



# Journal of the Senate

Number 2—Special Session B

Tuesday, June 20, 1989

## CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—34:

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

Excused: Senators Davis, Myers, Stuart, Walker and Weinstock

## PRAYER

The following prayer was offered by Calvin Goodlett, Senate Reading Clerk:

Creator God, bless us that we may bless others. Give us grace that the things we do this day may be worth our doing and that life may be enhanced and your hope for us fulfilled in a way we may see tomorrow. In God's Holy name, we pray. Amen.

## CONSIDERATION OF BILLS

On motion by Senator Scott, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators McPherson and Scott—

**SB 4-B**—A bill to be entitled An act relating to the Port Everglades District and the Port Everglades Authority in Broward County; amending subsection 4 of section 2 of part III of ch. 59-1157, Laws of Florida, as amended and appearing in section 1 of Senate Bill 1524 (1989); requiring the Port Authority's comprehensive plan and land development regulations to be consistent with and adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act; specifying when the plan must be submitted to the Department of Community Affairs; providing that the comprehensive plan is in lieu of a certain comprehensive master plan; requiring the plan to be consistent with the countywide Broward County Land Use Plan and the Broward County Local Comprehensive Plan; providing an effective date.

Proof of publication of the required notice was attached.

—which was referred to the Committees on Community Affairs; and Rules and Calendar.

On motions by Senator Scott, by two-thirds vote SB 4-B was withdrawn from the Committees on Community Affairs; and Rules and Calendar and by unanimous consent taken up instanter.

On motions by Senator Scott, by two-thirds vote SB 4-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Grizzle	Langley	Plummer	Thurman
Jennings	Malchon	Ros-Lehtinen	Weinstein
Johnson	Margolis	Scott	Woodson-Howard
Kirkpatrick	Meek	Souto	
Kiser	Peterson	Thomas	

Nays—None

On motion by Senator Kirkpatrick, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Kirkpatrick—

**SB 5-B**—A bill to be entitled An act relating to Gilchrist County; repealing chapters 71-649, 72-550, and 82-296, Laws of Florida; abolishing the Gilchrist County Medical Board; providing for the transfer of the personal property, assets, and liabilities of the board to the Trenton Medical Center, Inc.; providing an effective date.

Proof of publication of the required notice was attached.

—which was referred to the Committees on Community Affairs; and Rules and Calendar.

On motions by Senator Kirkpatrick, by two-thirds vote SB 5-B was withdrawn from the Committees on Community Affairs; and Rules and Calendar and by unanimous consent taken up instanter.

On motions by Senator Kirkpatrick, by two-thirds vote SB 5-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

On motion by Senator Dudley, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators Dudley and Woodson-Howard—

**SB 6-B**—A bill to be entitled An act relating to Lee County; providing for liens in favor of any nonprofit corporation operating a charitable hospital, as defined, in said county upon causes of action, 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, settlements, and settlement agreements, 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 at law 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 an effective date.

Proof of publication of the required notice was attached.

—which was referred to the Committees on Community Affairs; and Rules and Calendar.

On motions by Senator Dudley, by two-thirds vote SB 6-B was withdrawn from the Committees on Community Affairs; and Rules and Calendar and by unanimous consent taken up instanter.

On motions by Senator Dudley, by two-thirds vote SB 6-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

On motion by Senator Grizzle, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators Grizzle and Thurman—

**SB 8-B**—A bill to be entitled An act relating to health care; providing legislative findings and intent with respect to rural hospitals; amending s. 381.706, F.S.; exempting certain rural hospital programs from certificate-of-need requirements; exempting rural hospitals and emergency care hospitals from certificate-of-need application fees; amending s. 395.002, F.S.; defining "emergency care hospital"; amending s. 154.205, F.S.; amending the definition of health facility; providing for licensure; providing for participation in Medicaid and other programs and services; providing an exemption from certificate-of-need requirements; providing for rules; providing for a feasibility study for developing certain postsecondary allied health training and scholarship programs; providing for a rural hospital impact statement; amending s. 395.102, F.S.; clarifying the definition of "rural hospital"; including specified health personnel in a loan forgiveness program; providing for an alternative use of funds if federal matching funds are available; amending s. 400.602, F.S., authorizing the transfer of a hospice to certain entities; amending s. 407.002, F.S.; clarifying the definition of "rural hospital"; establishing the Center for Health Technologies to be located at and administered by a statutory teaching hospital in Dade County; establishing objectives of the center; providing for the administration of the center; requiring reports; authorizing the administrator of the center to accept certain funds; amending s. 395.041, F.S.; relating to internal risk management programs; increasing the time period for filing reports of certain incidents; amending s. 381.703, F.S.; modifying the list of facilities subject to assessment; modifying the facility fee assessment methodology; providing rulemaking authority for the Department of Health and Rehabilitative Services; amending s. 381.708, F.S.; increasing the maximum fee on certificate-of-need applications; providing an appropriation; providing effective dates.

—which was referred to the Committee on Health Care.

On motions by Senator Grizzle, by two-thirds vote SB 8-B was withdrawn from the Committee on Health Care and by unanimous consent taken up instanter.

On motion by Senator Grizzle, by two-thirds vote SB 8-B was read the second time by title.

Senator Gardner moved the following amendment which failed:

**Amendment 1**—On page 18, between lines 6 and 7, insert:

Section 17. Subsection (18) of section 154.209, Florida Statutes, is renumbered as subsection (19) and a new subsection (18) is added to said section to read:

154.209 Powers of authority.—The purpose of the authority shall be to assist health facilities in the acquisition, construction, financing, and refinancing of projects in any incorporated or unincorporated area within the geographical limits of the local agency. For this purpose, the authority is authorized and empowered:

(18) To participate in an accounts receivable cash-flow pool and issue bonds and other forms of indebtedness for the purpose of establishing and maintaining an accounts receivable cash-flow pool and to provide reserve funds in connection therewith on behalf of the health facility or group of health facilities. Notwithstanding any other provisions of this part, the structuring and financing of an accounts receivable transaction pursuant to this subsection shall constitute a project and may be structured for the benefit of health facilities within or outside the geographical limits of the local agency if undertaken pursuant to an interlocal agreement with the local agencies participating in such transactions. Bonds or other forms of indebtedness issued for the purpose of establishing and maintaining an accounts receivable cash-flow pool may not be issued for a term of more than 5 years, and the proceeds of such bonds or indebtedness shall be limited in use to acquiring accounts receivable and providing ready funds for health facilities for the purposes for which the accounts receivable of the health facilities would otherwise be available.

(Renumber subsequent sections.)

On motion by Senator Grizzle, by two-thirds vote SB 8-B was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

On motion by Senator Johnson, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Stuart—

**SB 7-B**—A bill to be entitled An act relating to community colleges; repealing s. 240.345(3), F.S., as amended by C.S. for C.S. for S.B. 1388; amending s. 240.3031, F.S., as amended by C.S. for C.S. for S.B. 1388; repealing authority of community college boards of trustees to levy ad valorem taxes and deleting specification of counties served by each community college; providing an effective date.

—which was referred to the Committee on Higher Education.

On motions by Senator Peterson, by two-thirds vote SB 7-B was withdrawn from the Committee on Higher Education and by unanimous consent taken up instanter.

On motions by Senator Peterson, by two-thirds vote SB 7-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—4

Childers, D.	Forman	Meek	Woodson-Howard
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On motion by Senator Kirkpatrick, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Kirkpatrick—

**SB 9-B**—A bill to be entitled An act relating to insurance; repealing s. 22 of C.S. for S.B. 845; abrogating the repeal of s. 627.331(4), F.S., which requires the filing of certain underwriting rules for private passenger automobile insurance and homeowners' insurance; providing an effective date.

—which was referred to the Committee on Insurance.

On motions by Senator Kirkpatrick, by two-thirds vote SB 9-B was withdrawn from the Committee on Insurance and by unanimous consent taken up instanter.

On motions by Senator Kirkpatrick, by two-thirds vote SB 9-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

On motion by Senator Forman, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Forman—

**SB 10-B**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.03, F.S.; limiting to certain facilities the exemption from the transient rentals tax for an entire facility; providing for act to be read in pari materia with certain prior acts; providing an effective date.

—which was referred to the Committee on Finance, Taxation and Claims.

On motions by Senator Forman, by two-thirds vote SB 10-B was withdrawn from the Committee on Finance, Taxation and Claims and by unanimous consent taken up instanter.

On motion by Senator Forman, by two-thirds vote SB 10-B was read the second time by title.

Senator Johnson moved the following amendments which were adopted:

**Amendment 1**—On page 2, line 9, insert a new section:

Section 3. Paragraph (j) is added to subsection (2) of section 212.055, Florida Statutes, 1988 Supplement, to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(j) *Nothing shall render inoperative an interlocal agreement adopted prior to June 30, 1989, between a county commission, a school district and the municipal governing bodies, in which a portion of such sales tax proceeds are shared with said school district.*

**Amendment 2**—In title, on page 1, line 7, after the semicolon (;) insert: amending section 212.055 providing for interlocal agreements;

On motion by Senator Forman, by two-thirds vote SB 10-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Mr. President	Deratany	Johnson	Peterson
Beard	Dudley	Kirkpatrick	Scott
Brown	Forman	Kiser	Souto
Bruner	Gardner	Langley	Thomas
Casas	Girardeau	Malchon	Thurman
Childers, D.	Grant	Margolis	Weinstein
Childers, W. D.	Grizzle	McPherson	Woodson-Howard
Crenshaw	Jennings	Meek	

Nays—3

Gordon Plummer Ros-Lehtinen

Vote after roll call:

Nay to Yea—Plummer

On motion by Senator Malchon, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Malchon—

**SB 11-B**—A bill to be entitled An act relating to health care; providing legislative findings and intent; requiring the Health Care Cost Containment Board to conduct a study of public-sector purchasing of health care coverage; requiring a report; requiring the Health Care Cost Containment Board to convene a statewide conference of public-sector health care purchasers; requiring the Health Care Cost Containment Board to contract with the State University System to conduct the conference; establishing the Florida Task Force on Private Sector Health Care Responsibility; requiring reports and recommendations; providing for membership, duties, powers, and compensation; providing for subpoenas, audits, and investigations; providing confidentiality; requiring cooperation of state agencies; establishing the Florida Task Force on Government Financed Health Care; providing for policy recommendations; providing for resource groups for the task force; providing for membership; providing for staff; providing for per diem and travel expenses; providing appropriations; providing for the act to be read in pari materia with certain prior acts; providing an effective date.

—which was referred to the Committee on Health Care.

On motions by Senator Malchon, by two-thirds vote SB 11-B was withdrawn from the Committee on Health Care and by unanimous consent taken up instanter.

On motion by Senator Malchon, by two-thirds vote SB 11-B was read the second time by title.

Senator Malchon moved the following amendments which were adopted:

**Amendment 1**—On page 7, line 27, through page 8, line 10, strike all of said lines and renumber subsequent subsections.

**Amendment 2**—On page 9, strike lines 18-21, and insert: 624.523(2), Florida Statutes, the lump sums of \$300,000 for fiscal year 1989-1990 and \$300,000 for fiscal year 1990-1991 are appropriated from the Insurance Commissioner's Regulatory Trust Fund for transfer to the Grants and Donations Trust Fund in the Executive Office of the Governor. There are hereby appropriated the lump sums of \$300,000 for fiscal year 1989-1990 and \$300,000 for fiscal year 1990-1991 from the Grants and Donations Trust Fund in the Executive Office of the Governor for the

**Amendment 3**—On page 10, line 25, after "providers" insert: *and licensed health care facilities*

**Amendment 4**—On page 12, strike lines 1-5, and insert:

(7) Notwithstanding the provisions of s. 409.2662(4), Florida Statutes, the lump sums of \$100,000 for fiscal year 1989-90 and \$100,000 for fiscal year 1990-91 are hereby appropriated from the Public Medical Assistance Trust Fund to the Health Care Cost Containment Trust Fund. Notwithstanding the provisions of s. 407.04(1), Florida Statutes, there are hereby appropriated from the Health Care Cost Containment Trust Fund to the Health Care Cost Containment Board the lump sums of \$175,000 for fiscal year 1989-90 and \$175,000 for fiscal year 1990-91 for the Florida Task Force on Government Financed Health Care.

**Amendment 5**—In title, on page 1, lines 16 and 17, strike “providing for subpoenas, audits, and investigation;”

On motion by Senator Malchon, by two-thirds vote SB 11-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motion by Senator Plummer, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Plummer—

**SB 12-B**—A bill to be entitled An act relating to the correctional system; amending s. 119.07, F.S.; exempting from public inspection records of a medical review committee created by the Department of Corrections or the Correctional Medical Authority; providing for review of such exemption pursuant to the Open Government Sunset Review Act; amending s. 216.136, F.S.; revising duties of the Criminal Justice Estimating Conference relating to forecasts of prison admissions; amending s. 941.45, F.S.; providing for delineation of the Interstate Agreement on Detainers by articles rather than subsections; amending s. 944.023, F.S.; requiring the department to develop a comprehensive correctional master plan; providing for the plan to be updated and submitted to the Governor and Legislature; specifying purposes and contents of the plan; amending s. 944.277, F.S.; limiting the group of inmates who may be released into the provisional release supervision program; requiring conditional release supervision to be substituted for provisional release supervision under certain circumstances; amending s. 944.28, F.S.; authorizing forfeiture of gain-time upon revocation of provisional release, probation, or community control; amending s. 944.291, F.S.; providing for inmates who are released by reason of provisional credits to be under the supervision and control of the department; amending s. 945.602, F.S.; increasing the number of members on the governing board of the State of Florida Correctional Medical Authority; revising qualification for members of the authority; deleting obsolete provisions; providing for staggered terms of the members added to the authority; requiring the authority to report to the Governor its recommendation concerning the establishment of a non-profit corporation to lease and manage correctional medical services for the department; amending s. 947.005, F.S.; defining the term “provisional release date” for purposes of ch. 947, F.S.; amending s. 947.1405, F.S.; providing additional requirements for inmates released under the conditional release program; amending s. 948.06, F.S.; authorizing the forfeiture of gain-time upon revocation of probation or community control; repealing s. 944.096(1), F.S., relating to the inmate-to-population ratio used to plan future capital outlay of the department; repealing s. 945.603(15), F.S., relating to a reporting requirement of the State of Florida Correctional Medical Authority; reenacting s. 20.32, F.S.; continuing the Parole Commission; repealing ss. 33 and 34, chapter 83-131, Laws of Florida, as amended, relating to the termination of the Parole Commission and its powers and duties; repealing s. 20.32, F.S., and ch. 947, F.S., relating to the Parole Commission at distance dates; providing for review of said provisions in advance of repeal; providing for act to be read in pari materia with certain prior acts; providing for retroactive application; providing effective dates.

—which was referred to the Committee on Corrections, Probation and Parole.

On motions by Senator Plummer, by two-thirds vote SB 12-B was withdrawn from the Committee on Corrections, Probation and Parole and by unanimous consent taken up instanter.

On motions by Senator Plummer, by two-thirds vote SB 12-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motion by Senator Gardner, by the required constitutional two-thirds vote of the Senate the following resolution was admitted for introduction:

By Senators Gardner and Deratany—

**SR 14-B**—A resolution relating to the Canaveral National Seashore Park.

WHEREAS, the Canaveral National Seashore Park was created in 1975 and includes 24 miles of seashore in Brevard and Volusia counties, and

WHEREAS, the name “Canaveral” is a name of historic significance and appears on some of the oldest Spanish maps in existence covering the area that is now the State of Florida, and

WHEREAS, in 1964, after the tragic assassination of President John F. Kennedy, the Cape Canaveral Air Force Station was renamed the Cape Kennedy Air Force Station, but in 1974, because of the strong public sentiment and support for the historic significance of the name “Canaveral,” the name of the station was changed back to the Cape Canaveral Air Force Station, and

WHEREAS, the people of this state seek to preserve the historic and widely known name “Canaveral,” NOW, THEREFORE,

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

That the Florida Senate supports the sentiment of the people of this state that the historically significant name “Canaveral” be preserved and that the Canaveral National Seashore Park created in 1975 continue to be known as the Canaveral National Seashore Park.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Vice President of the United States, to the Speaker of the House of Representatives of the United States, and to each member of the Florida delegation to the United States Congress.

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

On motions by Senator Gardner, by two-thirds vote SR 14-B was withdrawn from the Committee on Rules and Calendar and by unanimous consent taken up instanter.

On motion by Senator Gardner, by two-thirds vote SR 14-B was read the second time in full and adopted. The vote on adoption was:

Yeas—31

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

Nays—None

On motion by Senator D. Childers, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator D. Childers—

**SB 15-B**—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 who has unauthorized possession of a firearm or weapon while on certain public school property or in attend-

ance 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; providing for act to be read in pari materia with certain prior acts; providing an effective date.

—which was referred to the Committee on Education.

On motions by Senator D. Childers, by two-thirds vote SB 15-B was withdrawn from the Committee on Education and by unanimous consent taken up instanter.

On motions by Senator D. Childers, by two-thirds vote SB 15-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

#### Committee Meeting

On motion by Senator Scott, the rules were waived and the Committee on Joint Legislative Auditing was granted permission to meet at 12:00 noon this day.

On motion by Senator Beard, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Beard—

**SB 16-B**—A bill to be entitled An act relating to stolen property; amending ch. 538, F.S.; creating Part I, Second-Hand Dealers, consisting of ss. 538.03, 538.04, 538.05, 538.06, 538.07, 538.08, 538.09, 538.11, 538.15, 538.16, and 538.17, F.S.; and creating Part II, Secondary Metals Recyclers, consisting of ss. 538.18, 538.19, 538.20, 538.21, 538.22, 538.23, 538.24, 538.25, and 538.26, F.S.; providing definitions; providing record-keeping requirements, verification requirements, and criminal penalties; providing for inspection of records and premises; mandating holding periods in certain circumstances; providing penalties; providing pleading for return of stolen property and providing procedure; providing for registration of second-hand dealers and secondary metals recyclers with the Department of Revenue; providing fees and establishing the Second-Hand Dealer and Secondary Metals Recycler Clearing Trust Fund; providing for fingerprinting; providing for a fine for violations and for denial, suspension, or revocation of registration; providing powers and duties of department; providing for rules; prohibiting certain acts and practices; providing for disposal of property held by pawnbrokers and requiring notice; authorizing local regulation; amending s. 680.104, F.S.; providing for precedence over the Uniform Commercial Code; repealing ss. 538.01, 538.011, 538.012, 538.014, 538.016, 538.018, 538.019, 538.02, and 538.021, F.S., relating to precious metals dealers, junk dealers, scrap-metal processors, and foundries; repealing ss. 715.04, 715.041, 715.0415, and 715.042, F.S., relating to pawnbrokers; providing for the act to be read in pari materia with certain prior acts; providing an effective date.

—which was referred to the Committee on Judiciary-Criminal.

On motions by Senator Beard, by two-thirds vote SB 16-B was withdrawn from the Committee on Judiciary-Criminal and by unanimous consent taken up instanter.

On motions by Senator Beard, by two-thirds vote SB 16-B was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Crenshaw	Grizzle	Margolis	Thomas
Deratany	Jennings	McPherson	Thurman
Dudley	Johnson	Meek	Weinstein
Gardner	Kirkpatrick	Plummer	Woodson-Howard
Girardeau	Kiser	Ros-Lehtinen	
Gordon	Langley	Scott	
Grant	Malchon	Souto	

Nays—None

Vote after roll call:

Yea—Peterson

On motion by Senator McPherson, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator McPherson—

**SB 13-B**—A bill to be entitled An act relating to hunting, fishing, and trapping; amending s. 372.71, F.S.; providing for noncriminal fines and penalties for violations for the taking of wildlife or freshwater fish without a license or stamp; providing for criminal penalties upon failure to pay the civil penalty within a specified time or to appear before the court; providing an effective date.

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

On motions by Senator McPherson, by two-thirds vote SB 13-B was withdrawn from the Committee on Natural Resources and Conservation and by unanimous consent taken up instanter.

On motion by Senator McPherson, by two-thirds vote SB 13-B was read the second time by title.

Senators Kirkpatrick and Bruner offered the following amendments which were moved by Senator Bruner and adopted:

**Amendment 1**—On page 2, between lines 12 and 13, insert:

Section 2. Section 2 of Committee Substitute for Committee Substitute for Senate Bill 9, 1, and 248, as enacted by the regular session of the 1989 Legislature, is amended to read:

Section 2. Section 370.0605, Florida Statutes, is created to read:

370.0605 Saltwater fishing license required; fees.—

(1)(a) No person, except as provided in this section, may take, attempt to take, or possess any marine fish for noncommercial purposes, nor may any person operate any vessel wherein a fee is paid either directly or indirectly for the purpose of taking, attempting to take, or possessing any marine fish for noncommercial purposes, unless he has obtained a license from the department for each vessel for that purpose and has paid the license fee pursuant to subsection (2) for such vessel. One-year licenses shall be dated when issued and shall be valid until 12 months after the date of issuance. Each license identification card shall include the person's name, address, personal description and residency status, and other information as required by the department, and, if the license is issued to the owner, operator, or custodian of a vessel, the vessel registration number or federal documentation number shall be included. Such license is not transferable, shall bear on its face in indelible ink the name of the person to whom it is issued, and shall be affixed to a license identification card approved by the department, upon which the tax collector may affix his seal. Such license is not valid unless it bears the name of the person to whom it is issued.

(b) The license must be in the personal possession of the person taking, attempting to take, or possessing marine fish or in the possession of the person operating any vessel wherein a fee is paid, either directly, or indirectly, for the purpose of taking or attempting to take marine fish for noncommercial purposes and must be exhibited to any authorized law enforcement officer upon his request.

(2) Saltwater fishing license fees are as follows:

(a)1. For a resident of the state, \$10 for a ten-day license and \$12 for a one-year license.

2. For a nonresident of the state, \$15 for a seven-day license and \$30 for a one-year license.

(b)1. For any person who operates any vessel licensed to carry more than ten customers wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish, \$800 per year. The license must be kept aboard the vessel at all times.

2. For any person who operates any vessel licensed to carry no more than ten customers, or for any person licensed to operate any vessel carrying six or less customers, wherein a fee is paid, either directly or indirectly, for the purpose of taking or attempting to take marine fish, \$400 per year; provided any person licensed to operate any vessel carrying six or less customers but who operates a vessel carrying no more than 2 customers, wherein a fee is paid, either directly or indirectly, for such purposes, \$200 per year. The license must be kept aboard the vessel at all times.

3. For any structure fixed to the land wherein a fee is paid either directly or indirectly to the owner, operator, or custodian of the structure for the purpose of taking or attempting to take marine fish therefrom, \$500 per year. The license must be on the structure at all times.

License fees paid pursuant to this subsection shall not be used as credit toward any other license fee required by this chapter. No other license fee paid pursuant to this chapter shall be used as credit towards the license fees required by this subsection. The owner, operator, or custodian of a vessel the operator of which has been licensed pursuant to subsection (1) must maintain and report such statistical data as required by, and in a manner set forth in, the rules of the department.

(3) A saltwater fishing license is not required for:

(a) Any person under 16 years of age.

(b) Any Florida resident fishing in saltwater from land or from a structure fixed to the land.

(c) Any person fishing from a vessel the operator of which is licensed pursuant to subsection (1).

(d) Any person who holds a valid saltwater products license issued pursuant to s. 370.06(2).

(e) Any person 65 years of age or older who holds a valid state driver's license or voter registration card.

(f) Any resident who is a member of the Armed Forces of the United States, who is not stationed in this state, when fishing while home on leave for 30 days or less, upon submission of orders.

(g) Any person who has been accepted by the Department of Health and Rehabilitative Services for developmental services.

(4) The tax collector shall issue a permanent saltwater fishing license, without license fee, to any resident who is certified by a licensed physician of this state, by any branch of the United States Armed Services, or by the United States Veterans Administration to be totally and permanently disabled or who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17.

(5) The tax collectors of the state shall be agents of the department for the purpose of issuing licenses and collecting fees pursuant to this section. Notwithstanding any other provisions of this section, licenses must be issued in accordance with the procedures used by the tax collectors in issuing other licenses pursuant to chapter 372, but such procedures must allow for a one in ten random sampling of licenseholders. The tax collectors shall submit the sampling documentation to the department monthly. To defray the cost of issuing any license, the issuing tax collector shall collect and retain as his costs, in addition to any license fee collected, the sum of \$1.50.

(6)(a) All license moneys collected under this section, except authorized service fees retained by the county tax collectors, along with a report of sale shall be remitted to the department within 15 days after the last day of the month in which the moneys were collected. The department shall transmit all moneys received to the Treasurer for deposit. In conjunction with the monthly sales report and remittance of all license moneys collected, the county tax collector shall report to the department the total quantity of licenses voided or unaccounted for by the county. The originals of all licenses voided in the previous month shall be submitted along with the monthly report. Forms for making such reports shall be approved or furnished by the department.

(b) Each county tax collector shall maintain records of all such licenses which are sold, voided, stolen, or lost.

(c) Not later than August 15 of each year, each county tax collector shall provide the department with a written report as to the audit numbers of the unissued licenses and stamps for the previous fiscal year; and within 30 days after the publication of the annual audit report, a written audit report on unissued, sold, and voided licenses and stamps with certified reconciliation statements prepared by a certified public accountant. Concurrent with the submission of the certification, the county tax collector shall remit to the department the monetary value established in s. 370.0605 of all unaccounted-for licenses and stamps. Tax collectors shall also be responsible for fees for all licenses and stamps distributed to sub-agents, sold, or reported as lost. The department may adopt rules to implement this section.

(7) Not later than August 15 of each year, each county tax collector shall submit to the department all unissued pictorial stamps for the previous fiscal year.

(8) Upon request, a replacement license to replace a lost or destroyed license may be obtained by submitting \$2 with a request to the county tax collector of the county in which the license was initially issued. The department shall supply application forms for such replacement licenses and require such information or documents as are necessary to serve as reasonable proof of such loss or destruction. The office of the county tax collector may retain \$1 for each replacement license issued. The department may, by rule, provide procedures for issuing a replacement license to any person who is unable to furnish to the tax collector such proof as is required by the department showing that he has purchased an original license.

(9) A person may not alter or change in any manner, or loan or transfer to another, any license issued pursuant to this section, nor may any person other than the person to whom it is issued use the license.

(10) It is unlawful for any person to knowingly and willfully enter false information on, or allow or cause false information to be entered on or shown upon, any license issued pursuant to this section in order to avoid prosecution or to assist another to avoid prosecution, or for any other wrongful purpose.

(11) The department or any other law enforcement agency may make any investigation necessary to secure information required to carry out and enforce this section.

(12) It is unlawful for any person to make, forge, counterfeit, or reproduce a saltwater fishing license unless authorized by the department. It is unlawful for any person knowingly to have in his possession a forged, counterfeit, or imitation of such license, unless possession by such person has been fully authorized by the department. Any person who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(13) Violation of subsection (1) constitutes a noncriminal violation, punishable as provided in s. 775.083.

Section 3. Section 2 of this act shall take effect upon the effective date of section 2 of Committee Substitute for Committee Substitute for Senate Bill 9, 1, and 248, as enacted by the regular session of the 1989 Legislature.

(Renumber subsequent section.)

**Amendment 2**—In title, on page 1, line 9, after the semicolon (;) insert: amending CS for CS for SB 9, 1, and 248, as enacted by the 1989 Legislature; providing an additional saltwater fishing license fee;

On motion by Senator McPherson, by two-thirds vote SB 13-B as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Bruner	Deratany	Gordon
Bankhead	Casas	Dudley	Grant
Beard	Childers, W. D.	Gardner	Grizzle
Brown	Crenshaw	Girardeau	Jennings

Johnson	Margolis	Ros-Lehtinen	Weinstein
Kirkpatrick	McPherson	Scott	Woodson-Howard
Kiser	Meek	Souto	
Langley	Peterson	Thomas	
Malchon	Plummer	Thurman	

Nays—1

Childers, D.

Vote after roll call:

Yea to Nay—Bruner, Thurman

On motion by Senator Woodson-Howard, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators Woodson-Howard and Souto—

**SB 17-B**—A bill to be entitled An act relating to motor vehicles; amending ss. 316.008, 316.1955, 316.1956, 316.1958, 316.1964, 320.0805, 320.084, 320.0842, 320.0843, 320.0845, and 320.0848, F.S.; correcting a cross reference; authorizing persons who have been issued specified license plates to park in spaces designated for disabled persons; authorizing a law enforcement officer to request to see an identification card issued by the Department of Highway Safety and Motor Vehicles to disabled persons; providing for the department to issue identification cards to certain disabled persons; providing that certain parking spaces provided for disabled persons need not be outlined in blue paint; redesignating the internationally accepted wheelchair symbol as the international symbol of accessibility; deleting provisions relating to press license plates; providing for the design and issuance of press license plates; deleting the provision relating to 5-year residency requirement; deleting reference to Veterans Administration and making reference to United States Department of Veterans Affairs or the predecessor; providing for the renewal of license plates for certain disabled persons; providing for the renewal of parking permits for disabled persons; providing for the display of such permit; providing for the transfer of a parking permit for a disabled person to another vehicle; revising language with respect to license plates for members of Paralyzed Veterans of America; providing for act to be read in *pari materia* with certain prior acts; providing an effective date.

—which was referred to the Committee on Transportation.

On motions by Senator Woodson-Howard, by two-thirds vote SB 17-B was withdrawn from the Committee on Transportation and by unanimous consent taken up *instanter*.

On motion by Senator Woodson-Howard, by two-thirds vote SB 17-B was read the second time by title.

Further consideration of **SB 17-B** was deferred.

## RECESS

On motion by Senator Scott, the Senate recessed at 11:32 a.m. to reconvene upon call of the President.

## AFTERNOON SESSION

The Senate was called to order by the President at 3:43 p.m. A quorum present—32:

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

Excused: Senator Casas at 5:15 p.m.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1-B and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committee on Criminal Justice and Representative Jennings and others—

**CS for HB 1-B**—A bill to be entitled An act relating to firearms; amending s. 228.091, F.S.; increasing the penalties for trespass upon grounds or facilities of public schools; amending s. 230.23, F.S.; providing for school boards to add specified notice of possible criminal penalties to codes of student conduct; amending s. 39.03, F.S.; requiring notification of the district school superintendent or his designee of the arrest of a student under certain circumstances; providing an exemption from public records requirements; providing for future review and repeal; providing for removal of information from school records; amending s. 790.01, F.S.; providing for increased penalties for carrying concealed weapons or firearms upon grounds or facilities of public and nonpublic schools; amending s. 790.10, F.S.; adding destructive devices to weapons which may not be improperly exhibited; providing for unlawful possession and discharge of weapons and firearms on school property and at school functions; providing a definition; providing exceptions; providing penalties, including a mandatory minimum term of imprisonment for unlawful possession or unlawful discharge in certain circumstances; amending s. 790.06, F.S., to conform; providing for the act to be read in *pari materia* with certain prior acts; 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; providing procedures with respect to investigations and arrests 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 additional penalties for crimes involving firearms; prescribing a condition on sales of firearms; providing penalties; defining the term "minor" for purposes of this act; requiring elementary and secondary schools to offer courses on gun safety; providing for act to be read in *pari materia* with certain prior acts; providing an effective date.

On motions by Senator Grant, by unanimous consent HB 1-B was taken up out of order and by two-thirds vote read the second time by title.

Senator Grant moved the following amendments which were adopted:

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

Section 1. Legislative findings and intent.—

(1) The Legislature finds that a tragically large number of Florida children have been accidentally killed or seriously injured by negligently stored firearms, that placing firearms within the reach or easy access of children is irresponsible, encourages such accidents, and should be prohibited, and that legislative action is necessary to protect the safety of our children.

(2) It is the intent of the Legislature that adult citizens of the state retain their right to keep and bear firearms for hunting and sporting activities and for defense of self, family, home, and business and as collectibles. Nothing in this act shall be construed to reduce or limit any existing right to purchase and own firearms, or to provide authority to any state or local agency to infringe upon the privacy of any family, home, or business, except by lawful warrant.

Section 2. (1) A person who stores or leaves, on a premise under his control, a loaded firearm, as defined in section 790.001, Florida Statutes, and who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person having charge of the minor or without the supervision required by law shall keep the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure or shall secure it with a trigger lock, except when he is carrying the firearm on his body or within such close proximity thereto that he can retrieve and use it as easily and quickly as if he carried it on his body.

(2) It is a misdemeanor of the second degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes, if a person violates subsection (1) by failing to store or leave a firearm in the required manner and as a result thereof a minor gains access to the firearm, without the lawful permission of the minor's parent or the person having charge of the minor, and possesses or exhibits it, without the supervision required by law:

(a) In a public place; or

(b) In a rude, careless, angry, or threatening manner in violation of section 790.10, Florida Statutes.

This subsection does not apply if the minor obtains the firearm as a result of an unlawful entry by any person.

Section 3. Section 784.05, Florida Statutes, is amended to read:

784.05 Culpable negligence.—

(1) Whoever, through culpable negligence, exposes another person to personal injury ~~commits shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

(2) Whoever, through culpable negligence, inflicts actual personal injury on another ~~commits shall be guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

(3) *Whoever violates subsection (1) by storing or leaving a loaded firearm within the reach or easy access of a minor commits, if the minor obtains the firearm and uses it to inflict injury or death upon himself or any other person, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, this subsection does not apply:*

(a) *If the firearm was stored or left in a securely locked box or container or in a location which a reasonable person would have believed to be secure, or was securely locked with a trigger lock;*

(b) *If the minor obtains the firearm as a result of an unlawful entry by any person;*

(c) *To injuries resulting from target or sport shooting accidents or hunting accidents; or*

(d) *To members of the Armed Forces, National Guard, or State Militia, or to police or other law enforcement officers, with respect to firearm possession by a minor which occurs during or incidental to the performance of their official duties.*

Section 4. Section 790.175, Florida Statutes, is created to read:

790.175 Transfer or sale of firearms; required warnings; penalties.—

(1) Upon the retail commercial sale or retail transfer of any firearm, the seller or transferor shall deliver a written warning to the purchaser or transferee, which warning states, in block letters not less than one-fourth inch in height:

"IT IS UNLAWFUL, AND PUNISHABLE  
BY IMPRISONMENT AND FINE, FOR ANY  
ADULT TO STORE OR LEAVE A FIREARM  
IN ANY PLACE WITHIN THE REACH  
OR EASY ACCESS OF A MINOR."

(2) Any retail or wholesale store, shop, or sales outlet which sells firearms must conspicuously post at each purchase counter the following warning in block letters not less than 1 inch in height:

"IT IS UNLAWFUL TO STORE  
OR LEAVE A FIREARM IN ANY  
PLACE WITHIN THE REACH OR  
EASY ACCESS OF A MINOR."

(3) Any person or business knowingly violating a requirement to provide warning under this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. The Department of Education shall develop a gun safety program for public education and shall submit the plan to the Legislature by March 1, 1990, together with proposed implementing legislation.

Section 6. If any law which is amended by this act was also amended by a law enacted at the 1989 Regular Session of the Legislature or at the special session held on June 3, 1989, all such laws shall be construed as if they had been enacted by the same session of the Legislature, and full effect should be given to each if that is possible.

Section 7. As used in this act the term "minor" means any person under the age of 16.

Section 8. This act shall take effect October 1, 1989.

**Amendment 2**—In title, strike everything before the enacting clause and insert:

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 additional penalties for crimes involving firearms; prescribing a condition on sales of firearms; providing penalties; defining the term "minor" for purposes of this act; requiring elementary and secondary schools to offer courses on gun safety; providing for act to be read in pari materia with certain prior acts; providing an effective date.

On motion by Senator Grant, by two-thirds vote CS for HB 1-B as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Dudley	Kirkpatrick	Plummer
Bankhead	Forman	Kiser	Ros-Lehtinen
Brown	Gordon	Malchon	Scott
Casas	Grant	Margolis	Thomas
Childers, D.	Grizzle	McPherson	Thurman
Crenshaw	Jennings	Meek	Weinstein
Deratany	Johnson	Peterson	Woodson-Howard

Nays—4

Beard	Childers, W. D.	Girardeau	Langley
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Vote after roll call:

Yea—Souto

Nay—Bruner

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 4-B and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Campbell—

**HB 4-B**—A bill to be entitled An act relating to education; creating s. 242.335, F.S.; requiring personnel screening and security background investigations for the Florida School for the Deaf and the Blind; providing for payment of certain costs; providing prerequisites for initial and continuing employment; providing conditions for disqualification or termination from employment; providing an exemption; providing for an informal hearing; providing a penalty; amending s. 415.51, F.S.; providing for access by the school to certain confidential Department of Health and Rehabilitative Services records; repealing s. 240.345(3), F.S., which authorizes community college boards of trustees to levy an ad valorem tax for capital outlay purposes; amending s. 240.3031, F.S.; removing provisions which specify the counties served by state community colleges; providing effective dates.

On motions by Senator Johnson, by unanimous consent HB 4-B was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Bruner, Souto

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership of the House and passed HB 22-B and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representatives Wetherell and Messersmith—

**HB 22-B**—A bill to be entitled An act relating to contributions; amending s. 106.011, F.S.; modifying the definition of "political committee"; amending s. 4 of Committee Substitute for Senate Bill 132, 1989 Regular Session; delaying the effective date of a provision relating to certain statements of contributions to elected public officers; providing an effective date.

On motion by Senator Brown, by the required constitutional two-thirds vote of the Senate, HB 22-B was admitted for introduction.

On motions by Senator Brown, by unanimous consent HB 22-B was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Bruner, Souto

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership of the House and passed as amended HB 21-B and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative C. F. Jones and others—

**HB 21-B**—A bill to be entitled An act relating to developments of regional impact; amending s. 380.06, F.S.; modifying conditions for preliminary development agreements; providing for consistency with the State Comprehensive Plan for certain developments; modifying provision relating to credits against local impact fees; modifying provisions relating to proposed changes which create a substantial deviation from an approved development; authorizing regional planning agencies to collect fees for the conduct of development-of-regional-impact and Florida Quality Development review; providing for uniform criteria for and limitations on fees; providing an exemption; authorizing the state land planning agency to establish a local government process relating to the abandonment of a development of regional impact by a developer; amending s. 380.061, F.S.; modifying procedure for review and issuance of development orders under the Florida Quality Developments program; providing for appeal of development orders; amending s. 380.0651, F.S.; modifying an exemption from development-of-regional-impact review for certain port facilities; amending s. 944.095, F.S.; providing an exemption for the siting of state correctional facilities; providing an effective date.

On motion by Senator Thurman, by the required constitutional two-thirds vote of the Senate, HB 21-B was admitted for introduction.

On motions by Senator Thurman, by unanimous consent HB 21-B was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Bruner, Souto

**RECESS**

On motion by Senator Scott, the Senate recessed at 3:59 p.m. to reconvene upon call of the President.

**CALL TO ORDER**

The Senate was called to order by the President at 4:09 p.m. A quorum present.

**INTRODUCTION AND REFERENCE OF BILLS**

**First Reading**

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership of the House and passed with amendments SB 10-B and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 10-B**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.03, F.S.; limiting to certain facilities the exemption from the transient rentals tax for an entire facility; providing for act to be read in pari materia with certain prior acts; amending s. 212.055, F.S.; providing for interlocal agreements; providing an effective date.

**Amendment 1**—On page 2, line 12, through page 3, line 4, strike all of said lines and insert:

Section 3. (1) *Notwithstanding any provision of s. 212.055(2)(c), Florida Statutes, the proceeds of the surtax levied under s. 212.055(2), Florida Statutes, may be distributed pursuant to an interlocal agreement entered into prior to June 30, 1989, between the county governing authority, the school district in the county, and the municipalities representing the majority of the county's municipal population in which agreement a portion of such proceeds are shared with the school district.*

(2) *This section shall take effect upon becoming a law.*

Section 4. Except as otherwise provided, this act shall take effect October 1, 1989.

**Amendment 2**—On page 1, lines 7-9, strike all of said lines and insert: materia with certain prior act; providing for interlocal agreements for local governments levying the local option sales surtax; providing an effective date.

**Amendment 3**—On page 1, line 12, insert:

Section 1. (1) Paragraph (d) of subsection (2) of section 206.9825, Florida Statutes, 1988 Supplement, is amended to read:

206.9825 Aviation fuel tax.—

(2)(a) Notwithstanding the tax rate established in subsection (1), any air carrier making the election pursuant to s. 212.0598 shall be subject to a tax rate of 8 percent of the retail sales price of its purchases of each gallon of aviation fuel. However, in no event shall the tax on aviation fuel pursuant to this subsection be lower than 4.4 cents per gallon. The tax levied pursuant to this subsection shall qualify for the special apportionment formula for air carriers as provided in s. 212.0598.

(b) Any air carrier making the election pursuant to s. 212.0598 shall not be entitled to the refund provided in s. 206.9855.

(c) Any person who is licensed by the department as an aviation fuel dealer and who has an inventory of aviation fuel on which the tax provided in subsection (1) has been paid and upon which he has collected the tax imposed under this subsection may apply to the department for a refund of the tax imposed under subsection (1) pursuant to s. 212.67.

(d) This subsection shall expire and be void on July 1, 1990 ~~1989~~. This repeal shall not be construed to relieve any person from the obligation to remit the tax imposed by this subsection or to report as required under s. 206.9865.

(2) This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later. If this act becomes a law after July 1, 1989, this section shall operate retroactively to July 1, 1989.

Section 2. Subsection (2) of section 212.0598, Florida Statutes, 1988 Supplement, is amended to read:

212.0598 Special provisions; air carriers.—

(2) The basis of the tax shall be the ratio of Florida mileage to total mileage as determined pursuant to part IV of chapter 214 and this section. The ratio shall be determined at the close of the carrier's preceding fiscal year, except that the ratio in any carrier's fiscal year shall not change by more than 10 percent over the carrier's previous fiscal year. The ratio shall be applied each month to the carrier's total systemwide gross purchases of tangible personal property and services otherwise taxable in Florida.

Section 3. Amendments to sections of the Florida Statutes enacted by this act shall not operate to repeal or otherwise negate amendments to the same sections which may have been enacted at the 1989 Regular Session or the June 3, 1989, Special Session of the Florida Legislature and which are not indicated herein, and full effect shall be given to each, if that is possible. If provisions of this act are in direct conflict with amendments enacted at the 1989 Regular Session or the June 3, 1989, Special Session of the Legislature, the provisions of this act shall control.

(Renumber subsequent section.)

**Amendment 4**—In title, on page 1, line 3, after "transactions;" insert: amending s. 206.9825, F.S.; extending the repeal date for provisions which authorize certain air carriers to pay an aviation fuel tax at a specified rate on the retail price of such fuel; providing for retroactive effect; amending s. 212.0598, F.S., which provides special provisions for application of sales tax to purchases by certain air carriers; providing a limitation on the ratio used to determine such application;

**Amendment 5**—On page 3, line 2, after the period (.) insert:

Section 4. Section 213.28, Florida Statutes, is created to read:

213.28 Contracts with private auditors.—

(1) It is the intent of the Legislature that the Department of Revenue be allowed to enter into contracts with certified public accountants to audit taxpayer accounts on an "as-needed" basis. It is further the intent of the Legislature that contracts not be used to supplant existing departmental staff or as an alternative to hiring staff when that would be more efficient.

(2) The Department of Revenue may contract with certified public accountants to conduct an audit of any person who is subject to a Florida revenue law. Those taxes administered under chapters 199, 206, 220, 221, and 336 and part II of chapter 212 shall be excluded from such contracts, unless the department and the Internal Revenue Service mutually agree to include them on a case-by-case basis.

(3) Contracts in excess of \$25,000 or in which hourly rates substantially exceed the department's costs per hour must be approved by the head of the department. Contracts under this section shall be interpreted under Florida law and any action for resolution of any dispute related to any such contract shall be brought under Florida law. Contracts may contain such other terms and conditions as the department deems appropriate under the circumstances.

(4) Certified public accountants entering into such contracts must be in good standing under the laws of the state in which they are licensed and in which the work is performed. They shall be bound by the same confidentiality requirements and subject to the same penalties as the department under s. 213.053. No return, return information, or doc-

umentation obtained from the Internal Revenue Service under an information-sharing agreement shall be divulged or disclosed in any manner by an officer or employee of the department or any certified public accountant under a contract authorized by this section, unless the department and the Internal Revenue Service mutually agree to such disclosure. Notwithstanding the provisions of ss. 192.105 and 213.053(2), any officer or employee of the department or certified public accountant under contract who willfully violates the provisions of this subsection commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

**Amendment 6**—In title, on page 1, line 9, after the semicolon (;) insert: creating s. 213.28, F.S.; providing legislative intent; authorizing the Department of Revenue to contract with certified public accountants to audit persons subject to specified revenue laws; requiring approval of the head of the department for certain contracts; providing requirements with respect to such contracts and certified public accountants; providing for application of confidentiality requirements and related penalties; providing for confidentiality of certain information obtained from the Internal Revenue Service; providing a penalty; providing for future review and repeal;

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

SB 10-B passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Mr. President	Deratany	Kirkpatrick	Plummer
Beard	Dudley	Kiser	Ros-Lehtinen
Brown	Forman	Langley	Souto
Casas	Girardeau	Malchon	Thomas
Childers, D.	Gordon	Margolis	Thurman
Childers, W. D.	Grizzle	McPherson	Weinstein
Crenshaw	Johnson	Meek	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Bruner

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership of the House and passed with amendments SB 13-B and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 13-B**—A bill to be entitled An act relating to hunting, fishing, and trapping; amending s. 372.71, F.S.; providing for noncriminal fines and penalties for violations for the taking of wildlife or freshwater fish without a license or stamp; providing for criminal penalties upon failure to pay the civil penalty within a specified time or to appear before the court; amending CS for CS for SB 9, 1, and 248, as enacted by the 1989 Legislature; providing an additional saltwater fishing license fee; providing an effective date.

**Amendment 2**—On page 5, line 9, after the period (.) insert:

(h) Any person fishing from a structure licensed pursuant to subparagraph (2)(b)3.

**Amendment 3**—On page 4, strike lines 12 and 13 and insert: attempting to take marine fish therefrom, \$500 per year. Owners operators or custodians who elect to purchase such license must have the license available for inspection at all times.

**Amendment 4**—In title, on page 1, line 12, after the semicolon (;) insert: providing an exemption;

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

SB 13-B passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea to Nay—Bruner, D. Childers

**RECESS**

On motion by Senator Scott, the Senate recessed at 4:43 p.m. to reconvene upon call of the President.

**CALL TO ORDER**

The Senate was called to order by the President at 5:42 p.m. A quorum present—32:

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

**INTRODUCTION AND REFERENCE OF BILLS**

**First Reading**

By Senators Grant, Weinstein, Malchon and Forman—

**SB 18-B**—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; providing procedures with respect to investigations and arrests; creating s. 790.175, F.S.; requiring specified warnings when firearms are sold or transferred; providing a penalty; providing additional penalties for crimes involving firearms; prescribing a condition on sales of firearms; providing penalties; defining the term “minor” for purposes of this act; requiring elementary and secondary schools to offer courses on gun safety; providing for act to be read in pari materia with certain prior acts; providing an effective date.

On motions by Senator Grant, by unanimous consent SB 18-B was taken up instanter and by two-thirds vote read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Forman	Malchon	Scott
Bankhead	Gordon	Margolis	Souto
Brown	Grant	McPherson	Thurman
Childers, D.	Grizzle	Meek	Weinstein
Crenshaw	Johnson	Peterson	Woodson-Howard
Deratany	Kirkpatrick	Plummer	
Dudley	Kiser	Ros-Lehtinen	

Nays—6

Beard	Childers, W. D.	Langley
Bruner	Girardeau	Thomas

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership of the House and passed Senate Bills 4-B, 5-B, 6-B, 8-B, 9-B, 11-B, 12-B and 16-B.

*John B. Phelps, Clerk*

*The Honorable Bob Crawford, President*

I am directed to inform the Senate that the House of Representatives has passed SB 18-B.

*John B. Phelps, Clerk*

The bills contained in the foregoing messages were ordered enrolled.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of June 19 was corrected and approved.

**ADJOURNMENT**

On motion by Senator Scott, the Senate adjourned sine die at 5:48 p.m.