



Journal of the Senate

Number 6

Tuesday, April 18, 1989

CALL TO ORDER

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

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

PRAYER

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

Holy God, you've told us to call you Father, understanding that to every person who is a part of the Florida Senate, you offer your encouragement and your resources today.

As the day concludes, may they experience the testimony of the political leader, David, who experienced in his life the blessing because the God of Jacob was his help and because he found himself in harmony with the perpetual agenda of the Holy One of Israel—the Lord who gives food to the hungry, who opens blind eyes, who raises up those who are overwhelmed with hardships, who protects strangers, who supports the fatherless and the widow, and who thwarts the way of the wicked.

You do care about those who care about what you are concerned with and you bless their efforts. Your care for their families is also a favor this morning, and we bless you with our praise and our life today. Find pleasure in us, I pray, in the name of the Eternal God and Father of Abraham, Moses, Isaac, Jacob and our Lord, Jesus Christ. Amen.

PLEDGE

Senator Bruner led the Senate in the pledge of allegiance to the flag of the United States of America.

Consideration of Resolution

On motion by Senator Souto, by two-thirds vote SR 866 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Souto—

SR 866—A resolution commending the Mothers, Sisters, Wives and Daughters of Bay of Pigs Veterans, Brigade 2506, Inc., for involving students in writing and research by holding annual contests.

WHEREAS, writing and research are skills that many students must acquire to achieve their goal of an advanced education or their professional goals, and

WHEREAS, encouraging students, especially high school students, to perfect their writing is a difficult and frustrating task, and

WHEREAS, the Mothers, Sisters, Wives and Daughters of Bay of Pigs Veterans, Brigade 2506, Inc., a nonprofit organization in Miami, sponsors an essay contest, with cash awards, which is designed to improve students' writing and increase students' abilities in conducting historical research, and

WHEREAS, the Dade County School System is very grateful for the efforts of this organization in assisting the school system in improving students' writing, NOW, THEREFORE,

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

That the Florida Senate hereby commends the Mothers, Sisters, Wives and Daughters of Bay of Pigs Veterans, Brigade 2506, Inc., for its efforts in improving the writing of the high school students of Dade County through its writing contest and joins the people of Dade County in saluting this organization.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Mothers, Sisters, Wives and Daughters of Bay of Pigs Veterans, Brigade 2506, Inc., as a tangible token of the sentiments expressed herein.

—was read the second time in full and adopted. The vote on adoption was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crenshaw, Scott

Explanation of Vote

I abstain from voting on any resolution. They are costly, time-consuming and vitiate the impact of a strong emergency statement this Senate might wish to make at some future time.

Helen Gordon Davis, 23rd District

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, April 18, 1989: CS for SB 349, CS for CS for SB 29, SB 1065, SB 99, SB 73, SB 430, SB 82, SB 237, SB 97, CS for SB 33, CS for SB 107, CS for SB 245, SB 81, SB 108, CS for SB 116, SB 368, SB 280, SB 385, SB 98, SB 447, SB 211, CS for SB 422, SB 405, SB 428

Respectfully submitted,
James A. Scott, Chairman

The Committee on Corrections, Probation and Parole recommends the following pass: SB 761

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

The Committee on Commerce recommends the following pass: SB 156, SB 442

The bills were placed on the calendar.

The Committee on Judiciary-Civil recommends a committee substitute for the following: Senate Bills 313, 46 and 317

The bills with committee substitute attached were referred to the Committee on Appropriations under the original reference.

The Committee on Corrections, Probation and Parole recommends a committee substitute for the following: SB 719

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

The Committee on Commerce recommends a committee substitute for the following: SB 786

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

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 173

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

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 477, SB 532

The bills with committee substitutes attached were placed on the calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Community Affairs and Senator Meek—

CS for SB 23—A bill to be entitled An act relating to community services; amending s. 1, ch. 82-228, Laws of Florida; revising the Community Services Block Grant Program Act; changing the definition of the term "department" to refer to the Department of Community Affairs to conform to governmental reorganization; providing for administration of the act by that department; providing for appropriation of state funds to supplement federal funding; specifying uses of state-appropriated funds; providing for distribution of moneys in the Community Services Block Grant Fund; prescribing duties of the Community Services Block Grant Advisory Committee; deleting provisions that have served their purpose; providing for Sundown review and repeal; providing an effective date.

By the Committee on Community Affairs and Senators Dudley, Thomas, Stuart, Langley, Forman, Casas, Souto, McPherson, Beard, Crenshaw, Johnson, Woodson-Howard, Bruner, Walker, Thurman, Kirkpatrick and W. D. Childers—

CS for SJR 25—A joint resolution proposing the addition of Section 17 to Article VII of the State Constitution, relating to general laws that require a county or municipal government to expend funds or that limit the ability of a county or municipal government to raise revenue or receive state revenue.

By the Committee on Community Affairs and Senator Meek—

CS for SB 31—A bill to be entitled An act relating to corporate income tax; creating s. 220.185, F.S.; allowing an annual credit against net income tax for a housing contribution, as defined; providing for carryover of credit from a previous year; providing eligibility requirements; providing application requirements; providing for administration; providing for rulemaking; placing a cap on the aggregate tax credits; creating s. 220.70, F.S.; allowing a bank or savings association an annual credit against the franchise tax for a housing contribution; providing for carryover of credit from a previous year; placing a cap on the annual tax credit for a bank or savings association; amending s. 220.02, F.S.; specifying the order in which credits are applied; providing an effective date.

By the Committee on Ethics and Elections; and Senator Grant—

CS for SB 127—A bill to be entitled An act relating to the office of supervisor of elections; creating ss. 98.1611, 98.1613, 98.1614, 98.1615, 98.1616, 98.1617, and 98.1619, F.S.; providing for the nonpartisan election of supervisors of elections; providing qualifying procedures, including fees and oath; providing for write-in candidates; providing the form of the ballot; providing for determination of election to office; providing limitations on political activity; providing applicability of election code; amending ss. 101.141 and 101.151, F.S., relating to ballot format, to conform; providing an effective date.

By the Committee on Ethics and Elections; and Senator Brown—

CS for SB 133—A bill to be entitled An act relating to public officers and employees; amending s. 112.313, F.S.; deleting requirement that such

persons who also hold a specified relationship with business entities authorized to operate in this state must file a disclosure statement; prescribing conduct for legislators and legislative employees; providing exemptions from the prohibition against doing business with one's own company or entering into a conflicting employment relationship; repealing s. 112.3141, F.S., relating to conduct of legislators and legislative employees; amending s. 112.3145, F.S.; requiring financial statements to include certain contributions specified in s. 112.3148, F.S.; requiring certain officers and employees who also hold a specified relationship with business entities authorized to operate in this state to file a disclosure statement as part of their financial statement; amending s. 112.3147, F.S.; providing cross-references and making technical changes relating to forms prescribed by the Commission on Ethics; creating s. 112.3148, F.S.; providing definitions; providing for the filing by certain public officers of statements listing contributions; repealing s. 111.011, F.S., relating to statements of contributions received by elected public officers; amending s. 112.317, F.S.; providing penalties for former public officers or employees who violated provisions of the Code of Ethics for Public Officers and Employees; amending s. 112.322, F.S., authorizing the Commission on Ethics to delegate to its investigators the authority to administer oaths; authorizing the commission to delegate its subpoena powers to its members or executive director; authorizing the commission to allow its employees to serve such subpoenas; providing authority for the commission to make rules; creating s. 112.3231, F.S.; providing time limitations for commission actions; amending s. 112.324, F.S.; modifying procedures on complaints of violations of the Ethics Code; designating proper disciplinary officials; providing an effective date.

By the Committee on Ethics and Elections; and Senator Brown—

CS for SB 139—A bill to be entitled An act relating to ethics in government; providing definitions; prohibiting state employees from serving as consultants for compensation to specified persons; providing a penalty; providing for nonapplicability to certain employees; providing an effective date.

By the Committee on Judiciary-Civil and Senator Grant—

CS for SB 173—A bill to be entitled An act relating to eminent domain; amending s. 73.071, F.S.; amending guidelines for determining the amount of compensation to be paid for a taking of property; providing that any enhancement in the value of the remaining adjoining property is to be offset against the value of the property appropriated, business damages, and the damage to the remainder; providing an effective date.

By the Committee on Agriculture and Senator Souto—

CS for SB 179—A bill to be entitled An act relating to agricultural safety; requiring the Department of Agriculture and Consumer Services to contract with the Institute of Food and Agricultural Sciences to develop and make available an instructional program designed to educate farmers and farmworkers as to how they may avoid injury in their work; prescribing the minimum length and contents of the course and the areas in which it must be offered; providing an effective date.

By the Committee on Governmental Operations and Senator Meek—

CS for SB 206—A bill to be entitled An act relating to the membership of statutorily created boards, commissions, councils, and committees of the state; declaring state policy with respect to the gender balance of the membership of such bodies; providing an effective date.

By the Committee on Agriculture and Senators Peterson, D. Childers, Beard, Johnson, Kirkpatrick and Stuart—

CS for SB 240—A bill to be entitled An act relating to agricultural commodities; amending s. 573.102, F.S.; providing purposes of the laws regulating the sales of agricultural commodities with respect to research; amending s. 573.103, F.S.; redefining "agricultural commodities" to include citrus with respect to funding of production research and activities related to chemical residue; amending s. 573.114, F.S.; authorizing issuance of marketing orders for certain types of research; amending s. 573.118, F.S.; establishing the rate of certain assessments levied on citrus fruit; providing for the deposit of such assessments; providing an effective date.

By the Committee on Judiciary-Civil and Senators Kirkpatrick, Girardeau, Brown, McPherson, Crenshaw, Davis, Peterson and Stuart—

CS for SB's 313, 46 and 317—A bill to be entitled An act relating to jurors; amending s. 40.01, F.S.; providing that jurors shall be selected from a pool which includes all those who are registered electors or who possess a driver's license or identification card or who have exercised the oath prescribed in s. 40.011, F.S.; creating s. 40.011, F.S.; requiring the Department of Highway Safety and Motor Vehicles to furnish a department data base list to clerks of the circuit court in each county and providing for affidavits for application for jury duty for those citizens of the United States and legal residents of Florida whose names do not appear on the list and who are not registered electors; amending s. 40.13, F.S.; providing that under certain circumstances a person may be excused from jury service if he has served on a federal jury; creating s. 40.022, F.S., requiring the clerk of the circuit court to purge the jury lists periodically of persons convicted of a felony, adjudicated mentally incompetent, or deceased; amending s. 322.20, F.S.; providing that the Department of Highway Safety and Motor Vehicles shall furnish to the courts, for jury selection purposes, lists of licensed drivers and lists of persons issued identification cards; amending s. 905.37, F.S.; providing that statewide grand jurors be selected from the same juror pool as countywide jurors; providing an effective date.

By the Committee on Community Affairs and Senator Margolis—

CS for SB 399—A bill to be entitled An act relating to county criminal justice; creating s. 125.902, F.S.; authorizing each county to create a countywide independent special district to administer criminal justice; providing for a governing board of the special district; providing for appointing members; providing powers and duties of the governing board; authorizing the issuance of bonds; authorizing the levy of ad valorem taxes subject to voter approval; authorizing user fees and charges; providing the power of eminent domain; requiring an annual budget and financial report; providing an effective date.

By the Committee on Judiciary-Civil and Senator Dudley—

CS for SB 477—A bill to be entitled An act relating to limitations of actions; amending s. 95.051, F.S.; providing that the provision of law governing when limitations on actions are tolled shall not be construed to limit the ability of any person to initiate an action within a certain time period of the lifting on an automatic stay issued in bankruptcy proceedings; providing an effective date.

By the Committee on Ethics and Elections; and Senators Stuart, W. D. Childers, Johnson, Gardner and Brown—

CS for SB 499—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing duties of the Secretary of State; amending s. 97.021, F.S.; providing definitions; creating s. 101.015, F.S.; requiring the Department of State to adopt rules; amending s. 101.292, F.S.; revising the definition of the term "voting equipment"; amending s. 101.294, F.S.; requiring the department to review certain contracts relating to the purchase of voting equipment; authorizing the department to negotiate certain agreements and contracts relating to the purchase of voting systems by local governments; amending s. 101.31, F.S.; providing for experimental use of voting systems; amending s. 101.5603, F.S.; providing definitions; amending s. 101.5605, F.S.; providing for additional testing of a voting system by the department; amending s. 101.5606, F.S.; providing an additional requirement for the approval of voting systems by the department; amending s. 101.5607, F.S.; requiring a supervisor of elections to file voting system software with the department; authorizing the department to review county voting systems; authorizing the department to prepare software for voting systems; amending s. 101.5609, F.S.; requiring the department to adopt standards for certain ballots; amending s. 101.5615, F.S., relating to recounts; creating s. 101.591, F.S.; requiring the department to audit county voting systems; amending s. 102.166, F.S.; providing requirements for elections canvassing boards; providing procedures for manual recounts by such boards; creating the Bureau of Voting Systems Certification within the Division of Elections of the department; providing an appropriation; providing an effective date.

By the Committee on Judiciary-Civil—

CS for SB 532—A bill to be entitled An act relating to child support; amending s. 61.30, F.S.; providing presumptive guidelines to be used by the trier of fact in ordering payment of child support; providing for deviation from the use of presumptive guidelines by the trier of fact; providing that the court may deviate from the guideline schedule by a specific per-

cent; providing for the adjustment of the guideline minimum child support award under certain circumstances; providing the IV-D agency periodically shall review the guidelines and make recommendations to the Legislature; amending s. 742.12, F.S.; providing that in certain circumstances, the court shall require certain persons to submit to tests to establish paternity; providing an effective date.

By the Committee on Agriculture and Senator Thurman—

CS for SB 540—A bill to be entitled An act relating to commercial feed and feedstuffs; amending s. 580.061, F.S.; clarifying provisions relating to inspection fees, payment of such fees, and exemptions from such fees; amending s. 580.091, F.S.; correcting cross-references; providing an effective date.

By the Committee on Agriculture and Senator Thomas—

CS for SB 562—A bill to be entitled An act relating to the Agricultural Economic Development Program; amending ss. 3, 5, 6 of ch. 87-229, Laws of Florida; extending the term of the program; providing for additional staff and duties; modifying activities; requiring reports; providing for an appropriation; providing for repeal; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Margolis, by two-thirds vote Senate Bills 155, 243, 244, 333 and 633 were withdrawn from the Committee on Appropriations.

On motion by Senator Margolis, by two-thirds vote SB 982 was also referred to the Committee on Appropriations.

On motion by Senator Margolis, by two-thirds vote SB 225 was removed from the calendar and referred to the Committee on Appropriations.

On motions by Senator Dudley, by two-thirds vote Senate Bills 451, 588 and 1286 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Bankhead, by two-thirds vote SB 731 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Casas, by two-thirds vote SB 489 was withdrawn from the committees of reference and indefinitely postponed.

Motion to Introduce Bill

Senator Dudley moved that the rules be waived and a bill relating to police pension plans be introduced notwithstanding the fact that the final day had passed for introduction of bills.

The motion was referred to the Committee on Rules and Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed HB 1417 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Regulatory Reform and Representative Brown—

HB 1417—A bill to be entitled An act relating to the coordinating council for the Florida Fiscal Accounting Management Information System; amending s. 215.96, F.S.; requiring the Comptroller to maintain the minutes of each meeting of the council and provide public access to the minutes; providing for meetings of the council; saving s. 215.96, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Commerce.

SPECIAL ORDER

CS for SB 349—A bill to be entitled An act relating to the correctional system; amending s. 944.605, F.S.; providing for notification of inmate community work release; amending s. 947.177, F.S., to conform; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote CS for SB 349 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Deratany, Scott

CS for CS for SB 29—A bill to be entitled An act relating to drivers' licenses; amending s. 322.121, F.S.; providing for marking of the drivers' licenses of certain drivers with the notation "Safe Driver"; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote CS for CS for SB 29 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of **SB 1065** was deferred.

SB 99—A bill to be entitled An act relating to the Florida Folklife Archives; amending s. 267.16, F.S.; continuing the limited exemption from public records requirements for archival materials acquired under terms or conditions which limit their use; providing for future legislative review of this exemption pursuant to the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 99 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Scott

Consideration of **SB 73** was deferred.

SB 430—A bill to be entitled An act relating to fence post products; continuing s. 501.90, F.S., the Florida Treated Fence Post Act, regulating the treatment of fence posts with preservatives and the sale of treated

fence posts, notwithstanding its scheduled repeal by the Regulatory Sunset Act effective October 1, 1989; repealing said section October 1, 1999, and providing for legislative review of said section prior to that date; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 14, insert:

Section 1. Subsection (3) of section 501.90, Florida Statutes, is amended to read:

501.90 Treated fence posts.—

(3) LICENSING REQUIREMENTS.—

(a) Each person, firm, or corporation which shall engage in the business of treating fence post products with preservatives in this state shall secure an annual processor's license from the department before such treatment is undertaken. The annual fee for this license shall be \$50 \$25.

(b) Each person, firm, or corporation which shall ship into the state for sale or which shall bring into the state for sale any treated fence post processed outside the state shall secure an annual dealer's license from the department. The annual fee for this license shall be \$50 \$25.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 2, following the semicolon (;) insert: amending s. 501.90, F.S.; increasing license fees for fence post processors and dealers;

On motion by Senator Thurman, by two-thirds vote SB 430 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Kiser

SB 82—A bill to be entitled An act relating to the coordinating council for the Florida Fiscal Accounting Management Information System; amending s. 215.96, F.S.; requiring the Comptroller to maintain the minutes of each meeting of the council and provide public access to the minutes; providing for meetings of the council; providing for reimbursement of per diem and traveling expenses of members of the council; providing that notwithstanding the Sundown Act, said section is not repealed October 1, 1989; providing for expiration of said section and for review of said section in advance thereof; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 82 to conform the bill to HB 1417.

On motion by Senator D. Childers, by two-thirds vote HB 1417 was withdrawn from the Committee on Commerce.

On motions by Senator D. Childers, by two-thirds vote—

HB 1417—A bill to be entitled An act relating to the coordinating council for the Florida Fiscal Accounting Management Information System; amending s. 215.96, F.S.; requiring the Comptroller to maintain the minutes of each meeting of the council and provide public access to the minutes; providing for meetings of the council; saving s. 215.96, F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for SB 82 and by two-thirds vote read the second time by title. On motion by Senator D. Childers, by two-thirds vote HB 1417 was read the third time by title, passed and certified to the House. The vote on passage 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, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Scott	

Nays—None

Vote after roll call:

Yea—Davis

SB 237—A bill to be entitled An act relating to arbitration and mediation of civil actions; creating s. 44.307, F.S.; providing immunity for arbitrators and mediators; providing an effective date.

—was read the second time by title.

Senator Davis moved the following amendments which were adopted:

Amendment 1—On page 1, line 8, strike everything after the enacting clause and insert:

Section 1. Section 44.101, Florida Statutes, is amended to read:

44.101 Family mediation ~~or conciliation~~ services.—

(1) A county may establish a family mediation ~~or conciliation~~ service to assist parties in resolving any controversy involving the family.

(2) The court on its own motion or on motion of a party may refer the parties to this service.

(3) Notwithstanding the provisions of s. 119.14, all oral or written communications in mediation ~~or conciliation~~ proceedings are exempt from the requirements of chapter 119 and shall be confidential and inadmissible as evidence in any subsequent legal proceeding, unless both parties agree otherwise. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

~~(4) A family mediation or conciliation service is hereby declared to serve a valid public purpose. The board of county commissioners may support such a service by appropriating moneys from county revenues or by levying a service charge of no more than \$2 on any circuit court proceeding.~~

~~(4)(5)~~ The provisions of this section shall be liberally construed in order to carry out effectively the purposes of this section.

Section 2. Subsection (1) of section 44.302, Florida Statutes, is amended to read:

44.302 Court-ordered mediation.—

(1) Except as provided by rules promulgated by the Supreme Court, a court:

(a) May refer all or any portion of a contested civil action filed in a circuit court in which there is a dispute as to any issue; ~~or~~

(b) May refer all or any portion of any contested civil action filed in county court in which there is a dispute as to any issue; *and*;

(c) Shall refer all issues relating to custody, visitation, or child support with the exception of those cases where there is any history of domestic violence,

to mediation, if an appropriate mediation program has been established in the circuit or county over which the court has jurisdiction.

Section 3. Subsections (2) and (5) of section 44.303, Florida Statutes, are amended to read:

44.303 Court-ordered, nonbinding arbitration.—

(2) Arbitrators shall be selected *and compensated* in accordance with rules adopted by the Supreme Court. *Compensation for arbitrators shall not exceed \$200 per day. The Supreme Court shall encourage the use of voluntary arbitrators whenever possible. Volunteer arbitrators shall be entitled to be reimbursed pursuant to s. 112.061 for all actual expenses necessitated by service as an arbitrator. Arbitrators shall be compensated by a fee of not more than \$75 per day plus 20 cents per mile for each mile of travel necessitated by service as an arbitrator.*

(5) The party having filed for a trial de novo ~~may~~ shall be assessed the arbitration costs, court costs, and other reasonable costs of the party, including attorney's fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. ~~The court may waive an assessment of costs required upon a finding that the imposition of costs would create a substantial economic handicap or would not be in the interest of justice.~~

Section 4. Subsection (12) is added to section 44.304, Florida Statutes, to read:

44.304 Voluntary binding arbitration.—

(12) *This section shall not apply to any dispute involving child custody, visitation, or child support, or to any dispute which involves the rights of a third party not a party to the arbitration.*

Section 5. Section 44.307, Florida Statutes, is created to read:

44.307 Immunity for arbitrators and mediators.—An arbitrator appointed pursuant to s. 44.303 or s. 44.304 or a mediator appointed pursuant to s. 44.302 shall have judicial immunity in the same manner and to the same extent as a judge.

Section 6. Section 44.308, Florida Statutes, is created to read:

44.308 Funding of mediation and arbitration.—The board of county commissioners may support mediation and arbitration services by appropriating moneys from county revenues or by levying a service charge of no more than \$2 on any circuit court proceeding.

Section 7. This act shall take effect October 1, 1989.

Amendment 2—In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to alternative dispute resolution; amending s. 44.101, F.S.; deleting authorization for the appropriation of revenues or the levying of a service charge, pursuant to a valid public purpose, to fund certain mediation services; amending s. 44.302, F.S.; requiring assignment of certain disputes involving child custody, visitation, and child support to existing mediation programs; amending s. 44.303, F.S.; providing a cap on arbitrator's fees; directing the Supreme Court to encourage the use of voluntary arbitrators; providing that volunteer arbitrators shall be reimbursed for expenses; providing for discretionary rather than mandatory assessment of costs under certain circumstances; amending s. 44.304, F.S.; providing exceptions to disputes which may be referred to voluntary binding arbitration; creating s. 44.307, F.S.; providing that mediators and arbitrators shall have certain immunity; creating s. 44.308, F.S.; providing for funding mediation and arbitration services; providing an effective date.

On motion by Senator Weinstein, by two-thirds vote SB 237 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	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Scott	

Nays—None

SB 97—A bill to be entitled An act relating to the Florida State Archives; amending s. 257.35, F.S.; continuing, with modifications, the exemption of certain records in the custody of the Florida State Archives

from public records requirements; exempting certain manuscripts and archival materials from the public records requirements of s. 119.07(1), F.S.; providing for future legislative review of these exemptions pursuant to the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 97 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 1065—A bill to be entitled An act relating to the Construction Industry Licensing Board; amending ss. 489.109, 489.115, F.S.; deleting biennial requirements for renewal of registrations and certificates; providing for the Department of Professional Regulation to establish the term of such renewal periods; providing an effective date.

—was read the second time by title.

The Committee on Economic, Professional and Utility Regulation recommended the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 1—On page 4, lines 28-30 and on page 5, lines 1 and 2, strike all of said lines and insert: *renew his certificate or and registration every 2 years, except that the Department may issue a 3-year license to certificateholders renewing for the 3-year period beginning July 1, 1989, notwithstanding any other law to the contrary.* The department shall mail each certificateholder and registrant an application for renewal.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 2—On page 1, line 22, strike “\$150” and insert: \$200

Amendment 3—On page 4, lines 26-30 and on page 5, lines 1 and 2, strike all of subsection (3)(a) and insert:

(3)(a) Each certificateholder or registrant who desires to continue as a certificateholder or registrant shall renew his certificate or and registration every two years, *except that the Department may issue a three-year license to certificateholders renewing for the three-year period beginning July 1, 1989, notwithstanding any other law to the contrary.*

On motion by Senator Kirkpatrick, by two-thirds vote SB 1065 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	Deratany	Kirkpatrick	Souto
Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Scott	

Nays—None

CS for SB 33—A bill to be entitled An act relating to motor vehicle licenses; creating s. 320.0895, F.S.; providing for issuance of “Purple Heart” license plates; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote CS for SB 33 was read the third time by title, passed and certified to the House. The vote on passage 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, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Scott	

Nays—None

CS for SB 107—A bill to be entitled An act relating to the Department of Transportation; repealing s. 337.105(3), F.S.; repealing the exemption from public inspection requirements provided for certain price proposals submitted to the department; amending ss. 337.14, 337.168, F.S.; exempting certain information relating to the award and monitoring of contracts by the department from public inspection requirements; saving such exemptions from repeal; providing for review of exemptions pursuant to the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote CS for SB 107 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 245—A bill to be entitled An act relating to state uniform traffic control; transferring s. 413.07 to s. 316.1301, F.S.; providing traffic regulations to assist blind persons; providing penalties; providing for the application of the act; providing an effective date.

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

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Scott

SB 81—A bill to be entitled An act relating to economic development agencies; amending s. 288.075, F.S.; continuing the exemption of certain agency records from the public records requirements of s. 119.07, F.S.; providing for future legislative review of this exemption pursuant to the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title. On motion by Senator D. Childers, by two-thirds vote SB 81 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 73—A bill to be entitled An act relating to unemployment compensation; amending s. 443.091, F.S.; providing that any claimant unavailable for work because of jury duty shall not be disqualified for benefits; providing an effective date.

—was read the second time by title.

Senator Stuart moved the following amendment:

Amendment 1—On page 2, between lines 14 and 15, insert:

Section 2. Subsection (4) of section 443.101, Florida Statutes, 1988 Supplement, is amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(4) For any week with respect to which the division finds that his total or partial unemployment is due to a labor dispute in active progress which exists at the factory, establishment, or other premises at which he is or was last employed; except that this subsection shall not apply if it is shown to the satisfaction of the division that:

(a) He is not participating in, financing, or directly interested in the labor dispute which is in active progress; however, the payment of regular union dues shall not be construed as financing a labor dispute within the meaning of this section; and

(b) He does not belong to a grade or class of workers of which immediately before the commencement of the labor dispute there were members employed at the premises at which the labor dispute occurs any of whom are participating in, financing, or directly interested in the dispute; if in any case separate branches of work are commonly conducted as separate businesses in separate premises, or are conducted in separate departments of the same premises, each department shall, for the purpose of this subsection, be deemed to be a separate factory, establishment, or other premise.

For purposes of this subsection, a labor dispute is deemed to have ended when any proceeding in bankruptcy is commenced by or against the employer.

(Renumber subsequent section.)

Further consideration of **SB 73** with pending Amendment 1 was deferred.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote SB 824 was withdrawn from the Committee on Health and Rehabilitative Services and referred to the Committee on Higher Education.

On motions by Senator Scott, by two-thirds vote SB 669 was withdrawn from the Committees on Judiciary-Civil and Health Care and referred first to the Committee on Health Care and then to the Committee on Judiciary-Civil.

On motion by Senator Scott, by two-thirds vote CS for SB 251 was also referred to the Committee on Community Affairs.

On motions by Senator Scott, by two-thirds vote SB 865 was withdrawn from the Committee on Health and Rehabilitative Services and referred to the Committee on Health Care.

On motion by Senator Scott, by two-thirds vote SB 159 was withdrawn from the Committee on Education.

On motion by Senator Deratany, by two-thirds vote CS for SB 232 was also referred to the Committee on Finance, Taxation and Claims.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 14 and 11 were corrected and approved.

CO-INTRODUCERS

Senator D. Childers—CS for SB 30; Senator Ros-Lehtinen—SB 124; Senator Casas—SB 398; Senator Stuart—SB 542; Senator Malchon—SB 789; Senator Deratany—SB 809, SB 1107; Senator Dudley—SB 1068; Senator Forman—SB 1197

RECESS

Senator Scott moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Tuesday, April 25, at 10:00 a.m. The motion was adopted.

Pursuant to the motion by Senator Scott, the Senate recessed at 12:00 noon to reconvene at 10:00 a.m., Tuesday, April 25.

SENATE PAGES

April 17-21

David Allen, Tampa; Lee James Baggett, Coral Springs; Melissa W. Barker, Tallahassee; Thomas P. Cirrito, Plantation; Gregory Conran, Fort Pierce; Stacey Eure, Charlotte Harbor; Amanda W. Garner, Tallahassee; Elizabeth Hellinger, Orlando; Heather Michelle McQueen, Old Town; Derrick L. Mitchell, Jacksonville; Christina North, Sarasota; Elizabeth Perkins, Tallahassee; Mary Catherine Ranick, Bradenton; Lori Beth Schwartz, Hollywood; Joseph Ralph Skidmore, Jr., Marco Island; Raymond B. Thompson, Tallahassee; Clayton Wagar, Plantation