



Journal of the Senate

Number 2—Special Session D

Thursday, November 16, 1989

CALL TO ORDER

The Senate was called to order by the President at 10:25 a.m. A quorum present—37:

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

Excused: Senators Casas and Peterson

PRAYER

The following prayer was offered by Senator Brown:

Dear God, help us begin this day with rejoicing for it is the day that you have given us. Help us acknowledge your love and concern and allow our spirits to rise in this understanding. Help us Father to celebrate the accomplishments of the past to find satisfaction in them while at the same time pausing to think on the tasks yet to be accomplished. And give us your strength this day for our duties that we may fulfill those duties in a way that is a blessing. Forgive us our shortcomings. Help us to be the servants that you would have us to be. Our prayer in your name. Amen.

Motions

On motions by Senator Scott, by two-thirds vote SB 15-D was withdrawn from the Committee on Economic, Professional and Utility Regulation; SB 16-D was withdrawn from the Committees on Agriculture and Appropriations; SB 17-D was withdrawn from the Committee on Economic, Professional and Utility Regulation; SB 18-D was withdrawn from the Committee on Insurance; and SB 19-D was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Scott, by two-thirds vote Senate Bills 16-D, 19-D, 17-D, 18-D and 15-D were established as the special order calendar for this day.

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 Johnson—

SB 22-D—A bill to be entitled An act relating to New College; designating the music building at the Caples Campus of New College as the “Lota Mundy Music Building”; designating the music and arts pavilion at New College as the “Mildred Sainer Music and Arts Pavilion”; providing for suitable markers; providing an effective date.

—which was referred to the Committee on Higher Education.

By Senator Plummer—

SB 23-D—A bill to be entitled An act relating to the Lower Florida Keys Hospital District, Monroe County; adding s. 3B to chapter 67-1724, Laws of Florida, as amended, relating to the powers and duties of the district; expanding the powers of the governing board to authorize certain transactions; providing for financial disclosure; providing an effective date.

Proof of publication of the required notice was attached.

—which was referred to the Committee on Health Care.

By Senator Thurman—

SB 24-D—A bill to be entitled An act relating to the acquisition of state lands; authorizing the Department of Natural Resources to acquire specified parcels within the Rainbow River C.A.R.L. acquisition area in Marion County through the exercise of eminent domain, subject to certain conditions; limiting the application of this authority against certain parcels; providing an effective date.

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

By Senator D. Childers—

SB 25-D—A bill to be entitled An act relating to Palm Beach Community College; providing an appropriation for specified capital outlay projects; providing an effective date.

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

By Senator Langley—

SB 26-D—A bill to be entitled An act relating to motor vehicle insurance; repealing s. 6, ch. 89-238, Laws of Florida, relating to the phase-in period for personal injury protection and property damage accident insurance; creating a technically correct phase-in period for mandatory personal injury protection and property damage accident insurance; providing an effective date.

—which was referred to the Committee on Insurance.

SPECIAL ORDER

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.

—was read the second time by title. On motion by Senator Thurman, by two-thirds vote SB 16-D was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Davis, Deratany

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.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 19-D was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Davis

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.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 25 and 26, insert:

Section 3. Notwithstanding the provisions of section 489.105(3), Florida Statutes, to the contrary, the Construction Industry Licensing Board shall register as a Class C air conditioning contractor any person who demonstrates that, prior to October 1, 1988, he held an occupational license to engage in the business of a Class C air conditioning contractor, provided that such person applies to the Department of Professional Regulation for such registration prior to October 1, 1990.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, strike all of lines 2-5 and insert:

An act relating to professional regulation; amending s. 466.032, F.S.; increasing the registration fee for dental laboratories; providing an appropriation to implement annual registration; providing for the registration of certain air conditioning contractors under certain conditions;

On motion by Senator Dudley, by two-thirds vote SB 17-D as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Scott

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.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 18-D was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Bankhead, Forman

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.

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

Yeas—37

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

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 Stuart, by two-thirds vote SB 22-D was withdrawn from the Committee on Higher Education.

On motions by Senator Margolis, by two-thirds vote Senate Bills 20-D and 25-D were withdrawn from the Committee on Appropriations.

On motion by Senator Scott, by two-thirds vote SB 20-D was withdrawn from the Committee on Education and by two-thirds vote placed on the special order calendar.

SPECIAL ORDER, continued

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.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote SB 20-D was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

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

Jennings	Margolis	Souto	Weinstein
Johnson	McPherson	Stuart	Weinstock
Kirkpatrick	Meek	Thomas	Woodson-Howard
Langley	Myers	Thurman	
Malchon	Scott	Walker	

Nays—None

Nays—None

RECESS

Vote after roll call:

On motion by Senator Scott, the Senate recessed at 11:12 a.m. to reconvene at 2:00 p.m. or upon call of the President.

Yea—Deratany

AFTERNOON SESSION

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

The Senate was called to order by the President at 2:44 p.m. A quorum present—35:

SB 22-D—A bill to be entitled An act relating to New College; designating the music building at the Caples Campus of New College as the “Lota Mundy Music Building”; designating the music and arts pavilion at New College as the “Mildred Sainer Music and Arts Pavilion”; providing for suitable markers; providing an effective date.

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

—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—32

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

Motion

Nays—None

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

Vote after roll call:

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Brown—

Yea—Deratany

On motion by Senator Thurman, by two-thirds vote—

SB 27-D—A bill to be entitled An act relating to Volusia County; amending chapter 24961, Laws of Florida, 1947, as amended; increasing the membership of the governing body of the southeast Volusia hospital district; providing for appointments; grandfathering in present commissioners; providing an effective date.

SB 24-D—A bill to be entitled An act relating to the acquisition of state lands; authorizing the Department of Natural Resources to acquire specified parcels within the Rainbow River C.A.R.L. acquisition area in Marion County through the exercise of eminent domain, subject to certain conditions; limiting the application of this authority against certain parcels; providing an effective date.

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

—was read the second time by title.

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

Senator Thurman moved the following amendment which was adopted:

MOTIONS RELATING TO COMMITTEE REFERENCE

Amendment 1—On page 1, line 28, strike “.” and insert: and Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, under Job Number 88-1173.

On motions by Senator Scott, by two-thirds vote SB 24-D was withdrawn from the Committee on Natural Resources and Conservation; SB 26-D was withdrawn from the Committee on Insurance; and SB 27-D was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Thurman, by two-thirds vote SB 24-D 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

On motions by Senator Scott, by two-thirds vote Senate Bills 27-D, 22-D, 24-D and 26-D were placed on the special order calendar.

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

SPECIAL ORDER, continued

Nays—None

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

Vote after roll call:

SB 27-D—A bill to be entitled An act relating to Volusia County; amending chapter 24961, Laws of Florida, 1947, as amended; increasing the membership of the governing body of the southeast Volusia hospital district; providing for appointments; grandfathering in present commissioners; providing an effective date.

Yea—Deratany

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

—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:

SB 26-D—A bill to be entitled An act relating to motor vehicle insurance; repealing s. 6, ch. 89-238, Laws of Florida, relating to the phase-in period for personal injury protection and property damage accident insurance; creating a technically correct phase-in period for mandatory personal injury protection and property damage accident insurance; providing an effective date.

Yeas—34

Mr. President	Childers, D.	Diaz-Balart	Girardeau
Beard	Childers, W. D.	Dudley	Gordon
Brown	Crenshaw	Forman	Grant
Bruner	Davis	Gardner	Grizzle

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

Nays—None

On motion by Senator D. Childers, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

Senator D. Childers moved that SB 25-D be withdrawn from the Committee on Higher Education. The motion was adopted by the required two-thirds vote. The vote was:

Yeas—23

Bankhead	Diaz-Balart	Grizzle	Souto
Bruner	Dudley	Jennings	Thomas
Childers, D.	Forman	Kiser	Thurman
Childers, W. D.	Gardner	Langley	Walker
Crenshaw	Gordon	Meek	Weinstein
Deratany	Grant	Myers	

Nays—10

Mr. President	Girardeau	McPherson	Woodson-Howard
Brown	Johnson	Stuart	
Davis	Malchon	Weinstock	

Senator D. Childers moved that SB 25-D be taken up instanter. The motion failed to receive unanimous consent.

On motion by Senator D. Childers, by two-thirds vote SB 25-D was placed on the special order calendar.

SPECIAL ORDER, continued

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

SB 25-D—A bill to be entitled An act relating to Palm Beach Community College; providing an appropriation for specified capital outlay projects; providing an effective date.

—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—26

Bankhead	Diaz-Balart	Kiser	Souto
Beard	Dudley	Langley	Thomas
Bruner	Forman	Margolis	Thurman
Childers, D.	Girardeau	McPherson	Walker
Childers, W. D.	Grizzle	Meek	Weinstein
Crenshaw	Jennings	Myers	
Deratany	Johnson	Scott	

Nays—7

Brown	Gordon	Stuart	Woodson-Howard
Davis	Malchon	Weinstock	

Vote after roll call:

Yea—Grant

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 12-D was withdrawn from the Committee on Transportation.

On motions by Senator Scott, Rules 13.3 and 2.39 were waived and the Committee on Finance, Taxation and Claims was granted permission to meet this day at 3:30 p.m. to consider SB 12-D; and the Committee on Appropriations was granted permission to meet 30 minutes after adjournment of the meeting of the Committee on Finance, Taxation and Claims to consider SB 12-D.

REPORTS OF COMMITTEES

The Committee on Finance, Taxation and Claims recommends the following pass: SB 12-D with 41 amendments

The bill contained in the foregoing report was referred to the Committee on Appropriations under the original reference.

The Committee on Appropriations recommends a committee substitute for the following: SB 12-D

The bill with committee substitute attached was placed on the calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 15 was corrected and approved.

CO-INTRODUCERS

Senators Bruner, D. Childers, Kirkpatrick, Langley and Woodson-Howard—SB 18-D; Senator Johnson—Senate Bills 18-D and 20-D

RECESS

On motion by Senator Scott, the Senate recessed at 3:33 p.m. to reconvene at 8:30 a.m., Friday, November 17.