the advisory councils to the Department of Agriculture and Consumer Services in administering agricultural commodity marketing orders; amending s. 13, ch. 87-106, Laws of Florida, to delete the requirement that the review of s. 420.623, F.S., relating to local coalitions for the homeless, in advance of its expiration date be performed in accordance with s. 11.611, F.S.; amending s. 5, ch. 87-131, Laws of Florida, to change the expiration date of s. 339.2405, F.S., relating to the Florida Highway Beautification Council; amending s. 3, ch. 87-185, F.S., to eliminate the scheduled expiration of s. 284.50(1), (3), (4), F.S., relating to the state loss prevention program; amending s. 8, ch. 87-328, Laws of Florida, to change the expiration date of the Florida Recreational Trails Council; amending s. 33, ch. 87-387, Laws of Florida, to delete the requirement that the review of s. 382.025(16), F.S., relating to birth and marriage records, in advance of its expiration be performed in accordance with s. 11.61, F.S.; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 1064 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
Barron	Gordon	Langley	Stuart
Beard	Grant	Lehtinen	Thomas
Brown	Grizzle	Malchon	Thurman
Childers, D.	Hill	Margolis	Weinstein
Childers, W. D.	Hollingsworth	McPherson	Weinstock
Crenshaw	Jenne	Meek	Woodson
Deratany	Jennings	Myers	
Dudley	Johnson	Peterson	
Frank	Kirkpatrick	Plummer	

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator D. Childers, by two-thirds vote HB 1444 was withdrawn from the Committee on Education.

On motion by Senator Myers, by two-thirds vote CS for SB 642 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Kiser, by two-thirds vote CS for SB 1229 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Deratany, by two-thirds vote CS for SB 1221 and SB 1234 were withdrawn from the Committee on Finance, Taxation and Claims.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 10 was corrected and approved.

CO-INTRODUCERS

Senator Margolis—CS for SB 74

RECESS

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