



# Journal of the Senate

Number 12

Tuesday, May 9, 1989

## CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—39:

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

Excused: Senator Jennings

## PRAYER

The following prayer was offered by Senator Carrie Meek, Miami:

Eternal God, our Father, as we gather here to deliberate and to think and resolve, please let us be ever mindful that it is you who should guide us, direct our thoughts, keep us in the right path; so as we deliberate to help to improve the quality of life of the people of Florida, we know it is from you that all things are possible.

We know that it is you who makes us all keep on the right track. Help us as we go forward.

Let us not forget the little people of Florida. Let us not forget that there are those who need us, more than we need ourselves. Let us not forget the sick, the disabled, the mentally retarded as they are all your children. And, let us not forget that as you watch over the tiny sparrow, that you'll watch over each of us. These are little things, dear God, we ask because you are our blessed redeemer. Amen.

## PLEDGE

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

## Select Subcommittee Appointed

Senator Scott announced the appointment of the following members to the Reviser's Bills Subcommittee of the Committee on Rules and Calendar: Senator Langley, Chairman; Senators W. D. Childers and Gardner.

## Consideration of Resolutions

On motion by Senator Bankhead, by two-thirds vote SR 1516 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Bankhead—

**SR 1516**—A resolution honoring mothers and commemorating the seventy-fifth anniversary of Mother's Day.

WHEREAS, on this date in 1914 President Woodrow Wilson proclaimed the first national "Mother's Day", and

WHEREAS, our mothers have instilled in us a personal sense of honesty, morality, and love, and

WHEREAS, mothers, through their all-embracing love, have shouldered our burdens, supported us, and taught us to appreciate the ideals on which our country was founded, and

WHEREAS, men and women of all ages, including the leaders and law-makers of this great state and nation, owe much to the consistent and untiring devotion and dedication, tireless support, and unbounded love of their mothers, and

WHEREAS, mothers, through their love and dedication, will determine the quality of life for generations in the future, and

WHEREAS, May 14, 1989, has been designated as Mother's Day this year, NOW, THEREFORE,

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

That we, the members of the Florida Senate do now pause to honor the mothers in this state and nation, and

**BE IT FURTHER RESOLVED** that we, individually, do on this day express our deepest respect, gratitude, and affection for all mothers, and especially for our own.

—was taken up out of order by unanimous consent, read the second time in full and adopted. The vote on adoption was:

Yeas—38

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

Nays—None

All Senators voting were recorded as co-introducers.

## Consideration of Resolutions

On motion by Senator Ros-Lehtinen, by two-thirds vote SR 899 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Ros-Lehtinen—

**SR 899**—A resolution commending C. J. Ortiz de Valderrama for his work toward bringing a registered world's fair to this state.

WHEREAS, C. J. Ortiz de Valderrama, President of the Miami World's Fair Corporation, has diligently worked to bring a registered world's fair to Dade County in 1995, and

WHEREAS, hosting a world's fair in Miami would greatly benefit the entire state by stimulating tourism, encouraging business transactions, and increasing employment, NOW, THEREFORE,

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

That C. J. Ortiz de Valderrama is commended for his efforts and encouraged to continue to work to bring the world's fair to Florida in 1995.

**BE IT FURTHER RESOLVED** that a copy of this resolution, with the Seal of the Senate affixed, be presented to C. J. Ortiz de Valderrama as a tangible token of the sentiments of the Florida Senate.

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

At the request of the President, Senator Ros-Lehtinen escorted Mr. Ortiz to the rostrum where he was presented a copy of the resolution.

On motion by Senator Woodson-Howard, by two-thirds vote SR 1226 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Woodson-Howard—

**SR 1226**—A resolution commending the President's Committee on the Employment of People with Disabilities.

WHEREAS, the President's Committee on Employment of People with Disabilities, created in 1947 by President Harry S. Truman, has existed longer than any other presidential committee, and

WHEREAS, the proud tradition of the President's Committee includes over 40 years of planning and conducting annual meetings to promote the hiring of persons with disabilities throughout the United States, and

WHEREAS, the President's Committee in 1989 has selected Tampa, Florida, as its conference site from among many other competing states to hold its annual meeting, and

WHEREAS, this conference, to be held on May 10-12, 1989, will generate over \$3.5 million in revenue for the state, and

WHEREAS, the Governor, through the efforts of the Governor's Employment Alliance, and the Mayor of Tampa, through the Tampa Mayor's Alliance, have committed time and resources to the success of this event, NOW, THEREFORE,

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

That the members hereby commend the President's Committee on the Employment of People with Disabilities and join with the committee in recognizing the week of May 7-13, 1989, as "A Chance to Work - A Chance to Win Week for Persons with Disabilities."

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Executive Planning Committee of the Florida President's Conference 1989.

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

At the request of the President, Senator Woodson-Howard escorted Kenneth H. Hart, Florida's Deputy Secretary of Labor, to the rostrum where he was presented a copy of the resolution.

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

By Senators Margolis and Scott—

**SR 1528**—A resolution honoring the late Anne Ackerman for her inspirational life as a reformer and political activist.

WHEREAS, Anne Ackerman, a first generation American who was the daughter of Russian immigrants, began a life of political activism in Chicago at age five when she joined her father on a garment workers' picket line, and grew up to be fiercely patriotic and totally committed to the well-being of her fellow man, and

WHEREAS, Anne Ackerman, cherished our electoral process and our system of representative democracy and drew huge crowds to open candidate forums in North Dade where citizens could hear office seekers of every philosophy, thus producing over ninety percent voter turnout every primary and election day for over two decades, and

WHEREAS, Anne Ackerman thus created a nationally recognized, politically astute and powerful body of North Dade senior citizen condominium dwellers whose values and aspirations were made known to local and state legislators, and

WHEREAS, Annie Ackerman's passionate and persuasive oratory motivated her listeners to action, whether the issues affected water quality, streetlights, the electoral process, the security of the State of Israel, or protection of constitutional rights, and

WHEREAS, Annie Ackerman, famed as a spell-binding book reviewer and brilliant commentator on current events, was a well known and sought after speaker throughout Dade and Broward Counties, and

WHEREAS, because of her love for the land and the people of Israel, used her talents to also raise millions of dollars for such causes as the Jewish National Fund, the United Way, the Greater Miami Jewish Federation, and Israel Bonds, and

WHEREAS, on Monday, May 1, 1989, Annie Ackerman died at her home in Northeast Dade County, and

WHEREAS, the people of the State of Florida and Dade County will be forever grateful to Annie Ackerman for her devotion to her causes, and her dedication to her people, NOW, THEREFORE,

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

That Anne Ackerman is honored for her lifetime of achievements and contributions to the people of Dade County and the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Allen Ackerman, Kay Fleischer, and Annette Ansel, the son and daughters of Annie and Irving Ackerman, as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Margolis, SR 1528 was read the second time in full and adopted.

On motion by Senator Thurman, by two-thirds vote SR 1503 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Thurman—

**SR 1503**—A resolution recognizing May 14-20 to be Teacher Appreciation Week and expressing appreciation for the teachers of this state.

WHEREAS, teachers profoundly affect our lives, and

WHEREAS, good teachers not only know their subject areas but also recognize their students' deepest needs, communicate effectively with those students, and inspire them to learn, and

WHEREAS, teachers intensely devote themselves to improving their professional skills by taking refresher courses, earning advanced degrees, pursuing inservice training, and undertaking subject-related travel, and

WHEREAS, many teachers exhibit their strong leadership by serving on curriculum and instructional materials councils and on state advisory committees, and

WHEREAS, many teachers extend the influence of the school into the community through experimental programs and new materials, and

WHEREAS, May 14-20, 1989, has been designated Teacher Appreciation Week, in a well-deserved effort to recognize the treasure-trove of mental and emotional riches that teachers provide, NOW, THEREFORE,

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

That the Florida Senate honors the teachers of this state by recognizing May 14-20, 1989, to be Teacher Appreciation Week and to express its gratitude to those dedicated teachers who shape the next generation.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be transmitted to Education Commissioner Betty Castor as a tangible token of the sentiments of the Florida Senate.

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

On motion by Senator Thurman, by two-thirds vote SR 1517 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Thurman—

**SR 1517**—A resolution commending North Marion Middle School for its youth exchange program with the Soviet Union.

WHEREAS, the North Marion Middle School in Citra was one of 254 schools in the United States which participated in the United States-Soviet Youth Fitness Exchange Program, and

WHEREAS, the North Marion Middle School was the only participating school which took the initiative of instigating a further exchange of students between the two countries, and

WHEREAS, the exchange program will expand the participants' cultural horizons, promote an awareness of a different culture, and emphasize the importance of looking at issues from different perspectives, and

WHEREAS, Principal Rudy Bedford, Mrs. Christine Holyoak, and Mr. Brian Bailey, along with numerous other individuals and groups in the community have worked diligently to promote this historic exchange program, NOW, THEREFORE,

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

That Rudy Bedford, Christine Holyoak, Brian Bailey, and the other persons who have worked to begin the North Marion Middle School-Soviet Exchange Program are commended for their efforts and accomplishments in this matter.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed be presented to the North Marion Middle School as a tangible token of the sentiments of the Florida Senate.

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

On motion by Senator Souto, by two-thirds vote SR 1520 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Souto—

**SR 1520**—A resolution commending Keep Dade Beautiful, Inc., for its efforts and accomplishments in protecting and enhancing the environment.

WHEREAS, Keep Dade Beautiful, Inc., was founded in 1985 to enhance the quality of the environment of Dade County through a program of education, enforcement, intervention, and prevention, and

WHEREAS, due to its many successful programs and accomplishments, the organization has received two national first place awards for excellence from the national "Keep America Beautiful" organization, and

WHEREAS, it is appropriate for this legislative body to encourage organizations that are diligent in protecting and enhancing the environment and in educating the public about environmental issues, NOW, THEREFORE,

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

That Keep Dade Beautiful, Inc., is commended for its outstanding accomplishments in protecting and enhancing the environment of Dade County and for the example it sets for other organizations throughout the state.

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

On motion by Senator Woodson-Howard, by two-thirds vote SCR 1434 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Woodson-Howard—

**SCR 1434**—A concurrent resolution recognizing "Mental Illness Awareness Week."

WHEREAS, mental illness is a problem of grave concern and consequence to the residents of this state, though one widely and unnecessarily feared and misunderstood, and

WHEREAS, 2 million Floridians annually suffer from clearly diagnosable mental disorders, such as schizophrenia, manic-depressive disorder, panic anxiety, and major depression, which involve significant disability with respect to employment, attendance at school, or independent living, and

WHEREAS, in any 6-month period alcohol, drug, and mental disorders affect almost 19 percent of adult Floridians, young and old, rich and poor, urban and rural alike, and

WHEREAS, mental illness in at least a half-million children interferes with vital development and maturation processes, and

WHEREAS, our growing population of the elderly and new arrivals are particularly vulnerable to mental illness, and

WHEREAS, mental disorders such as depression and alcoholism are major causes of suicide, particularly in the young, for whom suicide is now the third leading cause of death, and

WHEREAS, in recent years there have been unprecedented research developments that have brought new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior, and

WHEREAS, research in recent decades has led to a wide array of new and more effective modalities of treatment for some of the most incapacitating forms of mental illness, including schizophrenia, major affective disorders, phobias, and panic anxiety, and

WHEREAS, mental illness is increasingly a treatable disability with excellent prospects for amelioration and recovery when properly recognized, and

WHEREAS, fear and superstition have heretofore unfairly burdened all those who suffer mental illness with stigma and discrimination, thereby adding immeasurably to their suffering, presenting barriers to early and effective treatment, and delaying needed research and support, and

WHEREAS, families of mentally ill persons and those persons themselves have begun to join self-help groups in an effort to combat the unfair stigma that is associated with these diseases, to support a greater nationwide investment in research, and to advocate for the resources needed to provide needed services and a continuum of care, and

WHEREAS, mental disorders result in staggering economic costs to society, which are estimated to be in excess of \$249 billion per year, including direct treatment and support and indirect costs, such as lost productivity, and

WHEREAS, appropriate treatment of mental illness has been demonstrated to be cost-effective because it restores productivity, reduces utilization of other health services, and lessens social dependence, and

WHEREAS, recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances, for the fruitful application of this new knowledge to specific clinical problems, and for increased public enlightenment and support, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:*

That the Legislature of the State of Florida hereby recognizes the week beginning October 1, 1989, as "Mental Illness Awareness Week"; commends the efforts of support groups, such as the Alliance for the Mentally Ill, the Depressive and Manic-Depressive Association, the Mental Health Association, and M.I.N.D. (Mental Illness Non-Discrimination), to use the week to improve the public's knowledge and understanding of these disorders; and authorizes and requests the Governor to issue a proclamation calling upon people in the State of Florida to join in observing such week with appropriate ceremonies and activities.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Governor.

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

**Senator W. D. Childers presiding**

**Special Ceremony**

The Presiding Officer introduced Dr. Tad Foote, President of the University of Miami, and Jim McLamore, Chairman of the University Board of Trustees, who conferred upon President Crawford the Order of Merit from the University of Miami.

**The President presiding**

**REPORTS OF COMMITTEES**

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday and Wednesday, May 9 and 10, 1989: CS for SB 267, SB 269, CS for SB 162, SB 130, SB 843, CS for SB 1342, SB 74, CS for SB 515, CS for SB 841, CS for SB 62, SB 67, SB 147, SB 197, SB 354, CS for SB 581, CS for SB 662, CS for SB 607, SB 184, SB 229, CS for CS for SB 196, CS for SB 859, SB 95, SB 212, SB 456, SB 471, SB 590, SB 655, CS for SB 670, CS for SB 797, CS for SB's 505 and 626, CS for SB 784, CS for SB 491, SB 914, SB 1169, SB 537, CS for SB 540, SB 305, CS for SB 496, SB 659, SB 521, SB 369, SB 712, CS for SB 736, CS for SB 739, CS for SB 759, CS for SB 799, SB 743, SB 936, SB 820, CS for SB 1084, SB 1234, CS for SB 1133, CS for SB 1033, SB 383, CS for SB 514, SB 922, SB 1087, CS for SB 250

Respectfully submitted,  
*James A. Scott, Chairman*

The Committee on Corrections, Probation and Parole recommends the following pass: SB 1101

The Committee on Governmental Operations recommends the following pass: SB 492, SB 642

The Committee on Higher Education recommends the following pass: SB 1356 with 1 amendment, SB 1380 with 2 amendments

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 1490

The Committee on Higher Education recommends the following pass: SB 868 with 1 amendment, SB 918 with 1 amendment

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

The Committee on Corrections, Probation and Parole recommends the following pass: SB 1395

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

The Committee on Higher Education recommends the following pass: SB 1053 with 1 amendment

The bill was referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.

The Committee on Governmental Operations recommends the following pass: CS for SB 186

The Committee on Higher Education recommends the following pass: SB 1089

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

The Committee on Corrections, Probation and Parole recommends the following not pass: SB 892

The bill was laid on the table.

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 154

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: CS for SB 128

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 Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: Senate Bills 913 and 680

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

The Committee on Ethics and Elections recommends a committee substitute for the following: Senate Bills 351, 118, 339, 364, 512, 513, 629, 998 and 1256

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

The Committee on Ethics and Elections recommends committee substitutes for the following: SB 83, SB 609

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: CS for SB 265, SB 925

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

## INTRODUCTION AND REFERENCE OF BILLS

### First Reading

By Senator Girardeau—

**SB 1527**—A bill to be entitled An act relating to the City of Jacksonville personnel department; amending s. 19.05(4), chapter 67-1320, Laws of Florida, as amended; prohibiting the personnel department from adopting any rule which establishes the "Rule of One" for purposes of promotions; prohibiting the City of Jacksonville from bargaining for, or approving, a collective bargaining agreement which contains the "Rule of One"; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

**SR 1528** was introduced out of order and adopted this day.

**SM 1529** was introduced and referred this day.

## FIRST READING OF COMMITTEE SUBSTITUTES

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

**CS for SB 83**—A bill to be entitled An act relating to dissolution of marriage; creating s. 61.032, F.S.; providing that the court may determine whether to make public the papers and records related to divorce proceedings involving minor children; allowing certain persons to petition the court to unseal the records relative to real estate; providing an effective date.

By the Committees on Finance, Taxation and Claims; Health Care; and Senator Kirkpatrick—

**CS for CS for SB 128**—A bill to be entitled An act relating to health care facilities; providing for the regulation of nursing pools by the Department of Business Regulation; providing for penalties and fees; prohibiting certain activities; providing for the adoption of rules; amending s. 407.50, F.S.; providing for the Health Care Cost Containment Board to approve additional revenues for certain hospitals for specified purposes; amending s. 407.51, F.S.; requiring said board to allow certain expenses for hospitals; providing an effective date.

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

**CS for SB 154**—A bill to be entitled An act relating to elections; amending s. 104.24, F.S.; prohibiting any person, in connection with the election process, from fraudulently representing himself other than by the name by which he is registered or fraudulently using another's name in voting; providing penalties; providing an effective date.

By the Committees on Finance, Taxation and Claims; Transportation; and Senators Peterson, Crawford, Kirkpatrick, D. Childers, Walker, Johnson, Davis, Thomas, Grizzle, Jennings, Beard, Stuart, Gardner, Woodson-Howard and Crenshaw—

**CS for CS for SB 265**—A bill to be entitled An act relating to drivers' licenses; amending s. 322.05, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from issuing a driver's license to persons under a specified age; providing exceptions; creating s. 322.0601, F.S.; specifying circumstances under which the department may issue a driver's license to certain persons under such age; providing for the suspension and reinstatement of such license; authorizing the waiver of licensing requirements under certain circumstances; providing an effective date.

By the Committee on Ethics and Elections; and Senators Brown, Ros-Lehtinen, Kiser, Stuart, Beard, Malchon, D. Childers and Deratany—

**CS for SB's 351, 118, 339, 364, 512, 513, 629, 998 and 1256**—A bill to be entitled An act relating to campaign financing; amending s. 106.011, F.S.; providing definitions; amending s. 106.021, F.S.; authorizing depositing of campaign funds into secondary interest-bearing accounts; providing for filing certain information; requiring candidates to indicate for which group or district office he is running; creating s. 106.022, F.S.; providing for change of designation of office under certain circumstances; amending s. 106.025, F.S.; prescribing conditions and procedures for conducting campaign fund raisers; amending s. 106.03, F.S.; modifying procedures for registering as a political committee; authorizing the Division of Elections to adopt rules; amending s. 106.04, F.S.; prescribing limits on contributions by committees of continuous existence; providing specified fines; providing for the depositing of fines into the Election Campaign Financing Trust Fund; providing that an officer or member of a committee are not personally liable for payment of such fines; providing for the waiver of such fines under certain circumstances; amending s. 106.05, F.S.; providing guidelines for depositing contributions; amending s. 106.06, F.S.; providing time periods for preserving records of campaign accounts; amending s. 106.07, F.S.; providing for filing reports whose filing deadline falls on a weekend or legal holiday; providing filing procedures; providing conforming language; providing fines for late reporting; providing for the waiver of such fines under certain circumstances; amending s. 106.071, F.S.; providing technical changes; prescribing information to be included in independent expenditure reports; creating s. 106.075, F.S.; providing for reporting of certain loans made to candidates for campaign purposes; amending s. 106.08, F.S.; providing that for purposes of limiting contributions, candidates for Governor and Lieutenant Governor are considered a single candidate; providing a limi-

tation on spending contributions by a political committee; authorizing candidates to purchase with campaign funds certain tickets and advertisements from religious, civic, or charitable groups; placing restrictions on accepting contributions during legislative sessions; amending s. 106.11, F.S.; authorizing candidates who withdraw, become unopposed, are eliminated, or are elected to expend funds from the campaign account for specified purposes; amending s. 106.14, F.S.; requiring utility companies providing utility services to a candidate or political committee to charge a deposit; requiring candidates and political committees to pay utility bills when received; amending s. 106.141, F.S.; prescribing procedures for candidates who become unopposed, eliminated, elected, or reelected for disposing of funds in their campaign accounts and filing a report; providing that the Governor and Lieutenant Governor are to be considered separate candidates for purpose of limiting amount of funds they may transfer from a campaign account to an office account; providing a fine for filing late reports of transfers of funds; amending s. 106.143, F.S.; providing that any political advertisement of a candidate running for office in any election must state the name of the political party of which the candidate is seeking the nomination or is the nominee or that the candidate is an independent; requiring political advertisements and campaign literature to disclose the source of their funding; amending s. 106.144, F.S.; requiring groups opposing the candidacy of a candidate for public office by political advertisements to file a statement containing prescribed information with the officer before whom the candidate qualified; amending s. 106.15, F.S.; prohibiting candidates from using the services of officers and employees of counties, municipalities, and special districts during the hours such persons are required to be present on their assigned job; providing a definition; amending s. 106.24, F.S.; providing that four members of the Florida Elections Commission constitute a quorum and that an affirmative vote of the majority of the members present is required for any action or recommendation; amending s. 106.25, F.S.; providing that an appeal of a fine levied for filing a late report is not confidential; amending s. 106.26, F.S.; authorizing the Elections Commission to delegate to the Division of Elections authority to dispose of certain violations of the Election Code; amending s. 106.28, F.S.; requiring actions for violation of ch. 106, F.S., to be commenced within 2 years; amending s. 106.29, F.S.; subjecting political parties to fines for late filing of reports; creating s. 106.295, F.S.; proscribing the use of leadership funds; providing definitions; providing procedures for spending such funds; providing reporting requirements and procedures; providing penalties; providing fines; providing for petty cash funds; amending s. 106.35, F.S.; providing conforming language with respect to filing of contribution reports for the purpose of distributing funds from the Election Campaign Financing Trust Fund; prohibiting elected officials from working for, or acting as a consultant to, a political committee or committee of continuous existence for compensation; repealing s. 106.142, F.S., relating to the definition of political advertisement; providing an effective date.

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

**CS for SB 609**—A bill to be entitled An act relating to elections; amending s. 105.031, F.S.; modifying qualifying procedures for candidates for county court judge; amending s. 105.035, F.S.; providing conforming language; prescribing duties of supervisors of elections; amending s. 105.08, F.S.; providing for certain campaign contribution and expense reports for specified judicial candidates for retention; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining; and Senators Walker, Ros-Lehtinen, Thomas and Dudley—

**CS for SB's 913 and 680**—A bill to be entitled An act relating to state employment; amending and reenacting s. 110.123, F.S.; redefining the term "retired state officer or employee" or "retiree" for the purposes of the state group insurance program; reenacting provisions which specify legislative intent; reenacting provisions authorizing the Department of Administration to contract with health maintenance organizations; reenacting provisions which authorize the department to request competitive bids from and negotiate contracts with health maintenance organizations to service members of the state group insurance program; reenacting provisions which establish a minimum benefit package and criteria to be used in negotiating health maintenance organization contracts; authorizing the Department of Administration to negotiate and contract with specialty psychiatric hospitals for certain benefits; providing for an actuarial study and a report to the Legislature; reenacting provisions which require the submission of certain data elements by health maintenance organizations contracting with the state; reenacting provisions which delete the

requirement that additional costs of membership in a health maintenance organization be borne by the officer or employee who is a member; reenacting provisions which provide for confidentiality of certain records in the state group insurance program; providing that the state group insurance program be construed and administered in such manner that it will qualify as a qualified and nondiscriminatory employee benefit plan under the Internal Revenue Code and providing the Department of Administration rulemaking power for such purpose; amending s. 110.161, F.S.; providing that certain moneys forfeited by employees under the pretax benefits program be deposited into the Pretax Benefits Trust Fund; providing that any moneys in the Pretax Benefits Trust Fund in excess of the amount appropriated for the pretax benefits program be transferred to the State Employees' Group Health Self-Insurance Trust Fund; amending s. 110.217, F.S.; eliminating the responsibility of the Department of Administration for adopting rules regarding reinstatement appointments; amending ss. 110.233, 110.403, 110.605, F.S.; directing the department to adopt rules of procedure for disclosure of certain activities for Career Service employees and for officers and employees in the Senior Management and Selected Exempt Services; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senator Langley—

**CS for SB 925**—A bill to be entitled An act relating to intangible personal property taxes; amending s. 199.023, F.S.; defining the term "real property" for specified purposes under the Intangible Personal Property Tax Act; providing an effective date.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motions by Senator Scott, by two-thirds vote SB 132 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining; CS for SB 1325, HM 1717, Senate Bills 1103 and 485 were withdrawn from the Committee on Rules and Calendar; SB 1429 and HB 1594 were withdrawn from the Committee on Governmental Operations; SB 1035 was withdrawn from the Committee on Transportation, CS for SB 1148 was withdrawn from the Committee on Health Care; SB 434 and CS for SB 251 were withdrawn from the Committee on Higher Education, and SB 677 was withdrawn from the Committee on Judiciary-Civil.

On motions by Senator Margolis, by two-thirds vote HB 1380 and Senate Bills 113, 126, 170, 411, 429, 570 and 1199 were withdrawn from the Committee on Appropriations.

On motions by Senator Margolis, by two-thirds vote CS for SB 259, CS for CS for SB 265, and CS for SB 1413 were also referred to the Committee on Appropriations.

On motion by Senator Johnson, by two-thirds vote SB 360 was withdrawn from the committee of reference and indefinitely postponed.

**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>
Board of Trustees for the Florida School for the Deaf and the Blind Appointees: Armstrong, Elizabeth E., Clearwater Corwin, James H. II, Jacksonville Beach	11/13/89 02/07/91
Education Standards Commission Appointee: Eggen, Eric, Pensacola	09/30/89
Postsecondary Education Planning Commission Appointees: Fickett, Alan G., Orlando Heath, Thomas A., Auburndale	02/04/93 02/04/93
Historic Broward County Preservation Board of Trustees Appointees: Clarke, Everee Jimerson, Lauderhill O'Hare, Dorothy L., Plantation	11/01/92 11/01/89
Commission for Purchase from the Blind or Other Severely Handicapped Appointee: Samuelson, Janet E., Rockledge	10/01/92

**Referred to the Committee on Executive Business.**

The Governor advised that he had filed with the Secretary of State Senate Bills 19 and 104, which he approved on May 3, 1989.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed as amended SB 81.

*John B. Phelps, Clerk*

**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.

The message with the bill attached was referred to the Committee on Finance, Taxation and Claims.

#### First Reading

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 123, HB 1114; has passed as amended HB 87, CS for HB 765 and CS for HB 1077 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committee on Employee and Management Relations; and Representative Tobiassen and others—

**CS for HB 123**—A bill to be entitled An act relating to law enforcement and correctional officers retirement and death benefits; amending s. 110.123, F.S.; providing for the payment of certain premiums for state group health insurance with respect to the surviving spouse of certain law enforcement or correctional officers killed in the line of duty; providing for the payment of premiums with respect to certain children; amending s. 112.19, F.S.; providing an additional death benefit with respect to certain law enforcement or correctional officers killed in the line of duty; amending s. 112.193, F.S.; providing definitions; providing that employers may provide law enforcement and correctional officers or their beneficiaries with certain benefits upon retirement; providing an effective date.

—was referred to the Committee on Personnel, Retirement and Collective Bargaining.

By Representative Sansom—

**HB 1114**—A bill to be entitled An act relating to lawful uses of firearms; amending s. 790.25, F.S.; providing that public defender investigators may possess and use firearms while carrying out official duties outside the circuits in which they are employed; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By Representative Bainter and others—

**HB 87**—A bill to be entitled An act relating to bridge designation; designating St. Johns bridge number 110077 as the "Astor Bridge"; designating the Port Orange Bridge over the Halifax River in Volusia County as the "Congressman William V. Chappell, Jr. Memorial Bridge"; providing for the erection of appropriate markers by the Department of Transportation; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Regulatory Reform and Representative Kelly and others—

**CS for HB 765**—A bill to be entitled An act relating to interior design; amending section 21 of chapter 88-383, Laws of Florida; revising language with respect to licensure as an interior designer without examination; providing an effective date.

—was referred to the Committee on Economic, Professional and Utility Regulation.

By the Committee on Natural Resources and Representative Saunders—

**CS for HB 1077**—A bill to be entitled An act relating to aquatic preserves; amending s. 258.397, F.S.; modifying restrictions on fishing in the Biscayne Bay Aquatic Preserve; providing for rules by the Marine Fisheries Commission, rather than the Department of Natural Resources, to govern such fishing; authorizing the use of landing nets, cast nets, or bully nets within the preserve; amending s. 258.396, F.S.; revising the conditions under which the Board of Trustees of the Internal Improvement Trust Fund may sell, transfer, or lease certain lands within the Boca Ciega Bay Aquatic Preserve; amending ss. 258.39, 258.392, 258.3925, F.S.; revising the boundary descriptions of certain aquatic preserves; amending s. 258.43, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate certain administrative and enforcement authority to local governments; providing requirements of local government programs; providing for prior notice of agreements to delegate; providing duties of the Division of State Lands of the Department of Natural Resources; providing for evaluation of local government decisions and review of delegation of authority; providing an effective date.

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

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 98 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 98**—A bill to be entitled An act relating to security of data and information technology resources; amending s. 282.318, F.S.; continuing the exemption of risk-analysis information and internal audits and evaluations from the public records requirements of ch. 119, F.S.; continuing, with modifications, such exemption for written internal policies and procedures; providing for future legislative review of these exemptions pursuant to the Open Government Sunset Review Act; providing an effective date.

**Amendment 1**—On page 1, line 16, through page 3, line 12, strike all of said language and insert:

Section 1. Notwithstanding the October 1, 1989, repeal specified in section 119.14(3)(a), Florida Statutes, paragraph (a) of subsection (3) of section 282.318, Florida Statutes, is reenacted and amended to read:

282.318 Security of data and information technology resources.—

(3)(a) Each head of a department is responsible for assuring an adequate level of security for all data and information technology resources within the department. To carry out this responsibility, at a minimum, he shall:

1. Designate an information security manager who shall administer the security program of the department for data and information technology resources.

2. Conduct, and periodically update, a comprehensive risk analysis to determine the security threats to the data and information technology resources. The risk-analysis information is confidential and exempt from the provisions of s. 119.07(1) ~~chapter 119~~, except that such information shall be available to the Auditor General in performing his postauditing duties. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

3. Develop, and periodically update, written internal policies and procedures to assure the security of the data and information technology resources. The internal policies and procedures *which, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources* are confidential information and exempt from the provisions of s. 119.07(1) ~~chapter 119~~, except that such information shall be available to the Auditor General in performing his postauditing duties. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

4. Implement appropriate cost-effective safeguards to reduce, eliminate, or recover from the identified risks to the data and information technology resources.

5. Ensure that periodic internal audits and evaluations of the security program for data and information technology resources are conducted. The results of such internal audits and evaluations are confidential information and exempt from the provisions of s. 119.07(1) ~~chapter 119~~, except that such information shall be available to the Auditor General in performing his postauditing duties. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

6. Include appropriate security requirements, as determined by the department, in the written specifications for the solicitation of information technology resources by the department.

7. Include as a part of the information resources management plan required in chapter 282 a general description of the existing security program and future plans for assuring the security of data and information technology resources.

8. Certify annually to the Information Resource Commission that the security program for data and information technology resources conforms with the standards, and policies, ~~and guidelines~~ developed by that commission. If the department is unable to certify such conformance, it shall notify the Information Resource Commission in writing, stating the deficiencies and the reasons for its nonconformance.

Section 2. This act shall take effect October 1, 1989.

On motion by Senator Kiser, the Senate concurred in the House amendment.

SB 98 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 107 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**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.

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. *Subsection (3) of section 337.105, Florida Statutes, is hereby repealed.*

Section 2. Notwithstanding the October 1, 1989, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (1) of section 337.14, Florida Statutes, is reenacted and amended to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.—

(1) Any person desiring to bid for the performance of any construction contract in excess of \$250,000 which the department proposes to let must first be certified by the department as qualified pursuant to this section and rules of the department. The rules of the department shall address the qualification of persons to bid on construction contracts in

excess of \$250,000 and shall include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification. The department is authorized to limit the dollar amount of any contract upon which a person is qualified to bid or the aggregate total dollar volume of contracts such person is allowed to have under contract at any one time. Each applicant seeking qualification to bid on construction contracts in excess of \$250,000 shall furnish the department a statement under oath, on such forms as the department may prescribe, setting forth detailed information as required on the application. Each application for certification shall be accompanied by the latest annual financial statement of the applicant completed within the last 12 months. If the annual financial statement shows the financial condition of the applicant more than 4 months prior to the date on which the application is received by the department, then an interim financial statement must also be submitted. The interim financial statement must cover the period from the end date of the annual statement and must show the financial condition of the applicant no more than 4 months prior to the date on which the application is received by the department. Each required annual or interim financial statement must be audited and accompanied by the opinion of a certified public accountant or a public accountant approved by the department. The information required by this subsection is confidential and exempt from the provisions of s. 119.07(1). *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* The department shall act upon the application for qualification within 30 days after it is presented.

Section 3. Notwithstanding the October 1, 1989, repeal specified in section 119.14(3)(a), Florida Statutes, section 337.168, Florida Statutes, is reenacted and amended to read:

337.168 Confidentiality of official estimates, identities of potential bidders, and bid analysis and monitoring system.—

(1)(a) A document or electronic file revealing the official cost estimate of the department of a project is exempt from the provisions of s. 119.07(1) until the contract for the project has been executed or until the project is no longer under active consideration.

(b)(2) A document revealing the identity of persons who have requested or obtained bid packages, plans, or specifications pertaining to any project to be let by the department is exempt from the provisions of s. 119.07(1) for the period which begins 2 3 working days prior to the deadline for obtaining bid packages, plans, or specifications and ends with the letting of the bid receiving bids.

(c)(3) The bid analysis and monitoring system of the department is exempt from the provisions of s. 119.07(1). This exemption applies to all system documentation, input, computer processes and programs, electronic data files, and output, but does not apply to the actual source documents, unless otherwise exempted under other provisions of law.

(2) *The exemptions from the provisions of s. 119.07(1) provided in subsection (1) are subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 4. This act shall take effect October 1, 1989.

**Amendment 2**—Strike the title and insert: An act relating to contracts let by the Department of Transportation; repealing s. 337.105(3), F.S., which provides an exemption from public records requirements for price proposals submitted to the department; amending ss. 337.14 and 337.168, F.S., which provide exemptions from public records requirements for information required for certification of qualification of bidders and for official cost estimates, identities of potential bidders, and bid analysis and monitoring systems of the department; revising the time period during which the exemption for the identities of bidders applies; saving such exemptions from repeal; providing for future review and repeal; providing an effective date.

On motions by Senator Beard, the Senate concurred in the House amendments.

CS for SB 107 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was 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	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Plummer	Woodson-Howard
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Scott	

Nays—None

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 213 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 213**—A bill to be entitled An act relating to records of the Division of Risk Management of the Department of Insurance; amending s. 284.40, F.S.; providing that claim files maintained by the division are confidential notwithstanding the Open Government Sunset Review Act; providing that the exemption is subject to periodic review pursuant to that act; providing an effective date.

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Notwithstanding the October 1, 1989, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (2) of section 284.40, Florida Statutes, is reenacted and amended to read:

284.40 Division of Risk Management.—

(2) The claim files maintained by the Division of Risk Management shall be considered privileged and confidential, and shall be only for the usage by the Department of Insurance in fulfilling its duties and responsibilities under this part, and shall be exempt from the requirements of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 2. This act shall take effect October 1, 1989.

**Amendment 2**—Strike the title and insert: An act relating to the Division of Risk Management of the Department of Insurance; amending s. 284.40, F.S., which provides an exemption from public records requirements for claim files maintained by the division; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

On motions by Senator W. D. Childers, the Senate concurred in the House amendments.

SB 213 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Woodson-Howard

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has adopted SM 91.

*John B. Phelps, Clerk*

The bill contained in the foregoing message was ordered enrolled.

## SPECIAL ORDER

**CS for SB 267**—A bill to be entitled An act relating to taxation; amending s. 206.425, F.S.; providing a penalty for selling motor fuel in violation of certain tax provisions; amending s. 206.89, F.S.; providing a penalty for acting as a dealer of special fuels without holding a valid dealer's license; amending s. 212.66, F.S.; providing a cross-reference; amending s. 212.67, F.S.; requiring certain allowances for fuel evaporation and shrinkage to be taken as a credit; amending s. 206.9865, F.S.; requiring commercial air carriers to make monthly reports to the Department of Revenue; amending s. 201.05, F.S.; correcting a cross-reference; repealing s. 13 of ch. 88-206, Laws of Florida, relating to a tax on entrance fees charged for continuing care contracts; amending ss. 161.40, 341.329, 348.91, 380.0673, 420.513, F.S.; providing that certain tax exemptions do not apply to debt obligations owned by corporations; amending s. 199.062, F.S.; deleting the requirement that corporations file certain stockholder notices with the department; amending s. 199.282, F.S.; providing a penalty; amending ss. 199.032, 199.052, 199.175, F.S.; revising provisions which levy a tax on intangible personal property to make such tax applicable to property which has a taxable situs in the state; providing definitions; amending s. 220.03, F.S.; revising the definition of "Internal Revenue Code"; amending s. 198.29, F.S.; prohibiting the refund of estate taxes under certain circumstances; amending ss. 198.01, 198.021, 198.031, F.S.; updating a cross-reference to the United States Internal Revenue Code; amending s. 211.33, F.S.; authorizing the department to collect delinquent taxes and penalties pursuant to a lien or tax execution levied upon certain third parties; amending s. 213.24, F.S.; revising requirements relating to the cost of issuing tax billings; creating s. 213.34, F.S.; providing general audit authority to the department; authorizing the department to adopt rules; amending s. 203.01, F.S.; requiring monthly reporting of gross receipts taxes for utility services; revising the penalties for failing to timely report and pay gross receipts taxes; providing penalties for the evasion of such taxes; providing an effective date.

—was read the second time by title.

Senator Deratany moved the following amendments which were adopted:

**Amendment 1**—On page 8, lines 29-31; on page 9, lines 1-31; and on page 10, lines 1-28, strike all of said lines and insert: *state*, except for notes, bonds, and other obligations for the payment of money which are secured by mortgage, deed of trust, or other lien upon real property situated in the state. This tax shall be assessed and collected as provided in this chapter.

Section 16. Effective January 1, 1990, subsection (1) of section 199.052, Florida Statutes, is amended to read:

199.052 Annual tax returns; payment of annual tax.—

(1) An annual intangible tax return must be filed with the department by every person who is a legal resident of the state on January 1 and who owns or has control or management of intangible personal property which is subject to annual taxation under s. 199.032, and by every other person, regardless of domicile, who on January 1, owns, controls, or manages or has control or management of intangible personal property subject to annual taxation which has a taxable business situs in this state. For purposes of this chapter, the terms "control" or "manage" do not include any ministerial functions or any processing activities. The return shall be due on June 30 of each year. It shall list separately the character, description, and just valuation of all such property.

Section 17. Effective January 1, 1990, section 199.175, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 199.175, F.S., for present text.)

199.175 Taxable situs.—For purposes of the annual tax imposed under this chapter:

(1) Intangible personal property shall have a taxable situs in this state when it is owned, managed, or controlled by any person domiciled in this state on January 1 of the tax year. Such intangibles shall be subject to annual taxation under this chapter, unless the person who owns, manages, or controls it is specifically exempt, or unless the property is specifically exempt. This provision shall apply regardless of where the evidence of the intangible property is kept, or where the intangible is created, approved, or paid, or where business may be conducted from which the intangible arises. The fact that a Florida corporation owns the stock

of an out of state corporation and manages and controls such corporation from a location in this state shall not operate to give a taxable situs in this state to the intangibles owned by the out of state corporation, which intangibles arise out of business transacted outside this state.

(a) For the purposes of this chapter, the term "any person domiciled in this state" means:

1. Any natural person who is a legal resident of this state;
2. Any bank or financial institution, business, business trust as described in chapter 609, company, corporation, insurance company, partnership, or other artificial entity organized or created under the law of this state, except a trust; or
3. Any person, including a trust, who has established a commercial domicile in this state.

(b) A business or other artificial entity acquires its commercial domicile in this state when it maintains its chief or principal office in this state where executive or management functions are performed or where the course of business operations is determined.

(2) Intangible personal property shall have a taxable situs in this state when it is deemed to have a business situs in this state and it is owned, managed, or controlled by a person transacting business in this state, even though the owner may claim a domicile elsewhere. This provision shall apply regardless of where the evidence of the intangible is kept, or where the intangible is created, approved, or paid.

(a) Intangibles shall be deemed to have a Florida business situs when they receive the benefit and protection of Florida laws and courts and they are derived from, arise out of, or are issued in connection with, the business transacted in this state with a customer in this state. For purposes of this paragraph:

1. Business is transacted in this state when any occupation, profession, or commercial activity, including financing, leasing, selling, or servicing activities, is regularly conducted with customers in this state from an office, plant, home, or any other business location in this state.
2. Business is transacted in this state when any occupation, profession, or commercial activity, including financing, leasing, selling, or servicing activities, is regularly conducted with customers in this state by or through agents, employees, or representatives of any kind in this state, whether or not such persons are vested with discretionary authority.

(b) Notwithstanding the provisions of this subsection:

- 1.a. Intangibles that are credit card or charge card receivables or related lines of credit or loans shall be deemed to have business situs in this state only when the debt represented by such intangibles is owed by a customer who is domiciled in this state.
- b. The performance of ministerial functions relating to, or the processing of, credit card or charge card receivables in this state for the owner of such receivables is not sufficient to support a finding that the owner is transacting business in this state.

c. The term "credit card or charge card receivables" does not include "trade or service receivables," as defined in s. 864 of the Internal Revenue Code of 1986, as amended.

2. An intangible owned by a real estate mortgage investment conduit, a real estate investment trust, or a regulated investment company, as those terms are defined in the United States Internal Revenue Code of 1986, as amended, shall not be deemed to have a taxable situs in this state unless such entity has its legal or commercial domicile in this state.

3. The ownership of any interest in a participation or syndication loan or pool of loans, notes, or receivables shall not be sufficient to support a finding that the owner of such interest is transacting business in this state. For the purposes of this subparagraph, a participation or syndication loan is a loan in which more than one lender is a creditor to a common borrower, and a participation or syndication interest in a pool of loans, notes, or receivables is an interest acquired from the originator or initial creditor with respect to the loans, notes, or receivables constituting the pool.

4. Assets owned by a foreign insurance company, as defined in s. 624.06, shall not be deemed to have a business situs in this state if they are managed and controlled outside this state.

(c) It is the intent of this subsection that no nonresident may transact business in this state without paying the same tax which the state imposes on residents transacting the same business.

**Amendment 2**—On page 16, line 11, strike "20th" and insert: *last day*

On motion by Senator Deratany, by two-thirds vote CS for SB 267 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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

**INTRODUCTION AND REFERENCE OF BILLS**

On motion by Senator Grant, the rules were waived by unanimous consent and the following memorial was introduced:

By Senator Grant—

**SM 1529**—A memorial to the Congress of the United States, urging Congress to adopt the "Fair Share Act of 1989," which requires the use of adjusted census data in federal formula grant programs.

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

**SPECIAL ORDER, continued**

**SB 269**—A bill to be entitled An act relating to housing authorities; amending s. 421.05, F.S.; revising provisions relating to the appointment of a tenant-commissioner of an authority; providing for normal appointment procedures under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote SB 269 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

**CS for SB 162**—A bill to be entitled An act relating to aquatic preserves; amending s. 258.43, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate certain administrative and enforcement authority to local governments; providing requirements of local government programs; providing for prior notice of agreements to delegate; providing duties of the Division of State Lands of the Department of Natural Resources; providing for evaluation of local government

decisions and review of delegation of authority; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB 162 to conform the bill to CS for HB 1077.

Pending further consideration of CS for SB 162 as amended, on motion by Senator Grizzle, by two-thirds vote CS for HB 1077 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Grizzle, by two-thirds vote—

**CS for HB 1077**—A bill to be entitled An act relating to aquatic preserves; amending s. 258.397, F.S.; modifying restrictions on fishing in the Biscayne Bay Aquatic Preserve; providing for rules by the Marine Fisheries Commission, rather than the Department of Natural Resources, to govern such fishing; authorizing the use of landing nets, cast nets, or bully nets within the preserve; amending s. 258.396, F.S.; revising the conditions under which the Board of Trustees of the Internal Improvement Trust Fund may sell, transfer, or lease certain lands within the Boca Ciega Bay Aquatic Preserve; amending ss. 258.39, 258.392, 258.3925, F.S.; revising the boundary descriptions of certain aquatic preserves; amending s. 258.43, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate certain administrative and enforcement authority to local governments; providing requirements of local government programs; providing for prior notice of agreements to delegate; providing duties of the Division of State Lands of the Department of Natural Resources; providing for evaluation of local government decisions and review of delegation of authority; providing an effective date.

—a companion measure, was substituted for CS for SB 162 and by two-thirds vote read the second time by title.

Senator Grizzle moved the following amendments which were adopted:

**Amendment 1**—On page 9, strike all of lines 16-20 and insert:

*1. Adopts, by ordinance, standards and criteria no less restrictive than those in the management plan approved by the board pursuant to the provisions of Chapter 18-20.013(2), Florida Administrative Code; provided, however nothing contained in this subsection shall expand the powers, jurisdiction, or authority granted pursuant to Chapter 258. When a local government's program proposes to include standards and criteria that are more restrictive than those in the management plan approved by the board, such standards and criteria shall not be effective until they have been approved by the board as being consistent with the provisions of Chapter 258.*

**Amendment 2**—On page 11, between lines 9 and 10, insert:

*(f) Nothing contained in this subsection shall affect the powers, duties, or procedures set forth in Chapter 403, Florida Statutes.*

On motion by Senator Grizzle, by two-thirds vote CS for HB 1077 as amended was read the third time by title, passed and 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	McPherson	Walker
Bruner	Girardeau	Meek	Weinstein
Casas	Gordon	Myers	Weinstock
Childers, D.	Grant	Peterson	Woodson-Howard
Childers, W. D.	Grizzle	Ros-Lehtinen	
Crenshaw	Johnson	Scott	
Davis	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motion by Senator Grizzle, the rules were waived and **CS for HB 1077** was ordered immediately certified to the House.

**SB 130**—A bill to be entitled An act relating to bridge designation; designating St. Johns bridge number 110077 the "Astor Bridge"; providing for an appropriate marker by the Department of Transportation; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 130 to conform the bill to HB 87.

Pending further consideration of SB 130 as amended, on motion by Senator Langley, by two-thirds vote HB 87 was withdrawn from the Committee on Transportation.

On motions by Senator Langley, by two-thirds vote—

**HB 87**—A bill to be entitled An act relating to bridge designation; designating St. Johns bridge number 110077 as the "Astor Bridge"; designating the Port Orange Bridge over the Halifax River in Volusia County as the "Congressman William V. Chappell, Jr. Memorial Bridge"; providing for the erection of appropriate markers by the Department of Transportation; providing an effective date.

—a companion measure, was substituted for SB 130 and by two-thirds vote read the second time by title. On motion by Senator Langley, by two-thirds vote HB 87 was read the third time by title, passed and 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	McPherson	Walker
Bruner	Girardeau	Meek	Weinstein
Casas	Gordon	Myers	Weinstock
Childers, D.	Grant	Peterson	Woodson-Howard
Childers, W. D.	Grizzle	Ros-Lehtinen	
Crenshaw	Johnson	Scott	
Davis	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**SB 843**—A bill to be entitled An act relating to bridge designation; designating the replacement bridge on U.S. Highway 301 that spans the Alafia River as the W. T. Williams Bridge; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote SB 843 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**CS for SB 1342**—A bill to be entitled An act relating to securities and bonds; amending s. 215.684, F.S.; providing procedures for a securities broker or bond underwriter that has been convicted or pleaded nolo contendere to fraud to be requalified to do business with the state; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendments which were adopted:

**Amendment 1**—On page 1, strike line 16 and insert:

(1) Subject to the notice provided in subsection (2), the State of

**Amendment 2**—On page 1, line 19, after “plea of” insert: *guilty or*

**Amendment 3**—On page 3, line 20, after “pleaded” insert: *guilty or*

**Amendment 4**—On page 3, following line 14, insert:

(7) *A person or firm requesting a hearing pursuant to s. 120.57 may consent to a disqualification beginning prior to the disposition of the proceedings, in which case the period of disqualification shall run from such agreed upon date.*

On motion by Senator Gordon, by two-thirds vote CS for SB 1342 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Bankhead, Kirkpatrick, Plummer

On motion by Senator Gordon, the rules were waived and CS for SB 1342 was ordered immediately certified to the House.

**Explanation of Vote**

I voted in favor of CS for SB 1342. Because I am an employee of a bond underwriter that may be covered under this proposed law, I reviewed the bill and bill analysis carefully.

The bill continues penalties for bond underwriters who are convicted of fraud for a period of two years. Language is added to provide for due process and authority to the Comptroller to mitigate the penalty.

After review, I determined that this bill applies generally to all such entities in the state and does not specifically benefit me or my employer, Drexel Burnham Lambert, Incorporated.

*George Stuart, Jr., 14th District*

**SB 74**—A bill to be entitled An act relating to drivers’ licenses; amending s. 322.271, F.S.; providing additional requirements under which the Department of Highway Safety and Motor Vehicles may reinstate, for business or employment purposes, a driver’s license that has been revoked under specified circumstances; providing requirements under which the department may reinstate, for employment purposes, a driver’s license that has been permanently revoked; providing requirements for retaining such license; conforming language; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, strike all of lines 29 and 30 and insert: A person whose license has been revoked for a period of *more than 5 10 years or more* under s. 322.28(2)(a) may, upon the expiration of 24

**Amendment 2**—On page 2, line 28, strike “from” and insert: *after from*

On motion by Senator Girardeau, by two-thirds vote SB 74 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Deratany	Grizzle	Stuart
Bankhead	Dudley	Malchon	Thomas
Beard	Forman	McPherson	Thurman
Brown	Gardner	Meek	Walker
Casas	Girardeau	Myers	Weinstein
Childers, W. D.	Gordon	Peterson	Weinstock
Davis	Grant	Souto	Woodson-Howard

Nays—4

Bruner	Johnson	Langley	Ros-Lehtinen
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Vote after roll call:

Yea—Kiser

**CS for SB 515**—A bill to be entitled An act relating to drivers’ licenses; amending s. 321.09, F.S.; creating the Florida Highway Patrol Salary Enhancement Trust Fund; providing for the disposition of the proceeds of such fund; amending s. 322.18, F.S.; deleting an exception to the payment of certain delinquent fees; amending s. 322.21, F.S.; increasing the delinquent fee for driver’s license renewal; deleting an exception to the delinquent fee; providing for the disposition of delinquent fees; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for SB 515 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**CS for SB 841**—A bill to be entitled An act relating to uniform traffic control; amending s. 316.003, F.S.; redefining the term “tandem trailer truck highway network”; amending s. 316.515, F.S.; providing corrected references; regulating and prohibiting the operation of certain oversize vehicles on specified roads; prohibiting the Department of Transportation from restricting days and hours of operation on the tandem trailer truck highway network; providing access to certain facilities located within a specified distance of the tandem trailer truck highway network; authorizing the Department of Transportation to restrict such access; providing procedures for facility operators to request access beyond the limit; authorizing the operation of certain automobile towaway and driveaway vehicles; amending s. 316.302, F.S.; reenacting provisions which were inadvertently omitted; specifying penalties; authorizing the Department of Transportation to conduct motor carrier terminal audits for certain purposes; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote CS for SB 841 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Gordon	Malchon
Beard	Deratany	Grant	Margolis
Brown	Dudley	Grizzle	McPherson
Bruner	Forman	Johnson	Meek
Casas	Gardner	Kiser	Myers
Childers, W. D.	Girardeau	Langley	Peterson

Plummer	Souto	Thurman	Weinstock
Ros-Lehtinen	Stuart	Walker	Woodson-Howard
Scott	Thomas	Weinstein	

Nays—None

Vote after roll call:

Yea—Bankhead, Kirkpatrick

The Senate resumed consideration of—

**CS for SB 62**—A bill to be entitled An act relating to the regulation of interior designers; amending s. 21, chapter 88-383, Laws of Florida; providing for the licensure of certain persons without examination; providing clarifying language; providing an effective date.

—which was considered April 27. Pending Amendment 1 was withdrawn.

Senator Davis moved the following amendment which was adopted:

**Amendment 2**—On page 2, strike all of lines 23 and 24 and insert:

(b) *Was graduated graduates from such community college program on or before by October 1, 1990, or from such college, university, or professional school by October 1, 1992.*

On motion by Senator McPherson, further consideration of **CS for SB 62** as amended was deferred.

**Reconsideration**

On motion by Senator Langley, the rules were waived and the Senate reconsidered the vote by which—

**SB 605**—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.06, F.S.; eliminating the requirement that license plates include a county designation at the bottom of the plates; providing an effective date.

—as amended passed May 2.

On motion by Senator Langley, by two-thirds vote the Senate reconsidered the vote by which SB 605 was read the third time.

On motion by Senator Langley, the Senate reconsidered the vote by which Amendment 1 as amended was adopted.

On motion by Senator Langley, the Senate reconsidered the vote by which Amendment 1A was adopted. By permission, Amendment 1A was withdrawn.

Senator Langley moved the following amendment to Amendment 1 which was adopted:

**Amendment 1B**—On page 1, strike all of lines 16-18 and insert: *of such adhesive tape to attach tape to the bottom of each license plate supplied to the tax collector. The tax collector shall have such adhesive tape attached to the bottom of each license plate. and the*

**Amendment 1** as amended was adopted.

On motion by Senator Langley, by two-thirds vote SB 605 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

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Senator W. D. Childers presiding

**SB 67**—A bill to be entitled An act relating to smoking in public places; amending s. 386.207, F.S.; specifying duties of certain public agencies to report violations of prohibitions against smoking to the Division of Hotels and Restaurants of the Department of Business Regulation; removing the duty of the division to report violations to the Department of Health and Rehabilitative Services; 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 Malchon and adopted:

**Amendment 1**—On page 1, line 21, following “department” insert: *or division*

**Amendment 2**—In title, on page 1, line 4, following “agencies” insert: *and the State Fire Marshal*

On motion by Senator Malchon, by two-thirds vote SB 67 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Peterson, Woodson-Howard

**SB 147**—A bill to be entitled An act relating to lawful uses of firearms; amending s. 790.25, F.S.; providing that public defender investigators may possess and use firearms while carrying out official duties outside the circuits in which they are employed; providing an effective date.

—was read the second time by title.

Senators Langley and Thurman offered the following amendment which was moved by Senator Langley and adopted:

**Amendment 1**—On page 2, line 3, insert New Section:

Section 2. A new subsection 790.25(3)(p) is added to read.

(p) Circuit Judges

(Renumber subsequent sections.)

On motion by Senator Deratany, by two-thirds vote SB 147 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

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**SB 197**—A bill to be entitled An act relating to law enforcement and correctional officers retirement and death benefits; amending s. 110.123, F.S.; providing for the payment of certain premiums for state group health insurance with respect to the surviving spouse of certain law enforcement or correctional officers killed in the line of duty; providing

for the payment of premiums with respect to certain children; amending s. 112.19, F.S.; providing an additional death benefit with respect to certain law enforcement or correctional officers killed in the line of duty; amending s. 112.193, F.S.; providing definitions; providing that employers may provide law enforcement and correctional officers or their beneficiaries with certain benefits upon retirement; providing an effective date.

—was read the second time by title.

One amendment was adopted to SB 197 to conform the bill to CS for HB 123.

Pending further consideration of SB 197 as amended, on motion by Senator Weinstein, by two-thirds vote CS for HB 123 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motions by Senator Weinstein, by two-thirds vote—

**CS for HB 123**—A bill to be entitled An act relating to law enforcement and correctional officers retirement and death benefits; amending s. 110.123, F.S.; providing for the payment of certain premiums for state group health insurance with respect to the surviving spouse of certain law enforcement or correctional officers killed in the line of duty; providing for the payment of premiums with respect to certain children; amending s. 112.19, F.S.; providing an additional death benefit with respect to certain law enforcement or correctional officers killed in the line of duty; amending s. 112.193, F.S.; providing definitions; providing that employers may provide law enforcement and correctional officers or their beneficiaries with certain benefits upon retirement; providing an effective date.

—a companion measure, was substituted for SB 197 and by two-thirds vote read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 123 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

**SB 354**—A bill to be entitled An act relating to forfeiture of contraband; requiring state and local law enforcement agencies seizing property under the Florida Contraband Forfeiture Act to adopt policies and procedures under a certain date to provide for fair and uniform implementation of that act; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, strike all of lines 12-17 and insert:

Section 1. Each state or local law enforcement agency which seizes property for the purpose of forfeiture under the Florida Contraband Forfeiture Act, sections 932.701-932.705, Florida Statutes, must adopt by October 1, 1989, policies which are in compliance with or which substantially comply with the Model Policy For Forfeiture Of Assets By Law Enforcement Agencies, published by the Florida Police Chiefs Association, the Florida Sheriffs Association, and the Florida Department of Law Enforcement on March 3, 1989. However, a state or local law enforcement agency may adopt policies that are more restrictive on the agency than those contained in such model policy and that fairly and uniformly implement the provisions of the Florida Contraband Forfeiture Act.

On motion by Senator Beard, by two-thirds vote SB 354 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

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

Nays—None

The Senate resumed consideration of—

**CS for SB 62**—A bill to be entitled An act relating to the regulation of interior designers; amending s. 21, chapter 88-383, Laws of Florida; providing for the licensure of certain persons without examination; providing clarifying language; providing an effective date.

Pending further consideration of CS for SB 62 as amended, on motion by Senator McPherson, by two-thirds vote CS for HB 765 was withdrawn from the Committee on Economic, Professional and Utility Regulation.

On motions by Senator McPherson, by two-thirds vote—

**CS for HB 765**—A bill to be entitled An act relating to interior design; amending section 21 of chapter 88-383, Laws of Florida; revising language with respect to licensure as an interior designer without examination; providing an effective date.

—a companion measure, was substituted for CS for SB 62 and by two-thirds vote read the second time by title. On motion by Senator McPherson, by two-thirds vote CS for HB 765 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Langley

**Reconsideration**

On motion by Senator Deratany, the rules were waived and the Senate reconsidered the vote by which SB 147 as amended passed this day.

Pending further consideration of SB 147 as amended, on motion by Senator Deratany, by two-thirds vote HB 1114 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Deratany, by two-thirds vote—

**HB 1114**—A bill to be entitled An act relating to lawful uses of firearms; amending s. 790.25, F.S.; providing that public defender investigators may possess and use firearms while carrying out official duties outside the circuits in which they are employed; providing an effective date.

—a companion measure, was substituted for SB 147 and by two-thirds vote read the second time by title.

Senators Langley and Thurman offered the following amendments which were moved by Senator Langley and adopted:

**Amendment 1**—On page 1, line 12, after “amended” insert: , and a new paragraph (q) is added to said section

**Amendment 2**—On page 2, between lines 2 and 3, insert:

(q) *Circuit judges.*

**Amendment 3**—In title, on page 1, strike line 4 and insert: defender investigators and circuit judges may possess and use

On motion by Senator Deratany, by two-thirds vote HB 1114 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Scott, the rules were waived and **HB 1114** was ordered immediately certified to the House.

**CS for SB 581**—A bill to be entitled An act relating to crime victim assistance; amending s. 960.001, F.S.; changing the procedure for notification of victims that an offender has escaped from custody; deleting witness notification requirement; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote CS for SB 581 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **CS for SB 662** was deferred.

**CS for SB 607**—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; revising schedules of controlled substances, and reenacting ss. 893.13, 893.08(1)(b), 893.135, 322.055, 415.503(8)(a)2., 766.101(3)(a), 782.04(1), (3), and (4), 817.563, and 831.31, F.S., relating to prohibited acts and penalties, exceptions, trafficking, revocation or suspension of driver's license, drug dependency of newborns, substance abuse information, murder, fraudulent sales of controlled substances, and counterfeit controlled substances, respectively, to incorporate said amendment in references thereto; providing technical amendments; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

**Amendment 1**—On page 13, strike all of lines 4 and 5 and insert: steroids; or human chorionic gonadotropins; ~~or other gonadotropins~~, may lead to physical damage.

**Amendment 2**—On page 13, strike all of lines 15 and 16 and insert: analogs, and human chorionic gonadotropins; ~~and other gonadotropins~~, but not including patent or

On motion by Senator Myers, by two-thirds vote CS for SB 607 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

Bankhead	Bruner	Childers, W. D.	Deratany
Beard	Casas	Crenshaw	Dudley
Brown	Childers, D.	Davis	Forman

Girardeau	Langley	Plummer	Walker
Gordon	Malchon	Ros-Lehtinen	Weinstein
Grant	Margolis	Scott	Weinstock
Grizzle	McPherson	Souto	Woodson-Howard
Johnson	Meek	Stuart	
Kirkpatrick	Myers	Thomas	
Kiser	Peterson	Thurman	

Nays—None

On motion by Senator Myers, the rules were waived and **CS for SB 607** was ordered immediately certified to the House.

On motion by Senator Kiser, by two-thirds vote HB 1531 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Kiser—

**HB 1531**—A bill to be entitled An act relating to library registration and circulation records; amending s. 257.261, F.S., which provides an exemption from public records requirements for library registration and circulation records; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

—a companion measure, was substituted for SB 184 and read the second time by title. On motion by Senator Kiser, by two-thirds vote HB 1531 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Nay—Plummer

**SB 229**—A bill to be entitled An act relating to procurement of contractual services by state agencies; amending s. 287.057, F.S.; authorizing state agencies to enter contracts for services with certain educational institutions; providing an effective date.

—was read the second time by title.

Senator Johnson moved the following amendment which failed:

**Amendment 1**—On page 1, line 17, after the comma (,) insert: *or with any entity which is a tax-exempt organization under s. 501(c)(3) of the Internal Revenue Code which is located within the state,*

On motion by Senator Plummer, by two-thirds vote SB 229 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Bankhead	Dudley	Margolis	Stuart
Beard	Forman	McPherson	Thomas
Brown	Girardeau	Meek	Thurman
Bruner	Grant	Myers	Walker
Casas	Kirkpatrick	Plummer	Weinstein
Childers, W. D.	Kiser	Ros-Lehtinen	
Crenshaw	Langley	Scott	
Deratany	Malchon	Souto	

Nays—5

Childers, D.	Gordon	Weinstock
Davis	Johnson	

Vote after roll call:

Yea—Mr. President, Peterson

On motion by Senator Scott, the rules were waived and SB 229 was ordered immediately certified to the House.

#### The President presiding

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 916 was withdrawn from the Committee on Education and SB 1458 was withdrawn from the Committee on Higher Education.

On motion by Senator Thurman, by two-thirds vote SB 538 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Ros-Lehtinen, by two-thirds vote Senate Bills 322 and 924 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Walker, by two-thirds vote SB 781 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Johnson, the rules were waived and the Committee on Education was granted permission to consider SB 1458 on May 10.

#### Session Schedule Change

On motion by Senator Scott, the rules were waived and the Senate was scheduled to meet May 11 at 9:00 a.m. in lieu of 10:00 a.m.

#### ENROLLING REPORTS

Senate Bills 13, 56, 156, 169, 223, 333 and 405 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 8, 1989.

*Joe Brown, Secretary*

#### CORRECTION AND APPROVAL OF JOURNAL

The Journals of May 5 and 2 were corrected and approved.

#### CO-INTRODUCERS

Senators Langley and Walker—SB 1040; Senator Souto—SB 1193; Senator Forman—SB 1477

Senator Thomas withdrew his name as a co-introducer of SB 632.

#### VOTES RECORDED

Senator Meek was recorded as voting yea on the following which were considered May 2: SM 91, SB 122, CS for SB 160, CS for SB 166, CS for SB 194, Senate Bills 243, 279, 280, SR 358, SB 452, CS for SB 467, CS for SB 500, SB 506, CS for SB 510, SB 523, CS for SB 585, Senate Bills 605, 665, 696, 738, 741, 744, 758, 788, SR 876, CS for SB 1006, House Bills 608, 922 and 1078.

#### RECESS

On motion by Senator Scott, the Senate recessed at 12:03 p.m. to reconvene at 9:00 a.m., Wednesday, May 10.

#### SENATE PAGES

May 8-12

Alison Ann Barlow, St. Petersburg; Betsy Butterfield, Orange Park; Timothy M. Carter, Tallahassee; David Leonard Cowles, Jr., Tallahassee; Tracy Crow, St. Petersburg; John Evans Dailey, Tallahassee; John E.S. DeVaughn, Ft. Lauderdale; Dana J. Hirsch, Tampa; Jennifer L. Hood, Palatka; Kristine Anne Marchbanks, Brandon; Randy Roberts, Pembroke Pines; Seaver Justine Sowers, Plantation; Kirsten K. Swensen, Orange Park; Paul Watson, Clearwater; Shelley Whiddon, Tallahassee; Julie Winterbottom, Tallahassee; Robert MA Woodson, DeFuniak Springs