



Journal of the Senate

Number 2

Wednesday, April 5, 1989

CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

PRAYER

The following prayer was offered by Major Henry Arrowood, The Salvation Army, Tampa:

Heavenly Father, God of love who gives life and breath to all, whose goodness never fails, whose steadfast love never ceases, whose mercies are new every morning, I lift in prayer these servants of the people who are by your grace, your servants as well. Together we begin this day in prayer for the people of this state, the people of this land.

We pray for the healthy, the strong, the prosperous, that they may be sensitive to those who suffer, and in gratitude for your gracious providence, that they may be willing to share with them the good with which they have been so lavishly endowed.

Grant, O God, that those who are fortunate may understand that their good fortune imposes upon them a godly responsibility to be compassionate and selfless with the unfortunate.

Help them to distinguish between need and greed, to realize that we were meant to be channels rather than reservoirs. . . . that good things were meant to be used, not collected.

We pray this in the name of Him who never turned away a needy one who came to him, and who said, "Inasmuch as ye have done it unto the least of these, ye have done it unto me." Amen.

REPORTS OF COMMITTEES

The Committee on Health Care recommends the following pass: SB 260

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

The Committee on Judiciary-Civil recommends the following pass: SB 83

The bill was referred to the Committee on Ethics and Elections under the original reference.

The Committee on Transportation recommends the following pass: SB 288

The bill was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Judiciary-Civil recommends the following pass: SB 175 with 1 amendment

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

The Committee on Health Care recommends the following pass: SB 485 with 2 amendments

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

The Committee on Judiciary-Civil recommends the following pass: SB 237, CS for SB 245

The Committee on Transportation recommends the following pass: SB 74 with 2 amendments

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

Senator W. D. Childers presiding

Report of the Committee on Rules and Calendar

The Senate proceeded to consideration of the following report of the Committee on Rules and Calendar which was read by the Secretary:

The Committee on Rules and Calendar respectfully recommends a revision of the Senate Rules attached hereto and by reference made a part of this committee meeting report.

Sincerely,
James A. Scott,
Chairman

Rule 1.11 is amended to read:

1.11—Prepares daily calendar

The Secretary shall prepare a daily calendar that shall set forth: (1) the order of business; (2) the committee report on each bill, i.e., whether favorable, favorable with committee amendments, or favorable with committee substitutes; (3) the status of each bill, i.e., whether on second or third reading; and (4) notices of committee meetings; and (5) notices of meetings required pursuant to Rule 1.44. The Secretary shall distribute the daily calendar for the information of the legislature and the public.

PART FIVE—PUBLIC MEETINGS

Rules 1.43-1.45 are created to read:

1.43—Open meetings

All meetings at which legislative business is discussed among any two or more Senators shall be open to the public. Nothing herein shall prevent two senators from meeting to exchange information provided the purpose of the meeting is not to agree upon formal action that will be taken at a subsequent meeting.

Senator Scott moved the following amendment:

Amendment 1—Strike all of section 1.43 and insert: 1.43 - Open meetings

(a) All meetings at which legislative business is discussed among any two or more Senators shall be open to the public except meetings between two Senators to exchange information provided the purpose of the meeting between the two Senators is not to agree upon final action that will be taken at a subsequent meeting. Discussions on the floor while the Senate is in session and discussions among Senators in a committee room during committee meetings shall be deemed to be in compliance with this rule.

(b) All meetings shall be subject to appropriate order and decorum at the discretion of the person conducting the meeting.

Motion

On motion by Senator Scott, the rules were waived and time of recess was extended until final action on the Report of the Committee on Rules and Calendar.

Senator D. Childers moved the following substitute amendment which failed:

Amendment 2—Strike all of section 1.43 and insert: *1.43 - Open meetings*

(a) *Meetings at which specific legislation is discussed among any three or more Senators shall be open to the public, except for meetings among three Senators to exchange information. Discussions on the floor while the Senate is in session and discussions among Senators in a committee room during committee meetings shall be deemed to be in compliance with this rule.*

(b) *All meetings shall be subject to appropriate order and decorum at the discretion of the person conducting the meeting.*

Amendment 1 was adopted by two-thirds vote. The vote was:

Yeas—38

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Scott	

Nays—1

Childers, D.

Vote after roll call:

Yea—McPherson

Senator Scott moved the following amendment which was adopted by two-thirds vote:

Amendment 3—In Rule 1.43 as amended, insert:

(c) For purposes of this rule “legislative business” is defined as issues pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate Committee or Senate Subcommittee.

On motion by Senator Scott, by two-thirds vote Rule 1.43 as amended was adopted.

1.44 — Notice required for certain meetings

(a) *A written notice of the following meetings at which legislative business is to be discussed shall be filed with the Secretary of the Senate. While the legislature is not in regular or special session and during the first fifty (50) days of a regular session, the notice shall be filed not later than the day preceding the day of the meeting. After the fiftieth (50th) day of a regular session and during a special session, the notice shall be filed not later than two (2) hours preceding the time set for the meeting:*

1. *meetings of the President of the Senate (or a Senator designated to represent the President) with the Governor, or with the Speaker of the House of Representatives (or a representative designated to represent the Speaker);*
2. *meetings of a majority of the Senators who constitute the membership of any Senate committee or subcommittee;*
3. *steering meetings of the chairman of the Committee on Appropriations with the chairmen of the standing subcommittees of the Committee on Appropriations; and*
4. *meetings called by the President or his designee, of a majority of the chairmen of the Senate’s standing committees.*

(b) *Notices of meetings required by Rule 1.44 shall be filed by or at the direction of the person(s) at whose call the meeting is convened; shall state the date, time, and place of the meeting; shall contain a brief description of the general subject matter scheduled to be discussed; and, in the case of meetings requiring a one (1) day notice, shall be delivered to the Secretary’s office by 4:30 p.m. on the day preceding the day of the meeting. If such a day is a Friday, delivery shall be by 2:30 p.m. Notices of such meetings shall appear in the daily calendar.*

In the event the times required for notice under Rule 1.44 are not sufficient to permit publication in a daily or interim calendar, the Secretary shall post a copy of each such notice on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. The Secretary of the Senate shall make a diligent effort to give actual notice to the representatives of the press of all noncalendared meeting notices posted.

(c) *Political caucuses are exempt from the foregoing notice requirements; however, at such meetings, neither issues then pending before the Senate or a Senate committee nor issues upon which foreseeable action is reasonably expected to be taken by the Senate or a Senate committee shall be discussed.*

Senator Scott moved the following amendment which was adopted by two-thirds vote:

Amendment 1—On page 4 in Rule 1.44, strike all of subsection (c) and insert:

(c) *Political caucuses are exempt from the foregoing notice requirements. Political caucuses shall be open to the public in accordance with Rule 1.43 when issues then pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, a Senate Committee or Senate Subcommittee are discussed.*

On motion by Senator Scott, by two-thirds vote Rule 1.44 as amended was adopted.

1.45 — Violations of rules on open meetings and notice

Intentional violations of Rules 1.43 and 1.44 constitute violations of the Rules regulating legislative ethics and conduct and shall be subject to the procedures and penalties prescribed in Rule 1.42.

Paragraph 1 of Rule 2.6 is amended to read:

2.6—Notice of committee meetings

Notice of meetings of standing committees, standing subcommittees and select committees shall be published in the daily calendar. No committee shall consider any bill during the first fifty (50) days of any regular session until proper notice is published in the calendar for the legislative day preceding and the day of such committee meeting. Thereafter, meetings of standing committees, standing subcommittees, and select committees scheduled in accordance with Rule 2.9 may be held following an announcement by the chairman of the committee or subcommittee or, in his absence, the vice-chairman while the Senate is in session and the posting of a notice on a bulletin board in the public corridor leading to the Senate Chamber for two (2) hours in advance of the meeting. The chairman of a committee or subcommittee or in his absence, the vice-chairman, shall provide the Secretary’s office with written information concerning meetings that shall include the date, time, and place of the meeting together with the name of the introducer, short title, and number of each bill to be considered.

Rule 2.7 is amended to read:

2.7—Bills recommitted

A bill reported by a standing committee without proper publication of notice in the daily calendar shall be recommitted to the committee reporting the same on the point of order being made within two (2) days after such report is printed in the Journal. The committee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

A bill reported by a standing subcommittee to its standing committee without proper publication of notice in the daily calendar shall be recommitted to the subcommittee reporting same on the point of order made during the standing committee meeting at which the bill was reported by the subcommittee. The subcommittee to which the bill is thus committed shall proceed to reconsider it and shall report on it as if originally referred.

Paragraph 4 of Rule 2.15 is amended to read:

2.15—Standing committee duties in deliberation

In reporting a Senate measure, a standing committee may draft a new measure embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). Proposed substitutes shall be filed

with the committee secretary no less than two (2) hours prior to any committee meeting at which a recommendation of the substitute is adopted unless the substitute is merely a combination of the noticed bill(s) and amendments offered in compliance with Rule 2.39. Copies of substitutes shall be furnished to committee members' offices immediately upon filing with the committee secretary, and made reasonably available by the committee secretary before the meeting, upon request, to the members of the committee and to the public. A Senate committee may not recommend a Senate committee substitute for a House bill. The substitute measure must be accompanied by the original measure (or measures) referred to the committee and returned to the Secretary in the same manner as a favorable report. No other standing committee of reference shall consider the original measure (or measures) but shall direct its attention to the substitute measure. A committee receiving a committee substitute from a prior committee of reference may also report a committee substitute and shall not be precluded from doing so with the substance of the bill (or bills) as originally introduced. When the original measure is reached on the calendar, the substitute shall be read a first time by title, the original proposition shall be automatically tabled, and the substitute considered in lieu of without motion. The substitute shall carry the identifying number (or numbers) of the original and shall be returned to the Secretary in the same number of copies required for first introduction of a similar measure. The name of the introducer of the original measure (or measures) shall be shown by the committee secretary on the committee substitute unless the said introducer requests that it be omitted. A committee substitute may be co-sponsored by a Senator whose signature is affixed to the original.

Rule 2.19 is amended to read:

2.19—Conference committee in deliberation

All meetings of Senate conferees with House conferees at which the business of the conference committee is discussed shall be open to the public subject to proper order and decorum.

Conference committees shall consider and report only on the differences existing between the Senate and the House, and no substance foreign to the bills before the conferees shall be included in the report or considered by the Senate.

A conference committee may only report by recommending the adoption of a series of amendments to the House or Senate bill that was the subject of the conference, or it may offer an amendment striking everything after the enacting clause of any such bill referred to the committee. Such amendments shall accompany the conference committee report, which shall be attached to the original measure submitted to conference. In any event the conference committee may recommend, as part of its report, the adoption or rejection of any or all of the amendments theretofore adopted by either House. Conference reports must be approved and signed by a majority of the managers on the part of each House. *All final actions taken in conference committee shall be by motion.*

Each report shall contain a statement sufficiently explicit to inform the Senate of the effect of the report on the measure to which it relates.

When any bill or joint resolution is referred by the President to a conference committee, a notice of the following meetings to discuss matters relating to the conference, stating the names of the conferees and scheduled participants, and the date, time, and place for the meeting, shall be filed with the Secretary of the Senate by or at the direction of the person(s) at whose call the meeting is convened, not less than two (2) hours preceding the time for the meeting, and after the fiftieth (50th) day of a regular session and during a special session, not less than one (1) hour preceding the time for the meeting:

1. meetings between the President (or a Senator designated to represent the President), the Governor, and the Speaker of the House (or a Representative designated to represent the Speaker);
2. meetings between a majority of the members of the conference committee or any subcommittee of the conference committee;
3. meetings between the President or any Senator(s) designated to represent the President and a conferee from the House of Representatives, or any meeting between a conferee from the Senate with the Speaker of the House of Representatives or any Representative(s) designated to represent the Speaker; and
4. meetings of a majority of the Senate conferees; and when the bill or joint resolution that is the subject of the conference committee deals primarily with the general appropriations act or revenue matters, any meeting of three (3) or more conferees on the part of the Senate.

Notice of meetings, as scheduled, between the chairman of the Senate's conferees with the chairman of the House's conferees, or between respective Senate and House subcommittee chairmen with each other, shall be posted on a bulletin board provided for this purpose in the public corridor leading to the Senate Chamber. In the case of the appropriations conference, said notice shall also be posted on a bulletin board outside the door of the office of the Committee on Appropriations.

All meetings for which notice is required pursuant to this Rule shall be held in the Capitol, the Senate Office Building or the House Office Building, but shall not be held in the Chamber of either house while it is in session.

When any bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report an inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on the measure as the Senate may determine.

After Senate conferees have been appointed for seven (7) calendar days and have failed to make a report, it is a motion of the highest privilege to move to discharge said conferees and to appoint new conferees, or to instruct said conferees, and this motion shall have precedence over all other questions except motions to adjourn and questions of privilege. Further, during the last six (6) calendar days allowed under the Constitution for any regular session, it shall be a privileged motion to move to discharge, appoint, or instruct Senate conferees after the Senate conferees have been appointed thirty-six (36) hours without having made a report.

Rule 2.22 is amended to read:

2.22—Chairman's control

The chairman or vice-chairman shall preserve order and decorum and shall have general control of the committee room. If there is a disturbance or disorderly conduct in the committee room, he may require participants in the disturbance to clear the room.

Rule 2.39 is amended to read:

2.39—Form, notice, manner of consideration

No amendment to any measure, which amendment was prepared prior to the committee meeting at which it is offered, shall be considered by that committee unless the amendment was filed with the committee secretary at least two (2) hours before the time the meeting was called to order. Copies of such amendment shall be made reasonably available by the committee secretary before the meeting, upon request, to the members of the committee and to the public. Neither a technical amendment nor an amendment which is prepared by a member of the committee during the committee meeting at which it is offered need be so noticed.

Amendments shall be filed with the chairman on forms prescribed by the Secretary but shall be considered only after sponsors, who are members of the committee, gain recognition from the chairman to move their adoption. An amendment shall be deemed pending only after its sponsor has been recognized by the chairman and has moved its adoption. Amendments that have been filed with the chairman but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment.

Rule 3.12 is amended to read:

3.12—Introducers of bills

Bills shall be introduced by a Senator or group of Senators whose signature or signatures are affixed to the original, or by any committee with the name of the committee and the signature of the chairman of the committee affixed to the original. A bill introduced by a committee may be co-sponsored by any Senator whose signature is affixed to the original. The general appropriations bill shall be introduced by the Committee on Appropriations. *Sufficient copies of the general appropriations bill proposed to be introduced by the Committee on Appropriations shall be made available to the members and upon request, to the public, at the office of the Secretary of the Senate and at the committee's office, no less than two (2) hours prior to the time the Committee on Appropriations meets to consider the proposed committee bill.*

Rule 7.1 is amended to read:

7.1—General form; notice; manner of consideration

No amendment prepared prior to the time a session of the Senate has convened shall be considered by the Senate unless the amendment was filed with the Secretary of the Senate at least two (2) hours before the time that session was called to order. Copies of such amendments shall be made reasonably available by the Secretary of the Senate before the session, upon request, to the members and to the public. Neither a technical amendment nor an amendment which is prepared by a member during the session at which it is offered need be so noticed.

Amendments shall be filed with the Secretary on forms prescribed by him but shall be considered only after sponsors gain recognition from the President to move their adoption, except that the chairman of the committee (or, in his absence, the vice-chairman or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments. An amendment shall be deemed pending only after its sponsor has been recognized by the President and has moved its adoption. Amendments that have been filed with the Secretary of the Senate but have not been formally moved for adoption shall not be deemed to be pending. No proposition on a subject different from that under consideration shall be admitted under color of amendment. Bills which have received an unfavorable committee report, and bills the substance of which have not been reported favorably by a committee or committees of reference, are out of order and shall not be admitted or considered under color of amendment to a bill on the calendar and under consideration by the Senate; amendments covered by this rule shall be substantially the same and identical as to specific intent and purpose as the measure residing in the committee or committees of reference.

Rule 13.3 is amended to read:

13.3—Committee meetings; schedule, notice

Committee meetings shall be coordinated and scheduled by the Committee on Rules and Calendar, or a subcommittee thereof. Meetings of standing committees and standing subcommittees scheduled in accordance with this Rule may be held following an announcement by the chairman while the Senate is in session, and by posting a notice on a bulletin board in the public corridor leading into the Senate Chamber for two (2) hours in advance of the meeting. *The notice posted shall include the date, time, and place of the committee meeting, and short title and the bill number of each bill to be considered.* All other provisions for publication of notice of committee meetings are suspended.

Rule 1.42 is amended to read:

1.42—Penalties for violations

Any person may file a sworn complaint with the chairman of the Committee on Rules and Calendar, alleging a violation by a Senator of the Rules regulating conduct and ethics. The complaint shall state detailed facts, shall specify the actions of the named Senator which form the basis for the complaint, and shall identify the specific Rule(s) believed by the complainant to have been violated by the Senator. Upon a determination by the chairman that there are sufficient grounds for review, the complaint shall be referred either to the committee or, at the option of the chairman, to a special master, for a hearing. The committee or special master may adopt rules of procedure for conduct of the proceedings. The committee or special master shall give reasonable notice to the Senator who is alleged to have violated the Rules and shall grant the Senator an opportunity to be heard. A special master's report and recommendation is advisory only and shall be made to the chairman as soon as practicable after the close of the hearing. The committee's report and recommendation shall be made as soon as practicable.

Separately from any prosecutions or penalties otherwise provided by law, a Senator determined to have violated the requirements of the Rule regulating ethics and conduct may be censured, reprimanded, or expelled. Such determination and disciplinary action shall be taken by a two-thirds (2/3) vote of the Senate, on recommendation of the Committee on Rules and Calendar. ~~The Committee, before making a recommendation, shall conduct a hearing after giving reasonable notice to the Senator alleged to have violated this Rule and grant the Senator an opportunity to appear at the hearing.~~

The President presiding

On motion by Senator Scott, by two-thirds vote the Report of the Committee on Rules and Calendar, as amended, was adopted. The vote was:

Yeas—39

Mr. President	Dudley	Kiser	Scott
Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—1

Childers, D.

Committee Meeting Change

On motion by Senator Scott, the rules were waived and the Committees on Health and Rehabilitative Services; Natural Resources and Conservation; and Regulated Industries were granted permission to meet at 1:30 p.m. in lieu of 1:15 p.m. as scheduled this day.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, by two-thirds vote Senate Bills 84 and 217 were withdrawn from the committees of reference and indefinitely postponed.

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Ros-Lehtinen—

SB 982—A bill to be entitled An act relating to postsecondary education; amending s. 240.551, F.S.; providing that a nonresident child of a resident may be a "qualified beneficiary" under the Florida Prepaid Postsecondary Education Expense Program; revising a reporting date; authorizing the Prepaid Postsecondary Education Expense Board to establish a direct-support organization and providing requirements therefor; exempting funds of the organization from certain requirements; exempting certain organization records from public records requirements; providing for insurance coverage for contracts and contract purchasers and beneficiaries; providing for refunds in excess of moneys paid in; revising provisions relating to dormitory residence plans; authorizing additional product providers; providing for delivery of benefits under certain circumstances if the program is discontinued; providing an effective date.

—was referred to the Committee on Higher Education.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

Appointments Subject to Confirmation by the Senate:

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

<i>Office and Appointment</i>	<i>For Term Ending</i>
Florida Citrus Commission	
Appointees: Russakis, Jim G., Ft. Pierce	05/31/92
Snively, Pate, Winter Haven	05/31/92
Zulanas, George J., Jr., Bradenton	05/31/92
Board of Trustees of North Florida Junior College	
Appointee: Towles, Joy, Salem	05/31/91
Florida State Fair Authority, Congressional District 10	
Appointee: Carlton, Doyle E., Jr., Wauchula	06/30/92
Board of Landscape Architecture	
Appointee: Hodges, Patrick K., Tallahassee	03/04/93
Board of Medicine	
Appointee: Burt, James N., Jacksonville	08/01/99

<i>Office and Appointment</i>	<i>For Term Ending</i>	CO-INTRODUCERS
Apalachee Regional Planning Council, Region 2 Appointee: Philpot, Daisy B. Wesley, Bristol	10/01/91	Senator Grizzle—CS for CS for SB 45; Senator Stuart—SB 75
North Central Florida Regional Planning Council, Region 3 Appointee: Lancaster, Howell E., Jr., Trenton	10/01/91	RECESS
Southwest Florida Regional Planning Council, Region 9 Appointee: Shoemaker, Veronica S., Ft. Myers	10/01/91	Senator Scott moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Tuesday, April 11, at 10:00 a.m. The motion was adopted.
Florida Commission on Veterans' Affairs Appointee: Berkowitz, Maurice, Plantation	11/16/92	Pursuant to the motion by Senator Scott, the Senate recessed at 12:56 p.m. to reconvene at 10:00 a.m., Tuesday, April 11.
Referred to the Committee on Executive Business.		
CORRECTION AND APPROVAL OF JOURNAL		
The Journal of April 4 was corrected and approved.		