



# Journal of the Senate

Number 13

Thursday, May 12, 1988

## CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—38:

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

Excused: Senator Hair; Senator Frank at 3:00 p.m.; Mr. President at 4:25 p.m.

## PRAYER

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

Almighty God, source of all truth and justice, we turn to you this day for enlightenment and courage as we make our decisions. You have told us that we are to choose life, to choose those things which enhance and support goodness, peace and equity for all people. Most of the time it is a simple task to choose between life and death, good and evil. But there are times when the subtleties of life, the grey areas of right and wrong, predominate. It is then, O God, that we need your help. It is in these times, whether on the floor of this Senate chamber, in the offices and conference rooms, in our homes, or wherever our daily lives take us, that we seek your guidance and inspiration to make the difficult, perplexing choices.

Then, merciful God, grant us the peace and graciousness to live with our right decisions; and grant us your forgiveness when we make the wrong ones, and the courage to make them right. We thank you, O God, for giving us the responsibility of being decision-makers. May we always carry out this responsibility wisely and humbly. Amen.

## REPORTS OF COMMITTEES

The Committee on Finance, Taxation and Claims recommends the following pass: SJR 145, CS for SB 832, SB 1203 with 3 amendments, SB 1288 with 6 amendments

The Committee on Governmental Operations recommends the following pass: SB 203, SB 661, SB 994, SB 1039 with 1 amendment

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

The Committee on Governmental Operations recommends the following pass: SB 923

The Special Master on Claims recommends the following pass: HB 56, HB 62, CS for HB 159, CS for HB 282, CS for HB 991, SB 68, SB 105 with 2 amendments, SB 180 with 2 amendments, SB 181 with 2 amendments, SB 189 with 2 amendments, SB 336 with 2 amendments, SB 386, SB 387, SB 424 with 2 amendments, SB 490 with 2 amendments, SB 494, SB 495, SB 515

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

The Committee on Governmental Operations recommends the following pass: HB 242

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

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 1406

The Committee on Finance, Taxation and Claims recommends the following pass: SB 247, SB 248, SB 485, SB 690, CS for SB's 849 and 1351, SB 1246, SB 1327 with 2 amendments

The Committee on Governmental Operations recommends the following pass: CS for SB 1156

**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 982

The Committee on Governmental Operations recommends committee substitutes for the following: SB 133, CS for SB 634, SB 703, CS for SB 1164

The Committee on Judiciary-Civil recommends a committee substitute for the following: Senate Bills 34, 83, 657, 721, 847, 1029 and 1182

**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 Transportation recommends a committee substitute for the following: SB 1364

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

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1134

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

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1181

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

The Committee on Governmental Operations recommends a committee substitute for the following: SB 834

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 559

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

## FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Judiciary-Civil and Senators Grant, Ros-Lehtinen, Langley, Weinstein, Dudley, Kirkpatrick and Frank—

**CS for SB's 34, 83, 657, 721, 847, 1029 and 1182—A bill to be entitled An act relating to elections; amending s. 98.051, F.S.; authorizing supervisors of elections to provide for registration on Sundays and on holidays and legal holidays that occur on weekdays; revising the date for closing voter registration books under certain circumstances; amending s.**

106.05, F.S.; excluding Saturdays from the calculation of time limits for deposit of campaign funds; amending s. 106.07, F.S.; prescribing when campaign treasurers' reports must be made; amending s. 106.021, F.S.; requiring candidates for other than statewide offices to file certain reports; amending s. 97.063, F.S.; deleting the requirement of completion of a separate form by an elector registering absentee in order to cancel a previous registration; amending s. 97.041, F.S.; revising qualifications for the preregistration of persons under 18 years of age to vote; amending s. 101.121, F.S.; providing certain restrictions on access to polling rooms; providing exceptions; amending s. 102.031, F.S.; prohibiting solicitation of voters within a specified distance of a polling place; providing exceptions; providing a definition of the term "solicit"; 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; amending s. 101.72, F.S.; providing the supervisor of elections discretion in determining the number of voting booths needed in the county; amending s. 101.5609, F.S.; authorizing certain alternative procedures relating to absentee ballots; amending s. 98.211, F.S.; providing time limit within which supervisors must furnish copies of voter information; providing penalties; amending s. 97.091, F.S.; providing for registration of the homeless; providing an effective date.

By the Committees on Governmental Operations; and Corrections, Probation and Parole—

**CS for SB 133**—A bill to be entitled An act relating to the Broward Correctional Institution; providing for the institution to contract for child care services; specifying the location where child care services can be provided; establishing procedures for the child care provider; requiring approval from the Department of Administration; requiring the Department of Corrections and the institution to subsidize the child care service facility; providing an appropriation; providing an effective date.

By the Committee on Judiciary-Civil—

**CS for SB 376**—A bill to be entitled An act relating to the judiciary; amending s. 35.06, F.S.; increasing the number of judges for specified district courts of appeal; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; providing effective dates.

By the Committee on Judiciary-Civil and Senator Gordon—

**CS for SB 559**—A bill to be entitled An act relating to enforcement of contracts of financial institutions; providing that contracts of financial institutions located in this state are governed by the law of this state; providing that the courts of this state have jurisdiction over disputes under such contracts; providing that the act does not affect the law governing other contracts or the jurisdiction of the courts of this state over disputes under other contracts; providing for applicability of the act; amending s. 48.193, F.S.; providing that contractual choice of law or choice of forum provisions subject persons to jurisdiction of state courts; providing an effective date.

By the Committees on Governmental Operations; and Judiciary-Criminal and Senators Lehtinen and Weinstein—

**CS for CS for SB 634**—A bill to be entitled An act relating to victims of crime; creating the Victims' Rights Act of 1988; amending s. 775.089, F.S.; revising the standards under which a court may limit restitution to a victim of a crime; requiring a court to order certain types of restitution when a victim has suffered bodily injury; requiring a court to consider additional factors in determining the amount of restitution; requiring an order for income deduction; amending s. 914.21, F.S.; providing a definition; amending s. 914.22, F.S.; prohibiting tampering with a witness, victim, or informant in an official investigation; providing penalties; amending s. 921.001, F.S.; requiring the Sentencing Commission to consider additional factors in developing statewide sentencing guidelines; specifying facts which a court may consider in imposing a sentence that is outside such guidelines; amending s. 921.187, F.S.; providing conforming language; creating s. 943.172, F.S.; requiring the Criminal Justice Standards and Training Commission of the Department of Law Enforcement to establish standards and require a specified amount of instruction for law enforcement officers in victims assistance and rights; amending s. 944.512, F.S.; revising the specified distribution of the proceeds of the sale by a convicted felon of an account of his crime; providing for attachment of a lien on such proceeds; extending the lien to accounts of crimes by persons; amending s. 944.605, F.S.; revising notification requirements of an inmate's anticipated release from incarceration or a person's antici-

pated release from parole; amending s. 947.06, F.S.; authorizing victims of crime to make certain statements before the Parole and Probation Commission; requiring the commission to adopt rules governing such statements; amending s. 948.03, F.S.; providing conforming language; amending s. 945.091, F.S.; providing that the Department of Corrections may require restitution be made from an inmate's employment proceeds; amending s. 960.001, F.S.; providing implementing language conforming to the provisions of a proposed constitutional amendment; deleting provisions requiring that certain notification be given to a witness of a crime; requiring that notification of certain judicial proceedings be given to a victim and a relative of certain victims; authorizing the state attorney to consult a victim or a victim's guardian or family regarding the sentencing of a person accused of the crime; providing that a victim be notified of certain additional rights; providing for a victim's rights information card or brochure; requiring the Governor to advise state agencies of certain statutory changes; deleting provisions requiring that an explanation be provided to the Governor if certain objectives are not achieved by an agency; requiring the Executive Office of the Governor to review guidelines for the fair treatment of victims adopted by specified agencies; providing for injunctive relief; providing that victims and witnesses are not required to attend certain discovery depositions; creating s. 960.002, F.S.; authorizing the creation of a direct-support organization, with the approval of the Governor, to provide assistance to victims of crime; providing requirements for the operation, financial records, and accounts of such organization; providing a conditional effective date.

By the Committee on Governmental Operations and Senator Mar-golis—

**CS for SB 703**—A bill to be entitled An act relating to financial affairs of state agencies; creating ss. 27.38, 27.60, F.S.; providing for the transfer of appropriated funds between certain budget entities and within a single budget entity; providing an effective date.

By the Committee on Governmental Operations and Senator Jenne—

**CS for SB 834**—A bill to be entitled An act relating to public officers and employees; amending s. 112.313, F.S.; authorizing counties and municipalities to adopt ordinances regulating the appearance of former officers or employees before certain county and municipal bodies after cessation of employment or termination of office; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs—

**CS for SB 982**—A bill to be entitled An act relating to motor vehicle dealers, manufacturers, importers, and distributors; amending s. 320.131, F.S.; authorizing the department to issue temporary tags; amending s. 320.27, F.S.; creating a presumption relating to wholesale motor vehicle dealers; adding definition of "salvage motor vehicle dealer"; allowing issuance of a dealer license pending fingerprint check; amending s. 320.60, F.S.; adding definition of "line-make vehicles"; creating s. 320.605, F.S.; providing legislative intent; amending s. 320.61, F.S.; clarifying state jurisdiction over manufacturers, distributors, importers, and over foreign manufacturers; amending s. 320.62, F.S.; removing obsolete language; amending s. 320.63, F.S.; requiring franchise agreements to include provision voiding all terms inconsistent with state law; amending s. 320.64, F.S.; expanding and adding disciplinary grounds; creating s. 320.6403, F.S.; prohibiting certain manufacturer or importer rejection of distributor's successor; amending s. 320.6405, F.S.; exempting certain distributors from agency relationship; amending s. 320.641, F.S.; adding criteria for determination of fairness of cancellation; providing procedure for cancellation when dealer has abandoned franchise agreement; extending period during which no replacement dealer may be appointed; amending s. 320.642, F.S.; requiring notice of proposed additional or relocated dealer to be published; providing for protest eligibility; providing dealer protest procedure; providing standard for denial and factors to be considered by department in determining whether standard is met; providing period in which department's decision is effective; amending s. 320.643, F.S.; allowing a manufacturer to challenge proposed dealer transferee; amending s. 320.644, F.S.; clarifying change of executive management provisions; amending s. 320.645, F.S.; clarifying requirements of the buyer of a manufacturer owned dealership; amending s. 320.696, F.S., relating to reasonable compensation for warranty repairs; creating s. 320.699, F.S.; allowing administrative hearing for manufacturer misconduct; providing time limit for hearing and extension for good cause; providing limitation for reapplications for additional or relocated dealership of certain dismissed applications; providing for application of the act relating to certain systems of distribution; providing for continuation of laws notwithstanding repeals scheduled pursuant to the Regulatory Sunset Act; providing for future review and repeal of said laws; providing an effective date.

By the Committee on Governmental Operations and Senator Stuart—

**CS for SB 1134**—A bill to be entitled An act relating to information resources management; amending s. 240.225, F.S.; providing for the Department of General Services to delegate certain procurement functions to the State University System; providing for the State Board of Education to review specified procurements; amending ss. 282.308, 282.311, 282.3115, F.S.; designating information resource managers to serve the Justice Administrative Commission and the state attorney office and public defender office of each judicial circuit; requiring information resource managers to approve certain procurements; amending s. 282.314, F.S.; providing for additional representation on the Information Resources Management Advisory Council; amending s. 287.062, F.S.; requiring the Division of Purchasing of the department to negotiate and execute certain volume purchasing agreements; amending s. 287.073, F.S.; providing definitions; providing requirements for information technology resources bid solicitations; exempting certain procurements from bid requirements; providing additional duties of the Information Technology Resource Procurement Advisory Council; providing an effective date.

By the Committees on Governmental Operations; and Transportation and Senator Beard—

**CS for CS for SB 1164**—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.04, F.S.; exempting the department from adhering to the standard terms for its internal structure; amending s. 20.23, F.S.; reorganizing the department; specifying the titles and duties of certain employees of the department; amending s. 110.205, F.S.; specifying classifications for certain employees exempted from the Career Service System; amending s. 334.14, F.S.; requiring that certain employees of the department be professional engineers; providing conforming language; amending s. 288.15, F.S.; providing conforming language; amending s. 316.515, F.S.; providing conforming language; amending s. 332.001, F.S.; providing conforming language; amending s. 348.52, F.S.; specifying composition of the governing board of the Tampa-Hillsborough County Expressway Authority; amending s. 348.753, F.S.; specifying composition of the governing board of the Orlando-Orange County Expressway Authority; amending s. 348.967, F.S.; specifying composition of the governing board of the Santa Rosa Bay Bridge Authority; amending s. 349.03, F.S.; specifying composition of the governing board of the Jacksonville Transportation Authority; repealing ss. 334.18 and 334.19, F.S., relating to the employment of legal counsel and a comptroller by the Department of Transportation; providing an effective date.

By the Committee on Natural Resources and Conservation and Senators W. D. Childers, Hollingsworth and Kirkpatrick—

**CS for SB 1181**—A bill to be entitled An act relating to hunting and fishing; amending s. 372.561, F.S.; providing for certification by any branch of the United States Armed Forces to receive a permanent hunting and fishing license for certain totally and permanently disabled persons; amending s. 372.57, F.S.; providing that the turkey stamp used for hunting need not bear the name of the person to whom it is issued; revising language with respect to certain nonresident hunting licenses; providing fees; amending s. 372.571, F.S.; conforming to the act; amending s. 372.661, F.S.; providing for a commercial hunting preserve license; providing a fee; providing an effective date.

By the Committee on Transportation and Senator Beard—

**CS for SB 1193**—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.302, F.S.; increasing the hours of service a commercial motor vehicle driver may operate; providing exemptions from certain safety regulations; adopting certain safety regulations; revising safety regulations applicable with respect to transporting hazardous materials by commercial motor vehicle; providing exemptions from certain regulations; providing penalties for violating certain regulations; authorizing enforcement officers of the Department of Transportation and state highway patrolmen to inspect shipping documents and cargo of certain commercial motor vehicles; requiring that inspection notices be returned to the issuing agency along with evidence that the required repairs have been completed; amending s. 316.3025, F.S.; providing penalties; repealing s. 2, ch. 87-536 and ss. 2, 3, ch. 88-2, Laws of Florida, relating to the expiration of certain prior amendments to s. 316.302, F.S., and the reversion to the text of that section as it existed on July 4, 1987, under certain circumstances; amending s. 320.0801, F.S.; providing for an additional surcharge on certain commercial motor vehicles; providing for disposition; providing an effective date.

By the Committee on Judiciary-Civil and Senator Grant—

**CS for SJR 1227**—A joint resolution proposing an amendment to Section 8, Article V of the State Constitution, relating to eligibility for service as a county court judge.

By the Committee on Judiciary-Civil and Senator Langley—

**CS for SB 1247**—A bill to be entitled An act relating to theft; amending s. 812.014, F.S.; providing that failure to comply with a lease of personal property does not constitute theft under certain circumstances; providing exceptions; providing penalties; providing an effective date.

By the Committee on Transportation and Senator Thurman—

**CS for SB 1293**—A bill to be entitled An act relating to certificates of title; amending s. 319.001, F.S.; providing a definition of the term "farm equipment" for the purpose of laws relating to vehicle titles; providing that an owner of a new farm tractor may apply to the Department of Highway Safety and Motor Vehicles for a certificate of title to such equipment; providing that by a date certain all farm tractors sold in Florida must be titled; providing for recording and removing liens; providing that an interest in such equipment is not prejudiced if received without knowledge of a certificate of title; providing that such certificate of title does not bar perfection of a security interest or lien; providing an effective date.

By the Committee on Transportation and Senator Dudley—

**CS for SB 1364**—A bill to be entitled An act relating to transportation; amending s. 334.03, F.S.; providing definitions with respect to the Florida Transportation Code; amending s. 334.044, F.S.; revising language with respect to the powers and duties of the Department of Transportation; amending s. 335.18, F.S.; creating the "State Highway System Access Management Act"; creating s. 335.181, F.S.; providing legislative findings, policy, and purpose with respect to regulation of access to the State Highway System; creating s. 335.182, F.S.; providing for the regulation of connections to roads on the State Highway System; providing definitions; creating s. 335.1825, F.S.; requiring access permits; providing authority to close unpermitted connections; creating s. 335.183, F.S.; providing a permit application fee; creating s. 335.184, F.S.; providing for access permit review process by the department; creating s. 335.185, F.S.; providing for permit conditions and expiration; creating s. 335.187, F.S.; providing language with respect to unpermitted connections; providing for existing access permits, nonconforming permits, and modification and revocation of permits; creating s. 335.188, F.S.; providing for access management standards; providing for an access control classification system; providing criteria; creating s. 335.189, F.S.; providing for regulation of access to the State Highway System by other governmental entities; providing for permitting process; providing for interlocal agreements; providing an effective date.

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Johnson, by two-thirds vote House Bills 366 and 765 were withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Johnson, by two-thirds vote Senate Bills 139, 162, 317, 629, 793 and 1208 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Scott, by two-thirds vote Senate Bills 77, 475, 528, 548, 673, 724, 802, 959, CS for SB 73, CS for SB 370, CS for SB 511 and CS for SB 619 were withdrawn from the Committee on Appropriations.

On motions by Senator Scott, by two-thirds vote Senate Bills 690, 1246 and CS for SB 1309 were removed from the calendar and referred to the Committee on Appropriations.

On motions by Senator Deratany, by two-thirds vote Senate Bills 607, 821, CS for SB 157, CS for SB 830 and CS for SB 1190 were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Langley, by two-thirds vote SB 993 was withdrawn from the Committees on Judiciary-Civil and Commerce and referred to the Committees on Commerce and Judiciary-Civil.

On motion by Senator Lehtinen, by two-thirds vote SB 1088 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motions by Senator D. Childers, by two-thirds vote SB 1153 was withdrawn from the Committees on Health and Rehabilitative Services; and Education.

#### 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 Senate Bills 201, 265 and CS for SB 70.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

#### SPECIAL ORDER

**CS for SM 302**—A memorial to the Congress of the United States, urging Congress to adopt a joint resolution providing for an amendment to the Constitution of the United States that requires the federal budget to be in balance except under specified emergency conditions and withdrawing previous memorials to Congress on this subject.

WHEREAS, the people of the State of Florida have adopted, as a provision of their state constitution, the requirement that the state government operate on the basis of a balanced budget, and that requirement has proved of great benefit to the state, and

WHEREAS, in 1976, responding to national concern over a public debt which was then in excess of \$300 billion and the existence of a \$43 billion federal deficit, the Florida Legislature made application to the Congress of the United States to call a constitutional convention to propose an amendment to the Constitution of the United States requiring a balanced federal budget, and

WHEREAS, the national debt in 1986 exceeded \$1 trillion, and the estimated 1987 fiscal deficit is now approximately \$173.2 billion, and

WHEREAS, what was a national concern in 1976 has, in 1988, become a national crisis, and

WHEREAS, this condition of our national fiscal policy threatens the security of our nation, and

WHEREAS, the threat to the security of our nation has become so imminent that we can no longer afford the time and expense of a constitutional convention to propose and debate a solution to the crisis that is self-evident, and

WHEREAS, Article V of the Constitution of the United States provides for the proposal of amendments to the Constitution of the United States by two-thirds concurrence of the members of both Houses of Congress, and

WHEREAS, We should each and every one demand of our U.S. Senators and Congressmen that such an amendment be introduced in both houses of the Congress and that the elected Florida delegation lead the fight to bring about the proposal of this critically important constitutional amendment, NOW, THEREFORE,

*Be It Resolved by the Legislature of the State of Florida:*

That the Congress of the United States is urged to adopt, without delay, a joint resolution providing for an amendment to the Constitution of the United States that requires the federal budget to be in balance except under specified emergency conditions.

BE IT FURTHER RESOLVED that the Congress of the United States is urged to take appropriate and immediate action to continue to bring the federal budget into balance and to cause the reduction of the outstanding national debt in the foreseeable future.

BE IT FURTHER RESOLVED that this memorial supersedes all previous memorials applying to the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States to require a balanced federal budget, including Senate Memorial No. 234 and House Memorial No. 2801, both passed in 1976, and that such previous memorials are hereby revoked and withdrawn.

BE IT FURTHER RESOLVED that a copy of this memorial be dispatched to the presiding officers of the Senate and the House of Representatives of Congress and the members of the Congressional delegation from the State of Florida.

—was read the second time in full.

#### Senator W. D. Childers presiding

On motion by Senator Woodson, CS for SM 302 was unanimously adopted and certified to the House.

On motion by Senator Barron, the following remarks were ordered published in the journal:

**Senator Woodson:** Mr. President and Senators. Today you are going to vote on maybe one of the most significant issues that will face us during this session and one that will have a far-reaching effect, not only on the state but on the future of our nation. You're going to hear today a lot about a balanced budget, and there will be those who say that sending this memorial will preclude getting a balanced budget and will take pressure off Congress.

Currently, there are three ways to balance the budget.

Congress can choose to do it itself; and it's a little-known fact that there is on the books currently, Public Law 95-435, signed into law on October 10, 1978, and reaffirmed in 1980 that says, "Beginning with fiscal year 1981, the total budget outlays of the Federal Government shown should not exceed its receipts." That is on the books in Washington and is not being enforced. It is being totally ignored.

A balanced budget amendment can be achieved by two routes: Congress can choose to put the question on the ballot; or two-thirds of the states can, by petition, force Congress to call a convention.

As you know, thirty-two states have sent forward their petitions to Congress. The required number is thirty-four and Alabama, two weeks ago, rescinded its call. No state has been added since 1983.

Whether it's well-founded or irrational, there is a fear of a run-away convention. Constitutional experts testified before the Rules Committee a couple of weeks ago to the effect that there is no way to limit a convention to the issue of a balanced budget once it has been called. The whole constitution would be up for grabs. There are no rules, and the only constitutional convention ever held was the one which gave us our glorious Constitution by overthrowing the Articles of Confederation.

There are those who will say there is no danger since whatever the convention decides would be subject to ratification by three-fourths of the states. When our forefathers went into their convention to amend the Articles of Confederation, they were required to meet ratification by 100 percent of the states. When they left with a new constitution, the requirement was three-fourths of the states, so I'm asking you to vote for CS for SM 302, rescind the call for the convention, enforce Congress by electing the people and supporting the people in office and forcing them to do their job.

**Senator D. Childers:** Senator Woodson, do you believe that we as elected officials that are sworn to uphold the Constitution of the United States and the Constitution of the State of Florida, that we should uphold the entire constitution of both the State and the U. S. Constitutions?

**Senator Woodson:** Yes, I do.

**Senator D. Childers:** Then, Senator, do you believe that the only method we have of bringing to bear upon Congress to do certain things is by adhering to what the Constitution spells out for the state legislators to do?

**Senator Woodson:** Senator Childers, there is no requirement by the people called in convention to uphold the Constitution. That is your requirement and mine, but it is not theirs.

**Senator D. Childers:** What I'm saying or what I'm asking, Senator, if that's part of the Constitution of the United States of America that there is a part which says that the states may petition Congress to force them to call a convention. That is part of the Constitution. Is that correct?

**Senator Woodson:** That is true.

**Senator D. Childers:** Then, if you believe that we should uphold the entire Constitution, how can you introduce an amendment or a bill such as this?

**Senator Woodson:** Because the states are not required to do it. We may do it if we think that's the best route to go and I happen to think that it's not the best way to go.

**Senator Kiser:** Mr. President and members of the Senate. It wasn't too many years ago that we had a similar sort of resolution on the floor attempting to rescind our previous resolution and before it came to a real vote, it was withdrawn because I think the outcome was uncertain. And during that time, many important points were brought up and I would like to touch on just a couple of them. I am not one of those people who feels like just because you want to offer a resolution now to rescind means that you are not interested in a balanced budget. That's not true. I think we are all interested in that. It's just the debate over what's the more appropriate measure to get us there.

I think we need to go back and re-visit history. At the turn of the century, when the states had been clamoring for Congress to give us a constitutional amendment for the direct election of U. S. Senators, and they kept turning a deaf ear on that, it wasn't until the states had the necessary resolutions within one more state to have called for a convention that Congress finally acted. I think that's the same sort of principle we have to bring to bear now. Until we get one more state closer, and depending upon how the courts rule on a rescission effort—we may have to get two more states to file those resolutions—but until we get them close to the convening of a convention, we are not going to get Congress to act.

Now I know Senator Woodson cited in her information that 1983 was the last year a new state was added. Well, let me tell you why nothing has happened since 1983. It's called the Gramm-Rudman Act. A lot of people have sat back and said, "Well, we think that's one way to get us there without having to go to the more extreme measure of a constitutional amendment." Well, guess what folks, that hasn't happened.

We've had news report after news report that Gramm-Rudman is not going to get us to a balanced budget situation, that Congress is continually finding more ways to work out from underneath that and they have just shown once again that they are unable to control their own insatiable thirst for spending money.

The only way we're going to bring this about is to bring Congress dangerously close to seeing that final part of the Constitution that's never been used—the calling of a convention by the states. I mean, why are we afraid of a convention by the states? The Constitution was set up and balanced in many beautiful ways and one of those balancing acts was that it could be amended by two different approaches. One approach would be an amendment by the Congress itself and another amendment could be by the states. We've never had to use that approach, but in the history of our country, we've never seen the abuses from the Federal Government as we've seen in recent years. It's going to take this kind of a drastic measure.

I mean, how arrogant of the Congress to think they are the only ones who can amend our Constitution. We have just as strong a role to play in amending the Constitution as any Congressman or any Senator has, so there is nothing wrong in our pushing forward in this vein. There is nothing wrong in holding the course of what we've asked Congress to do, "Bring us a balanced budget amendment and if you don't, we are going to have a convention called for the purpose of getting that budget balanced."

Now I know there is lots of debate out there about how it could be a run-a-way convention and we can have all sorts of wild, crazy things happen that we wouldn't want to have happen. But ladies and gentlemen, legislation has already been proposed—it was proposed by Senator Oren Hatch. It was passed out of the Senate and languished out in the U. S. House.

That legislation would have set up for the direct election of a member to a constitutional convention out of each congressional district, so the actual convening of that convention has been provided for by legislation on the Senate side; and it simply needs the House to take action on it and, I think, once they got close to that, you would see that happen. But I think the greatest protection we have of not having a run-a-way convention is that whatever work product they come out with would have to come back and be approved by three-fourths of the states.

Now we all know today what a vibrant state of affairs operates in our state legislatures—that we have very good staffs, we have people that are directly elected, in most cases from single-member districts, that represent their people with very high quality throughout this country and they are not about to sit there and take casually some amendment to our United States Constitution.

So I think the threat of a run-a-way convention is held in check by the fact that it would have to come back to three-fourths of the states for approval, and to get three-fourths of our states to approve that would have to be something that really, truly is in the best interest of the country as a whole. So for that reason I want to stick with my vote from three years ago which said, "Florida, stay the course. Hold on to your resolution. Force Congress to act." So please vote "no" on the resolution.

**Senator Lehtinen:** Mr. President, I think Senator Kiser has pointed out adequately that it takes a ratification of three-quarters of the states and that we have vibrant state legislatures and Senator Childers pointed out that this very provision is part of this Constitution that's supposed to be so grand. But it appears to me that the Constitution is grand if you agree with it but not grand if you disagree with it, which is what Senator Childers pointed out.

Let me just say this. No one protects the Constitution of the United States by putting it under glass and being afraid to use it. Senator Childers and Senator Kiser are right. The minute you try to protect our Constitution by not using it, that's the minute you give up the opportunity to use the checks and powers that are in the Constitution; for example, the president's veto power or the impeachment power.

You know everyone said for a hundred years that if we tried to impeach a president—that was after Andrew Johnson—that if we talked about impeaching a president it would be disastrous for the republic, and constitutional law experts dropped out any discussion of the impeachment provision from their constitutional law courses. But times changed and we re-invigorated the impeachment procedure and the republic did not fall apart when we went to impeaching.

What you need to do if you believe in this constitution is be willing to use this constitution; not put it under Plexiglas; not say that the people of the United States are too irrational to use their procedures.

The Constitution of the United States lives in the political process of the United States. It lives in the ability of the State Legislatures and the Congress of the United States, and the President, to use those provisions to the fullest, and anyone who is afraid that the Constitution will evaporate or will be destroyed by the utilization of that Constitution is not committed to the Constitution, but is instead committed to a mechanical, rigid version of the Constitution. They're committed to yesterday's Constitution.

A constitution lives if you are willing to use that constitution to adapt to changing circumstances. The Constitution of 1990 has to be a constitution that you are not afraid to utilize. It has to be a constitution whose trust in the ability of the people to enforce that constitution is what you rely on.

The last thing I would say is that we forget about the Articles of Confederation issue because that wasn't a convention under Article V. We have had states that have tried to say that we can change the Constitution with less than three-fourths of the states. And we had a bloody civil war when less than three-quarters of the states said that we can change the Constitution or leave the constitutional system without following the three-quarter state legislature ratification. The Civil War ended this danger that our Constitution can be changed without three-quarters ratification by three-quarters of the state legislatures.

And to say today that a constitutional convention would change our Constitution without ratification by three-quarters of the states when an entire civil war could not change our Constitution without ratification of three-quarters, is simply to bring up a phony issue, a scare tactic, and take away that one opportunity that the framers gave us—to use the convention system as a system of checks and balances against a mechanical Congress. To give up that opportunity is simply to slice away part of the constitution and refuse to utilize it. That shows no faith in our constitutional system at all, so I urge you to vote "no" on CS for SM 302.

**Senator Langley:** I wish all of you Senators had before you Article V of the Constitution. I would like to read it so that you will know a little about what we are arguing about. I can't tell you who is right here, only time will tell. We can only do what we think is best at the time. But let me point out, the Congress, which is our Senate and House of Representatives in Washington, could have at any time, by two-thirds vote, prepared and proposed this constitutional amendment to the states, if they wanted this to happen.

The alternative to that is that if three-fourths of the states asked for this convention then they have to call it. Now, the problem is there are no rules. They have refused to get out any rules from Congress. Therefore, the Congress has absolutely refused to speak to the problem we are trying to solve, the unbalanced budget. The Congress that got us 2 1/2 trillion dollars in debt. What's going to keep them from resolving into the constitutional convention themselves? Nothing, because there are no rules. Not only that, but we keep saying that is no problem because three-fourths of the states have to ratify this.

Let me read it to you:

"Either by the Legislature by three-fourths of the states or by conventions in those states."

Guess who appoints those delegates to the convention? The Congress! Now who are they going to appoint? They are going to appoint the people who agree with their stand. And what is their stand? They refuse to balance the budget to the point of 2 1/2 trillion dollars. So it is a great big circle we are going in and what we are going to do is tell this great Congress, "We are going to rely on you to straighten this out with these meaningless resolutions and memorials we sent you to balance the budget." And now we are going to possibly call a constitutional convention; which they will control—the same Congress that got us into this debt. There is no way we can do this.

Now, I think this is much ado about nothing, because I don't know if you can rescind them. You remember the big ERA battle when Kentucky and another state tried to rescind the ERA approvals and they said they could not do that. That was on a proposed constitutional amendment, not a convention, but I don't know what the difference would be. So it may be much ado about nothing.

But we can make a statement so that no other states go forth and say, "Let's have this dangerous constitutional convention."

Senator Kiser, if there were rules I would vote with you, but since there are no rules, and since we are laying it right back, we're giving the keys to the henhouse to the foxes, and saying, "Straighten it out in the henhouse, boys." I can't do that, and I'd rather not have an absolutely ungoverned constitutional convention. I'd rather say, "Let's elect some good men like Curtis Kiser to Congress and we can solve this problem."

**Mr. President:** Did you have a question, Senator Gordon? Senator Langley, will you yield to a question?

**Senator Gordon:** Senator Langley, since I understand the debt of the United States has been greater in the last seven years than all the debt up to that time—it's several times that—and since that's all happened under a Republican President, don't you think we could solve our problem by just electing a Democrat in November, and we wouldn't have to bother with this whole thing.

**Senator Langley:** I think these have been the debts you Democrats ran up and the entitlement programs that your Democratic Congress continues to come out with.

**Senator Weinstein:** Thank you, Mr. President. I feel good to be in such good company. I received a news release from some gentleman in West Palm Beach. The headline says "Senators Barron and Langley led patriots' fight to save the U.S. Constitution." So I'm glad to see that forces from across the state, with varying political philosophies, are joining together.

In all seriousness, we are joined together because we have a great fear. I think we are all frightened. One of the greatest documents ever written is the Constitution of the United States. It has been changed a number of times, through a long and laborious process—proposing amendments which are then sent to the various states to be ratified.

But my fear is, as has been alluded to on this floor, there is no direction as to what would happen if a constitutional convention were called. History gives us only one example and that was the Articles of Confederation. They threw out the Articles and set a whole new procedure. What would stop those who went to a constitutional convention from throwing out the Constitution and setting up a whole new procedure.

Suppose they abolish the Supreme Court. Who would be available to rule whether the procedure was legal or illegal. Would we be setting ourselves up for national war, war within our country? Nobody knows these things. We have a document that rules this country. If those who propose

a constitutional convention do it because they don't like the fact that we do not have a balanced federal budget, there are other measures that can be taken. Somebody alluded to that on the floor.

I say to those of you who are concerned about what Congress is doing, go out and file for the United States House of Representatives. Go out and file for the United States Senate. About three dozen people have done so this week already. You'll have the opportunity to have your voice heard on the campaign trail. Make your voice heard! You have the right to do that as citizens.

But to throw away the Constitution of the United States on something so insignificant, because that is what it is compared to the security and safety of our country, I feel would be very dangerous. So I strongly urge support of the Senate Memorial, I think it is legal for the state to recall the memorial and let's get the ball rolling to encourage other states to do the same. Thank you.

**Senator D. Childers:** Mr. President, I'm sure that everybody's mind is made up on this issue and I'm sure that what I say or what anyone has said here is not going to change any minds. But I think it is important that the people back home realize what the issue is that we are discussing here today, and why twelve years ago many of us in this chamber here today supported that memorial.

What I don't understand is what has changed in that twelve-year span of time to change the minds of people. The Constitution hasn't changed any; the votes—the 32 states—haven't changed. So, really what has changed?

Senators, what has changed is the fact that originally we had one group of people that were opposed to this amendment. Now we have the other side of the spectrum opposed to this amendment. All of these people are coming to different legislators and saying, "Hey, what you did twelve years ago is wrong." They are putting pressure on the state legislators. Why haven't they been for twelve years putting pressure on the U.S. Congress? That's where the problems are, that's where the problems are today. It's not the State Legislature. We have to balance this budget. We have to balance this budget before we leave here three weeks from now. The problem is that our congressmen don't listen to the constituents because most of them are so far away from their constituents or their states they represent.

They can come to us. It is much easier to come to the state legislators. We have to run every four years and every two years. They are much closer to us so they are putting pressure on us to do something.

We did something twelve years ago. We said to Congress, the only way that the states have to say to Congress, "We are going to force your hand to have a balanced budget. We're going to force you to live within the means of the money that you bring in in the taxes from the people of the United States."

They have not listened to us. If any of you have been reading the news or watching television the last couple of weeks, you know, Senators, that April 29, 1988, was the day that we stopped working for the local, state and federal governments. That was the day we stopped paying taxes to support our government. Now we are working to support our families the balance of the year. Do we want to continue to work almost five months out of the year to support our government? I don't think the people of this state, I don't think the people of the United States, want to work five months out of the year to support government.

I am tired of it. I am tired of working five months out of the year and come April 30th I start working for myself and my family. There is nothing that is changed in twelve years since we voted this amendment out and I urge you today to let's stay with what the Constitution says: that is that we have the right as states to force Congress to do something about having a balanced budget. I urge that we continue to stay the course, and it is my considered opinion that after one more state comes on board that Congress will do something, and I would urge we defeat this Committee Substitute for Senate Memorial 302.

**Senator Frank:** Mr. President, members of the Senate, this is not a question of whether any of us agree with the budget as it is right now. None of us feels comfortable with what we're facing. The prospect that we're having our children and grandchildren and great-grandchildren mortgaged to a debt is not something any one of us can live with. It's the way we go about correcting the problem that we're talking about.

Senator Weinstein was absolutely on target when he talked about the only time we ever had a constitutional convention was when we were talking about the Articles of Confederation. And it was a question between states' rights and federal rights. The states were concerned, and they wanted to define what their role was in the Constitution, and what we ended up with was a vast rewrite of the Constitution—amendments which we presently have. And there were many who were very upset with that.

We have no guidelines for a constitutional convention that is once called. We don't know what would happen.

Let me point out to you that this is the federal budget that we have this year. Of that federal budget, 30 percent goes in military programs.

Suppose we had a constitutional convention that was called together and decided that they wanted to wipe that out. Suppose it weren't so appealing because there were other issues that became more paramount—and that was the entitlement programs—and the question was, let's demilitarize, reduce our interest on our national debt, and continue our entitlement programs. That's a possibility of something that could happen. I don't think any of us would be feeling very comfortable with that.

We're not saying by this memorial that we don't want to have the budget balanced. What we're saying is, we want it done in a responsible fashion, just as we're elected by the people of Florida to fulfill the responsibility and carry through with what they want us to do. So, too, should we let our elected representatives in Washington decide what should be done. And we are saying that we are sending them a strong message of what we want them to do.

And I agree with Senator Kiser—those of us who have lived in a state where we have a balanced budget should be thinking about trying to go to Washington. Some of us have already made that step.

**Senator Barron:** Senators, a lot of Senators are concerned—and all of the people, I think—about what would happen should we call this constitutional convention with no guidelines, no guarantees, nobody to know who the delegates would be, or what the subject matter would be.

One of the great constitutional scholars of our time was Sam Ervin of North Carolina. And in 1963, Sam Ervin tried to pass a statute in the Congress of the United States to spell out how the convention would be called. He couldn't get that passed. Isn't that all the evidence that we need to know that there's no way to know what would happen if this convention were called.

In 1976 when I was President of the Florida Senate, we passed the call for a constitutional convention for a balanced budget by a vote of 31-6. Senator Peterson was one of the few who voted the other way back then. I think he's going to vote the other way again, and I believe the right way.

The reason we're here today, Senator Don Childers, is because it's been 12 long years since we decided to try to do something at the state level. Twelve years ago, in 1976, the debt was \$300 billion. Today the debt is not \$300 billion, it's \$2.4 trillion. How great it would have been had the Congress acted in 1976.

The Congress continues to refuse to balance the budget, although we're not at war. The economy is the best I can remember. The unemployment is the lowest. And still in this year when there is no war, the Congress will not balance the budget.

The interest on the national debt is 20 percent of the national budget. It's \$205 billion a year to pay the interest on the national debt—\$205 billion that doesn't educate any children. It doesn't provide any housing for the poor. It doesn't provide any national defense. It builds no infrastructure. It provides no health care provisions for the people of the country. It does not fight the dread disease of AIDS and other diseases.

Let me try to let you understand what \$205 billion is—\$205 billion would run the fourth largest state in the nation for a decade—ten years.

If we had the debt—if we had the \$205 billion interest they are paying this year, we could adjourn the Senate. We could make a motion now to adjourn and go home for 10 years, and still have the money to run Florida.

Another way to try to explain what \$205 billion is—if you had that much money, and enough people to live long enough, generation after generation after generation, and you took a match and stuck it to a dollar

one at a time and burnt up one dollar a minute, it would take you 390,000 years to extinguish that national debt by burning it up. Three hundred and ninety thousand years ago, according to some beliefs, was when people were crawling around in caves, and two of them stumbled upon a rock, and for the first time started a fire.

The national debt is 54 percent of the gross national product of the United States of America. Fifty-four percent of everything we produce is the national debt in this country.

Now let me ask you, how are we going to compete with Japan and Taiwan and China and the rest of the world—Russia—how are we going to compete in the world market when 54 percent of our gross national product is being consumed by the debt that we're carrying today.

Two hundred thirty-six members of the Congress have co-sponsored the balanced budget amendment. We only need 290 to pass it. Fourteen of the 19 Senators in Florida have co-sponsored it. We only need 54 more people in the House of Representatives to get the job done. So let me tell you what we can do. Let's contact every person who is in the Congress, and let's tell them what they ought to do, that is to balance the budget. Those people who vote to the contrary, after I get re-elected this year, I will be available to go around the world and campaign against them, because they ought to do that. That's what they say they are going to do.

So we're to the point where we can do something. Many of you got this sheet that has been passed around this morning from the Taxpayers' Union. It's got a fellow's name on the bottom. I don't want to call it. He's a very good friend of mine. He used to be my law partner. Hard-headedest sucker you ever saw, but smart. He's on the other side of this issue. I had this debate with him earlier this morning on the phone.

I said, "Charlie, what would you do if you had a serious matter pending in the Congress of the United States and you needed a vote on that matter? Who would you go see?" He said, "I guess I'd go see Bill Grant." I said, "Charlie, what would you do if you had a serious matter pending in the Senate of Florida? Who would you go see?" He said, "I guess I'd go see you." I said, "Well, that's what this is all about."

Go see the Congress of the United States and urge them to balance the budget. And as long as we have this proposal pending out there for 12 years, I'm afraid there are some of them who are going to hide behind it and not act, and they're using that as an excuse for not balancing the budget. I urge you to vote for the memorial.

**Senator Peterson:** Mr. President, Senators, to speak briefly in favor of the memorial. It was April 28, 1976, when this body passed 31-6 Senate Memorial 234 sponsored by Senator Ware. And on that day, Senator Chet Stolzenburg spoke, and I spoke, Senator Ware spoke, Senator Harry Johnston spoke, Senator Jack Gordon spoke. Senator Firestone spoke and Senator Brantley spoke.

My concern was the fact that in the first constitutional convention there were no amendments, there were no changes. The Constitution that was in existence in those days, the Articles of Confederation, were summarily put on the floor and ignored.

The motion to adopt Article V was moved by Mr. Madison of Virginia, and after a good bit of debate, was voted on and passed, and then it was moved to reconsider because only the Congress had been allowed to be the instigator of amendments to the Constitution. And so, it was changed to allow the Congress and the states to propose amendments to the Constitution.

And that Article V, which I guess most of you are familiar with does not in any way limit what a constitutional convention will be called for. So I don't think there is authority here for Congress to say anything more than they are authorized to do in Article V. It says, "The Congress, whenever two-thirds of both houses shall deem necessary, shall propose amendments to this Constitution, or upon application of the Legislatures of two-thirds of several states, shall call a convention for proposing amendments which in either case shall be valid to all intents and purposes as a part of this Constitution when ratified by the Legislatures of three-fourths of several states, or the conventions in three-fourths thereof."

So, there is not a word in there that limits what a constitutional convention will consider.

I guess Senator Gordon and I are the only two "no" votes left in this body. There are several that are "yes" that should consider turning "no."

My main consideration at the time is because the article that was driving the ethics and driving the philosophy of this new nation more than anything else, because we did not have the current Constitution, was the Declaration of Independence. And the language in the third sentence is what disturbed me. It says, "Whenever any form of government becomes destructive to the ends of life, liberty and the pursuit of happiness, it's the right of the people to alter it, or to abolish it." That was the ethic and the philosophy that was persuasive in that first and only constitutional convention.

So, I don't think we can trust a constitutional convention to do a job that the Congress ought to do anyhow. And they do, consistently, year after year introduce the resolutions to do the job. And I have the copies here of Senate Resolution 40, and House Resolution 666 that will do the job.

So I think we should not ask anybody in the United States to call a convention for any purpose, and we should do it through a process that will allow the Congress to present it to us and we can ratify it. So, I urge you to vote for the memorial.

**Senator Thomas:** Mr. President, members of the Senate, I don't think there is any difference on where we are trying to go.

I think it was Senator Barron who said, "The right to be right carries with it the right to be wrong." And we might have been wrong in 1976. I voted to forward the original to the Congress in 1976. I am not an economist even though I have a degree in that field, but I understand the implications of the deficit and what it is doing to this country. Gradually I have become more educated, as we all have.

Regardless of what happens today, I think we focus public attention on the most imperilling crisis that we have ever seen—the deficit.

I remember a conversation I had with Buddy MacKay. We sat side by side for so long here in the Senate and I respected Buddy an awful lot. We attended a luncheon with a few of us after he had returned from Washington, and at that time when Senator Barron and I jointly represented 15 counties—a half million people—a Senate district bigger than his Congressional District. He told us everything done in Congress is centered around the maintenance and the continuation of the Congress as it is. He had a staff as a freshman Congressman that was four, five, six times larger than the collective staff that we had. I don't believe that even with that much assistance they are strong enough. Frankly, I hope they are, because this country can't survive the way we are headed. Whether we are right or wrong, I think the collective floor action focuses attention once more that we expect more of our Congress than we are getting.

Senator Frank is planning to run for the United States Senate and "Congressman" Kiser is trying again, I think. I heard Malcolm Beard might do that. Even heard Barron was leaving the Senate and he was going to run for Congress. I would like to hear them all commit publicly, and to the press corps, what we might expect of them when they are elected. I hope as we debate and focus attention that collectively we express to this country our determination to vote a balanced budget or have the Congress do it. The pain and the severe frustrations we go through are less than the punishment we are going to inflict upon the people if we continue to throw money away without a balanced budget.

I hope as I vote today that those who find a different posture will understand that we still agree on the general overall issue.

**Senator Vogt:** Senators, this is one of those issues that make you almost wonder sometimes why we get into something like this, but we are in it, and it sorely taxes one's conscience as to what you should do. I guess the words that come to mind are from Barry Goldwater's book, *Conservatism of a Conservative*, or something like that.

Many people in this room who are supporting this measure are for a balanced budget amendment to Congress. I happen to be someone who strongly supports a balanced budget amendment in the Congress and that's why I supported the resolution or the memorial or whatever we passed in 1976 that calls for the balanced budget amendment or for the constitutional convention as a means of trying to force the Congress to deal with a balanced budget.

Over the years it's been the liberal group primarily that's been trying to get us to rescind our call for a constitutional convention and we, by and large, have not paid much attention to it or at least the majority of the body has not. Now, all of a sudden, it's almost as if the liberal forces of the world have played a very clever trick on the conservative forces of the world and I wonder what in the world is going on here.

The liberal forces of the world always feared the constitutional convention because they were afraid there might be a balanced budget amendment. They were afraid there might be a right-to-life amendment. But all of a sudden, it's like somebody came up with a grand scheme of, "We'll scare them to death and they'll join us; we'll start writing proposed constitutions and say, 'This is what we are going to pass when we take over and run this country,' " as if they were capable of taking over and running this country. And all of a sudden everybody says, "Oh, my goodness, we can't have a constitutional convention because who knows what's going to come out of it." So I've tried, in my mind, to wrestle with this subject and I've listened to the logic on both sides and knowing that I'm philosophically for a balanced budget amendment, knowing that I do not fear a constitutional convention, I've tried to figure out how to vote on this thing because it is really more of a political vote than it is anything substantive. I think you will all agree that it is not really a substantive issue here before us.

In looking at what's been said here, you see both sides are using the same numbers about the huge national debt, the huge interest on the national debt, how awful it is and how much worse it is going to get.

I have trouble in my mind following this logic that says, "Well, if you take away a threat to Congress, such as a constitutional convention, and you replace it with a memorial to Congress which they routinely file in File 13, somehow that's going to tell them we want a balanced budget," and you get busy doing it. That's why I can't quite get straight in my mind that this thing works that well. In looking at the whole question about the constitutional convention, I guess the reason I've never really feared it, and the difficulties I have with falling prey to this great concern about a constitutional convention, is, I guess, I'm proud to be an American and I'm proud of our Constitution. And I cannot conceive, no matter what some idiots might be able to do in a constitutional convention, assuming they could take control of it, that three-fourths of the American people are going to ever approve it. It doesn't make any sense to me. I can't see that happening. If it comes back to all the state legislatures, only 13 of them have to refuse to go along with it. Some have even pointed out that, in fact, one of the things calling for a constitutional convention that was written some years ago, said Congress could do practically anything they wanted to with it anyway. They might not even ever submit it. If Congress found whatever came out of the convention was not in keeping with the reason it was called, they could refuse to submit it to the states, and so we may never get a chance to vote on it anyway, but somehow I cannot conceive this.

When we had the first Constitution, and we had a very loosely organized, ill-defined Articles of Confederation beforehand, we had no national currency and the country was clearly going down the drain. That created a situation where strong people in a greatly different time had to take strong action with the Constitution. That situation doesn't exist today, and despite all our concerns about this element of society or that element of society, and whether you're on this side of an issue or that side of an issue, I guess the biggest problem I have philosophically is that it almost seems hereby to say, "Well, by golly, we can't have a constitutional convention, our country can't stand it."

Somehow that says something very bad about us. It makes me wonder if it's time to get the next plane to Australia or somewhere because we can't trust our own Constitution to operate. And so, in looking at the whole thing, I've been trying to fathom it all out, trying to figure out where to go from here. I'm trying to figure out who's on what side and who's on the other side and what particular reasons they have. And I don't think anybody has any particular good reasons, and we wind up with really a political issue more than anything else.

We have one situation where Alabama has rescinded their call and now there is an internal legal question whether or not Alabama can rescind their call or whether any other state can, and we don't really know. And so as we look at this and we have a memorial to Congress which would withdraw the call for constitutional convention, it all boils down to a philosophical thing.

Although for many people it's philosophical or different reasons as to which side of that issue we should be on. I have stated that I am strongly for a balanced budget amendment and have long felt the best way to get there was to keep the pressure on Congress to get there. Now I see this movement that's coming about really strong, rescinding the call for that constitutional convention and saying, "We're going to work on Congress and get them to do it." Well, of course, you and I know you don't need to pass a Senate Memorial to Congress if this group is going to work on Con-

gress and elect people to Congress who feel they can do this without our doing this. So, since I believe in it, philosophically where is the best place to go on this particular measure.

I do not fear a constitutional convention, but in looking at the arguments that have been made and the people who are advancing the arguments and the people that are on one side or the other, I guess I'll say I'm willing to go on faith that this movement that is now allegedly moving around the country to force the Congress towards a balanced budget may well have some footing. It may well have some momentum. It may well keep going so if it's that important to them to pass a Memorial to Congress and to rescind the call for the balanced budget because they don't think that's working, they are going to get there and philosophically maybe I can vote that way.

But I want the record to be very clear that I do favor the balanced budget. I do not fear a constitutional convention. But if this is the way, and it is obvious that this bill is going to pass overwhelmingly today, then I see no reason for any of us to shed any blood, no matter which side we are on because we've sent many memorials to Congress before and this will be one more.

**Senator Plummer:** Thank you, Mr. President. Last year we all read the articles on what Washington is doing with our money and I remember I brought in here a hammer and I said, "You know in Washington, this hammer costs \$600." And we really meant it because they were spending an awful lot of money.

Since that time I've done a lot of research and I'm sure you have also, and we saw the thesis put out by the Bar Association saying that the committee believes that we could hold it to a single subject. To me, that's the issue. By the way, can we, or can we not, hold it to a single subject? And on this very important committee was Dean of the Harvard Law School. And the chairman of it, in fact, was a Federal Judge from Florida, C. Clyde Atkinson. All of them believed that we could hold it to a single subject.

Several nights ago I spoke to one of our own Supreme Court Justices, and I was discussing this with that member of the Florida Supreme Court. I said, "Are you absolutely certain that we can hold this to a single subject, because with me that is the problem?" The answer was, "I really think we can." I said, "That was not my question. My question was, 'Are you absolutely certain that we can hold this to a single subject?'" And the answer was, "No, I'm not absolutely certain." Of course, my thoughts reflected back to probably our civics lessons when we know that the government we have at this very moment is the product of a constitutional convention. We must remember that the constitutional convention of 1787 was there for no other reason but to ratify the Articles of Confederation. Of course, what we came out with was something totally different. To that you can probably say, "Well, the government we have now really isn't so bad, therefore, probably we should go ahead and do this." But the real answer is they did go in with one thing in mind and completely changed what they were going to do. So if you want to balance the federal budget, fine; we should put real pressure on Congress because Congress is the one that is trying to mortgage our grandchildren. There is no doubt about that. If we don't like it, then maybe some of us, as Senator Kiser may do or Senator Langley may do, should run against these Congressmen and make them balance the budget. So to the big question here, "absolutely can we hold this to a single subject?" the answer is, "We are not sure." If we are not sure, don't do it.

So we should try as much as we can to balance this federal budget, but Alabama has already rescinded. Can Alabama rescind? I don't know. Can Missouri rescind? I don't know. If they cannot, what we are doing here doesn't matter anyhow. If we can rescind, what we are doing here is very important and we're just not sure that we can hold it to that one subject. So, perhaps we should rescind.

I've got to tell you, if I were absolutely sure that we could hold this to a single subject—that to me is the issue—I would probably vote the other way. But since we are not sure, I think clearly this is what we have to do now. If we could hold this to a single subject then what we really are doing is putting the gun constantly to the head of Congress. Every time we want something to happen in Washington all we have to do is get the Legislatures together and force them to call a constitutional convention.

Remember in 1913 we did that on the direct election of United States Senators. Well, it kind of worked then. We got within one state and we went ahead and did what we had to do. If we could do that we would just constantly tell Congress that you really don't count because we can do

what we want and we would have one constitutional convention after another. So therefore, if we got that one more state and Alabama's rescission didn't count, where would we be. We are not really sure; so I think, when in doubt, we better not mess around with our national government.

**Senator Lehtinen:** Just one brief observation, Mr. President. I believe that Senator Plummer is uncertain what would happen in a convention, and lacking certainty, Senator Plummer doesn't want to move and touch the existing structure of government. That, of course, was the attitude of the British Tories in 1776 because they couldn't be certain either, and I think that Senator Weinstein is genuinely afraid—that is Senator Weinstein's word. He is afraid of what would happen if we use Article V, and I think he is genuine about that, but I think that's also the fear that those people who didn't want any change in 1776 had too, they didn't want a constitution and I think Senator Peterson, in particular, was genuine when he cited the Declaration of Independence and used the word that he was scared of it. Remember, ladies and gentlemen, he said, "I'm scared of that sentence in the Declaration of Independence that says, 'When governments become oppressive the people have the right to abolish or alter them.'" And he meant genuinely that our constitutional convention could alter or abolish our government. But I point out that the fundamental thrust there was actually a comment that a sentence in our Declaration of Independence needs to be something that we should be afraid of. It occurs to me that when this body votes to repeal this memorial, it genuinely will do so because it's afraid of change and it will represent basically where we were 200 years ago. We would be a group of British Tories who would not be willing to take the chances of implementing constitutional change, the chances of an unforeseen future and I'm just thankful that this kind of body basically, British Tories, was not in control 200 years ago.

**Senator Gordon:** Senators, I want to allay the fears of those who think that the line-up on this bill is something strange and that, as the President remarked, he thought that liberals had sort of talked conservatives into doing this. Senator Stuart went back to 1976 to look at the vote in this body on the original resolution, and there were six of us who voted against the item that we're trying to rescind today. The other five were Senator Firestone, Senator Myers, Senator Graham, Senator Plante—who at that time, I think, was the Minority Leader—and Senator Peterson. Senator Peterson and I are the only ones here today who will have an opportunity to cast a consistent vote on this matter. So I just want you to know that range of opinion existed then, as well as now. Obviously, looking at the people who did vote for it, there was a wide range of philosophy.

The other point I'd like to make is that we have some lessons we have learned in this Legislature and in this Senate about how to balance a budget that we could very well give to Congress. One of the things is, we have the balanced budget requirement. That's the greatest discipline of all. That's why they ought to pass the constitutional amendment. That's why I'm personally in favor of it. I always have been in favor of it.

The second thing is, you learn, if you're going to have to have a balanced budget and you're not going to borrow money from the future, that some things you want to do aren't going to happen. And so we have a situation in our public schools for example, where we give the public schools, whatever it is, \$4.5—\$5 billion, and we say, "We want you to educate every child in the State of Florida with a topnotch best education, but we don't have \$6 billion, or \$7 billion, or \$8 billion to give you, we only have the \$5 billion to give you. And we expect people to do that. We hold people to standards, and we develop all kinds of strategies to improve schools within that limit.

Nobody has ever seriously asked the Joint Chiefs of Staff, "Look, we can't afford a \$330 billion defense. What can we buy for \$150 billion?" That's the kind of question that has to be asked. That would mean that you couldn't have \$1200 toilet seats, and you couldn't pay \$85 for a bolt you could buy in a hardware store for 50 cents. And it would produce lots of other kinds of discipline. And it may, as a matter of fact, produce as good a defense. We don't know that.

So I would point out that we have learned, and there are ways in which Congressmen can learn, about balancing that budget and holding down the expense. The second example I would give you on how we might have a lesson that could be learned is to look at the revenue side of the situation. As Senator Thomas so eloquently pointed out, the variety of needs was very difficult for him to turn down as he sat as the Chairman of Subcommittee C.

If this state had revenue per capita that would be equal to the revenue per capita of the median state in this country—we're about 45th or 47th—if we had income of the median state, as the 25th state, right in the middle, there would have been \$2 billion more in our budget, and a lot of those needs would be taken care of.

So we have to look at how to balance a budget considering what is a fair rate of taxation on the one hand, and whether it falls disproportionately on one part of the population or another; and secondly, we must understand the limitations. We can no longer live in this country with a Neiman-Marcus taste and a K-Mart purchase capability. It just won't work. And we're going to have to come back to being sensible and buying what we can afford.

And we know that lesson here. We know it. Anybody who has served on the Appropriations Committee knows it. People who haven't served on Appropriations know that you have those kinds of limitations. I would hope that the Congress would be rapid in their sending to us a constitutional amendment that would require a balanced budget, because I would love to have the opportunity to vote for that as soon as possible. Thank you, Mr. President.

**Mr. President:** Thank you, Senator Gordon. Senator Woodson to close.

**Senator Woodson:** Thank you, Mr. President. A lot of what we've talked about today has to do with trust, and it's obvious that there are a lot of us here who don't trust our Congress, and don't want to put a question like how the convention would be run in their hands. There are 22 people who have signed on to the Senate Memorial and if you look over that group you'll find that it represents a great variety of political philosophies.

One thing we did talk about today is the general public and what groups out among us have strong opinions on this issue. I'd like to read to you a list of organizations who are against the call for a constitutional convention. You will find that there is a variety of philosophical opinion here, too: The American Legion, Veterans of Foreign Wars, American Association of University Professors, Synagogue Council of America, Daughters of the American Revolution, Sons of the American Revolution, the Southern Baptist Convention, ACLU, NAACP, the American Association of University Women, the American Jewish Congress, United Methodist Church, National Council of Laraza, National Council of Churches of Christ, the American Jewish Committee, B'Nai B'Rith, National Farmers Union, Baptist Joint Common Public Affairs, National Education Association, Jewish War Veterans, the Business Roundtable, National Bar Association, Eagle Forum, Women for Responsible Legislation, John Birch Society, Minutewomen of Florida, and Catholic Charities of the USA. Those are the ones I know about, and there probably would be many more if they would examine the issue. And what we're saying, I believe in our vote, is that we're supportive of the amendment, and against the convention.

No person here can tell you with authority that the convention would be limited to a single subject, nor how the delegates would be determined, nor any of the other details of representation or outcome.

Many say there is no danger to the Constitution, and yet no one can guarantee there is no danger. If I'm wrong in proposing the rescission, we're no worse off than we've been for the last 12 years. But if those of you who oppose the rescission are wrong, then you're gambling something much greater.

I'm willing to take the risk of being wrong, and I'm not infallible. But would you be willing to take the risk if the price is the Constitution?

Nothing has changed in the past 12 years, and we've got to go about getting the budget balanced the way it should be done, and that's by Congress. And I would solicit your vote.

**Senator Barron:** Mr. President, in the interest of legislative history and because of the seriousness of the matter, I move that all of the debate on this memorial be spread upon the Journal of the Senate.

**CS for SJR's 318 and 356**—A joint resolution proposing an amendment to Section 3, Article VII of the State Constitution, relating to ad valorem tax exemptions.

*Be It Resolved by the Legislature of the State of Florida:*

That the following amendment to Section 3 of Article VII of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1988:

ARTICLE VII  
FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) By general law and subject to conditions specified therein, there may be granted an ad valorem tax exemption to a renewable energy source device and to real property on which such device is installed and operated, to the value fixed by general law not to exceed the original cost of the device, and for the period of time fixed by general law not to exceed ten years.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT  
ARTICLE VII, SECTION 3

PROPERTY TAX EXEMPTION FOR WIDOWERS.—Proposing an amendment to the State Constitution to extend the property tax exemption for widows to widowers as well.

—was read the second time in full. On motion by Senator Johnson, by two-thirds vote CS for SJR's 318 and 356 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—36

|               |                 |           |               |
|---------------|-----------------|-----------|---------------|
| Mr. President | Childers, W. D. | Girardeau | Hollingsworth |
| Barron        | Crawford        | Gordon    | Jenne         |
| Beard         | Crenshaw        | Grant     | Jennings      |
| Brown         | Deratany        | Grizzle   | Johnson       |
| Childers, D.  | Dudley          | Hill      | Kirkpatrick   |

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

Nays—None

**The President presiding**

**Consideration of Resolution**

On motion by Senator Thurman, by unanimous consent—

By Senator Thurman—

**SR 1407**—A resolution commending a world class softball team.

WHEREAS, the Florida Senate and the Bad-News Press each fielded a team for their annual softball competition at Lady Seminole Field on May 11, 1988, and

WHEREAS, a “team” is all that the Bad-News Press and Reporter Mike Fumblelinda fielded last night, and

WHEREAS, under the accustomed inspired leadership of President John Vogt, who gave a masterly exhibition of fielding, hitting, and scoring and who made but one little inconsequential human error, the Florida Senate thrashed the Bad-News Press by the undisputed and underreported score of 12 to 4, and

WHEREAS, enduring great pain, Senator Richard Langley heroically went the distance, allowed but four runs, most undeserved, and did not walk a single Press batter, and

WHEREAS, the Senate sluggers knocked the starting pitcher for the Bad-News Press, Randy “Rag Arm” Pendleton, from the mound after one inning, and

WHEREAS, even without the tremendous support of the world’s finest staff, best exemplified by the inspired and creative baserunning of Tommy Hunt, the Bad-News Press would have been humbled, and

WHEREAS, the obviously superior team prevailed, notwithstanding the number of indecisions made by Lieutenant Umpire Bobby Brantley from his position in the vicinity of second base and notwithstanding the nonbinding opinions of Umpire Bob Butterworth, who erroneously opined after the game that “the Lieutenant Governor had a number of tough calls to make and made them all correctly,” NOW, THEREFORE,

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

That the facts stated in the preamble of this resolution are declared to be true.

That the Florida Senate hereby extends its congratulations to the Florida Senate Softball Team for its outstanding achievement in besting the Bad-News Press and commends the members of the Bad-News Press Softball Team for their fair play and good sportsmanship.

—was introduced out of order and read by title. On motion by Senator Thurman, SR 1407 was read the second time in full and unanimously adopted.

**Motion**

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 1406 was placed next on the special order calendar.

**SPECIAL ORDER, continued**

On motion by Senator Jennings, by two-thirds vote HB 1662 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Jennings—

**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.

—a companion measure, was substituted for SB 1406 and read the second time by title. On motion by Senator Jennings, by two-thirds vote HB 1662 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

On motion by Senator Jennings, the rules were waived and **HB 1662** was ordered immediately certified to the House.

**SB 357**—A bill to be entitled An act relating to tax exemption; amending s. 196.202, F.S.; exempting certain property of widowers from taxation; providing a contingent effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote SB 357 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford

Consideration of **CS for SB 111** was deferred.

**SB 1338**—A bill to be entitled An act relating to bail bonds; amending s. 627.758, F.S.; increasing the maximum amount of a guaranteed traffic arrest bond certificate that an automobile club or association may issue or that a surety insurer may insure; amending s. 903.36, F.S.; increasing the maximum amount of such a guaranteed traffic arrest bond certificate that is accepted as bail for certain traffic violations; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote SB 1338 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

**Senator Thomas presiding**

**CS for CS for SB 392**—A bill to be entitled An act relating to transportation; amending s. 127.01, F.S.; authorizing counties to exercise certain powers granted in ss. 337.27, 337.273, F.S.; amending s. 163.3164, F.S.; defining the term “transportation corridor”; amending s. 163.3177, F.S.; requiring the inclusion of designated transportation corridors in the

transportation and mass transit elements of the local comprehensive plans by a specified date; requiring the development of specified policies; amending s. 163.3202, F.S.; requiring land development regulations to protect transportation rights-of-way and designated transportation corridors; amending s. 166.401, F.S.; authorizing municipalities to exercise certain powers granted in ss. 337.27, 337.273, F.S.; allowing municipalities to file maps of reservation for transportation corridors and transportation facilities; requiring notice and a public hearing; providing for building setback lines; providing for ordinances that define restrictions on certain construction; providing for challenges to the map by property owners; providing for a hearing and for appellate review; amending ss. 253.025, 253.03, F.S.; removing property for transportation facilities and transportation corridors from those state lands managed by the Board of Trustees of the Internal Improvement Trust Fund; amending s. 334.03, F.S.; amending the definition of the term "right-of-way" to include transportation facilities; defining the term "transportation corridor"; amending s. 335.02, F.S.; authorizing the Department of Transportation to locate and designate certain transportation facilities and to survey and locate lines for transportation corridors; requiring the department to consider the location of state-owned lands; amending s. 336.02, F.S.; making county maps of reservation applicable to transportation facilities or transportation corridors; providing for building setback lines; providing for ordinances that define restrictions on certain construction; authorizing the amendment or withdrawal of a map; amending s. 337.241, F.S.; making maps of reservation filed by the department applicable to transportation facilities or transportation corridors; authorizing the amendment or withdrawal of a map; amending s. 337.25, F.S.; providing for acquisition of property for securing or utilizing transportation rights-of-way for certain transportation facilities; providing for acceptance of donations of property; requiring evaluation of the department's inventory of real property; increasing the maximum value of property which may be disposed of by negotiated sale; authorizing the department to convey a leasehold interest; amending s. 337.27, F.S.; allowing the department to condemn property for certain transportation facilities, including land necessary for management of access; deleting provisions that authorize the acquisition of certain property in anticipation of future transportation needs; amending s. 337.271, F.S.; making certain provisions pertaining to negotiations for acquisitions applicable to transportation facilities or transportation corridors; allowing a fee owner to waive certain rights; creating s. 337.273, F.S.; providing legislative intent as to the need to designate, plan, protect, and acquire property in transportation corridors; providing for demonstrating public purpose and necessity; providing for designation of transportation corridors; providing for transportation corridor protection and acquisition agreements; requiring periodic review of all designated corridors; amending s. 339.155, F.S.; deleting the definition of "transportation corridor"; requiring the department to designate corridors only for state facilities; requiring coordination of transportation corridor designation with certain state and local agencies; amending s. 341.303, F.S.; removing the limit on state funding participation for certain nonfederally funded projects; authorizing the department to evaluate rail corridors for transportation uses; authorizing the acquisition of rail corridors; regulating ingress to and egress from rail corridors; requiring a map of the rail system; requiring notice to the Department of Natural Resources; amending s. 337.406, F.S.; allowing the leasing of rights-of-way; repealing s. 337.272, F.S., relating to the resale of property acquired by eminent domain upon failure to devote it to the use for which it was condemned; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Brown:

**Amendment 1**—On page 24, lines 26-27, strike "*except for those uses precluded by s. 337.407 and chapter 479*" and insert after the period:

*Any outdoor advertising sign allowed to remain on department property pursuant to this subsection, shall not be considered a nonconforming sign pursuant to chapter 479.*

Senator Margolis moved the following substitute amendment which was adopted:

**Amendment 2**—On page 24, lines 26-27, strike "*except for those uses precluded by s. 337.407 and chapter 479*" and insert after the period: *The department may allow an outdoor advertising sign to remain on the property acquired and such sign shall not be considered a nonconforming sign pursuant to chapter 479.*

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

**Amendment 3**—On page 43, strike all of lines 20-31 and renumber subsequent sections.

On motion by Senator Brown, by two-thirds vote CS for CS for SB 392 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Langley

Consideration of **SB 636** was deferred.

**CS for SB 925**—A bill to be entitled An act relating to outdoor advertising; amending s. 479.16, F.S.; exempting certain signs used for the sole purpose of providing direction to a residence or farm operation from the requirement of having a permit; providing an effective date.

—was read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote CS for SB 925 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**CS for CS for SB 556**—A bill to be entitled An act relating to motor vehicle sales warranties; amending s. 681.101, F.S.; providing clarifying language; amending s. 681.102, F.S.; providing definitions; amending s. 681.103, F.S.; requiring motor vehicle manufacturers to conform motor vehicles to the warranty; requiring such manufacturers to follow certain procedures relating to warranties; amending s. 681.104, F.S.; providing notification requirements for consumers with nonconforming motor vehicles; providing procedures for the handling of such vehicles; providing for refunds or replacement vehicles; providing for the refunding of sales tax paid on certain vehicles; amending s. 681.108, F.S.; providing informal dispute settlement procedures; creating s. 681.109, F.S.; providing an arbitration system for motor vehicle owners who do not resolve disputes through a certified informal dispute settlement procedure; creating s. 681.1095, F.S.; creating the Florida New Motor Vehicle Arbitration Board within the Department of Legal Affairs; providing for the appointment of board members; providing powers and duties of the board; providing procedures for arbitration; providing powers and duties of the Department of Legal Affairs relative to the board; providing for the appeal of board decisions; providing for attorney's fees, costs, and penalties for noncompliance with awards by manufacturers; requiring the department to maintain certain records; requiring reports; amending s. 681.110, F.S.; providing the Department of Legal Affairs with subpoena power; amending s. 681.111, F.S.; defining certain acts as unfair trade practices; creating s. 681.112, F.S.; providing judicial consumer remedies for violations of ch. 681, F.S.; establishing limitations on such actions; creating s. 681.113, F.S.; providing limitations of liability for dealers; creating s. 681.114, F.S.; providing procedures for the resale of motor vehicles returned pursuant to ch. 681, F.S.; creating s. 681.115, F.S.; prohibiting certain limiting agreements; creating s. 681.116, F.S.; providing a preemption; requiring

the adoption of rules; requiring a fee to be collected by motor vehicle dealers and persons engaged in the business of leasing motor vehicles; providing appropriations; providing severability; providing for future repeal and legislative review; providing effective dates.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for CS for SB 556 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Weinstein, by two-thirds vote HB 45 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Weinstein—

**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.

—a companion measure, was substituted for CS for SB 74 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote HB 45 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Langley

Vote after roll call:

Yea—Jenne, Margolis

On motion by Senator Weinstein, the rules were waived and **HB 45** was ordered immediately certified to the House.

On motions by Senator Crawford, by two-thirds vote **HB 592** was withdrawn from the Committees on Natural Resources and Conservation; Health and Rehabilitative Services; and Appropriations.

On motion by Senator Crawford—

**HB 592**—A bill to be entitled An act relating to the Southeast Interstate Low-Level Radioactive Waste Management Compact; amending s. 404.30, F.S.; providing that no state shall be required to operate a regional facility for more than 20 years or after 32 million cubic feet of low-level radioactive waste has been disposed; requiring any state which wishes to withdraw from the compact after the second host state has been operating a disposal facility for 30 days to obtain the unanimous approval of the compact commission and the consent of the Congress; providing an effective date.

—a companion measure, was substituted for SB 88 and read the second time by title. On motion by Senator Crawford, by two-thirds vote **HB 592** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Peterson, Stuart

**SB 937**—A bill to be entitled An act relating to bottled water plants; amending s. 381.294, F.S.; deleting requirements with respect to taking of water samples; prescribing guidelines for the Department of Health and Rehabilitative Services in determining the amount of water sample analysis needed; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote **SB 937** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

|                 |               |             |              |
|-----------------|---------------|-------------|--------------|
| Mr. President   | Dudley        | Johnson     | Plummer      |
| Barron          | Girardeau     | Kirkpatrick | Ros-Lehtinen |
| Beard           | Gordon        | Langley     | Scott        |
| 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       |              |

Nays—None

Vote after roll call:

Yea—Stuart

On motion by Senator Thurman—

**HB 627**—A bill to be entitled An act relating to seed; amending s. 578.09, F.S., relating to label requirements; amending s. 578.20, F.S., relating to short title; amending ss. 578.26 and 578.27, F.S., changing the name of the seed arbitration council; increasing membership, providing terms of members, and modifying procedures; providing for informal hearing of complaints; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for CS for SB 759 and read the second time by title. On motion by Senator Thurman, by two-thirds vote **HB 627** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

|                 |               |             |              |
|-----------------|---------------|-------------|--------------|
| Mr. President   | Dudley        | Johnson     | Plummer      |
| Barron          | Girardeau     | Kirkpatrick | Ros-Lehtinen |
| Beard           | Gordon        | Langley     | Scott        |
| 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       |              |

Nays—None

Vote after roll call:

Yea—Peterson, Stuart

**SB 1114**—A bill to be entitled An act relating to sheriffs; amending s. 30.48, F.S.; providing that a sheriff's salary is payable either monthly or biweekly; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Thurman and adopted:

**Amendment 1**—On page 1, line 14, strike "either monthly" and insert: *monthly, twice per month,*

**Amendment 2**—In title, on page 1, line 4, after "monthly" insert: *, twice per month,*

On motion by Senator Thurman, by two-thirds vote SB 1114 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     | 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    |
| Crawford        | Jenne         | Meek      | Weinstock    |
| Crenshaw        | Jennings      | Myers     | Woodson      |
| Deratany        | Johnson       | Peterson  |              |
| Dudley          | Kirkpatrick   | Plummer   |              |

Nays—None

Consideration of **CS for SB 500** was deferred.

On motions by Senator Meek, by two-thirds vote HB 1060 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Meek—

**HB 1060**—A bill to be entitled An act relating to retirement; amending ss. 121.091 and 238.181, F.S.; permitting district school retirees to be employed after retirement as hourly employees; providing an effective date.

—a companion measure, was substituted for SB 409 and read the second time by title. On motion by Senator Meek, by two-thirds vote HB 1060 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

|                 |               |             |              |
|-----------------|---------------|-------------|--------------|
| Mr. President   | Girardeau     | Kirkpatrick | 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    |
| Crawford        | Jenne         | Meek        | Weinstock    |
| Crenshaw        | Jennings      | Myers       | Woodson      |
| Deratany        | Johnson       | Peterson    |              |

Nays—None

**CS for SB 500**—A bill to be entitled An act relating to county governments; providing definitions; authorizing counties and constitutional county officers to recruit, train, and accept volunteers for county government service; providing for the status of volunteers; providing for the responsibilities of government with respect to volunteers; providing for volunteer benefits; providing an exception; providing immunity from liability for volunteers; providing an effective date.

—was read the second time by title.

Senator Frank offered the following amendments which were moved by Senator Jenne and adopted:

**Amendment 1**—On page 4, strike all of lines 11-13, and renumber subsequent subsections.

**Amendment 2**—In title, on page 1, strike all of lines 10 and 11 and insert: *exception; providing an effective date.*

On motion by Senator Jenne, by two-thirds vote CS for SB 500 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

**SB 414**—A bill to be entitled An act relating to state building designation; designating the old Leon County Jail in the City of Tallahassee as the George Firestone Building; directing the Department of State to erect appropriate markers; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 414 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Myers, by two-thirds vote HB 241 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Myers—

**HB 241**—A bill to be entitled An act relating to drug abuse prevention and control; amending s. 893.03, F.S.; adding additional substances to the lists of controlled substances in Schedules I-V; providing an effective date.

—a companion measure, was substituted for CS for SB 218 and read the second time by title. On motion by Senator Myers, by two-thirds vote HB 241 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Consideration of **SB 442** was deferred.

**SB 589**—A bill to be entitled An act relating to military code; amending s. 250.36, F.S., providing that military judges, presidents of courts-martial, and summary court officers of the Florida National Guard may execute pretrial confinement warrants for 48-hour periods; providing that the Adjutant General may extend such pretrial confinement for a period not to exceed 15 days; 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 Jenne and adopted:

**Amendment 1**—On page 1, line 23, after the word “accused” insert: *who has failed to appear for courts-martial*

On motion by Senator Jenne, by two-thirds vote SB 589 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     | 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    |
| Crawford        | Jenne         | Meek      | Weinstock    |
| Crenshaw        | Jennings      | Myers     | Woodson      |
| Deratany        | Johnson       | Peterson  |              |
| Dudley          | Kirkpatrick   | Plummer   |              |

Nays—None

**SB 590**—A bill to be entitled An act relating to search warrants; amending s. 933.18, F.S.; adding specified misdemeanor child abuse offense violations to the list of violations authorizing issuance of a warrant to search a private dwelling; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendment which was adopted:

**Amendment 1**—On page 2, strike all of lines 5-10.

On motion by Senator Grant, by two-thirds vote SB 590 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

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

Nays—None

**CS for SB 831**—A bill to be entitled An act relating to felons; amending s. 944.292, F.S.; preserving the civil right of access to the courts; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for SB 831 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—McPherson

**SB 907**—A bill to be entitled An act relating to public school site selection; amending s. 235.19, F.S.; requiring that a new site and improvements thereon must be at least 1 mile from existing county detention facilities and state correctional institutions; providing an effective date.

—was read the second time by title.

Senator Barron moved the following amendment which was adopted:

**Amendment 1**—On page 1, between lines 19 and 20, insert: *This subsection does not apply to a public school site or an improvement thereon, if the public school site was acquired prior to the effective date of this act.*

Further consideration of **SB 907** as amended was deferred.

**SB 951**—A bill to be entitled An act relating to the designation of state historic highways; designating Crandon Boulevard on Key Biscayne in Dade County as a state historic highway; providing a definition; providing restrictions on the removal of trees; restricting alterations to the physical dimensions or location of the highway; providing for a public meeting prior to the removal of trees under certain circumstances; providing for the erection of suitable markers; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 2, strike all of lines 25-26, and insert: entrance of Bill Baggs State Park.

On motion by Senator Gordon, by two-thirds vote SB 951 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Gordon, the rules were waived and **SB 951** was ordered immediately certified to the House.

**CS for SB 1174**—A bill to be entitled An act relating to the Probate Code; amending s. 731.303, F.S.; providing for the binding effect of certain agreements, waivers, consents, approvals, accounts, or other statements upon persons who may take by virtue of the exercise or nonexercise of a power of appointment; amending s. 737.307, F.S.; providing for receipt of certain accounts or statements by certain persons for purposes of limitations on proceedings against trustees; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote CS for SB 1174 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crawford

Consideration of **CS for SB 874** and **CS for SB 602** was deferred.

**CS for SB 573**—A bill to be entitled An act relating to commissions; amending s. 13.10, F.S.; changing the name of the Commissioners for the Promotion of Uniformity of Legislation in the United States; providing for an increase in the number of representatives to the National Conference of Commissioners on Uniform State Laws; providing for reimbursement for traveling expenses for all commissioners and the commission secretary; providing an effective date.

—was read the second time by title.

Senator W. D. Childers moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 28, after the word "members" insert: *from this state*

**Amendment 2**—On page 2, lines 18 and 19, strike the words "employee of the joint committee staff" and insert: *legislative employee of the joint committee staff*

**Amendment 3**—In title, on page 1, line 10, after the semicolon, insert: providing for designation of the secretary to the commissioners;

On motion by Senator W. D. Childers, by two-thirds vote CS for SB 573 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford, Stuart

**CS for SB 459**—A bill to be entitled An act relating to emergency management; amending s. 252.51, F.S.; providing that donees or lenders of services are agents of governmental agencies or entities for the purposes of s. 768.28, F.S.; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote CS for SB 459 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford

**SB 283**—A bill to be entitled An act relating to mortgage brokers; amending s. 494.055, F.S.; providing for discipline when a satisfaction of mortgage is not issued in certain situations; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendment which failed:

**Amendment 1**—On page 1, line 19, insert: Nothing in this chapter shall prevent the lawful recordation of a mortgage loan application and lien agreement to create a lien in the amount of a mortgage broker's costs and commission that are contracted for and authorized by law.

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

Yeas—31

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

Nays—1

Johnson

Vote after roll call:

Yea—Crawford

**SB 198**—A bill to be entitled An act relating to medical education; transferring the powers, duties, and functions of the Department of Education under the Community Hospital Education Act to the Board of Regents; transferring records, property, and funds related thereto; assigning the Community Hospital Education Council to the Board of Regents; amending s. 381.503, F.S.; authorizing the Board of Regents to administer the statewide programs under the act; modifying program content; revising requirements for membership on the Community Hospital Education Council; specifying a term for membership on the council; providing for appointment of the staff director of the council; changing hospital qualification requirements for participation in the community hospital education program; deleting obsolete provisions; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote SB 198 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Crawford

**CS for SB 606**—A bill to be entitled An act relating to long-term care insurance; creating a new part XIX of chapter 627, F.S.; creating the "Long-Term Care Insurance Act"; providing purpose; providing for the scope of the act; providing definitions; providing filing requirements for authorized groups; providing for the use of out-of-state group long-term care insurance under certain circumstances; providing for disclosure, advertising, and performance standards for long-term care insurance; providing for rules; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote CS for SB 606 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

|                 |           |         |               |
|-----------------|-----------|---------|---------------|
| Beard           | Crenshaw  | Gordon  | Hollingsworth |
| Brown           | Deratany  | Grant   | Jenne         |
| Childers, D.    | Dudley    | Grizzle | Jennings      |
| Childers, W. D. | Girardeau | Hill    | Johnson       |

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

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Myers, the rules were waived and CS for SB 606 was ordered immediately certified to the House.

On motion by Senator Langley, by two-thirds vote HB 168 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Langley—

**HB 168**—A bill to be entitled An act relating to powers of attorney; creating s. 709.11, F.S., providing that a deployment-contingent power of attorney shall be afforded full force and effect by the courts of the state; providing an effective date.

—a companion measure, was substituted for CS for SB 602 and read the second time by title. On motion by Senator Langley, by two-thirds vote HB 168 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Crawford

**CS for SB 872**—A bill to be entitled An act relating to workers' compensation; amending s. 440.11, F.S.; extending employer's immunity from liability for injury or death to apply to certain persons; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendment which was adopted:

**Amendment 1**—On page 2, strike all of lines 11-13 and insert: unrelated works within private or public employment. *The same immunity provisions enjoyed by an employer shall also apply to any sole proprietor, partner, corporate officer, or director.*

On motion by Senator Jennings, by two-thirds vote CS for SB 872 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford, Stuart

**CS for SB 924**—A bill to be entitled An act relating to motor vehicle insurance; amending s. 626.321, F.S.; providing for the issuance, to a business office of a business, of a limited license for the sale of baggage and motor vehicle excess liability insurance; authorizing the sale of coverage for a lessee's liability to the lessor for damage to a rented or leased motor vehicle; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote CS for SB 924 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford, Stuart

Consideration of **SB 1028** was deferred.

**CS for SB 1119**—A bill to be entitled An act relating to public lodging establishments; amending s. 509.215, F.S.; prescribing firesafety standards for such establishments; requiring such establishments to change from battery-operated to electrically operated smoke detectors by a date certain; providing an effective date.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for SB 1119 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—2

Lehtinen                      Ros-Lehtinen

Vote after roll call:

Yea—Crawford, Stuart

**SB 1077**—A bill to be entitled An act relating to bank loans; amending s. 658.50, F.S.; clarifying the maximum interest rate that may be charged on a credit card or overdraft financing arrangement; defining the term "interest" and the term "billing cycle" for such purpose; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator Jennings and adopted:

**Amendment 1**—On page 1, line 18, after "exceeding" insert: *the equivalent of*

On motion by Senator Jennings, by two-thirds vote SB 1077 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford, Stuart

**Consideration of Resolution**

On motion by Senator Thurman, by unanimous consent—

By Senators Thurman, Peterson and Grant—

**SR 1408**—A resolution commending Dr. Robert D. May for his visionary work in the field of public health.

WHEREAS, Dr. Robert D. May became Executive Medical Director and County Health Officer of Pasco County in January 1978 and retired from that position April 15, 1988, and

WHEREAS, in only a decade, Dr. May, through his dynamic personality, has transformed the public health program in the county to meet his progressive and innovative goals, and

WHEREAS, Dr. May was a leader in shaping a comprehensive health package, because he believed that was the right approach, and

WHEREAS, the new programs he established and developed included taking care of the poor and near-poor when they were ill; providing nutrition to women, infants, and children through the federally funded WIC program; conducting an IPO, or improved pregnancy outcome, program; and sponsoring an innovative health education program, and

WHEREAS, the epidemiology division of the public health department has attained nationwide recognition for its exemplary handling of a disease outbreak that occurred in 1980, and

WHEREAS, Dr. May, as president of the Florida Association of County Health Officers, helped start the University of South Florida College of Public Health, which offers the Masters of Public Health (M.P.H.) degree, and

WHEREAS, Dr. May also worked closely with the Legislature and encouraged the passage of capital improvements legislation and legislation that has improved health-care access for indigent persons, and

WHEREAS, Dr. May, who was born near Jacksonville in 1921, is proud of being a Florida cracker, and

WHEREAS, he holds both the M.D. degree and the M.P.H. degree and is board certified by the National Board of Medical Examiners and in Public Health and Preventive Medicine, and

WHEREAS, he has used these sterling credentials, his drive, his sense of humor, and his knack for successfully delegating responsibility in coordinating many diverse people and agencies to meet the health-care needs of Pasco County, and

WHEREAS, the Pasco County Medical Society has established in his honor the "Robert D. May, M.D., Foundation, Inc.," to provide funds for health care for needy Pasco County residents, NOW, THEREFORE,

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

That the Senate commends Dr. Robert D. May for his energetic and visionary shaping of public health service in Pasco County and wishes for him an active and rewarding retirement.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. Robert D. May as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Thurman, SR 1408 was read the second time in full and unanimously adopted.

**SB 880**—A bill to be entitled An act relating to the Department of Commerce; reviving and readopting s. 288.012(2), F.S., notwithstanding its scheduled repeal pursuant to s. 6, ch. 83-252, Laws of Florida, which exempts the department from certain leasing, purchasing, and employment requirements in connection with the foreign offices of the department; repealing said subsection, effective October 1, 1989; providing for review of said section in advance of that repeal; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote SB 880 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Crawford, Hollingsworth, Stuart

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Barron, by two-thirds vote SM 388 was withdrawn from the Committee on Rules and Calendar.

**Motion**

On motion by Senator Barron, by two-thirds vote the special order calendar for Tuesday, May 17, was set to include the bills remaining on today's special order and the following additional bills: SB 59, CS for SB 87, Senate Bills 178, 439, CS for SB 521, CS for SB 615, Senate Bills 682, 683, 714, CS for SB 941, SB 1025, CS for SB 1043, CS for SB 1091, CS for SB 1108, CS for SB 1176 and HB 183

**ENROLLING REPORTS**

Senate Bills 10, 214, 328, 329, 384 and CS for SB 309 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 12, 1988.

*Joe Brown, Secretary***CORRECTION AND APPROVAL OF JOURNAL**

The Journal of May 11 was corrected and approved.

**CO-INTRODUCERS**

Senator Hill—SB 55; Senator Barron—CS for SM 302; Senator Crawford—CS for SB 1093; Senators Meek, Ros-Lehtinen and Weinstein—SJR 1172

**RECESS**

Senator Barron moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Tuesday, May 17, at 10:00 a.m. The motion was adopted.

Pursuant to the motion by Senator Barron, the Senate recessed at 5:01 p.m. to reconvene at 10:00 a.m., Tuesday, May 17.