



Journal of the Senate

Number 1—Special Session D

Wednesday, November 15, 1989

At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

CALL TO ORDER

The Senate was called to order by the President at 9:23 a.m. A quorum present—38:

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

Excused: Senators Casas and Peterson

PRAYER

The following prayer was offered by the Reverend Dr. Robert M. McMillan, Pastor Emeritus, First Baptist Church, Tallahassee:

Eternal God, Father and Lord of all, we pause before the business of this day to both recognize you and to invoke your help for the tasks we are about to undertake.

We confess that what we are now doing is for the most part because it is on the agenda. We confess also that it has become so habitual and because of this we almost treat it as trivial. Nevertheless, we pray because in our varying perceptions of who you are we still believe our words of faith are heard and your thoughts towards us can be influenced.

To this end we seek the practical wisdom we need for the decisions we must make and more than a little dimension of heavenly wisdom to make our decisions accord with your will for the people of our beloved state.

Grant to each legislator deep awareness that they are here because people sent them with the awesome task of passing legislation that will benefit everyone.

So do thou minister to each as they have special need today. Thank you Lord. Amen.

PLEDGE

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

READING OF PROCLAMATIONS

By direction of the President, the following Proclamations were read by the Secretary:

THE FLORIDA LEGISLATURE JOINT PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE
AND THE FLORIDA HOUSE OF REPRESENTATIVES:

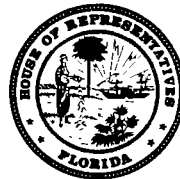
We, Bob Crawford, President of the Florida Senate, and Tom Gustafson, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

1. That the Legislature of the State of Florida is convened in Special Session pursuant to Article III, Section 3(c), Florida Constitution and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida at 9 a.m. on Wednesday, the 18th day of October, 1989, for a period of 3 days, ending at 12 noon, Friday, October 20th, 1989.

2. That the Legislature is convened for the sole and exclusive purpose of consideration of legislation relating to: Transportation.



Bob Crawford
President, The Florida Senate
June 20, 1989



Tom Gustafson
Speaker, The Florida House
of Representatives
June 20, 1989



Duly filed with and received by the Florida
Department of State this 20th day of June,
1989 by:

Jim Smith
Secretary of State

THE FLORIDA LEGISLATURE AMENDED JOINT PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE
AND THE FLORIDA HOUSE OF REPRESENTATIVES:

We, Bob Crawford, President of the Florida Senate, and Tom Gustafson, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

1. That paragraph 1 of our Joint Proclamation filed June 20, 1989, is hereby amended to read:

That the Legislature of the State of Florida is convened in Special Session pursuant to Article III, Section 3(c), Florida Constitution and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida at 9 a.m. on Wednesday, the 15th day of November, 1989, for a period of 3 days, ending at 12 noon, Friday, November 17th, 1989.

2. Except as amended by this Proclamation, the Joint Proclamation filed June 20, 1989, is ratified and confirmed.



Bob Crawford
President, The Florida Senate
September 14, 1989



Tom Gustafson
Speaker, The Florida House
of Representatives
September 14, 1989



Duly filed with and received by the Florida
Department of State this 14th day of Sep-
tember, 1989 by:

Jim Smith
Secretary of State

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Stuart—

SB 1-D—A bill to be entitled An act relating to transportation; imposing a tax on certain sales or other transactions in motor fuel; providing for distribution of tax proceeds; providing for reverter of certain unexpended and unencumbered funds; amending ss. 212.05, 212.62, F.S.; increasing the sales tax on motor fuel and special fuel; amending s. 336.025, F.S.; authorizing an additional cent local option gas tax when approved by the county governing authority; amending s. 336.026, F.S.; revising the amount of local option gas tax which may be levied to support metropolitan transportation systems; amending s. 163.805, F.S., to conform; providing an interim transportation plan and authorization for specified transportation projects; providing for issuance of bonds; amending s. 339.135, F.S.; providing for allocation of funds among Department of Transportation districts; requiring the Department of Transportation to use certain methods to enhance safety and to reduce the cost of road improvements due to improper maintenance; providing an effective date.

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

By Senator Forman—

SB 2-D—A bill to be entitled An act relating to transportation; amending s. 120.53, F.S.; authorizing the use of express delivery service to provide notice of certain decisions of the Department of Transportation; amending s. 337.11, F.S.; providing procedures for notice of the department's bid solicitations; providing prerequisites for such notice; providing prerequisites for protesting the department's bid solicitation, contract award, or bid rejection; providing for forfeiture of the bond of a person who files a frivolous or improper protest; providing recordkeeping requirements; amending s. 337.16, F.S.; providing an exception from the requirements of disqualification of delinquent contractors; amending s. 337.175, F.S.; providing that certain contractors may substitute certificates of deposit or irrevocable letters of credit in lieu of retainage; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Brown—

SB 3-D—A bill to be entitled An act relating to eminent domain; amending s. 73.071, F.S.; providing that when a partial taking occurs, severance damages shall be offset by any special benefit accruing to the remaining property; defining the term "special benefit"; providing for applicability; providing an effective date.

—was referred to the Committees on Transportation and Judiciary-Civil.

By Senators Forman, Beard, Myers and Weinstock—

SB 4-D—A bill to be entitled An act relating to professional liability insurance; amending s. 337.106, F.S.; providing that the requirement for such insurance with respect to firms rendering certain services to the Department of Transportation may be waived by the department under certain circumstances; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Myers—

SB 5-D—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; providing that the Florida Transportation Commission is the head of the department; revising qualifications for appointment to the commission; providing for an executive director of the department; providing for monthly meetings of the commission; providing headquarters for the commission; deleting authority for the commission to employ an independent staff; deleting authority for the commission to develop a budget independent of the department's budget; redesignating assistant secretaries and district secretaries; amending ss. 95.361, 110.205, 163.804, 260.0161, 316.515, 316.545, 332.008, 334.14, 335.04, 335.092, 337.27, 339.135, 339.175, 339.406, 339.407, 339.408, 341.302, 341.344, 348.221, 348.52, 348.753, 348.756, 348.967, 348.981, 349.03, 349.05, 349.06, 380.061, 403.4131, 427.012, F.S., to conform; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By Senator Gardner—

SB 6-D—A bill to be entitled An act relating to funding for state highways; creating s. 212.0608, F.S.; providing for a rental car surcharge; creating the State Highway Trust Fund; providing for proceeds from the rental car surcharge to be deposited into such trust fund for use by the Department of Transportation; amending s. 339.135, F.S.; requiring legislative approval for projects funded with moneys from the trust fund; authorizing the department to add certain projects to certain 5-year transportation plan; providing an effective date.

On motion by Senator Gardner **SB 6-D** was withdrawn.

By Senator Kiser—

SB 7-D—A bill to be entitled An act relating to the Florida Turnpike Law; amending s. 338.227, F.S.; providing a limitation on the use of revenues and bond proceeds by the Department of Transportation with respect to the Florida Turnpike Law; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By Senator Brown—

SB 8-D—A bill to be entitled An act relating to local option gas taxes; amending s. 336.025, F.S.; authorizing counties to levy an additional tax on motor fuels and special fuels; requiring counties which impose a gas tax in excess of 6 cents a gallon to adopt a transportation impact fee which meets specified requirements; providing an appropriation to the Department of Community Affairs for rule development and review of impact fees; providing an effective date.

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

By Senator Forman—

SB 9-D—A bill to be entitled An act relating to transportation funding; creating s. 206.606, F.S.; providing for an additional tax on motor fuel for transportation projects; providing for distribution and uses thereof; creating a trust fund; specifying conditions for use of the fund, including certain audits of and findings regarding the Department of Transportation; providing for bonding of the tax proceeds; amending s. 206.45, F.S., relating to distribution of gas taxes, to conform; amending ss. 206.87, 206.875, F.S.; increasing the tax on special fuel and providing for distribution thereof; amending s. 206.877, F.S.; increasing the state annual decal fee for vehicles fueled by alternative fuels; amending s. 207.026, F.S.; providing for allocation of the increase in the tax on the privilege of operating a commercial motor vehicle; amending s. 334.03, F.S.; transferring certain urban minor arterial routes from the State Highway System to the county road system; creating s. 320.0725, F.S.; providing for an

additional fee on certain motor vehicle registration transactions; amending s. 215.22, F.S.; providing for an administrative deduction from the proceeds of specified fees; creating s. 212.0608, F.S.; providing for a rental car surcharge; providing for administration, collection, and enforcement; providing for the use of funds collected; creating a trust fund; amending s. 320.08, F.S.; revising provisions relating to license taxes for automobiles for private use, trucks, school buses, wreckers, hearses and ambulances, motor vehicles for hire, and certain recreational vehicle-type units; deleting locally operated motor vehicles for hire; amending s. 320.086, F.S.; defining the term "ancient motor vehicle"; grandfathering in certain persons who hold ancient motor vehicle, horseless carriage, or historical license plates; amending s. 320.20, F.S.; revising the disposition of motor vehicle license tax moneys; repealing s. 212.09, F.S., which authorizes deduction of trade-in amounts before computation of sales tax; amending s. 212.02, F.S., to conform; providing effective dates.

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

By Senator Kiser—

SB 10-D—A bill to be entitled An act relating to transportation finance and planning; creating s. 339.131, F.S.; prescribing a formula for the allocation of funds by the Department of Transportation to department districts in the 5-year transportation plan; providing exceptions; amending s. 339.135, F.S.; specifying, effective fiscal year 1993-1994, department funds which shall be distributed based on a needs assessment; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

By Senator Gardner—

SB 11-D—A bill to be entitled An act relating to airport facilities; creating s. 332.115, F.S.; authorizing political subdivisions or authorities operating public-use airports to enter joint project agreements with port districts for the establishment and operation of transportation corridors between the airports and port facilities, subject to the approval of the Department of Transportation; providing an effective date.

—was referred to the Committee on Transportation.

By Senator Beard—

SB 12-D—A bill to be entitled An act relating to transportation; amending s. 119.07, F.S.; correcting a cross-reference; amending s. 332.004, F.S.; providing definitions; amending s. 332.006, F.S.; providing for separate identification of development projects and discretionary capacity improvement projects in the statewide aviation system plan; authorizing the expenditure of funds on road and rail transportation systems which provide direct access to airport property; amending s. 332.007, F.S.; providing that compliance with the reporting requirements of s. 326.006(10), F.S., is a prerequisite to eligibility for funds under this section; providing that airport sponsors must establish airport master plans that are consistent with the approved local government comprehensive plans; requiring consistency of aviation projects with airport master plans as a condition for state funding eligibility; providing funding priority for specified airport development projects; authorizing expenditure of funds for projects which provide for construction of an automatic weather observation station; authorizing retroactive reimbursement for the non-federal share of certain land acquisition projects; authorizing participation by the Department of Transportation in the capital cost of eligible public airport and aviation discretionary capacity improvement projects; limiting the amount of discretionary capacity improvement project funds that a single airport may receive; allowing the department to transfer funds for discretionary capacity improvement projects within the discretionary capacity improvements program; setting the maximum percentage of eligible project costs that the department may provide for eligible discretionary capacity improvement projects, including land acquisition projects; amending s. 332.01, F.S.; revising the definition of "airport" to include access to airport facilities; amending s. 333.01, F.S.; providing definitions; amending s. 333.02, F.S.; providing for regulation of land uses in the vicinity of airports; amending s. 333.03, F.S.; providing procedures for adoption of airport zoning regulations; requiring interim airport land use compatibility zoning regulations, except in specified circumstances; creating the Airport Safety and Land Use Compatibility Study Commission; amending s. 333.05, F.S.; providing procedures for the adoption of zoning regulations; amending s. 333.06, F.S.; providing for airport zoning requirements; providing purposes and requiring independent justifica-

tion for each aspect of such purpose; amending s. 333.07, F.S.; providing for variance requirements; creating s. 332.115, F.S.; providing for transportation corridors connecting ports and airports to be established and operated pursuant to a joint project agreement; providing for review by the department; amending s. 337.242, F.S.; providing that movement of people and goods to and from the ports of this state is a transportation use; amending s. 337.25, F.S.; providing for lease of rail corridors to ports; amending s. 339.175, F.S., relating to transportation planning organizations; revising membership of metropolitan planning organizations; amending s. 341.031, F.S.; revising definitions for purposes of the Florida Public Transit Act; amending s. 341.041, F.S.; requiring the Department of Transportation to develop and administer state measures concerning public transit systems and including productivity and cost distribution in such measures; deleting the term "standards" and substituting "measures"; revising the measures for certain responsibilities of the department relating to operation of transit systems; amending s. 341.051, F.S.; requiring the department to develop a capital investment policy and to submit the policy and recommended legislation to specified legislative committees; creating s. 341.052, F.S.; establishing a public transit block grant program; providing uses for which block grant funds may be expended; providing limitations on use of funds; providing for distribution of funds; providing for review of the distribution of funds by the Coordinating Council on the Transportation Disadvantaged and for a report of recommendations to legislative transportation committees; creating s. 341.053, F.S.; creating an intermodal development program; requiring the department to administer the program; providing priorities for funding projects within such program; creating s. 341.071, F.S.; requiring the establishment of public transportation master plans consistent with approved local comprehensive plans; requiring eligible public transit providers to establish productivity and performance measures; requiring certain reports and publication with respect to such measures; amending s. 206.46, F.S.; providing minimum percentages of the State Transportation Trust Fund that the Department of Transportation must allocate to fund specified categories of public transportation projects; creating s. 338.001, F.S.; requiring the department to plan and develop a proposed Florida Intrastate Highway System Plan; requiring certain components to be included in the system; prescribing policy guidelines; providing an objective; requiring the department to establish standards and criteria for facilities proposed to be part of the system; providing funding for developing the plan; prohibiting the construction of a project as part of the Florida Intrastate Highway System if the project is not in the system plan; requiring the proposed system plan to be submitted to the Legislature; amending s. 334.03, F.S.; amending definitions of terms used in the Florida Transportation Code; defining the term "Florida Intrastate Highway System"; amending s. 334.046, F.S.; adding to the program of objectives of the department the objective of developing and implementing that system; amending ss. 288.063, 479.01, F.S.; amending cross-references; amending s. 338.221, F.S.; providing definitions of terms used in the "Florida Turnpike Law"; amending s. 338.222, F.S.; allowing the department to contract with local government entities for the design or construction of, or right-of-way acquisition for, legislatively approved turnpike projects; amending s. 338.223, F.S.; providing for proposed turnpike projects; requiring a finding of environmental feasibility; amending s. 338.227, F.S.; restricting the turnpike projects which may be paid for by turnpike revenue bonds to those which are legislatively authorized; creating s. 338.2275, F.S.; listing approved turnpike projects; providing the maximum amount of bonds that may be issued to fund such projects; amending s. 338.228, F.S.; restricting the use of state funds for turnpike revenue bonds or turnpike projects; amending s. 338.231, F.S.; allowing the department to establish toll rates higher than the uniform system rate in specified circumstances; amending s. 338.251, F.S.; providing restrictions on the repayment of, and eligibility for, advances from the Toll Facilities Revolving Trust Fund; providing for deposit of repayments into the Toll Facilities Revolving Trust Fund; creating the Florida Expressway Authority Act; providing definitions; providing for the creation of expressway authorities by counties and certain contiguous counties; providing for the governing body of an expressway authority; authorizing an expressway authority to construct and operate expressway systems within its geographic boundaries; providing rights and powers of an expressway authority; providing that consent of a municipality for an expressway within its boundaries is not required; requiring certain public hearings; authorizing the issuance of bonds on behalf of an expressway authority; authorizing a lease-purchase agreement between the Department of Transportation and an expressway authority; requiring that a pledge of county gasoline tax funds under such a lease-purchase agreement be made pursuant to resolution by the board of county commissioners; providing for the department to be appointed

agent for construction of an expressway system; providing for an expressway authority to acquire lands and property; authorizing an expressway authority to exercise the right of eminent domain; exempting an authority from certain liability due to soil or groundwater contamination; authorizing other units of government to enter into contracts and agreements with an expressway authority; providing a covenant that the state shall not alter rights of an expressway authority or the department until all bonds issued pursuant to the act are discharged; exempting the property and revenues of an expressway authority from taxation; providing that the Florida Expressway Authority Act does not apply to counties in certain circumstances; creating s. 337.276, F.S.; providing for the acquisition in advance of rights-of-way; providing for the division of amounts allocated to such acquisition; authorizing the issuance of bonds to finance such acquisition; amending s. 335.185, F.S.; providing permitting conditions; amending s. 73.091, F.S.; providing for payment of the costs of eminent domain proceedings; creating s. 73.032, F.S.; providing criteria for an offer of judgment in eminent domain proceedings; amending s. 73.092, F.S.; providing criteria for the award of attorneys' fees in eminent domain proceedings; amending s. 337.271, F.S.; authorizing the use of mediation in eminent domain proceedings; allowing actions for the recovery of reasonable costs; providing for the applicability of the provisions of this act that pertain to eminent domain proceedings; amending s. 339.12, F.S.; providing for aid and contributions by governmental entities for rights-of-way, construction, or maintenance of roads in the State Highway System; providing for agreements between the department and the governing body of a governmental entity to perform projects related to roads that are not revenue-producing; allowing the department to reimburse the governmental entity for such project; providing restrictions upon such reimbursement; amending s. 335.20, F.S.; providing restrictions and conditions on departmental funding for projects funded under this section; requiring the department to develop criteria to determine whether a road is of statewide or regional significance, to submit these criteria to the Florida Transportation Commission for approval, and to propose a reclassification based on the criteria; requiring the commission to determine the fiscal impact on state and local governments of the proposed reclassification and a timetable for the phased transfer of roads; prohibiting the initiation of transfers of roads after a specified date; amending s. 120.53, F.S.; revising a provision of the Administrative Procedure Act with respect to agency notice of a decision on bids to allow notification by express delivery service; amending s. 337.11, F.S.; revising provisions relating to contracting with the Department of Transportation; providing for bid solicitation notices with respect to certain contracts; revising language with respect to protests, bids, and recordkeeping; amending s. 337.16, F.S.; providing an exception to the requirement of disqualification of delinquent contractors; correcting a cross-reference; amending s. 337.175, F.S.; revising language with respect to retainage; amending s. 287.042, F.S.; defining the terms "minority business enterprise" and "minority person"; amending s. 339.135, F.S.; providing for allocating public transit block grants; providing requirements for the tentative work program; amending s. 339.155, F.S.; providing requirements of the Florida Transportation Plan; revising deadlines pertaining to the tentative work program, the report required by s. 339.135(4)(j), F.S., and updates of the Florida Transportation Plan; amending s. 212.055, F.S.; removing referendum requirements for the local government infrastructure surtax and the transit system surtax; specifying counties which may levy such taxes; creating ss. 206.101, 206.102, F.S.; consolidating state taxes on motor fuel and local option taxes on motor fuel; providing for collection, enforcement, and administration of such taxes; providing collection allowances; providing for additional taxes on motor fuel; providing for annual adjustment of tax rate; renumbering and amending ss. 206.23, 206.02, 206.021, 206.404, 206.055, 206.026, 206.027, 206.028, 206.03, 206.04, 206.05, 206.065, 206.43, 206.09, 206.095, 206.10, 206.48, 206.485, 206.62, 206.42, 206.41, 206.425, 212.67, 206.11, 206.44, 206.426, 206.56, 206.14, 206.18, 206.06, 206.07, 206.075, 206.19, 206.21, 206.215, 206.24, 206.27, 206.59, 206.406, 206.45, 206.47, 206.60, 206.605, 212.69, 206.89, 206.90, 206.91, 206.87, 206.877, 206.875, 206.879, 206.97, F.S.; creating s. 206.703, F.S.; amending ss. 206.01, 206.9915, 206.9825, 206.9845, 206.9931, 206.9941, 206.9942, 207.003, 207.005, 212.05, 212.08, 336.021, 336.025, F.S.; consolidating and reorganizing provisions of chapters 206, 212, 336, F.S., relating to the taxation of motor fuel; providing for the return of certain taxes paid by a school district to such school district; providing for a tax on special fuel; providing for the deposit of such tax into the Local Government Special Fuel Tax Trust Fund for distribution to counties and municipalities; revising certain tax exemptions relating to special fuels; imposing a penalty for failure to make certain reports; revising certain cross-references; revising certain definitions; creating s. 206.178, F.S.; authorizing certain importers and jobbers to self-accrue and remit taxes under

certain circumstances; providing an exemption from paying certain taxes; renumbering ss. 206.022, 206.025, 206.12, 206.15, 206.16, 206.17, 206.175, 206.20, 206.204, 206.205, 206.22, 206.28, 206.405, 206.445, 206.46, 206.61, 206.85, 206.86, 206.88, 206.92, 206.96, F.S.; amending ss. 7.52, 163.3184, 207.023, 207.026, 215.22, 218.21, 336.024, 376.301, 849.092, F.S.; correcting cross-references; including the Local Government Special Fuel Tax Trust Fund in a list of funds assessed a service charge for deposit in the General Revenue Fund; amending s. 320.072, F.S.; providing for a fee increase on certain motor vehicle registration transactions; amending s. 212.0606, F.S.; increasing the surcharge on the lease or rental of certain motor vehicles; providing for distribution; amending s. 320.08, F.S.; providing a uniform license tax for automobiles for private use and certain trucks; amending s. 320.14, F.S.; providing that fractional license taxes are not applicable to automobiles for private use and certain trucks, trailers, and semitrailers; providing alternative fractional license taxes for certain truck tractors; amending ss. 206.877, 212.05, 320.055, 320.06, 320.0609, 320.0805, 320.083, 320.0843, 348.217, F.S.; conforming cross-references; amending s. 320.03, F.S.; raising the fee on license registration; providing for the amount of such fee to be returned to counties for air pollution control programs; amending ss. 163.803, 163.805, 163.806, 163.807, 163.808, F.S.; deleting references to the metropolitan transit authority local option gas tax, which is repealed by this act; repealing ss. 206.08, 206.25, 206.435, 206.49, 206.625, 206.63, 206.64, 206.93, 206.94, 206.945, 212.60, 212.61, 212.62, 212.6201, 212.63, 212.635, 212.64, 212.65, 212.655, 212.66, 336.026, F.S., relating to the motor fuel tax and the sales tax on motor fuel and special fuel; allowing the department and private entities to enter into contracts for the construction and leasing of public transportation demonstration projects; providing for a tax on certain special fuel inventory; providing effective dates.

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

By Senator Beard—

SB 13-D—A bill to be entitled An act relating to toll roadways; providing definitions; authorizing private persons to construct, operate, extend, or enlarge toll roadways pursuant to a certificate of authority issued by the Florida Transportation Commission of the Department of Transportation; specifying application requirements for a certificate; specifying criteria for the issuance of a certificate; requiring the commission to deny the application for a certificate if a local government passes a resolution requesting such denial; authorizing the commission to charge an application fee; requiring the Department of Transportation to develop application forms; requiring the department to monitor the operation of privately owned toll roadways; requiring each operator of a toll roadway to report certain information to the department; authorizing the department to exclude certain expenses of an operator from costs and to approve or revise the toll rates charged on such roadways; requiring the operator of a privately owned toll roadway to keep the roadway open to the public except when the roadway is under repair or construction; requiring certain expenditures of toll proceeds; prohibiting the charging of tolls in a discriminatory manner; requiring operators to extend or enlarge their toll roadways under certain circumstances; authorizing toll roadway operators to charge tolls on toll roadways based upon traffic classifications to develop and enforce certain regulations on the toll roadways, and to establish commuter lanes on toll roadways; requiring an applicant to obtain Department of Transportation approval of the proposed toll roadway or roadway expansion or enlargement prior to filing an application for a certificate with the commission; requiring such applicant to enter into a contract with the department by which the department is authorized to review and inspect plans, specifications, and construction of the toll roadway; prohibiting construction on a privately owned toll roadway without inspections and approval by the department of each stage of construction; requiring a toll roadway operator to maintain accounts to pay for repairs and maintenance of the toll roadway; requiring a toll roadway operator to maintain liability insurance on the toll roadway; requiring an applicant for a certificate of authority to construct, extend, or enlarge a toll roadway to obtain the approval of the governing body of each county or municipality through which the toll roadway is to pass; providing for connections of the toll roadway with public highways, roads, and streets; authorizing toll roadway operators to cross navigable watercourses; providing for the crossing or relocation of the facilities of public utilities and railroads affected by the construction of such a toll roadway; providing for the crossing of highways, roads, and railroads by such toll roadways; specifying conditions under which a certificate of authority is in default; authorizing the department to take certain action if a toll roadway operator has defaulted, including taking con-

trol of the toll roadway; providing for the payment to the operator for the reasonable market value of the toll roadway after payment of certain expenses; providing for the expiration of certificates of authority; providing for the reversion to the state of toll roadways upon the expiration of such certificates; requiring toll roadway operators to enter into contracts with state and local law enforcement authorities to patrol traffic and enforce laws on toll roadways; providing that state laws apply to persons on such toll roadways; creating the Toll Roadway Trust Fund within the Department of Transportation to pay for the improvement of state highways connected to, or affected by, toll roadways; requiring each toll roadway operator to pay a certain amount to the department for deposit into the trust fund to pay operating expenses; amending s. 20.23, F.S.; authorizing the Florida Transportation Commission of the Department of Transportation to issue certificates of authority to construct, extend, or enlarge privately owned toll roadways; providing an effective date.

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

By Senator Gardner—

SB 14-D—A bill to be entitled An act relating to transportation; amending s. 339.12, F.S.; expanding authority of the Department of Transportation and counties, municipalities, and special road and bridge districts to enter into agreements under which the department reimburses the local government for performance of certain projects; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

Motion

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

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Souto—

SB 15-D—A bill to be entitled An act relating to medical practice; amending s. 458.311, F.S.; revising qualifications for applicants for a 2-year restricted license; repealing s. 2, ch. 89-266, Laws of Florida, relating to a Physician Training Trust Fund administered by the Board of Medicine; creating a Physician Training Trust Fund administered by the Department of Professional Regulation; providing for loans for physician training; providing eligibility; providing for interest and administrative fees; providing a repayment period; protecting training institutions from liability for defaulted loans; authorizing the department to contract for administrative services; providing a retroactive effective date.

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

Motions

On motion by Senator Scott, all other bills pending introduction were informally referred to the Committee on Rules and Calendar for study and recommendation.

On motion by Senator Scott, Rules 13.3 and 2.39 were waived and the Committee on Appropriations was granted permission to meet this day from 2:30 to 3:45 p.m. to consider child abuse funding legislation.

RECESS

On motion by Senator Scott, the Senate recessed at 10:07 a.m. to reconvene at 4:00 p.m.

AFTERNOON SESSION

CALL TO ORDER

The Senate was called to order by the President at 4:17 p.m. A quorum present—38:

Mr. President	Brown	Childers, W. D.	Deratany
Bankhead	Bruner	Crenshaw	Diaz-Balart
Beard	Childers, D.	Davis	Dudley

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

Motions

On motions by Senator Scott, by the required constitutional two-thirds vote of the Senate the following bills were admitted for introduction:

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Thurman—

SB 16-D—A bill to be entitled An act relating to citrus canker; amending s. 602.015, F.S.; defining the term “citrus tree destruction report”; redefining the term “claimant”; amending s. 602.025, F.S.; revising language with respect to legislative intent; amending s. 602.035, F.S.; revising the value of certain field grown seedlings; revising language with respect to the presumptive value of compensation; amending s. 602.065, F.S.; providing an additional address to which certain notification may be sent; amending s. 602.095, F.S.; revising language with respect to the application of the act; authorizing the transfer of certain funds in the Citrus Canker Compensation Trust Fund to the Legal Services Trust Fund; providing an effective date.

—which was referred to the Committees on Agriculture and Appropriations.

By Senator Dudley—

SB 17-D—A bill to be entitled An act relating to dentistry; amending s. 466.032, F.S.; increasing the registration fee for dental laboratories; providing an appropriation to implement annual registration; providing an effective date.

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

By Senators W. D. Childers, Walker, Weinstein, Thomas and Jennings—

SB 18-D—A bill to be entitled An act relating to the State Comprehensive Health Association Act; amending s. 20, ch. 89-167, Laws of Florida; revising a restriction on the issuance or entering into of policies and administrative contracts under said act; providing an effective date.

—which was referred to the Committee on Insurance.

By Senator Kirkpatrick—

SB 19-D—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 6, chapter 89-529, Laws of Florida; providing for certain interlocal agreements for local governments levying the local option sales surtax; providing an effective date.

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

By Senator Walker—

SB 20-D—A bill to be entitled An act relating to educational facilities; providing that Special Facility Construction Account requirements shall be satisfied under certain circumstances; providing an effective date.

—which was referred to the Committees on Education and Appropriations.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scott, by two-thirds vote SB 15-D was also referred to the Committee on Economic, Professional and Utility Regulation.

Motion

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

INTRODUCTION AND REFERENCE OF BILLS**First Reading**

By the Committee on Appropriations and Senator Weinstock—

SB 21-D—A bill to be entitled An act making supplemental appropriations; providing moneys for the annual period beginning July 1, 1989 and ending June 30, 1990, to pay salaries, other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; supplementing or adjusting items appropriated by Chapter 89-253, Laws of Florida; providing an effective date.

—was referred to the Committee on Appropriations.

On motions by Senator Margolis, by two-thirds vote SB 21-D was withdrawn from the Committee on Appropriations and by unanimous consent taken up instant.

On motions by Senator Margolis, by two-thirds vote SB 21-D 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—38

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

Nays—None

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scott, by two-thirds vote SB 15-D was withdrawn from the Committee on Rules and Calendar.

RECESS

On motion by Senator Scott, the Senate recessed at 5:17 p.m. to reconvene at 10:00 a.m., Thursday, November 16.