



Journal of the Senate

Number 13

Wednesday, May 10, 1989

CALL TO ORDER

The Senate was called to order by the President at 9:00 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 the Rev. T. Gerald Williams, Minister, St. James United Methodist Church, Palatka:

Dear God, our Heavenly Father, we come in this moment to recognize thee as the creator and sustainer of the universe and of all of life. To thee we look for divine guidance as we seek to carry out the responsibility that has been placed in our care.

We come today to invoke thy blessings and thy guidance upon our state senators who have the awesome responsibility of leading our state through the legislation they pass. Give them new vision and set their hearts on fire with large resolves. Enable them to rise above all self-seeking and party zeal to the nobler concerns of our state and people.

In those moments when they reach an impasse, may they turn to thee to lead them beyond their differences. Give them the ability to work together in their labors here that our state may lead the way in establishing a better life for all our citizens. For this we pray in the name of Father and our God. Amen.

Special Ceremony

The President introduced the following guests who were seated on the rostrum: Lumane Pluiose of Haiti, Latin American/Caribbean Scholarship Program recipient; Jeff Sharkey, program coordinator for the Department of Education's Office of International Affairs; and Barbara Cohen, staff director of the Senate's Higher Education Committee.

Ms. Pluiose, who graduated summa cum laude from FAMU, presented a certificate of appreciation to Senator Peterson for his help in giving her the opportunity to attend FAMU.

REPORTS OF COMMITTEES

EXECUTIVE BUSINESS

The Honorable Bob Crawford March 8, 1989
President of the Senate

RE: Suspension of:
WILLIAM G. TYE
County Court Judge
St. Lucie County, Florida

Dear Mr. President:

This report concerns proceedings by the Committee on Executive Business regarding Executive Order of Suspension, Number 88-215, whereby The Honorable William G. Tye, County Court Judge, St. Lucie County, was suspended from office on October 3, 1988.

The Committee on Executive Business was notified that an Executive Order of Reinstatement, Number 89-22, dated and effective February 1, 1989, was entered by His Excellency Bob Martinez, thereby revoking the Executive Order of Suspension and reinstating The Honorable William G. Tye to the aforesaid county office effective February 1, 1989.

In view of the foregoing, the Committee on Executive Business advises that no further action by the Senate is authorized or required by the Florida Constitution. The Committee recommends, therefore, that the Senate take no further action on the above referenced matter and that this suspension case be closed.

Respectfully submitted,

Mary R. Grizzle, Chairman *Fred R. Dudley*
Curtis Peterson, Vice Chairman *Arnett E. Girardeau*
Malcolm E. Beard

The Honorable Bob Crawford April 18, 1989
President of the Senate

RE: Suspension of:
FRANK STANKUNAS
Superintendent of Schools
Suwannee County, Florida

Dear Mr. President:

The Committee on Executive Business submits this final report on the matter of the suspension of Frank Stankunas.

By Executive Order Number 88-192, filed with the Secretary of State on September 9, 1988, His Excellency, Bob Martinez, as Governor of the State of Florida, suspended Frank Stankunas from the Office of Superintendent of Schools, Suwannee County, Florida. The term of office for Mr. Stankunas as Superintendent of Schools of Suwannee County was from November 20, 1984 to November 21, 1988.

The Committee finds that on April 7, 1989, Frank Stankunas submitted his resignation as Superintendent of Schools of Suwannee County, Florida effective September 9, 1988, the date of his suspension. Mr. Stankunas' resignation was accepted on April 14, 1989, effective September 9, 1988, by His Excellency, Bob Martinez, as Governor, and was filed with the Secretary of State.

In view of the foregoing, the Committee on Executive Business advises that no further action by the Senate is authorized or required by the Florida Constitution. The Committee recommends, therefore, that the Senate take no further action on the above-referenced matter and that this suspension case be closed.

Respectfully submitted,

Mary R. Grizzle, Chairman *Fred R. Dudley*
Curtis Peterson, Vice Chairman *Arnett E. Girardeau*
Malcolm E. Beard

The Honorable Bob Crawford March 8, 1989
President of the Senate

RE: Suspension of:
HARRY LOVETT
County Commissioner
Sumter County, Florida

Dear Mr. President:

The Committee on Executive Business submits this final report on the matter of the suspension of Harry Lovett.

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Kilpatrick, Burnis, Jr.	07/02/91	King, Linda Braddock	02/07/93
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Appointee: King, Earline Norwood	09/30/89	Education Standards Commission Appointees: Fedrick, Doretha B. Gallant, Barbara Gans Johnson, Warren H. Johnson, William H. Miller, Martin E. Northrop, Grace M. Trice, Grace D. Wilson, Cressie S.	09/30/91 09/30/91 09/30/89 09/30/91 09/30/91 09/30/91 09/30/91 09/30/91
State Board of Community Colleges Appointees: Allen, E. C. Heyward, Thomas S., Jr. McKown, Bobby F. Pesch, Therese M.	09/30/93 09/30/93 09/30/93 09/30/89	Florida Elections Commission Appointees: DeLoach, Carol B. Lazzara, Penny G. Ramsey, Betty W. Withers, Isaac A.	12/10/91 12/10/91 12/27/91 12/10/91
Board of Trustees of Broward Community College Appointee: Bass, Ernest Guy, Jr.	05/31/89	Board of Professional Engineers Appointee: Day, Robert W.	12/20/90
Board of Trustees of Chipola Junior College Appointees: Bontrager, Laban Manor, John W.	05/31/90 05/31/90	Commission on Ethics Appointee: Gilbert, Richard A.	06/30/90
Board of Trustees of Edison Community College Appointees: Boardman, Thomas K. Crabtree, Tom	05/31/92 05/31/92	Tampa-Hillsborough County Expressway Authority Appointee: Pupello, Joseph	07/01/92
Board of Trustees of Gulf Coast Community College Appointee: Gander, James V., Sr.	05/31/92	Florida State Fair Authority, Congressional District 2 Appointee: Kirkland, Joe R.	06/30/92
Board of Trustees of Hillsborough Community College Appointee: Campo, Joaquin M.	05/31/91	Florida State Fair Authority, Congressional District 10 Appointee: Carlton, Doyle E., Jr.	06/30/92
Board of Trustees of Indian River Community College Appointee: Crago, Harriett K.	05/31/90	Florida State Fair Authority, Congressional District 11 Appointee: Turner, Robin L.	06/30/92
Board of Trustees of Lake City Community College Appointees: Bennink, Donald T. Dowling, Jean B.	05/31/90 05/31/91	Game and Fresh Water Fish Commission Appointee: Humphrey, Mrs. Gilbert W.	01/05/94
Board of Trustees of Lake-Sumter Community College Appointees: Eveland, Vern Ross, Louise W.	05/31/91 05/31/91	Harbormaster for the Port of St. Augustine Appointee: Baker, Gregory E.	05/01/90
Board of Trustees of Miami-Dade Community College Appointee: Cardenas, Alberto R.	05/31/89	Florida High Speed Rail Transportation Commission Appointees: Dizney, Donald R. Mendez, Charles E., Jr. Reed, Donald H., Jr. Rush, David H.	06/30/92 06/30/92 06/30/92 06/30/92
Board of Trustees of North Florida Junior College Appointees: Pritchett, Elesta C. Towles, Joy	05/31/90 05/31/91	Health Care Cost Containment Board Appointee: Kinzel, James A.	01/01/92
Board of Trustees of Pensacola Junior College Appointee: Rittenhouse, Charles N.	05/31/90	Citrus County Hospital Board Appointee: Henigar, Robert L.	07/07/92
Construction Industry Licensing Board Appointees: Blankenship, Michael L. Bomstein, Alan C. Borja, Isidro C. Crawford, John D. Green, Edwin M., Jr. Kenyon, Jerome G. Lopez-Cantera, Carlos C. Manrique, Terry L. Nagin, Robert D. Simmons, E. E. Sutton, Warren M. Tornese, Cos Weber, David P. Wilcox, Richard W., Jr.	09/30/92 09/30/89 09/30/91 09/30/91 09/30/92 09/30/90 09/30/90 09/30/89 09/30/90 09/30/92 09/30/91 09/30/92 09/30/92 09/30/89	Board of Trustees of South Lake County Hospital District Appointees: Green, Beverly D. Limbaugh, L. Hunter Vander Meer, J. M.	07/05/91 07/05/91 07/05/91
Board of Correctional Education Appointees: Froman, Ronald Marques, Jose A.	07/01/92 07/01/92	Florida Housing Finance Agency Appointee: Bowne, Shirlee	11/13/92
State of Florida Correctional Medical Authority Appointees: Mrozek, Mark A. Nauman, Richard D.	07/01/90 07/01/92	Florida Commission on Human Relations Appointees: Daniel, John W. Jenkins, Whitfield Little, Marc C.	09/30/91 09/30/92 09/30/88
Board of Trustees for the Florida School for the Deaf and the Blind Appointees: Anthony, Robert A. Kiser, Craig	11/19/92 12/10/92	Robertson, John W.	09/30/92 09/30/92
Board of Dentistry Appointees: Hudson, Robert L.	02/07/93	State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools Appointees: Cowins, Benjamin B., Sr. Miller, Paul G., Jr.	07/01/90 07/01/90
		Southeast Interstate Low-Level Radioactive Waste Management Commission Appointees: Grant, John Howell, James T.	Pleasure of Governor 06/30/90
		Board of Professional Land Surveyors	

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointee: Mullin, John E.	06/21/90	Appointee: Denson, Jack H.	10/01/89
Board of Landscape Architecture		Florida Real Estate Commission	
Appointees: Collins, Mary	03/04/92	Appointees: Gunter, Howard M., Jr.	11/16/91
Hodges, Patrick K.	03/04/93	Nelson, Thomas C.	11/16/92
Governor's Mansion Commission		Steele, Jason	11/16/92
Appointee: Garcia, Geraldine F.	09/30/92	Board of Regents	
Marine Fisheries Commission		Appointee: Goigel, Jacqueline F.	09/01/89
Appointees: Center, Jerry H.	08/01/91	Apalachee Regional Planning Council, Region 2	
Stipanovich, John M.	08/01/90	Appointees: Clark, Charles E.	10/01/91
Atlantic States Marine Fisheries Commission		Forehand, Millie	10/01/91
Appointee: Newberger, Mitchell A.	09/04/89	Johnston, C. Johnny	10/01/91
Board of Massage		North Central Florida Regional Planning Council, Region 3	
Appointee: DiMaio, Mercedes B.	01/01/93	Appointees: Campbell, Steven R.	10/01/91
Board of Medicine		Eng, Ralph E.	10/01/90
Appointees: Burt, James N.	08/01/89	Gutekunst, Richard R.	10/01/91
Dauer, Edward A.	08/01/90	Lancaster, Howell E., Jr.	10/01/91
Dockery, J. Lee	08/01/92	Maultsby, Charles Tucker	10/01/91
Rodriguez, Gilbert M.	08/01/89	Nelson, Anne T.	10/01/91
Zachariah, Zachariah P.	08/01/92	Painter, James F.	10/01/91
Board of Osteopathic Medical Examiners		Sullivan, Morris N.	10/01/89
Appointee: Lancaster, Lance E.	01/29/90	Northeast Florida Regional Planning Council, Region 4	
Parole Commission		Appointees: Hood, Charles H.	10/01/91
Appointee: Hodges, Gene	10/31/92	Jones, Edward E., Jr.	10/01/91
Board of Pilot Commissioners		McLean, Martyna H.	10/01/91
Appointee: Beale, Roger A.	06/30/92	Withlacoochee Regional Planning Council, Region 5	
Board of Podiatric Medicine		Appointees: Andrews, A. D.	10/01/91
Appointees: Brown, Genna	01/08/93	Gonzales, Robert J.	10/01/91
O'Donnell, John, Jr.	01/08/93	Simmons, Guy	10/01/91
Jacksonville Port Authority		East Central Florida Regional Planning Council, Region 6	
Appointee: Smith, V. Hawley, Jr.	09/30/92	Appointees: Boroughs, Thomas	10/01/91
Tampa Port Authority		Davis, Joel C.	10/01/91
Appointee: Moore, Ron W.	11/15/92	Futch, Howard E.	10/01/91
Postsecondary Education Planning Commission		Wright, Ken	10/01/89
Appointees: Butler, Michael B.	02/04/92	Central Florida Regional Planning Council, Region 7	
Kahn, Donald P.	02/04/92	Appointees: Cross, Ernest E.	10/01/91
Mautz, Robert B.	02/04/92	Mosley, Madison M., Jr.	10/01/91
Roberts, Tance Elizabeth	08/31/89	Tampa Bay Regional Planning Council, Region 8	
Historic Broward County Preservation Board of Trustees		Appointees: Brasher, C. John	10/01/91
Appointees: Briggs, Arland V.	11/01/91	Merrill, Mark W.	10/01/91
Kester, Stewart R.	11/01/91	Roark, Thomas T.	10/01/91
McTigue, M. Diana	11/01/91	Zschau, Julius J.	10/01/91
Roach, Cato, Jr.	11/01/92	Southwest Florida Regional Planning Council, Region 9	
Roberts, Betty B.	11/01/92	Appointees: Bennett, H. L.	10/01/91
Historic Florida Keys Preservation Board of Trustees		Currin, Russell A., Jr.	10/01/90
Appointees: Alea, David	10/31/90	Hackett, Jack O. II	10/01/91
Daniels, William S.	11/29/92	Jones, K. S. "Butch"	10/01/91
Eyster, Irving R.	10/17/91	Shoemaker, Veronica S.	10/01/91
Stormont, Lois	11/21/91	Treasure Coast Regional Planning Council, Region 10	
Historic Tampa-Hillsborough County Preservation Board of Trustees		Appointees: Bilancio, Joseph W.	10/01/91
Appointees: Acosta, Delphin J.	11/01/91	Ferrari, Kenneth F.	10/01/91
Clark, Mary C.	11/01/91	Goodman, Vincent R.	10/01/91
Kruse, Frances P.	11/01/91	Kelly, Hugh P.	10/01/91
Secretary of Professional Regulation		South Florida Regional Planning Council, Region 11	
Appointee: Gonzalez, Lawrence A.	Pleasure of Governor	Appointees: McTigue, R. Emmett	10/01/91
Board of Psychological Examiners		Miller, H. Jay	10/01/91
Appointees: Booth, Robert G.	09/30/91	State Retirement Commission	
Hicks, Dale A.	09/30/92	Appointees: Braynon, Cora E.	12/31/91
Webster, E. Carol	09/30/92	Coker, Donnie J.	12/31/91
Board of Public Schools		Hilbert, Nancy S.	12/31/91
		Board of Trustees of the John and Mable Ringling Museum of Art	
		Appointees: Becker, Barbara A.	11/05/92
		Grubbs, Elven J.	11/05/92
		Haller, Mary Cathryn	11/05/92
		Florida Seed Capital Board	
		Appointees: Massey, Stephen	03/01/91

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Yeas—39</i>			
Stach, J.	03/01/92	Mr. President	Deratany	Kiser	Scott
Unemployment Appeals Commission		Bankhead	Dudley	Langley	Souto
Appointee: Harris, Charlie	06/30/92	Beard	Forman	Malchon	Stuart
Executive Director of Department of Veterans' Affairs		Brown	Gardner	Margolis	Thomas
Appointee: Peck, Earl G.		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	
Board of Veterinary Medicine					
Appointee: Baron, Arthur	08/01/89				
Governing Board of the Northwest Florida Water Management District					
Appointees: Dyar, Andre Crooke	03/01/93				
Peterson, Ralph A.	03/01/93				
Reppen, Phyllis	03/01/93				
Roberts, Charles W.	03/01/93				
Governing Board of the St. Johns River Water Management District					
Appointees: Collins, J. Daniel	03/01/93				
Fore, Merritt C., Jr.	03/01/93				
Steele, Val M.	03/01/91				
Governing Board of the South Florida Water Management District					
Appointees: Adams, Ken	03/01/93				
Boyd, Valerie	03/01/93				
Nall, James E.	03/01/93				
Governing Board of the Southwest Florida Water Management District					
Appointees: Black, Charles A.	03/01/92				
Harrell, Roy G., Jr.	03/01/92				
Updike, Samuel D.	03/01/92				
Governing Board of the Suwannee River Water Management District					
Appointees: Carver, John D., Jr.	03/01/93				
Sawyer, D. Thomas	03/01/91				
Thompson, Samuel L.	03/01/93				
Waring, M. H.	03/01/89				
	03/01/93				

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee, by a separate vote as to each appointee, respectfully advises and recommends:

- (1) That the executive appointments of the above-named appointees, to the office and for the term indicated, be *confirmed* by the Senate.
- (2) That Senate action on said appointments be taken prior to the adjournment of the 1989 Regular Session.
- (3) That there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,

Mary R. Grizzle, *Chairman*
Curtis Peterson, *Vice Chairman*
Malcolm E. Beard

Fred R. Dudley
Arnett E. Girardeau

On motion by Senator Grizzle, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee. The vote was:

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Wednesday, May 10, 1989: SB 1496, SB 359, SB 1498, SB 599, SB 1471, SB 600, SB 1524, SB 1384, SB 606, SB 1379, SB 702, SB 1491, SB 1271, SB 705, SB 1248, SB 819, SB 1083, SB 857, SB 919, SB 685, SB 1383, SB 704, SB 1478, SB 904, SB 1495, SB 1522, SB 1480, SB 1483

Respectfully submitted,
James A. Scott, *Chairman*

The Committee on Commerce recommends the following pass: SB 1115 with 1 amendment

The Committee on Community Affairs recommends the following pass: SB 431

The Committee on Health and Rehabilitative Services recommends the following pass: CS for SB 752

The Committee on Judiciary-Criminal recommends the following pass: CS for SB 284, SB 361

The Committee on Natural Resources and Conservation recommends the following pass: SB 1250

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

The Committee on Judiciary-Criminal recommends the following pass: SB 1272 with 2 amendments

The Committee on Transportation recommends the following pass: SB 1175

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

The Committee on Community Affairs recommends the following pass: SB 529, SB 663, SB 666, SB 1235

The Committee on Natural Resources and Conservation recommends the following pass: SB 1245 with 3 amendments

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

The Committee on Community Affairs recommends the following pass: SB 623, SB 1429

The bills were referred to the Committee on Governmental Operations under the original reference.

The Committee on Community Affairs recommends the following pass: SB 1337

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

The Committee on Transportation recommends the following pass: SB 878

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

The Committee on Judiciary-Criminal recommends the following pass: SB 747 with 1 amendment, CS for SB's 846, 52 and 769, SB 996, SB 1210 with 2 amendments

The bills were referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Transportation recommends the following pass: SB 1307

The bill was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Community Affairs recommends the following pass: SCR 1357

The Committee on Judiciary-Criminal recommends the following pass: CS for SB 882 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Judiciary-Criminal recommends the following pass: SB 1059

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

The Committee on Commerce recommends the following pass: SB 864

The Committee on Community Affairs recommends the following pass: SB 978, SB 1394

The Committee on Judiciary-Criminal recommends the following pass: SB 1268

The Committee on Natural Resources and Conservation recommends the following pass: HB 1643, SB 1278, SB 1387 with 1 amendment

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

The Committee on Commerce recommends a committee substitute for the following: SB 683

The Committee on Corrections, Probation and Parole recommends committee substitutes for the following: SB 1220, Senate Bills 1266, 728, 427, 201 and 1219

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1335

The Committee on Higher Education recommends committee substitutes for the following: Senate Bills 93 and 982, SB 890, SB 1353, SB 1406, Senate Bills 1416 and 1358

The Committee on Judiciary-Criminal recommends committee substitutes for the following: Senate Bills 68 and 613, CS for SB's 601, 1015 and 1095, SB 1211

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 Judiciary-Criminal recommends a committee substitute for the following: SB 1221

The bill with committee substitute attached was referred to the Committee on Corrections, Probation and Parole under the original reference.

The Committee on Commerce recommends a committee substitute for the following: SB 1414

The bill with committee substitute attached was referred to the Committee on Economic, Professional and Utility Regulation under the original reference.

The Committee on Commerce recommends a committee substitute for the following: SB 851

The Committee on Economic, Professional and Utility Regulation recommends a committee substitute for the following: SB 632

The Committee on Insurance recommends committee substitutes for the following: SB 817, SB 1290

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

The Committee on Higher Education recommends a committee substitute for the following: Senate Bills 1399 and 1196

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

The Committee on Commerce recommends a committee substitute for the following: SB 109

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

The Committee on Higher Education recommends a committee substitute for the following: Senate Bills 281 and 1122

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

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1389

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

The Committee on Judiciary-Criminal recommends committee substitutes for the following: SB 753, SB 927, SB 1016

The bills with committee substitutes attached were referred to the Committee on Transportation under the original reference.

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1166

The Committee on Higher Education recommends committee substitutes for the following: SB 576, CS for SB 749

The Committee on Insurance recommends a committee substitute for the following: SB 1251

The Committee on Judiciary-Criminal recommends committee substitutes for the following: CS for SB 224, SB 413, SB 653, SB 912, SB 939

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

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Judiciary-Criminal and Senators Malchon and Davis—

CS for SB's 68 and 613—A bill to be entitled An act relating to firearms; providing legislative findings and intent; requiring persons to keep firearms in a locked container, another reasonably secure manner, or secured with a trigger lock under certain circumstances; providing criminal penalties; amending s. 784.05, F.S.; providing enhanced penalties for culpable negligence in storing or leaving a loaded firearm within the reach or easy access of a minor; creating s. 790.175, F.S.; requiring specified warnings when firearms are sold or transferred; providing a penalty; providing an effective date.

By the Committee on Higher Education and Senators Kiser and Ros-Lehtinen—

CS for SB's 93 and 982—A bill to be entitled An act relating to postsecondary education; amending s. 240.551, F.S.; providing that a non-resident child of a resident may be a "qualified beneficiary" under the Florida Prepaid Postsecondary Education Expense Program; revising a reporting date; providing for insurance coverage for contracts and contract purchasers and beneficiaries; providing for refunds in excess of moneys paid in; revising provisions relating to dormitory residence plans; authorizing additional product providers; providing for delivery of benefits under certain circumstances if the program is discontinued; providing an effective date.

By the Committee on Commerce and Senators Gordon and Grant—

CS for SB 109—A bill to be entitled An act relating to enforcement of contracts; providing that the parties to certain contracts may agree that the law of this state will govern their rights and duties under such contracts; providing that the parties to certain contracts may agree to subject themselves to the jurisdiction of the courts of this state in the event of disputes under such contracts; providing that the act does not affect the enforcement of choice-of-law provisions in, or the jurisdiction of the courts of this state with respect to, other contracts; providing for applicability of the act; providing an effective date.

By the Committees on Judiciary-Criminal and Health Care and Senator D. Childers—

CS for CS for SB 224—A bill to be entitled An act relating to environmental control; creating s. 403.7084, F.S.; requiring tracking of biohazardous waste from the generator to the treatment facility; providing for a tracking system; providing for inspections; providing for monitoring and testing; providing penalties; amending s. 381.80, F.S.; providing for standards for the segregation, safe packaging, placement, and labeling of biohazardous waste; providing for immunity for generators contracting with certain transporters; providing an effective date.

By the Committee on Higher Education and Senators D. Childers, Peterson, Beard, Malchon, Langley, Myers and Casas—

CS for SB's 281 and 1122—A bill to be entitled An act relating to postsecondary education; creating the Florida Postsecondary Education Security Information Act; providing a definition; providing for the reporting of campus crime statistics; requiring an annual assessment and report of physical plant safety; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Souto—

CS for SB 413—A bill to be entitled An act relating to the sale or rental of films and videotapes; amending s. 847.0125, F.S.; prohibiting the display of film or videotape containers that are sexually explicit except under certain circumstances; providing penalties; providing an effective date.

By the Committee on Higher Education and Senator Bruner—

CS for SB 576—A bill to be entitled An act relating to universities; providing that persons are liable for certain damages, court costs, and attorneys' fees which are suffered by a university as a result of the violation of rules or regulations of the National Collegiate Athletic Association; providing an effective date.

By the Committees on Judiciary-Criminal; Economic, Professional and Utility Regulation; and Senators Langley, Casas and Plummer—

CS for CS for SB's 601, 1015 and 1095—A bill to be entitled An act relating to solicitation of funds; repealing ss. 496.01-496.36, F.S., consisting of the Solicitation of Charitable Contributions Act and the Law Enforcement and Emergency Service Solicitation of Contributions Act; creating ss. 496.001-496.011, F.S., the Solicitation of Funds Act; transferring s. 496.40, F.S., relating to solicitation of funds within public transportation facilities, and renumbering said section as s. 496.008, F.S., as a part of said act; providing intent and application of the act; providing definitions; requiring persons soliciting contributions to disclose certain information upon request to prospective donors; providing penalties; prohibiting certain acts in connection with solicitation of funds; providing requirements with respect to funds solicited; requiring that all contributions solicited for named individuals be deposited in a trust account or depository established in accordance with s. 69.031, F.S., and providing for disbursements therefrom; providing jurisdiction of the circuit courts; providing penalties; specifying that more stringent provisions may be adopted by local governments; providing for investigations by the Division of Consumer Services of the Department of Agriculture and Consumer Services; providing for issuance of subpoenas; providing for injunctive and other relief; providing for assessment of costs; providing for civil remedies and enforcement by the Department of Legal Affairs; providing for a public information campaign; repealing s. 943.14(6), F.S., which prohibits persons registered under the Law Enforcement and Emergency Service Solicitation of Contributions Act from operating a private criminal justice training school; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senators Peterson, Myers, Margolis, Stuart, Woodson-Howard, Kirkpatrick and Johnson—

CS for SB 632—A bill to be entitled An act relating to the gross receipts tax; amending s. 203.01, F.S.; imposing the gross receipts tax on utility services; providing certain exclusions; providing penalties with respect to gross receipts taxes; creating s. 203.64, F.S.; providing a credit for gross receipts taxes imposed by other states; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Johnson—

CS for SB 653—A bill to be entitled An act relating to weapons and firearms; amending s. 790.052, F.S.; prescribing the authority of specified law enforcement officers to carry concealed firearms while off duty; amending s. 790.06, F.S.; exempting specified law enforcement officers from requirements of licensure in order to carry a concealed firearm; amending s. 790.25, F.S.; authorizing certain persons employed by boards of county commissioners for security purposes to own, possess, and use firearms; providing an effective date.

By the Committee on Commerce and Senator Gardner—

CS for SB 683—A bill to be entitled An act relating to financial institutions; amending s. 655.025, F.S.; revising requirements relating to investigations by the Department of Banking and Finance; amending ss. 655.029, 655.033, 655.037, F.S.; providing for the application of provisions relating to the issuance of cease and desist orders and removal of officers to other persons participating in the conduct of affairs of an institution; revising requirements for removal; providing hearing requirements; revising orders for removal; amending s. 655.041, F.S.; revising provisions relating to administrative fines; amending s. 655.057, F.S.; revising provisions relating to confidential records; including records of mutual associations; creating s. 655.059, F.S.; providing for access to, confidentiality of, and penalty for disclosure of books and records of financial institutions; amending s. 658.19, F.S.; deleting reference to incorporators of banks or trust companies; amending s. 658.21, F.S.; revising capitalization and capital structure requirements for approval of an application for a bank or trust company; amending s. 658.22, F.S.; revising certain requirements with respect to coordination with federal agencies; amending s. 658.23, F.S.; revising submission date of articles of incorporation and contents thereof; amending s. 658.235, F.S.; revising provisions relating to subscriptions for stock; deleting provisions relating to organization expenses; amending s. 658.24, F.S.; revising organizational procedures of banking and trust company corporations; amending s. 658.25, F.S.; revising requirements relating to the opening for business of a corporation; amending s. 658.26, F.S.; authorizing branch banking in the state; authorizing subsidiaries of bank holding companies to accept deposits; amending s. 658.28, F.S.; revising provisions relating to acquisition of control of a bank or trust company; amending s. 658.33, F.S.; providing requirements with respect to directors and officers; amending s. 658.37, F.S.; revising provisions relating to dividends and surplus; amending s. 658.43, F.S.; providing rights of stockholders in cases of insolvency; amending s. 658.48, F.S.; revising loan provisions; amending s. 663.02, F.S.; conforming language; amending s. 665.0201, F.S.; revising provisions relating to the creation of associations, contents of an application for authority to organize, and capitalization and capital structure requirements of associations; amending s. 665.023, F.S.; revising provisions relating to consideration for issuance of stock; amending s. 665.027, F.S.; revising requirements for opening for business of an association; amending s. 665.0335, F.S.; specifying that provisions relating to supervisory cases and emergency conversions apply to state or federal associations; amending s. 665.034, F.S.; revising provisions relating to acquisition of assets; amending s. 665.0501, F.S.; revising powers of an association relating to dividends; amending s. 665.097, F.S.; revising provisions relating to receivership to include appointment of a liquidator and revising procedures relating thereto; providing for the effect of appointment of a receiver or liquidator, and the powers, duties, expenses, and compensation of such person; amending s. 121.153, F.S.; changing reporting requirements by financial institutions relating to Northern Ireland; providing for review and repeal; repealing s. 655.421, F.S., relating to the annual statement of financial activities in relation to Northern Ireland; repealing s. 665.042, F.S., relating to access to books and records, confidentiality, penalty for disclosure and communication with members or stockholders of an association; providing an effective date.

By the Committees on Higher Education and Education and Senator D. Childers—

CS for CS for SB 749—A bill to be entitled An act relating to education; amending s. 232.26, F.S.; requiring the suspension and expulsion of any public school student in grade 6 or above found in unauthorized possession of a firearm or weapon while on certain public school property or in attendance at a school function; prescribing procedures for expulsion; prescribing the duration of the expulsion; authorizing alternative educational programs for such students; providing conditions for reentry; amending s. 240.133, F.S.; requiring the expulsion of any state university or community college student found in unauthorized possession of a firearm or weapon while on certain state university or community college property; prescribing the duration of the expulsion; providing an effective date.

By the Committee on Judiciary-Criminal and Senator D. Childers—

CS for SB 753—A bill to be entitled An act relating to impaired drivers; requiring the development of a drug abuse and alcohol abuse education course to be offered in the high schools; prohibiting the issuance of a driver's license to a person under age 18 who has not successfully completed the course; amending s. 316.193, F.S.; redefining the offense of driving under the influence for persons under age 21; providing penalties; providing for an additional cost assessment in convictions for driving under the influence which involve personal injury or property damage and providing for collection and deposit of such assessments; providing for an annual certified statement of expenditures; providing rulemaking authority; amending s. 316.1934, F.S.; providing for presumption of impairment of persons under age 21; amending s. 322.055, F.S.; prohibiting the issuance of a driver's license to a person under age 21 for a specified period after a conviction for driving under the influence; amending s. 322.28, F.S.; providing for the revocation of the driver's license of a person under age 21 for driving under the influence; amending s. 562.11, F.S.; providing for suspension of the driver's license of a person convicted of misstating or misrepresenting a minor's age in order to induce another to provide alcoholic beverages to the minor; providing an effective date.

By the Committee on Insurance and Senator Deratany—

CS for SB 817—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; defining the term "motor vehicle" for purposes of the regulation of motor vehicle service agreement companies; amending s. 634.041, F.S.; revising criteria for qualifications for licensure as a motor vehicle service agreement company to provide for the deposit of certain funds and the purchase of insurance; amending s. 634.081, F.S.; providing an additional criterion for the Department of Insurance to consider prior to the suspension or revocation of a license or the refusal to renew a license; amending s. 634.301, F.S.; providing definitions; providing for a home warranty to include contracts or agreements for certain home improvements; providing an effective date.

By the Committee on Commerce—

CS for SB 851—A bill to be entitled An act relating to corporations; prescribing filing requirements for documents; providing for forms; prescribing filing fees; providing for effective time of document; providing for correction of filed documents; prescribing powers and duties of Department of State; providing for review of failure to file document; prescribing evidentiary effect of copies of filed documents; providing for certificates of status; providing definitions; providing for notice; providing procedures and guidelines for incorporation; prescribing powers of corporations; prescribing requirements for corporate names and for registering names; providing for designation and change of a corporation's registered office and agent; providing for service of process on a corporation; providing for shares in a corporation, including classes of shares, fractional shares, subscriptions for shares, issuance of shares, liability for shares issued before payment, dividends, options, certificates, restriction on transfer, preemptive rights, and acquisition by a corporation of its own shares; providing for meetings of shareholders and for notice of such meetings; providing for certain action without meetings; providing for record dates and shareholders' lists for meetings; prescribing voting entitlement of shares; providing for proxies and for holding of shares by nominees; providing for voting, for voting groups, and for quorum requirements; providing for voting trusts and shareholders' agreements; providing for directors and for their terms, qualifications, and duties; providing for resignation or removal and for replacement of directors; providing guidelines and requirements for directors' meetings; prescribing liability of directors; providing for corporate officers and for their

appointment, removal, rights, and duties; providing standards for "affiliated transactions"; providing standards for "control share acquisitions"; providing for amendment of articles of incorporation; providing for bylaws and their amendment; prescribing guidelines and standards for merger and share exchange; providing for sale of assets by a corporation; prescribing rights of shareholders to dissent from certain corporate acts; prescribing dissenters' rights; prescribing procedures for dissolution of a corporation; providing effects of dissolution and for claims against a dissolved corporation; providing for administrative dissolution and for reinstatement thereafter; providing for judicial dissolution; providing for receivership or custodianship; providing guidelines for regulation of foreign corporations, for their certificates of authority to transact business, and for their registered offices and agents; providing for withdrawal of foreign corporations; providing for keeping of corporate records; providing for inspection rights of shareholders; providing for financial statements for shareholders; providing for an annual report to the Department of State; providing severability; repealing ss. 607.001-607.414, F.S., the Florida General Corporation Act; providing an effective date.

By the Committee on Higher Education and Senator Johnson—

CS for SB 890—A bill to be entitled An act relating to postsecondary education; authorizing the Board of Regents to implement an incentive efficiency program; providing for the use of savings or revenue generated; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Weinstein—

CS for SB 912—A bill to be entitled An act relating to cruelty to animals; amending s. 828.073, F.S.; expanding custody provision and authorizing the issuance of orders to provide care to animals; amending s. 828.12, F.S.; providing an enhanced penalty for torturing an animal with intent to inflict intense pain, serious physical injury, or death; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Langley—

CS for SB 927—A bill to be entitled An act relating to driving under the influence; amending ss. 316.193, 316.1932, 316.1933, 316.1934, 316.656, 322.291, 327.352, 327.354, 327.36, 550.2405, F.S.; revising the elements of the offense of driving under the influence to provide a prohibited breath alcohol level; providing for unlawful breath alcohol levels for which penalties are provided by law; requiring a determination of the blood or breath alcohol level to be made within a specified period of time after an arrest; providing that persons convicted of certain offenses involving driving under the influence are not subject to sentencing under the statewide sentencing guidelines; providing criteria for establishing the prohibited amount of alcohol in blood or breath; requiring an analysis of breath, for purposes of a charge of driving under the influence, to be conducted according to methods approved by the Department of Health and Rehabilitative Services; increasing the penalty for failure to submit to a breath or urine test pursuant to an arrest for driving under the influence; providing that a suspension of a person's driving privilege for failure to submit to any such test is an absolute suspension; providing that such person may not be issued a permit to drive for business or other purposes; providing for implied consent to testing and for presumptions of breath alcohol impairment; specifying additional personnel who may withdraw blood or administer other tests for the purpose of determining alcohol content of blood or the presence of controlled substances; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Johnson—

CS for SB 939—A bill to be entitled An act relating to public records; creating s. 119.105, F.S.; providing that no person may use police reports for commercial purposes; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Casas—

CS for SB 1016—A bill to be entitled An act relating to substance abuse testing; amending s. 316.1932, F.S.; deleting a requirement that in order to imply consent to a blood test by a person appearing for treatment at a medical facility, such person's appearance must be a result of his involvement as a driver in a motor vehicle accident; amending s. 316.1934, F.S.; clarifying that the presumption of impairment does not shift the burden of proof to the accused in a criminal action; providing an effective date.

By the Committee on Governmental Operations and Senator Thurman—

CS for SB 1166—A bill to be entitled An act relating to flag displays; requiring certain state-owned buildings to display P.O.W.-M.I.A. flags; providing that veterans' organizations may donate such flags; providing an effective date.

By the Committee on Judiciary-Criminal and Senators Stuart and Girardeau—

CS for SB 1211—A bill to be entitled An act relating to crime information; creating the Hate Crimes Reporting Act; requiring the acquisition and publication of data with respect to certain crimes; providing a limitation on the use and content of such data; requiring the Attorney General to publish an annual summary; providing an appropriation; providing an effective date.

By the Committee on Judiciary-Criminal and Senators Brown, Bankhead, Grant, Davis, Myers and Thomas—

CS for SB 1221—A bill to be entitled An act relating to the statewide criminal analysis laboratory system; creating s. 943.325, F.S.; providing for blood specimen testing for DNA analysis of persons convicted of specified offenses; providing testing criteria; providing for a designated testing facility; providing for limited release of information and providing an exemption from the public records law; providing recordkeeping duties; providing an effective date.

By the Committee on Insurance and Senator Deratany—

CS for SB 1251—A bill to be entitled An act relating to insurance; amending s. 627.351, F.S., relating to motor vehicle insurance risk apportionment; requiring a poll of member insurers and additional filing requirements; prohibiting a renewal discount for plan insureds; requiring a disclosure on an application for coverage; providing an effective date.

By the Committee on Insurance and Senator Deratany—

CS for SB 1290—A bill to be entitled An act relating to health maintenance organizations; amending s. 631.819, F.S.; revising language with respect to assessments; increasing the maximum allowable assessment; prohibiting the waiver or deferral of assessments; providing an exception; providing an effective date.

By the Committee on Governmental Operations—

CS for SB 1335—A bill to be entitled An act relating to library automation; creating s. 257.40, F.S.; creating the Florida Library Automation Coordinating Council; providing for membership of the council; providing responsibilities of the council; providing for future repeal and review pursuant to s. 11.611, F.S., the Sundown Act; providing an effective date.

By the Committee on Higher Education and Senator Stuart—

CS for SB 1353—A bill to be entitled An act relating to postsecondary education; amending ss. 228.072, 240.117, F.S.; authorizing state universities to offer college preparatory programs under specified circumstances; amending s. 240.1201, F.S.; providing for additional persons to be classified as residents for tuition purposes; amending s. 240.205, F.S.; requiring the Board of Regents to approve and execute certain contracts; authorizing the Board of Regents to enter into contractual obligations in excess of a specified amount; amending s. 240.227, F.S.; requiring state university presidents to provide for student exchange programs; amending s. 240.235, F.S.; authorizing state universities to assess certain service fees with approval of the board of regents; amending s. 240.289, F.S.; revising provisions relating to acceptance of credit card payments by state universities; amending s. 240.514, F.S.; providing certain limitations on services provided by the Florida Mental Health Institute within the University of South Florida; creating s. 240.52, F.S.; providing for collections management for museums and galleries of the State University System; amending s. 240.531, F.S.; revising funding provisions of educational research centers for child development; amending s. 240.539, F.S.; exempting from public inspection requirements certain information relating to advanced technology research; providing for legislative review of such exemption pursuant to the Open Government Sunset Review Act; amending s. 282.308, F.S.; revising certain reporting requirements relating to state university information resources; amending s. 282.312, F.S.; revising contents of the Annual Performance Report; amending s. 283.55, F.S.; exempting state universities from the requirement that agencies periodically purge certain mailing lists; providing an effective date.

By the Committee on Governmental Operations and Senator Weinstock—

CS for SB 1389—A bill to be entitled An act relating to children's alcohol, drug abuse and mental health services; creating the Children's Alcohol, Drug Abuse, and Mental Health Legislative Study Committee; providing for membership; providing reimbursement for travel and expenses; providing for a report to the Governor and Legislature; prescribing issues to be addressed in the report; providing an appropriation; providing that authority for the committee shall expire; providing an effective date.

By the Committee on Higher Education and Senators Peterson, Woodson-Howard, Stuart, Kirkpatrick and Thurman—

CS for SB's 1399 and 1196—A bill to be entitled An act relating to community colleges; providing for the establishment of child care centers; amending s. 240.35, F.S.; authorizing community colleges to establish a student fee to be used for capital improvements; providing for the adoption of rules; providing for such centers; providing an effective date.

By the Committee on Higher Education and Senator Girardeau—

CS for SB 1406—A bill to be entitled An act relating to education; amending s. 240.529, F.S., relating to approved teacher education programs; authorizing universities and community colleges to establish pre-teacher education and teacher education pilot programs; providing requirements; requiring an annual report; providing an effective date.

By the Committee on Commerce and Senator Bruner—

CS for SB 1414—A bill to be entitled An act relating to motor vehicle parts; creating the "Aftermarket Crash Parts Act"; providing legislative purpose; providing definitions; providing for disclosure; providing for enforcement; providing an effective date.

By the Committee on Higher Education and Senators Peterson and Kirkpatrick—

CS for SB's 1416 and 1358—A bill to be entitled An act relating to postsecondary education; amending s. 233.051, F.S.; revising district school board responsibility for remediation programs; amending s. 235.31, F.S.; specifying conditions under which district school boards may negotiate construction contracts; amending s. 240.233, F.S.; revising the requirement that undergraduate students who are admitted to a state university have earned certain credits in a foreign language; revising certain exemptions to such requirement; directing the Board of Regents to adopt rules which exempt certain applicants to the State University System from such requirement for a specified period of time; amending s. 240.321, F.S.; revising community college admission requirements; amending s. 240.35, F.S.; providing program categories for which the State Board of Community Colleges must establish fees; revising the allocation of financial aid funds by community colleges; providing for adoption of rules for prepayment of fees by students who enroll in a preregistration period; amending s. 240.36, F.S.; providing for the use of a challenge grant and its matching funds for minority recruitment scholarships; amending s. 240.363, F.S.; providing for rules of the State Board of Community Colleges relating to financial expenditures; authorizing the transfer of contributions to direct-support organizations; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Margolis, by two-thirds vote HB 1413, SB 648 and CS for SB 776 were withdrawn from the Committee on Appropriations.

On motion by Senator Margolis, by two-thirds vote SB 1179 was also referred to the Committee on Appropriations.

On motion by Senator Margolis, by two-thirds vote CS for SB 199 was removed from the calendar and referred to the Committee on Appropriations.

On motions by Senator Bankhead, by two-thirds vote Senate Bills 401 and 1116 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Scott, by two-thirds vote Senate Bills 1500, 1501 and 1525 were withdrawn from the Committee on Appropriations and by two-thirds vote established as the Special Order for 9:00 a.m., May 11.

On motion by Senator Ros-Lehtinen, by two-thirds vote SB 995 was removed from the agenda of the Committee on Personnel, Retirement and Collective Bargaining this day.

On motions by Senator Scott, by two-thirds vote SB 1296 was withdrawn from the Committee on Economic, Professional and Utility Regulation and referred to the Committees on Judiciary-Civil and Community Affairs.

On motions by Senator Scott, by two-thirds vote CS for SB's 281 and 1122 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Scott, by two-thirds vote CS for SB's 1315 and 171 was withdrawn from the Committee on Governmental Operations.

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

INTRODUCTION AND REFERENCE OF BILLS

On motion by Senator Scott, the rules were waived by unanimous consent and the following bills were introduced out of order:

By Senators Crawford, Deratany and Gardner—

SB 1534—A bill to be entitled An act relating to transportation; creating s. 320.072, F.S.; providing for an additional fee on certain motor vehicle registration transactions; providing for deposit of fee proceeds into the Department of Highway Safety and Motor Vehicles Law Enforcement Trust Fund; providing appropriations; providing an effective date.

—which was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By the Committee on Finance, Taxation and Claims—

SB 1535—A bill to be entitled An act relating to taxation; providing for the establishment of the Taxation and Budget Reform Commission; requiring the commission to recommend statutory and constitutional changes to the state taxation and state budgetary processes; specifying constitutional provisions the commission may address; providing for the appointment of commission members; providing for the employment and compensation of an executive director and a staff; specifying a date when the powers of the commission will expire; assigning the commission to the Joint Legislative Management Committee; providing for travel and per diem expenses of members of the commission; requiring governmental agencies to assist the commission; providing an appropriation; providing for public meetings and records; requiring members of the commission and its executive director to file financial disclosure statements; providing an effective date.

—which was referred to the Committees on Rules and Calendar; Finance, Taxation and Claims; and Appropriations.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed HB 587 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representatives Rojas and Irvine—

HB 587—A bill to be entitled An act relating to youth services; amending s. 959.225, F.S.; authorizing the release of certain privileged information to the Department of Corrections; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed SB 854.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

LOCAL CALENDAR

SB 1496—A bill to be entitled An act relating to the City of Parkland in Broward County; contracting the corporate limits of the city; prohibiting the annexation of such territory by any municipality other than the City of Parkland for a specified period; providing for the future delineation of Pine Island Road right-of-way and for its centerline becoming the western boundary of the city; providing for the termination of municipal powers over the land excluded from the city; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote SB 1496 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	Gardner	Margolis	Thurman
Brown	Girardeau	McPherson	Walker
Bruner	Gordon	Meek	Weinstein
Casas	Grant	Myers	Weinstock
Childers, D.	Grizzle	Plummer	Woodson-Howard
Childers, W. D.	Johnson	Ros-Lehtinen	
Crenshaw	Kirkpatrick	Scott	
Davis	Kiser	Souto	

Nays—1

Forman

SB 359—A bill to be entitled An act relating to the Civil Service System for the Seminole County Sheriff's Department; amending ss. 3, 10, ch. 70-942, Laws of Florida, as amended; including persons holding the rank of captain or above within the unclassified service rather than the classified service; deleting the impounding officer from the unclassified service; revising requirements for taking promotional tests; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote SB 359 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 1498—A bill to be entitled An act relating to the City of Destin; amending s. 3.10, chapter 84-422, Laws of Florida; revising the procedure for publishing notice of proposed ordinances; providing an effective date.

—was read the second time by title. On motion by Senator Bruner, by two-thirds vote SB 1498 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 599—A bill to be entitled An act relating to the Englewood Water District in Charlotte and Sarasota Counties; amending section 5 of chapter 59-931, Laws of Florida; deleting the limitation of 6 percent per annum on the interest rate for revenue bonds issued by the district; providing that such bonds shall bear interest at a rate not exceeding the maximum rate authorized by general law; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 599 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 1471—A bill to be entitled An act abolishing the arts council of Tampa, Hillsborough County, Florida; repealing chs. 67-2124, 70-947, 71-942, 74-618, Laws of Florida, relating to the establishment and operation of the arts council of Tampa; transferring its assets and liabilities to the Board of County Commissioners of Hillsborough County; providing an effective date.

—was read the second time by title. On motion by Senator Davis, by two-thirds vote SB 1471 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 600—A bill to be entitled An act relating to Lee County; providing for liens in favor of operators of hospitals upon causes of actions, suits, claims, counterclaims, and demands accruing to patients therein, or their legal representatives, and upon amounts due or payable under hospital insurance or the like, and upon judgments and settlements, related to illness or injuries to such patients, for all reasonable charges for hospital care, treatment, and maintenance necessitated by such illness or injuries, and upon amounts due under hospitalization, public liability, and other indemnity policies; providing for method of perfecting and enforcing such liens; providing for recovery of costs, attorney's fees, and expenses; requiring claims for liens to be recorded; providing for fees for recording; providing for method of satisfaction of such liens; providing that a release or satisfaction is not valid as against such a lien unless the lienholder joins therein or executes a release; providing that acceptance of a release or satisfaction of any cause of action, suit, claim, counterclaim, demand, or judgment, or any settlement in absence of release or satisfaction of lien, prima facie constitutes impairment of such lien; giving the lienholder a right of action for damages on account of such impairment; providing for recovery from one accepting a release or satisfaction or making settlement; exempting from provisions of this act matters within the purview of the Worker's Compensation Law of this state; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 600 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 1524—A bill to be entitled An act relating to the Port Everglades District and the Port Everglades Authority in Broward County; codifying laws relating to the Port Everglades District and the Port Everglades Authority; amending and revising chapter 59-1157, Laws of Florida, as amended; providing legislative intent; providing for the codification of future amendments to chapter 59-1157, Laws of Florida, as amended; requiring a copy of the charter, Code of Resolutions, and maps of the Port Jurisdictional Area and Restricted Use Zone to be maintained and available for public inspection; providing for the periodic review of the charter; deleting provisions relating to the Broward County Port Authority and the Broward County Port District; deleting provisions providing for the amendment of the charter; revising and adding definitions; providing that the Port Everglades District shall be an independent special district; providing for and defining a Restricted Use Zone; revising the Port Everglades District's fiscal year; amending the Port Everglades Authority's powers and duties; deleting provisions granting a lien on cargo, goods, or other personal property; providing for the participation in the establishment and operation of a transportation system associated with the port jurisdictional lands; authorizing the Port Everglades Authority to adopt, amend, and implement a comprehensive plan and land development regulations for the Port Jurisdictional Area; providing for the protection of persons and property within the Port Jurisdictional Area; deleting provisions providing for the publication of a schedule of stevedoring and longshoremen's charges; providing for police and fire protection within the Port Jurisdictional Area; providing for the enforcement of ch. 327, F.S.; providing for exclusive franchises; providing for the expenditure of funds and the incurring of debt; providing for the compensation of governmental entities under certain circumstances; authorizing penalties; expanding the Port Everglades Authority's eminent domain powers; providing for the acceptance of gifts; providing for the election and appointment of commissioners; providing the procedure for resignations and filling vacancies; providing residency requirements; providing for special committees; providing for regular and special meetings of the Port Everglades Authority; authorizing the Port Everglades Authority to set its own salary and monthly expenses after a public hearing; requiring general statements of policy to be adopted by resolution; providing for administrative assistants for the commissioners; providing for the restriction or prohibition of access to the Port Jurisdictional Area under certain circumstances; providing for a deputy port director, assistant port attorneys, and an internal auditor; providing for a police and fire department; providing for advisory and standing committees; deleting provisions requiring a port treasurer, a port secretary, oath of office, and official bonds; deleting provisions requiring an audit by the Auditor General; deleting provisions relating to the Port Operational Fund and the disposition of funds; providing for a code of ethics for commissioners and employees; authorizing the Port Everglades Authority to adopt standards of conduct more stringent than those provided for in part III of ch. 112, F.S.; providing for the levying and assessment of ad valorem taxes and special assessments; providing the purposes for which ad valorem taxes may be assessed; expanding the Port Everglades Authority's bonding powers; providing for the sale of bonds; providing for ancillary agreements incidental to the sale of bonds; providing for the investment of bond proceeds; repealing provisions relating to freeholder requirements in bond elections; deleting provisions relating to debt limit, anticipation time warrants, and investigations; providing for the liberal construction of the Port Everglades Authority's bonding powers; providing for the sale, exchange, and lease of real or personal property and deleting certain restrictions on same; providing procedures for and restricting the sale or exchange of property within the Restricted Use Zone; providing procedures for the sale or exchange of property other than property within the Restricted Use Zone; providing procedures for the lease of property; providing procedures and criteria for granting exclusive and nonexclusive franchises and permits to do business; autho-

ricing fees for franchises and permits to do business; providing for the denial, suspension, or revocation of a franchise or permit to do business; granting the Port Everglades Authority exclusive jurisdiction over streets and highways within the Port Jurisdictional Area; providing for the regulation of traffic; providing for the purchase of goods, supplies, materials, or equipment of \$25,000 or less without competition; providing for the award of contracts for the construction or repair of public improvements or public works in amounts less than \$25,000 without competition; requiring competitive bids for the purchase of goods, supplies, materials, or equipment and contracts for the construction or repair of public improvements or public works over \$25,000; providing preference to businesses within the Port District; authorizing the Port Everglades Authority to encourage greater participation in its contracts by small disadvantaged businesses; providing liability for torts to the extent specified in s. 768.28, F.S.; providing for the construction of the charter; preserving municipal boundaries and ad valorem taxing authority; providing an effective date.

—was read the second time by title.

Senator McPherson moved the following amendment which was adopted:

Amendment 1—On page 43, line 4, after “therein” insert: within the Port District

On page 45, line 4, strike “To” and insert: *Within the Port District, to*

On page 51, line 1, after “property” insert: *within the Port District*

On page 51, line 10, after “system” insert: *located within the Port District*

And on page 165, line 21, after “entity” insert: *located within the Port District*

On motion by Senator McPherson, by two-thirds vote SB 1524 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	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

SB 1384—A bill to be entitled An act relating to the Board of Public Instruction of Union County; amending chapter 65-2333, Laws of Florida, providing a limit on the sum of the outstanding principal on certificates of indebtedness; providing a net interest cost limit to the board on such certificates; providing that said certificate shall be payable from fifty percent (50%) of all race track funds accruing annually to Union County; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote SB 1384 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Childers, D.	Forman	Johnson
Bankhead	Childers, W. D.	Gardner	Kirkpatrick
Beard	Crenshaw	Girardeau	Kiser
Brown	Davis	Gordon	Langley
Bruner	Deratany	Grant	Malchon
Casas	Dudley	Grizzle	Margolis

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

Nays—None

SB 606—A bill to be entitled An act relating to Indian River County; amending section 2 of chapter 57-1410, Laws of Florida, as amended; increasing the fees collected for specified cases commenced in the circuit and county courts to fund the Indian River County Law Library; providing an effective date.

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

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 1379—A bill to be entitled An act relating to the City of Jacksonville; amending s. 19.06, ch. 67-1320, Laws of Florida, as amended; exempting certain positions from the civil service system of the city; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote SB 1379 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 702—A bill to be entitled An act relating to Pinellas County; requiring approval by the Pinellas County Metropolitan Planning Organization before the placement of certain official traffic control signals or median cuts on county roads or city streets; providing for recommendations to the Department of Transportation regarding such signals or cuts on state roads; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 702 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

SB 1491—A bill to be entitled An act relating to North Springs Improvement District, Broward County; amending s. 2, chapter 71-580, Laws of Florida, as amended; expanding the boundaries of the district; amending s. 4(1), chapter 71-580, Laws of Florida; including streetlights in the definition of "assessable improvements"; amending s. 5(2), chapter 71-580, Laws of Florida; prescribing additional qualifications for supervisors; amending s. 9, chapter 71-580, Laws of Florida; authorizing the district to build, install, maintain, and operate streetlights; amending s. 48, chapter 71-580, Laws of Florida; to clarify that chapter 71-580, Laws of Florida, is full authority for the establishment of district projects and for the exercise of the district's powers; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote SB 1491 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 1271—A bill to be entitled An act relating to Pasco County; amending chapter 84-507, Laws of Florida; specifying the period during which gill net licenses are to be issued; specifying persons for whom such licenses are valid; prescribing the form of such licenses; providing for the issuance of decals and prescribing requirements for the display of licenses and decals; specifying the distribution and use of proceeds from the collection of license fees; providing penalties for violations; providing for the future repeal of the gill net license law; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote SB 1271 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 705—A bill to be entitled An act relating to the Indian Rocks Special Fire Control District, Pinellas County; amending ch. 29438, Laws of Florida, 1953, as amended; renaming the district; redefining the boundaries of the district; providing for election of commissioners; providing for compensation for commissioners; revising residency requirements for commissioners; providing for division of the district into subdistricts; providing for deposit of district funds; prescribing the purposes for which money may be borrowed and the amount which may be borrowed against anticipated revenues; providing for collection of assessments; prescribing authorized uses of district funds; prescribing powers of the district with respect to personnel; prescribing powers and duties of the district fire marshal; providing for annual fiscal reports; providing for continuity of the district when its territory is annexed; repealing provisions imposing a condition precedent to filing suit against the district or a commissioner; providing for annexation of incorporated and unincorporated lands to the district; providing for imposition of impact fees and providing a limita-

tion on their use; authorizing the district to impose ad valorem taxes and providing for a referendum; repealing obsolete provisions relating to creation of the district; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote SB 705 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 1248—A bill to be entitled An act relating to Monroe County; authorizing a personnel system for deputies, employees, and members of the Monroe County Sheriff's Office; authorizing a personnel board; providing said board's powers and duties and qualifications and compensation of board members; authorizing expenses of and for the board; providing for a Members' Advisory Council; providing for a classified service and for the classification of members of the classified service; providing for hearings; providing for appointments, rules, policies, pay plans, rights, and benefits; providing an effective date.

—was read the second time by title.

Senator Plummer moved the following amendments which were adopted:

Amendment 1—On page 1, line 17, strike everything after the enactment clause and insert:

Section 1. The terms of this act shall apply to the classified service of the Monroe County Sheriff's Office, which shall include all Certified Deputy Sheriffs, Certified Correctional Officers, and Noncertified Support Staff of the Monroe County Sheriff's Office. The provisions of this act shall not include the Sheriff or Undersheriff, Directors, Legal Advisors, personnel holding the rank of captain or above or equivalent noncertified support positions, contract personnel, nonsalaried personnel, any Special Deputy Sheriff appointed pursuant to s. 30.09(4), Florida Statutes, members of the Sheriff's Posse or Auxiliary Unit, or any person appointed as a part-time Deputy Sheriff, as defined by the Criminal Justice Standards and Training Commission, unless such person is also employed full time by the Office of the Sheriff. It is the intent of this act to authorize an advisory personnel system, to maintain the full powers of the Sheriff, and to continue to respect the legal limitations on the right of collective bargaining and other rights under part II of chapter 447, Florida Statutes, and not to grant such rights to any deputy, member, or employee of the Monroe County Sheriff's Office who prior to the effective date of this act, did not otherwise have such rights pursuant to law.

Section 2. The Sheriff of Monroe County is hereby authorized to appoint a disciplinary review board, hereafter referred to as the "board," to act as an advisory agency of and to the Sheriff, which board shall be composed of nine members to be appointed as follows:

(1) Four members of the board shall be selected and appointed by the Sheriff one from each district substation and one from Corrections by the Sheriff.

(2) Four members of the board shall be nominated by the members of the classified service and appointed by the Sheriff, one from each district substation and one from Corrections.

(3) The ninth member shall be nominated by the eight appointed members of the board and shall be appointed by the Sheriff. This member shall be the chairperson of the board.

(4) An alternate 10th member shall be selected by the eight appointed members of the board and shall be appointed by the Sheriff. This member shall be from a different district than that of subsection (3). This member will perform as the alternate chairperson as outlined in section 7(5).

(5) All members shall be appointed by the Sheriff and shall also possess the qualifications for board membership outlined in subsections (6) and (7).

(6) No member appointed pursuant to subsection (1), subsection (2), or subsection (3), or his or her alternate may be:

(a) A member of any national, state, or county committee of a political party;

(b) A candidate for, or incumbent of, any paid public office;

(c) The spouse, parent or grandparent, child or grandchild, brother or sister, aunt or uncle, niece or nephew, by consanguinity or affinity, of a member of the classified service; or

(d) Situated so as to have a conflict of interest in the terms of his related business, duties, or responsibilities in connection with the board.

(7) All members of the disciplinary review board shall be at least 21 years of age; of good moral character; of good reputation in the community; citizens of the United States; permanent residents of Florida; and residents of Monroe County for at least 2 years prior to the date of appointment.

(8) The director in charge of the Division of Human Resources shall be designated as the Civil Service Administrator and shall serve as secretary to the board and as an ex officio member of the board but shall have no vote.

Section 3. The initial board shall serve from the date the appointments are made to the board for 1 calendar year. Nothing contained herein shall prohibit board members from being reappointed by the Sheriff for additional terms.

Section 4. The board shall have the following powers and duties:

(1) To adopt and amend rules and regulations for its hearing procedures subject to approval by the Sheriff.

(2) To hear appeals and complaints in matters provided for in this act and to make recommendations to the Sheriff regarding the same.

Section 5. No appointment to any position in the classified service shall be deemed complete until the expiration of a period of 1-year probationary service. During the initial probationary period, the Sheriff may terminate or otherwise discipline the appointee and the appointee shall not be eligible for a hearing before the board.

Section 6. Appointments, probationary period; regular appointments.—

(1) In the case of a member being promoted to a higher rank within the office, there shall be a probationary period of 6 consecutive months of service in the higher position. In the event that the member does not satisfactorily complete the promotional probation, the member shall be returned to the rank from which the member was promoted, provided that the member was regularly appointed to said position.

(2) Actual continuous service, as used in this act, means the time during which the member performed the duties and responsibilities of the position appointed to. In the event that a member is unable to perform such duties due to a nonservice connected disability or other justifiable cause, the probationary period may be extended by the amount of time lost.

(3) Following the completion of a probationary period, a member shall be considered as regularly appointed and shall be entitled to all the rights and privileges set forth in this act. A member in a probationary status may be terminated at any time, with or without cause, and shall have no recourse to the provisions of this act. A probationary appointment shall be terminated upon receipt by the member of written notice, signed by the Sheriff, advising the member of his termination from appointment or, in the case of a promotional probation, of return to the member's last held regular appointment.

Section 7. Appeal of disciplinary actions.—

(1) Prior to any regularly appointed members being suspended, demoted, or dismissed, the member shall be furnished with a written statement of the action and the reasons for the action, signed by the Director of Operations.

(2) The member shall be afforded the opportunity to respond orally or in writing to the Director of Operations setting forth any reasons why the disciplinary action should not be taken.

(3) Upon final disciplinary action being taken by the Director of Operations the affected member may appeal the action in writing to the board for review of dismissal, demotion, or suspension without pay of greater than 1 day.

(4) Following receipt of the notice of appeal, the disciplinary review board shall set a time and place for hearing the appeal and notify all parties of the hearing in a timely fashion.

(5) The board shall consist of seven members excluding those board members who are assigned to the district to which the affected member is currently assigned to. If the chairperson is assigned to the same district as the affected member the alternate chairperson shall take part in the process.

(6) The order of presentation shall be as follows:

(a) The Director of Operations or his appointed representative shall first present evidence in support of the action.

(b) The affected member shall then present evidence in his or her defense.

(c) The Sheriff may offer rebuttal evidence and the board may hear argument from both parties in support of the evidence presented.

(7) Following the conclusion of the presentation of evidence, the board shall deliberate and determine whether or not the action is merited. The board shall continue its deliberation to the evidence presented.

(8) Decisions of the board shall be by a majority vote, provided that at least three concurring votes shall be required.

(9) If the board determines that discipline is justified, it may issue a recommendation as to the penalty to be imposed. The Sheriff shall not be bound by such a recommendation.

(10) The action of the board and the Sheriff shall be exempt from the provision of chapter 120, Florida Statutes.

Section 8. When a newly elected or appointed Sheriff assumes office, the service of all personnel shall continue without the necessity of formal reappointment. The incoming Sheriff shall have the option of maintaining the current personnel assigned to the rank of captain and above or equivalent noncertified support positions or transferring those personnel as described below. If the incoming Sheriff fills any of the above positions with a new person, he or she shall be reduced to the rank of lieutenant or equivalent noncertified support position immediately and his or her salary reduced accordingly. Following the election or appointment of a Sheriff, appointments of all personnel remain at the pleasure of the Sheriff, and personnel in the classified service may be terminated by affirmative action of the Sheriff or his successor in office subject to the provisions of this act.

Section 9. This act shall not be held or construed to create any property rights or any vested interest in any position in the classified service.

Section 10. This act shall take effect upon becoming a law.

Amendment 2—On page 1, strike all of lines 1-14 and insert: A bill to be entitled An act relating to Monroe County; providing job tenure rights for members of the Monroe County Sheriff's Office; authorizing a disciplinary review board; providing said board's powers and duties and qualifications and compensation of board members; providing legislative intent; providing for probationary and regular appointment; providing grounds for discipline; providing a procedure for review of disciplinary actions; providing for applicability of the act; providing an effective date.

On motion by Senator Plummer, by two-thirds vote SB 1248 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Beard	Bruner	Childers, D.
Bankhead	Brown	Casas	Childers, W. D.

Crenshaw	Grant	McPherson	Thomas
Davis	Grizzle	Meek	Thurman
Deratany	Johnson	Myers	Walker
Dudley	Kirkpatrick	Plummer	Weinstein
Forman	Kiser	Ros-Lehtinen	Weinstock
Gardner	Langley	Scott	Woodson-Howard
Girardeau	Malchon	Souto	
Gordon	Margolis	Stuart	

Nays—None

SB 819—A bill to be entitled An act relating to Hillsborough County; authorizing the appointment of special law enforcement officers by the Hillsborough County School Board; providing powers, including the power of arrest, duties, qualifications, bonding, and compensation of such special law enforcement officers; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote SB 819 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 1083—A bill to be entitled An act relating to the Halifax Hospital Medical Center, Volusia County; amending sections 3, 7, and 19 of chapter 79-577, Laws of Florida, as amended; deleting authority of the center's Board of Commissioners with respect to health care facility staff privileges; prescribing authority with respect to borrowing money, executing promissory notes, and entering credit purchase agreements; prescribing authority to provide fringe benefits to employees and their families; authorizing certain expenditures with respect to personnel activities; adding section 23 to chapter 79-577, Laws of Florida, to provide for designation of a Halifax Hospital Medical Center direct-support organization and to prescribe guidelines for its operation; adding section 24 to chapter 79-577, Laws of Florida, to provide that chapter 79-577 does not impair any power the center has under other law; providing an effective date.

—was read the second time by title. On motion by Senator Brown, by two-thirds vote SB 1083 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

Consideration of **SB 857** was deferred.

SB 919—A bill to be entitled An act relating to Charlotte County; amending ss. 1-4, ch. 86-349, Laws of Florida, relating to the permanent status of employees of the sheriff; providing for applicability of the act; providing career status for certain appointees and employees of the Charlotte County Sheriff; providing definitions of terms used; specifying rights of appointees and employees; providing procedures for appeal of disciplinary actions and complaints against appointees and employees; providing for the appointment of boards to hear appeals and procedures with respect thereto; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 919 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 685—A bill to be entitled An act relating to the City of Sanibel; amending s. 2.01, art. II, ch. 74-606, Laws of Florida; extending the corporate limits of the City of Sanibel through annexation of an additional 2,340 feet of offshore territory; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 685 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 1383—A bill to be entitled An act relating to Brevard County; prohibiting the use of nets for the purpose of taking fish from specified waters of Turkey Creek and Crane Creek in Brevard County; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote SB 1383 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 704—A bill to be entitled An act relating to Pinellas County; creating a Civil Service System for officers and personnel of the Office of the Pinellas County Sheriff; specifying rights of officers and personnel; providing for the division of Civil Service into Classified and Unclassified Services and Executive Staff; providing procedures for appeal of disciplinary actions against personnel; providing for the creation and appointment of a Civil Service Board to hear appeals; providing for the selection, qualification, and authority of the Civil Service Board; providing for procedures with respect to appeals; providing for optional hearing procedures pursuant to chapter 120, F.S.; providing an exemption from chapter 120, F.S., the Administrative Procedure Act; providing for a Members' Advisory Council; providing for continuing status of certified personnel as appointed officers; providing for the adoption of rules for review of citizen complaints and other disciplinary actions; repealing chapter 84-514, Laws of Florida, as amended, relating to the personnel system of the Office of the Pinellas County Sheriff; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote SB 704 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 1478—A bill to be entitled An act relating to the Pinellas County Personnel Board; amending s. 10, chapter 77-642, Laws of Florida; providing that persons to be affected by orders of the board may be heard before the board by a layman; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote SB 1478 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 904—A bill to be entitled An act relating to the Canaveral Port District, Brevard County; amending chapter 28922, Laws of Florida, 1953, as amended; authorizing the Canaveral Port Authority to operate and maintain a Foreign Trade Zone within the limits of Brevard County; providing an effective date.

—was read the second time by title. On motion by Senator Gardner, by two-thirds vote SB 904 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 1495—A bill to be entitled An act relating to the City of Dania, Broward County; extending and enlarging the corporate limits of the City of Dania to include specified unincorporated lands; providing that the act does not affect or abrogate rights of parties to any contracts; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote SB 1495 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

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

Nays—None

Consideration of **SB 1522** was deferred.

SB 1480—A bill to be entitled An act relating to Okaloosa County; amending s. 1, chapter 67-1787, Laws of Florida; providing that the administrative judge of the county assume duties with respect to the Okaloosa County Law Library Board of Trustees currently exercised by the senior, resident circuit judge; providing an effective date.

—was read the second time by title. On motion by Senator Bruner, by two-thirds vote SB 1480 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SB 1483—A bill to be entitled An act relating to Broward County; repealing chapter 88-522, Laws of Florida, which limits the number of employees of the Clerk of the Circuit and County Courts in Broward County that may be designated as deputy clerks and provides that all such employees, except deputy clerks, have the rights of employees of other county officers; ratifying certain acts of certain employees of the clerk; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote SB 1483 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	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

SPECIAL ORDER

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

CS for CS for SB 196—A bill to be entitled An act relating to debt collection practices; creating s. 559.715, F.S.; providing for the assignability of the right to bill and collect a consumer claim; requiring written notice; providing for attorney's fees and costs; providing an effective date.

—was read the second time by title.

Senator Kiser moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 20-23 and insert: and is in default.

Amendment 2—In title, on page 1, strike line 6

On motion by Senator Kiser, by two-thirds vote CS for CS for SB 196 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	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

Vote after roll call:

Yea—Bankhead

On motion by Senator McPherson, by two-thirds vote CS for HB 1173 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator McPherson—

CS for HB 1173—A bill to be entitled An act relating to assignments of mortgages; amending s. 701.02, F.S., requiring that an assignment of mortgage must be contained in a document which indicates the assignment in its title to be effectual against certain parties; providing an effective date.

—a companion measure, was substituted for CS for SB 859 and read the second time by title.

Senator Crenshaw moved the following amendments which were adopted:

Amendment 1—On page 1, line 8, insert:

WHEREAS, the Uniform Commercial Code-Secured Transactions, in section 679.102(1), Florida Statutes, provides that “[e]xcept as otherwise provided in s. 679.104 on excluded transactions, this chapter applies: to any transaction (regardless of its form) which is intended to create a security interest in personal property...,” and

WHEREAS, the Uniform Commercial Code-Secured Transactions, in section 679.104(10), Florida Statutes, excludes from the application of the Uniform Commercial Code “the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder,” and

WHEREAS, in 1973, the Fourth District Court of Appeal of Florida in *Gould, Inc. v. Hydro-Ski International Corporation*, 287 So.2d 115, held that a “leasehold interest is personal property...,” and

WHEREAS, the bankruptcy cases of *In re Air Florida System, Inc.*, 48 BR 437 (Bkrtcy. 1985), and *In re Boogaart of Florida, Inc.*, 17 BR 480 (Bkrtcy. 1981), have relied upon the Gould decision in interpreting Florida law as including within the Uniform Commercial Code-Secured Transactions provisions, business transactions creating a security interest in a leasehold estate in land, and

WHEREAS, one of the primary objectives of the Uniform Commercial Code-Secured Transactions is to achieve a unified coverage of the subject matter and to make uniform the law among the various jurisdictions without unnecessary local peculiarities, and

WHEREAS, the Uniform Commercial Code-Secured Transactions, as adopted by the Florida Legislature and as interpreted by other jurisdictions, excludes from the provisions of the Uniform Commercial Code-Secured Transactions those transactions creating a security interest in a leasehold estate in land, and

WHEREAS, it is the intent of the Legislature that section 679.104(10), Florida Statutes, be literally construed, and that the clear language of Uniform Commercial Code-Secured Transactions should be followed, to exclude the creation of leasehold interests in land and the encumbering and transferring of such interests from the provisions of the Uniform Commercial Code-Secured Transactions, and

WHEREAS, it is the intent of the Legislature that, for the purposes of chapter 679, Florida Statutes, a leasehold interest in land be construed and treated as a real estate interest and that the creation, encumbrance, and transferring of such interests be excluded from the provisions of the Uniform Commercial Code-Secured Transactions, NOW, THEREFORE,

Amendment 2—On page 1, line 10, insert:

Section 1. Subsection (10) of section 679.104, Florida Statutes, is reenacted to read:

679.104 Transactions excluded from chapter.—This chapter does not apply:

(10) Except to the extent that provision is made for fixtures in s. 679.313, to the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or

(Renumber subsequent sections.)

Amendment 3—In title, on page 1, strike line 2 and insert: An act relating to interests in real property; reenacting s. 679.104(10), F.S.; providing for the general exclusion of real estate interests from Uniform Commercial Code-Secured Transactions provisions;

On motion by Senator McPherson, by two-thirds vote CS for HB 1173 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Stuart

On motion by Senator McPherson, the rules were waived and CS for HB 1173 was ordered immediately certified to the House.

SB 95—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.1105, F.S.; prohibiting the use of saltwater finfish traps within a specified distance from an artificial reef under certain circumstances; amending s. 370.25, F.S.; requiring the Department of Natural Resources to establish criteria for the construction and management of certain artificial fishing reefs; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendments which were moved by Senator Kirkpatrick and adopted:

Amendment 1—On page 2, strike all of lines 12-17 and insert:

(4) *Except as provided by subsection (1)(a), it is unlawful to set, lay, or place a trap, or otherwise attempt to fish with a trap, for saltwater finfish within 500 feet of an artificial fishing reef the construction of which was funded, in part, by the state.*

Amendment 2—On page 2, line 26, after “constructing” insert: *saltwater*

Amendment 3—On page 2, line 27, strike “in the salt waters of the state” and insert: ~~in the salt waters of the state~~

On motion by Senator Kirkpatrick, by two-thirds vote SB 95 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bruner	Crenshaw	Forman
Bankhead	Casas	Davis	Gardner
Beard	Childers, D.	Deratany	Girardeau
Brown	Childers, W. D.	Dudley	Gordon

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

Nays—None

SB 212—A bill to be entitled An act relating to saltwater fishing; amending s. 370.102, F.S.; providing that a local government is not prohibited, by the state preemption of the power to prohibit the taking or possession of saltwater fish, from regulating, in certain instances, saltwater fishing from real property owned by it; amending s. 125.01, F.S.; providing that a county is not prohibited, by the provision that prohibits a county from prohibiting the taking or possession of saltwater fish with respect to certain matters, from regulating, in certain instances, saltwater fishing from real property owned by it; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote SB 212 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	Plummer	Woodson-Howard
Childers, W. D.	Grizzle	Ros-Lehtinen	
Crenshaw	Johnson	Scott	
Davis	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 456—A bill to be entitled An act relating to public school education; reenacting s. 230.2316(5)(d), F.S.; resolving differences between provisions authorizing a school district to modify courses listed in the State Course Code Directory for the purpose of providing dropout prevention programs under the Dropout Prevention Act, which provisions were enacted by s. 6, ch. 86-157, and s. 4, ch. 86-225, Laws of Florida; omitting provisions limiting the duration and application of that authority and a provision that required a report by a certain date that has occurred; providing for retroactive application; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 456 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

On motion by Senator Grant, by two-thirds vote HB 587 was withdrawn from the Committee on Health and Rehabilitative Services.

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

HB 587—A bill to be entitled An act relating to youth services; amending s. 959.225, F.S.; authorizing the release of certain privileged information to the Department of Corrections; providing an effective date.

—a companion measure, was substituted for SB 471 and by two-thirds vote read the second time by title. On motion by Senator Grant, by two-thirds vote HB 587 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Stuart

SB 590—A bill to be entitled An act relating to school system personnel; amending s. 231.262, F.S.; allowing the Department of Education in specified circumstances to investigate and take action on a complaint filed against a person whose teaching certificate has expired; requiring a school district to file with the department all legally sufficient complaints and related information within a specified period of time; allowing the Education Practices Commission, in denying an application for a teaching certificate, to prohibit the applicant from reapplying; allowing the Education Practices Commission to bar a person whose teaching certificate has expired from reapplying; amending s. 231.29, F.S.; specifying circumstances in which the superintendent must notify the department of unsatisfactory instructional personnel; providing an effective date.

—was read the second time by title. On motion by Senator Gardner, by two-thirds vote SB 590 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

SB 655—A bill to be entitled An act relating to child care facilities; amending s. 402.302, F.S.; modifying the definition of the term "family day care home" for purposes of ss. 402.301-402.319, F.S., relating to the regulation of child care; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote SB 655 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

On motion by Senator Malchon, by two-thirds vote CS for HB 1395 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Malchon—

CS for HB 1395—A bill to be entitled An act relating to juvenile proceedings; amending s. 39.421, F.S.; authorizing law enforcement officers to take truant children into custody for delivery to the school system; providing an effective date.

—a companion measure, was substituted for CS for SB 670 and read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for HB 1395 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

CS for SB 797—A bill to be entitled An act relating to education; amending s. 229.551, F.S.; requiring the Department of Education to submit to the State Board of Education for approval measurement standards of certain tests; requiring the Department of Education to maintain certain classroom performance achievement information; providing an effective date.

—was read the second time by title.

Senator Peterson moved the following amendment:

Amendment 1—On page 1, strike line 23 and insert: for approval. *With the exception of tests specified in s. 240.107, the performance standards shall be based on*

Further consideration of **CS for SB 797** was deferred.

Motion

On motion by Senator Scott, Rule 10.2 was waived to permit certain guests in the chamber to participate in the annual Senate Reunion.

The President requested that former Senate Presidents Horne, Hodges and de la Parte and former Senator Ben Hill Griffin join him at the rostrum.

Senate Reunion

The following former members of the Senate in attendance for the 1989 Senate Reunion were welcomed by the President:

Tom Adams, Dick Anderson, C. W. (Bill) Beaufort, Doyle E. Carlton, Jr., C. Welborn Daniel, Louis de la Parte, Fred O. Dickinson, Edgar M. Dunn, Jr., Vince Fechtel, Jr., Dick Fincher, George Firestone, Roberta Fox, Thomas M. Gallen, Joseph M. "Joe" Gersten, Edmond J. Gong, Bill Gorman, Ben Hill Griffin, Bill Gunter, Horry Hair, Cliff Herrell, John A. Hill, Randolph Hodges, Mallory E. Horne, Beth Johnson, Thomas H. Johnson, Gerald A. Lewis, Hal Y. Maines, Franklin B. Mann, Clark Maxwell, John M. McCarty, David H. McClain, Woodrow Melvin, Kenneth M. Myers, T. Truett Ott, Kenneth A. Plante, John S. Rawls, Bob Saunders, Tom Slade, Bruce Smathers, J. Slater Smith, Paul B. Steinberg, Russell E. Sykes, John T. Ware and George Williamson.

The following special guests were also welcomed:

LeRoy Adkison, former Sergeant at Arms
Leila Cofield, former Senate staff
George Inman, former reading clerk
Mrs. Billie Thomas, widow of Senator Dave Thomas
Mrs. Gwen Mathews and Kimball Mathews, widow and daughter

of Senator John E. Mathews, Jr.
Mrs. Frances Gautier, widow of Senator R. Bunn Gautier, Jr.
Allen Morris, Historian and former Clerk of the House of Representatives

On motion by Senator Scott by unanimous consent, SB 1087 was taken up instanter.

SB 1087—A bill to be entitled An act relating to the University of Florida; designating the George A. Smathers Library; providing an effective date.

—was read the second time by title.

On motion by Senator Kirkpatrick, by two-thirds vote SB 1087 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	Kirkpatrick	Scott	

Nays—None

On motion by Senator Kirkpatrick, the rules were waived and **SB 1087** was ordered immediately certified to the House.

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

Senator Mallory Horne: Mr. President, and distinguished Senators, present and former, I rise to publicly commemorate a truly great Floridian and public servant, the Honorable George A. Smathers.

I know that many of you who have served in the Florida Senate, such as Senator Ben Hill Griffin, Senator Julian Lane and others are longtime friends and political supporters of Senator Smathers. I take this opportunity to speak about George Smathers because I first entered politics as Senator Smathers' campaign manager at the University of Florida in 1950. I have had the pleasure of supporting him in each one of his reelection campaigns, as well as in his 1960 election as Florida's Favorite Son for President of the United States on the Democratic ticket. During my term as President of the Florida Senate from 1974 through 1976, I was privileged to serve with his son, Senator Bruce Smathers from Jacksonville.

While I have prepared an extensive summary of Senator Smathers' career, at this time in order to save the time of this body, I would like only to highlight some of the more salient points and ask unanimous consent to have my full remarks entered into the Senate Journal.

Public service and elective office came easily to George Armistead Smathers. He was named after a great-uncle, George H. Smathers, who in the early 1900's had distinguished himself as a Republican North Carolina state senator. His uncle, Benjamin Smathers, was a United States Senator from New Jersey. His father, Frank Smathers, had been campaign manager of Atlantic County for Woodrow Wilson in his successful campaign for Governor, and had later been appointed a judge by Wilson in Atlantic County. In 1912, Judge Frank Smathers led the New Jersey Delegation to the National Democratic Convention and cast the New Jersey vote for Woodrow Wilson as Democratic nominee for President.

George Smathers grew up in Miami after his family moved from New Jersey in 1919. While attending Miami High School, Smathers played football, baseball and was captain of the state champion basketball team and holder of the State's 220 yard high hurdle record, while also serving as president of his senior class. As an undergraduate at the University of Florida, Smathers made dean's list grades and was captain of both the basketball team and the debate team that won the Southern Intercollegiate oratorical championship. He was regarded as one of the best collegiate debaters of his time.

George Smathers attended law school at the University of Florida and was the first student in the history of the University to be elected president of the student body without opposition. A scholar, athlete, and student leader, Smathers lost out to one of his best friends, Louis Hector of Miami, to become a Rhodes Scholar from Florida.

Smathers graduated from the College of Law with high honors; he was chosen for membership in Florida's Blue Key and was selected for the University's "Hall of Fame."

A few months after graduation, Smathers joined three other young attorneys and formed the Smathers, Thompson, Maxwell and Dyer law firm in Miami. In 1940, Smathers was elected president of the Miami Jaycees, and by the State Junior Chamber, as one of the state's five outstanding young men. That same year, Smathers was nominated by United States Senator Charles O. Andrews as Assistant United States Attorney in charge of the Southern Florida district stretching from Palm Beach to Key West. He quickly gained a statewide reputation as a fighter of public corruption, sending to prison many public officials who had allowed south Florida to become a haven to open gambling, betting and prostitution. He quickly gained statewide reputation for his successful prosecution of a difficult white slavery case, known in Miami as the La Paloma Club case.

As America entered World War II, George Smathers volunteered for the Marine Corps and was assigned to officer training at Quantico, Virginia. Second Lt. Smathers was subsequently assigned to a Marine Light Bomber Group in the South Pacific and completed eighteen months service in this combat zone where he flew on several combat missions with his Marine buddies. During one mission, his plane was so badly damaged by Japanese anti-aircraft fire that the pilot announced he was ditching the plane in the Pacific. When he learned that Smathers had failed to get issued a parachute, the pilot nursed the badly damaged plane to a successful crash landing on a nearby island. He was reassigned to the United States in 1945.

George Smathers returned to civilian public service immediately after he was reassigned to the U.S. Marine Corps Reserve in October of 1945. For a brief period after his return to civilian life, he prosecuted war fraud cases as a special assistant to the U.S. Attorney General. Smathers was selected Florida's Outstanding Young Man for 1945 by the Florida Junior Chamber of Commerce.

In 1946, Smathers convincingly defeated incumbent Congressman Pat Cannon in the Democratic Primary. As Congressman, his district included Dade, Monroe and Collier counties. Following his election as United States Representative in November, 1946, Smathers began an uninterrupted twenty-two year career as a national legislator.

As a Congressman, George Smathers was appointed to the Foreign Relations Committee. He was one of the first to support the Truman Doctrine and the Marshall Plan and staunchly supported Truman's foreign and defense policies during those critical years. Congressman Smathers provided President Truman with more consistent support than any other member of the Florida Congressional delegation during his two terms in the Congress. In 1948, the United States Junior Chamber of Commerce selected Smathers as one of America's Ten Outstanding Young Men in the nation.

In 1950, Congressman George Smathers soundly defeated Senator Claude Pepper in the Democratic Primary. As a challenger, Congressman Smathers was supported by 38 out of the state's 41 daily newspapers; who, along with the electorate, felt that his record and philosophy were more consistent with his Florida constituency and the national interest than was that of his opponent. Contrary to some press speculation, the alleged "thespian speech," as other myths associated with the campaign, never occurred and were in fact non-events.

In November of 1950, Congressman George Smathers became the first south Floridian ever elected to the United States Senate. Prior to Senator Smathers' election, no United States Senator or Governor of the State of Florida had ever been elected from South Florida's population centers of Dade, Broward and Palm Beach counties.

During three terms in the United States Senate, George Smathers served on numerous committees, including the Foreign Relations, the Interstate and Foreign Commerce, the Finance and Taxation and the Judiciary Committees. Smathers chaired the Senate Select Committee on Small Business and the Senate Special Committee on Aging. Smathers rose quickly in the Democratic leadership. He was elected chairman of

the Democratic Senatorial Campaign Committee, the Democratic whip under Lyndon Johnson, and performed the duties of acting Majority Leader of the United States Senate while Senator Lyndon Johnson was recovering from his first major heart attack.

In the 1960 presidential primaries, in order to avoid a divisive fight between his friends John Kennedy and Lyndon Johnson, Smathers sought and won the Florida primary election for President. In the presidential election, Senator Smathers was chairman of the southeastern United States for the Kennedy-Johnson ticket. During the Kennedy and the Johnson presidencies, the United States Senate was regarded as being run by a triumvirate composed of Mike Mansfield from Montana, George Smathers from Florida, and Hubert Humphrey (until elected Vice-President) from Minnesota.

During his life, much attention was given to George Smathers' close personal friendships with John Kennedy, Lyndon Johnson, Richard Nixon and other leaders of substance and impact. These friendships were genuine, lasting and deserving of the attention they received. Of a small note, both Kennedy and Smathers had always talked of a bill to give Winston Churchill, the greatest allied leader of World War II, honorary United States citizenship. Upon Kennedy's assumption as President, Smathers accomplished this tribute to England's former Prime Minister and allied war hero.

Senator Smathers believed deeply that the destiny of the United States was inextricably bound to the growth, development, success and freedom of the nations of the Western Hemisphere. From his first months in the United States Senate, Senator Smathers worked to raise the consciousness of the United States government to the importance of economic development through democratic processes in Latin America. Smathers' early efforts were to preserve the few million dollars in non-military technical and development aid for Latin America. Later he would successfully fight for increases in aid and quotas to fight poverty, illiteracy and disease in Latin America.

For years, Senator Smathers proposed and eventually secured a permanent development loan fund for Latin America. His long-term vision was for the United States to join with the Latin American countries in the creation of an Inter-American Development Bank. Over the years, Smathers' successful legislative efforts to create loan funds, petitions to the State Department, encouragement of Latin American initiatives and speeches in favor of such an institution moved Washington and the nations of Latin America toward that goal. George Smathers' vision became a one billion dollar reality with the creation of the Inter-American Development Bank in 1959. This marked a significant departure in American relations with Latin America and, as the result of his efforts, Senator Smathers was known as the "father" of the Inter-American Development Bank.

From the early 1950's, George Smathers had warned of the potential for communist revolution in the poverty, illiteracy and disease in Latin America. He soon became the Senate's leading expert on Latin America in the United States Senate and more than once was termed "the Senator from Latin America" by his colleagues.

In the face of the Cuban revolution, Senator Smathers resisted the tide of American popular support for Fidel Castro and stressed caution in dealing with Castro. As Batista fled Cuba and Castro began his march to Havana, Smathers urged the Eisenhower Administration to withhold recognition of any Castro government until Castro held at least one free election. As many in government (particularly the State Department) and the national press fawned over Castro during his first post-victory visit to the United States, Smathers pressed Castro face-to-face on the issue of free elections in Cuba. Smathers turned down Castro's invitation to observe trials and mass rallies, advising Castro that he would be judged in history by how well he took care of the Cuban people, the freedom within which Democratic elections were held and not the size of mass rallies.

As initially, the lone voice in Washington warning that Fidel Castro was dedicated Marxist/Leninist, Smathers was proven right by subsequent events in Cuba. Always opposed to unilateral United States military action in Latin America, Smathers proposed collective action through an Inter-American Police Force under the Organization of American States and an Inter-American Court of Justice in the face of Communist subversion from Cuba. Senator Smathers also recommended American and OAS recognition of a Cuban government-in-exile.

Perhaps one of his most lasting contributions to his home town of Miami was his successful fight to provide political refugee status to Cuban refugees, enabling not just tens of thousands, but ultimately over two hundred thousand Cubans to flee the tyranny of Castro to the United States, in spite of the then low immigration quotas.

This initial migration of Cubans to Miami from 1959 through 1968, made possible through Senator Smathers' leadership, formed the nucleus of the hispanic community of South Florida today, the greatest success story of migration to the United States in the second half of the twentieth century.

Always a fiscal conservative, as a leading member of the Senate Finance and Tax Committee and a senator, Smathers collaborated with Senator Kerr of Oklahoma and Senator Bennett of Idaho to draft in 1968 the last balanced budget to be presented to the United States Senate.

Equally important, and receiving far less attention, was Senator Smathers' compassion for people and belief in helping people to help themselves. Senator Smathers consistently sought to encourage self-help by providing incentives for and removing impediments to individual initiative. He proposed increases in the limitations on outside earnings for Social Security recipients. His legislation to exempt from taxation the gain on the sale of a residence for people fifty-five and over is yet another example. Senator Smathers was the senate sponsor of the Smathers-Keough bill that exempted from taxes up to \$2500 per year in contributions to individual retirement plans.

For less fortunate individuals, Senator Smathers secured legislation to ensure equal medical treatments and housing standards for those receiving old age assistance from state governments. He successfully proposed an extra exemption for senior citizens aged sixty-five and over. He not only sought tax deductions for all medical expenses for those sixty-five and over, but he also sought tax deductions for medical and other expenses for family members caring for older relatives.

Senator Smathers was an early proponent of a constitutional amendment to guarantee equal rights for women. In 1961, Smathers introduced legislation to prohibit employment discrimination based on age. In his first year in the Senate in 1951, Senator Smathers joined his colleague, Senator Holland, in the long and finally successful effort to secure a constitutional amendment to eliminate the poll tax.

George Smathers acted upon his belief that higher education is essential to the future prosperity and security of the country and its citizens. Convinced that the nation and the individual both benefit, Senator Smathers consistently proposed tax deductions for the costs of higher education for self, spouse and children. His support for public and private scholarships and fellowships for higher education spanned decades. The increases in the number of Latin American students studying in the United States was a direct result of Senator Smathers' efforts to establish and expand a strong student exchange program with Latin America.

In 1968 Senator Smathers voluntarily retired from the United States Senate, even though his re-election was universally conceded, if he had desired re-election. Thus ended 18 years of distinguished leadership on behalf of the citizens of Florida and this nation. Along with Senator Spessard Holland of Bartow, after whom the College of Law at the University of Florida has been named, Senator Smathers formed a team of leadership for Florida in the United States Senate for 18 years that was perhaps the most effective leadership that Florida has had in the twentieth century . . . a truly distinguished career.

Upon retirement, Senator Smathers entered into the practice of law and the field of business investment that has been highly successful. But, we are not here to commemorate his private life. Nor are we here to applaud his public generosity not only to the University of Florida, but to many other worthwhile causes. Rather, we are here to recognize thirty years of distinguished service to his State and to his Nation . . . first as a Federal prosecutor both before and after the war, as a Marine in the South Pacific during the war, as a south Florida Congressman for two

terms, and as one of Florida's United States Senators for three terms, from 1950 through 1968; as a leader in the recognition of the importance of U.S. relationships with Latin America; but, most of all as a humanitarian, who "early on" preached and constructively acted in the fields of Education, Aging, Health and Opportunity, all within the context of a balanced budget and fiscal responsibility. Smathers is a great Floridian, a great American and, I am proud to say—a great friend.

Memorial Resolution, R. Bunn Gautier, Jr.

On motion by Senator Scott, by two-thirds vote SR 1523 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Scott—

SR 1523—A resolution expressing regret at the death of Senator R. Bunn Gautier, Jr.

WHEREAS, Mr. Bunn Gautier served with distinction in the Florida Legislature from 1942 to 1955, serving two terms in the House and two terms in the Senate, and

WHEREAS, it is most appropriate that the Florida Senate commemorate the passing of one of its former members who served his district and the State of Florida so admirably, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to former Senator R. Bunn Gautier, Jr., and that the Florida Senate in session assembled does hereby record this testimonial of esteem and bereavement:

IN MEMORIAM R. BUNN GAUTIER, JR.

R. Bunn Gautier, Jr., was born in Miami, Florida, in 1909; graduated from Miami High School; studied law at Washington and Lee University in Virginia; and was admitted to the Dade County Bar in 1932. After practicing with the firm of Worley, Gautier, & Cannon, he was elected to his first term in the Florida House of Representatives in 1942. He took time out during World War II to serve his country as a Navy aviator. After the war, he continued to serve in the Legislature and was Dade County's sole state senator in the late 1940's and early 1950's. In 1955, Mr. Gautier pushed for approval of the controversial home rule constitutional amendment, which, when passed by the Legislature and approved by voters statewide, made Dade County the first metropolitan form of government in the United States.

After leaving the Senate in 1955, he continued a long civic career which included service in the Greater Miami Chamber of Commerce and membership on the University of Miami board of trustees.

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Florida Senate affixed, be transmitted to Mrs. Frances Roe Gautier, widow of R. Bunn Gautier, Jr., as a tangible token of the sentiments expressed herein and a lasting symbol of the respect of the members of the Florida Senate.

—was read the second time in full and adopted.

The President directed the Secretary to read the names of former Senators who had passed away since the last reunion: Turner Davis, A. P. Drummond, Dave Thomas, Ralph Blank, Jr. and R. Bunn Gautier, Jr.

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 Senate Bills 857 and 1522 were removed from the calendar and rereferred to the Committee on Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 9 was corrected and approved.

May 10, 1989

JOURNAL OF THE SENATE

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CO-INTRODUCERS

Senator Souto—SB 314; Senator Dudley—SB 373; Senator Walker—
SB 434

RECESS

On motion by Senator Scott, the Senate recessed at 11:47 a.m. to recon-
vene at 9:00 a.m., Thursday, May 11.