



Journal of the Senate

Number 8

Thursday, May 3, 1990

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—40:

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

PRAYER

The following prayer was offered by Father James P. Murphy, St. Patrick Church, Miami Beach:

Eternal God and Father of all, we praise you as the giver and protector of life and we thank you for creating us in your own image and likeness.

We also marvel that the whole of creation carries within it your unchanging laws and that we are privileged with having your law written in our hearts.

Bless those of us chosen to serve your people in the political arena. May the decisions we make be for the greater good of all your people and thus bring glory to your Holy Name. Amen.

Consideration of Resolutions

On motion by Senator D. Childers, by two-thirds vote SR 1760 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator D. Childers—

SR 1760—A resolution commending the Pahokee Middle Senior High School football team for its successful 1989 football season.

WHEREAS, the Pahokee Middle Senior High School "Blue Devils" football team won the 1989 class 2-A state football championship, and

WHEREAS, the 1989 Blue Devils football team is the first Blue Devils team to win a state football championship, and

WHEREAS, Head Coach Don Thompson was named Palm Beach County High School Football Coach of the Year in 1985, 1987, 1988, and 1989, and

WHEREAS, by such achievements, the team, Coach Thompson, and his excellent staff have brought honor and pride to their school and their community, NOW, THEREFORE,

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

That the Pahokee Middle Senior High School "Blue Devils" football team, Head Coach Don Thompson, and the coaching staff are commended for winning the 1989 class 2-A state football championship.

BE IT FURTHER RESOLVED that a copy of this resolution, affixed with the seal of the Senate, be presented to Coach Don Thompson and the Blue Devils football team as a tangible token of the admiration of the Senate.

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

On motion by Senator Gordon, by two-thirds vote SR 2362 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Gordon—

SR 2362—A resolution calling for continued legislative interest in organ and tissue donation and support for work and publicity related to that purpose.

WHEREAS, an acute shortage of organ and tissue donors is preventing the transplantation procedures that offer the greatest and perhaps the only opportunity for full and productive life for many, and

WHEREAS, there are several thousand Floridians awaiting organ and tissue transplants, including more than 3,000 awaiting cornea transplants to restore sight, nearly 3,000 awaiting bone transplants to restore mobility and function, more than 500 awaiting the kidney transplants needed to restore health, and countless more awaiting other organ and tissue transplants including liver, heart, heart-lung, and pancreas transplants, and

WHEREAS, the advances of medical science are making organ and tissue transplantation ever more practical and successful, and transplant programs in this state have the capacity to transplant all organs and tissues used in current therapeutic procedures, and

WHEREAS, the Florida Legislature through the enactment of the "Anatomical Gifts Act" and subsequent legislation has facilitated the life-giving donation of organs and tissues by allowing and encouraging persons to make anatomical gifts as a part of the process of issuing and renewing drivers' licenses, and

WHEREAS, the Legislature has established and provided funding for a program to educate and inform medical professionals, law enforcement agencies, minority and ethnic populations, and the general public about the need for anatomical gifts, and

WHEREAS, this program has been implemented through the formation of a Statewide Organ and Tissue Donor Consortium made up of the Department of Highway Safety and Motor Vehicles, the Department of Health and Rehabilitative Services, other government agencies, transplant programs, organ and tissue recovery organizations, professional health organizations, and voluntary health organizations, and

WHEREAS, this program has been cited by the National Task Force on Transplantation as a model to be emulated by other states, and

WHEREAS, this statewide consortium is engaged in education and work with hospitals to facilitate and encourage organ and tissue donations through the routine inquiry of families of potential donors in order to increase the supply of anatomical gifts so that every Floridian who needs an organ or tissue transplant will be able to get one, NOW, THEREFORE,

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

That the Florida Senate continue its interest in organ and tissue donation, offer its full support to the work of the Statewide Organ and Tissue Donor Consortium, and cooperate in the Organ and Tissue Donation Awareness Month so designated by the Governor as April, and the special Legislative Organ and Tissue Donor Registration on April 25, 1990, in the Capitol.

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

On motion by Senator Thomas, by two-thirds vote SR 2342 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Thomas—

SR 2342—A resolution recognizing the achievements of the late James Wilson Lee, former member of the State Road Board.

WHEREAS, James Wilson Lee was born in Statesboro, Georgia, in 1914, and moved with his family to the area near Baker, Florida, in 1920, and

WHEREAS, James Wilson Lee was graduated from Baker School whereupon he was employed by Bagdad Land and Lumber Company and the Florida Motor Vehicle Commission prior to entering private business as an automobile dealer in Crestview, and

WHEREAS, prior to his retirement he was the owner of James Lee Motors in Crestview and was also active in farming and cattle ranching throughout his life, and

WHEREAS, James Lee was a past president of the Crestview Area Chamber of Commerce and also a past member of the Okaloosa Island Authority and the University of West Florida Foundation as well as a former director of the University of West Florida Board of Directors, North Okaloosa Medical Center, and the First National Bank of Crestview, and

WHEREAS, James Lee was a moving force in the political, social, and economic development of Okaloosa County and Northwest Florida, and

WHEREAS, James Lee represented Florida's third district on the State Road Board where he played a key role in securing the funds to build the University Parkway, and he was serving on the board when the final planning was made for the proposed route of Interstate 10, and

WHEREAS, James Lee was instrumental in securing improvements to Brooks Bridge, the four-laning of Highway 98 from Fort Walton Beach to Destin, and the four-laning of Beal Street, and

WHEREAS, James Lee was honored by almost every community in Okaloosa County for his tireless civic endeavors, and

WHEREAS, James Wilson Lee passed away on August 7, 1989, at his residence on James Lee Boulevard in Crestview, and

WHEREAS, James Wilson Lee will long be remembered and admired as a great public servant, a distinguished community leader, a devoted husband and father, and a business man of integrity whose many contributions to his fellow citizens remain a lasting legacy in the history of Okaloosa County, NOW, THEREFORE,

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

That the Florida Senate expresses its deepest regret at the death of James Wilson Lee, one of Okaloosa County's and Florida's distinguished citizens.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mrs. Marilea Lee as a tangible token of the sentiments of the Florida Senate.

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

Point of Personal Privilege

Senator W. D. Childers addressed the Senate on a point of personal privilege and moved that the following statement and remarks be printed in the Journal:

Printed Statement presented to Members of the Senate

Senate Bill 3106 by Senators Pat Thomas and W. D. Childers passed the Senate by a 38-0 vote on April 26, 1990. We in the Senate did the right thing.

The only environmental concerns that the House delegation and the Escambia County Commissioners expressed to the Senate delegation about SB 3106 were the "PASS" and "DENSITY."

SB 3106 was amended to address both of these issues and provide stronger regulation than currently exists.

Representative Ritchie requested the transcript of the Senate proceedings on April 27, 1990. Subsequent to that, misrepresentations were made regarding comments made by Senators W. D. Childers and Pat Thomas.

Our statements made on the floor were accurate and in no way could be misleading to anyone who understands the legislative process. We

understand the frustration and lack of understanding of those issuing false news reports.

We also realize that our House delegation from Escambia County is under a tremendous strain. Representative Johnson previously passed a similar bill over the strong objections of some of our House delegation. This was prior to his becoming Speaker Elect.

Six days after the Senate passed SB 3106 it stayed in the Senate. The Escambia Commission and the House delegation could not get one Senator to reconsider the vote which would have delayed the bill and required another vote by the Senate. Could it be that none of them or their lobbyist knew how to do this?

They certainly couldn't get even one Senator to vote against it when it passed, however they tried.

If the three Escambia House members and the Escambia Commissioners want no limitation on "Density" and support the "Pass," they should have told us and we could have accommodated them. They now have the opportunity to take out these provisions in the House.

*W. D. Childers, 1st District
Pat Thomas, 2nd District*

Remarks made on April 26

Senator W. D. Childers: Mr. President, we have a local matter . . . a general bill of local application, applies only to the end of the state, the area that's represented by Senators Bruner, Thomas and myself, and we've all agreed to it.

We've eased all the environmental concerns that were in the House and that our County Commission had; and we have one or two amendments, so it's a much more stronger environmentally protected island now than ever before. The House delegation just simply did not read the bill, did not understand that . . . The bill has been withdrawn from committee. It is Senate Bill 3106 and I move that we take it up at the end of the local bill calendar.

Senator Thomas: Mr. President, members of the Senate, we've talked a lot. This is primarily a local matter, an issue that you might have heard had been resolved. There's an amendment that had been incorporated that speaks to environment. We have an additional amendment that corrects some of the concerns. I'll be happy to answer any questions. It's primarily a matter that was here last year. We passed this two times last year. (Amendment was read) That speaks to the numbers of permits and units that could be constructed. It says that it shall at all times be consistent with the contiguous property that would remain in Escambia. It subjects them thereby satisfying the environmental concerns expressed by others.

Remarks made on May 3

Senator W. D. Childers: All of you have a packet on your desk. It's from Senator Thomas and myself. It's in regard to a local bill, a local situation, it's a general bill of local application. It was explained as a general bill of local application.

We put a memo and a packet on everyone's desk. It's about 23 pages. It has the history of Santa Rosa Island at Navarre. There was a great misunderstanding in the House. They issued press releases, they issued white papers, saying that Senator Thomas and I had misled the Senate and the Senate understood that we said that all of the County Commissioners in Escambia County and our House delegation were for the bill.

Senators, believe me, they are against the bill. All of you knew that. Is there any one in this chamber that was so dense as to not understand that, after being lobbied by a man they paid \$20,000 to come over here for one day and hit you up in the hall with the County Commissioners. If you didn't understand it after that, that they were against it, if you'll come to me I will have something entered into the Journal so that we can explain that you didn't understand it. But the truth of the matter is, the Escambia County Commission is against it. They were against staying in Florida. They voted at one point back several years ago—four to one—to secede from Florida and to go into the State of Alabama.

They are against this general bill to allow Santa Rosa County to have jurisdiction so if there's any misunderstanding, any one in this chamber doesn't agree with what you did, please inform me or Senator Thomas.

No one ever attempted, no one ever lied, no one ever misled. We all

knew, all 38 of us that were in the chamber, all of us knew that the Escambia County Commission was over here lobbying against it and didn't support it. Now we, like I said, eased the environmental concern, but they are not willing to even look at the need of the school children. We passed the bill 38-0. To go even further, Mr. President, the Escambia County Commission nor the House delegation had enough understanding of the process to get one Senator to reconsider it. So I want to tell them, and particularly Channel 3 that distorts everything, they wouldn't know the truth if it were coming down the street backwards. They said we lied to our colleagues. If any of you believe we lied to you, stand up now and let's get on with it. And we will enter into the record.

Senator Thomas: On a positive note, we went through the process of telling you that you had been lobbied on the basis of the environmental exposures that might be creeping up on you. I know Senator Brown was alarmed about that. When that had been included, one of the top environmentalists that's here with us all the time, told me that the constraints that had been placed on that part of the island were far superior to anywhere in Florida with the exception of Franklin County.

So we moved forward on the bill with your help. I don't think anybody was misled. The press reported that they had tried to call the commissioners and tried to call here. I was here. I'm here early in the morning and one of the last to leave this building. No one has called me. I just simply hope that we haven't caused you any embarrassment. About every 10 years, we go through one of these cycles of jurisdictional dispute. The last one we had was Clay and Duval Counties and it got almost this sticky. This was a lot cleaner. The court said, "Take it to the Legislature for resolution" and that's what we did. It is down there in the House now and I just wanted to thank you for your vote and apologize for any discomfort that you might have been subjected to by inquiries regarding the environmental part. Thank you very much.

Senator Bruner: Thank you, Mr. President. I'm a little bit insulted that you'd even stand up and ask whether we understood that issue. I will admit from time to time that issues come before this chamber that I perhaps do not have quite the understanding that I should, but on this particular issue I don't believe in the short time that I've been here that I've ever been more well versed, that my colleagues have ever been more well versed. Sometimes the versing was a bit obtrusive and at times, nearly obnoxious, but we all understood the issue. I understood the issue very clearly and I do have some concern that anybody would insinuate that I didn't understand the issue or that my colleagues did not understand the issue. The vote was unanimous. I can assure you that I was stopped and cornered in the hall by the Escambia County Commission delegation and the lobbyist that they paid all the money to, but I voted out of conviction. I think I understand the issue very well and I hope that that kind of thing does not continue to occur.

Senator Dudley: Thank you, Mr. President. Senator Childers, I can tell you from my point of view, all the way back here and all the way down at the opposite end of the state from you, that I didn't have any doubt about what was going on. You and Senator Thomas had made a decision as to the position you wanted to take. I rise this morning simply to ask you how Escambia County local government is in such good financial shape that they can afford to pay this much money to someone who obviously is ineffective.

Senator W. D. Childers: The truth is they are broke. They go out and they're buying water and sewer companies and they're bonding and they're broke, they're overspent.

I think the largest single employer, the largest growth, in Escambia County is Escambia County government. We've got roads within the city area that are not paved. They paid, I know, in excess of one-half million, and maybe a million dollars on an election we had stayed for some five to seven years just so they would not have to run for office.

We have single member districts. The federal courts told them that they would have single member districts. They fought it all the way to Supreme Court, spent all the money we had. We're broke in Escambia County. It's broke.

It's a disaster area, the beach they are talking about. Real estate is selling 40 cents on the dollar and less. Escambia County has mismanaged it so badly that we hope Santa Rosa can do a better job and I'd encourage you to go down and see all of your colleagues in the House and ask them to support Representative "Bo" Johnson. Thank you.

Mr. President: Just for the record, let me state that when we took

up the bill on the day we did local bills we identified that bill as needing to be passed separately. We took the bill up after we finished our local bill calendar and we read it three times and took a separate vote on that bill, so we handled it exactly the way it was supposed to be handled.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 3, 1990: SB 1380, SB 1604, CS for SB 884, SB 1178, CS for SB 56, SB 168, SB 1628, CS for SB 426, SB 934, SB 918, CS for SB 666, SB 752, SB 518, CS for SB 502, SB 298, SB 932, CS for SB 940, CS for SB 1210, SB 970, SB 1438, CS for SB 944, SB 278, CS for SB 870, CS for SB 210, CS for SB's 112 and 100, CS for SB 1616, SB 2028, CS for SB 1482, CS for SB 2652, CS for SB 2960

Respectfully submitted,
James A. Scott, Chairman

The Committee on Commerce recommends the following pass: SB 2548 with 1 amendment

The Committee on Corrections, Probation and Parole recommends the following pass: SB 2146 with 1 amendment

The Committee on Education recommends the following pass: SB 1138, SB 1356, SB 1956 with 1 amendment, SB 2100, SB 2270, SB 2408, SB 2498, SB 2500

The Committee on Governmental Operations recommends the following pass: SB 978, SB 1472

The Committee on Health Care recommends the following pass: SB 2162

The Committee on Higher Education recommends the following pass: SB 2328, SB 2726

The Committee on Insurance recommends the following pass: SB 410, SB 2772

The Committee on Judiciary-Civil recommends the following pass: SB 2592

The Committee on Judiciary-Criminal recommends the following pass: SB 1218, SB 1376 with 2 amendments, SB 1554, SB 2514

The Committee on Natural Resources and Conservation recommends the following pass: SB 946 with 1 amendment, SB 1608

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: CS for SB 1014, SB 3054

The Committee on Transportation recommends the following pass: CS for SB 1250

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

The Committee on Governmental Operations recommends the following pass: SB 2516

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

The Committee on Health Care recommends the following pass: SB 2016

The Committee on Judiciary-Civil recommends the following pass: SB 2206

The bills contained in the foregoing reports were referred to the Committee on Economic, Professional and Utility Regulation under the original reference.

The Committee on Community Affairs recommends the following pass: SJR 32 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: SB 2386

The Committee on Health Care recommends the following pass: SB 3038

The Committee on Insurance recommends the following pass: SB 2568

The Committee on Natural Resources and Conservation recommends the following pass: SB 2310

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

The Committee on Ethics and Elections recommends the following pass: SB 2612

The Committee on Insurance recommends the following pass: SB 2566

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

The Committee on Insurance recommends the following pass: SB 558

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

The Committee on Judiciary-Criminal recommends the following pass: SB 630

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

The Committee on Ethics and Elections recommends the following pass: SB 1240

The Committee on Insurance recommends the following pass: SB 2572 with 3 amendments

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

The Committee on Judiciary-Criminal recommends the following pass: SJR 1792

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Community Affairs recommends the following pass: SB 3122

The Committee on Corrections, Probation and Parole recommends the following pass: SB 1484

The Committee on Economic, Professional and Utility Regulation recommends the following pass: SB 1168 with 1 amendment

The Committee on Insurance recommends the following pass: SB 1384 with 2 amendments, SB 1710, SB 1996, SB 2602

The Committee on Judiciary-Civil recommends the following pass: CS for SB 260, SB 856, SB 1026, SB 1174, SB 1284, SB 1804, SB 1810, SB 2510

The Committee on Judiciary-Criminal recommends the following pass: SB 412, SB 1826, SB 1832, SB 1952, SB 2066, SB 3032 with 2 amendments

The Committee on Natural Resources and Conservation recommends the following pass: SB 1642

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 3052

The Committee on Transportation recommends the following pass: SB 2472

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

The Committee on Economic, Professional and Utility Regulation recommends the following not pass: SB 1078

The Committee on Education recommends the following not pass: SB 2048

The Committee on Ethics and Elections recommends the following not pass: SJR 1058

The Committee on Transportation recommends the following not pass: SB 1716

The bills contained in the foregoing reports were laid on the table.

The Committee on Corrections, Probation and Parole recommends committee substitutes for the following: SB 1310, Senate Bills 1766 and 726, SB 2594

The Committee on Education recommends a committee substitute for the following: SB 2746

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: SB 402, SB 2956

The Committee on Insurance recommends a committee substitute for the following: SB 550

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 980

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1758

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

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 2060

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Corrections, Probation and Parole recommends committee substitutes for the following: SB 1110, SJR 2464

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1366

The Committee on Transportation recommends committee substitutes for the following: SB 2026, SB 2042

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

The Committee on Commerce recommends a committee substitute for the following: SB 1566

The Committee on Education recommends committee substitutes for the following: SB 664, SB 998, SB 3006

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 1786

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Insurance recommends a committee substitute for the following: SB 556

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 866

The bill with committee substitute attached was referred to the Committee on Higher Education under the original reference.

The Committee on Economic, Professional and Utility Regulation recommends a committee substitute for the following: SB 1288

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

The Committee on Health Care recommends a committee substitute for the following: SB 2758

The Committee on Judiciary-Criminal recommends a committee substitute for the following: SB 276

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.

The Committee on Corrections, Probation and Parole recommends a committee substitute for the following: SB 1226

The Committee on Economic, Professional and Utility Regulation recommends committee substitutes for the following: SB 1108, SB 2960

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: SB 234, SB 2984

The Committee on Health Care recommends a committee substitute for the following: SB 332

The Committee on Insurance recommends committee substitutes for the following: SB 792, SB 1312, SB 2764

The Committee on Judiciary-Civil recommends committee substitutes for the following: SB 600, CS for SB 748

The Committee on Judiciary-Criminal recommends committee substitutes for the following: SB 122, SB 434, SB 610, SB 1064, SB 1818

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 968

The Committee on Transportation recommends a committee substitute for the following: SB 2344

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

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Judiciary-Criminal and Senator Souto—

CS for SB 122—A bill to be entitled An act relating to precursor and essential chemicals; repealing part III, chapter 499, F.S., consisting of ss. 499.601-499.79, relating to ether; creating part III of chapter 499, F.S., relating to listed chemicals; creating s. 499.602, F.S., providing definitions; creating s. 499.603, F.S., requiring registration of distributors and certain purchasers or possessors of listed chemicals; creating s. 499.605, F.S., requiring proof of identity of persons who purchase or receive listed chemicals; creating s. 499.606, F.S., requiring maintenance of certain records and submission of transactional reports by distributors; providing exemptions; creating s. 499.607, F.S., authorizing inspections of facilities; creating s. 499.609, F.S., requiring the reporting of loss, unexplained shortage, theft, or unlawful distribution, purchase, or possession of listed chemicals; creating s. 499.702, F.S., authorizing the adoption of rules by the Department of Health and Rehabilitative Services to administer this part; creating s. 499.703, F.S., providing prohibited acts; creating s. 499.704, F.S., providing penalties and remedies; creating s. 499.706, F.S., providing for the conduct of hearings and review of orders by the department; creating s. 499.708, F.S., providing criminal penalties; creating s. 499.80, providing for deposit of moneys collected under this part; creating s. 499.801, F.S., providing that information obtained by the department is confidential and exempt from s. 119.07(1), F.S.; authorizing the disclosure of information to certain officials or in certain investigations or proceedings; amending s. 893.02, F.S., adding a definition of listed chemical; creating s. 893.033, F.S., establishing a list of precursor chemicals and essential chemicals; creating s. 893.0358, F.S., authorizing the Attorney General to add or delete chemicals by rule; providing for recommendations by the Department of Health and Rehabilitative Services and the Department of Law Enforcement; amending s. 893.105, F.S., authorizing the sample testing and destruction of listed chemicals seized; amending s. 893.12, F.S., providing that listed chemicals involved in chapter 893 violations are contraband and are subject to seizure and forfeiture; providing for destruction of seized chemicals; creating s. 893.149, F.S., prohibiting the possession of listed chemicals with the intent to unlawfully manufacture controlled substances; providing penalties; providing an effective date.

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

CS for SB 234—A bill to be entitled An act relating to the sale of real property; amending s. 498.037, F.S., relating to public offering statements required with respect to the sale of certain subdivided lands under the Florida Uniform Land Sales Practices Law; specifying additional information and items that must be included in such public offering statements; amending s. 190.009, F.S.; revising provisions relating to disclosures required by a community development district with respect to present and prospective residents of the district and by a residential developer within such a district with respect to prospective purchasers; amending s. 190.048, F.S.; revising the statement that must appear on any contract for the sale of real property within a community development district; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Diaz-Balart—

CS for SB 276—A bill to be entitled An act relating to controlled substances; amending s. 112.011, F.S.; providing exceptions to state employment and licensing provisions; creating s. 775.16, F.S.; disqualifying specified convicted drug offenders from state employment, licenses, and other benefits; amending s. 893.11, F.S.; requiring license revocation for specified convicted drug offenders; providing an effective date.

By the Committee on Health Care and Senators Davis, Weinstock, Peterson, Forman and Stuart—

CS for SB 332—A bill to be entitled An act relating to regulation of lay midwives; providing legislative intent; prescribing criteria for legislative review of proposals for regulation of lay midwives; requiring parties interested in changes in regulation to provide a committee to which the bill is referred with certain information; requiring the committee to make certain determinations when making recommendations concerning enactment or modification of proposals for new or increased regulation; providing an effective date.

By the Committee on Finance, Taxation and Claims—

CS for SB 402—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for contact lenses and items intended for one-time use which transfer essential optical characteristics to contact lenses; providing a future effective date; amending s. 212.11, F.S.; requiring certain taxpayers to pay estimated sales taxes; providing for distribution; providing penalties; amending ss. 125.0108, 212.0305, 212.054, 212.0606, 403.718, 403.7185, 403.7195, 403.7197, F.S.; amending certain cross-references; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Brown—

CS for SB 434—A bill to be entitled An act relating to the crime of battery; amending ss. 784.03, 784.045, F.S.; providing additional penalties for committing a second or subsequent battery or aggravated battery upon the same or related victim; providing an effective date.

By the Committee on Insurance and Senator Gordon—

CS for SB 550—A bill to be entitled An act relating to health insurance; amending s. 627.6375, F.S.; requiring insurers offering individual health insurance policies to enter into contracts for alternative rates of payment to also contract with optometrists, podiatrists, and chiropractors; amending s. 627.6695, F.S.; requiring insurers offering group health insurance policies who enter into contracts for alternative rates of payment to also contract with optometrists, podiatrists, and chiropractors; providing an effective date.

By the Committee on Insurance and Senator Langley—

CS for SB 556—A bill to be entitled An act relating to health care services; amending s. 641.495, F.S.; clarifying a requirement to provide that a reference to health care services includes specified physician services; providing an effective date.

By the Committee on Judiciary-Civil and Senator Forman—

CS for SB 600—A bill to be entitled An act relating to admissibility of evidence; amending s. 794.022, F.S.; providing for inadmissibility of evidence relating to the manner in which a victim of sexual battery is dressed, and reenacting s. 90.404(1)(b)1., F.S., relating to admissibility of character evidence, to incorporate said amendment in a reference thereto; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Brown—

CS for SB 610—A bill to be entitled An act relating to traffic control; amending s. 27.3455, F.S.; providing for additional court costs in certain traffic cases; amending s. 318.141, F.S.; authorizing sheriffs' departments and police departments to employ specially trained auxiliary officers for the limited purpose of directing traffic and operating fixed traffic control devices; empowering the Division of Criminal Justice Standards and Training of the Department of Law Enforcement to set minimum standards for instruction and authorizing local training; providing an effective date.

By the Committee on Education and Senator Peterson—

CS for SB 664—A bill to be entitled An act relating to education; creating s. 229.559, F.S.; requiring each public school district to collect students' social security numbers and begin using social security numbers as standard identification numbers by the 1991-1992 school year; providing exceptions; requiring a progress report; amending s. 228.093, F.S.; providing that a student's social security number included in school records is protected from public scrutiny; providing an effective date.

By the Committees on Judiciary-Civil and Health Care and Senator Malchon—

CS for CS for SB 748—A bill to be entitled An act relating to health care; providing for the designation of a health care surrogate; providing the duties, authorities, and liability of the health care surrogate; providing restrictions on surrogate's consent; providing the responsibility and liability of the health care providers; providing for revocation of the designation of a health care surrogate; providing for the adoption of rules; providing an effective date.

By the Committee on Insurance and Senators Jennings, Kiser, Malchon, Woodson-Howard and Brown—

CS for SB 792—A bill to be entitled An act relating to motor vehicle insurance; creating s. 627.744, F.S.; prohibiting private passenger motor vehicle insurance policies; providing physical damage coverage from being issued or renewed unless the insurer has inspected the vehicle; providing exceptions; specifying requirements for such inspections; providing for suspension of coverage in the event that an inspection is not effected timely; providing the Department of Insurance with rulemaking authority; providing for review and repeal; providing an effective date.

By the Committee on Education and Senators Peterson, Johnson and Walker—

CS for SB 866—A bill to be entitled An act relating to education; amending s. 240.118, F.S.; requiring the State Board of Education to adopt rules which require state universities, public community colleges, and public postsecondary vocational schools to report to the Commissioner of Education with respect to the performance of certain students; requiring the State Board of Education to report to the Legislature with respect to the number of high school graduates referred for remediation through preparatory programs; providing duties of the Commissioner of Education; amending s. 229.575, F.S.; requiring the Commissioner of Education's annual report to contain certain information about high school graduates who enroll in public postsecondary educational institutions and about the high school completion rate in the state; requiring each school district's annual report to include certain information about its graduates' performance and about transfers to adult education programs and preparatory programs; requiring each school's annual report to include information about its graduates' performance and about transfers to adult education programs and preparatory programs; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Kiser—

CS for SB 968—A bill to be entitled An act relating to clean outdoor air; amending s. 316.2935, F.S.; providing for a mandatory reduction in penalty for tampering with air pollution control equipment if the violation is corrected; amending s. 316.6105, F.S.; providing for the issuance of an affidavit-of-compliance form by a law enforcement officer who issues a citation for tampering with air pollution control equipment; amending s. 318.18, F.S.; modifying the penalty for tampering with air pollution control equipment; providing for a reduced fine under certain circumstances; prohibiting the intentional release of refrigerants after a certain date; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Crenshaw—

CS for SB 980—A bill to be entitled An act relating to criminal penalties; 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; amending s. 790.06, F.S., to conform; providing an effective date.

By the Committee on Education and Senator Gordon—

CS for SB 998—A bill to be entitled An act relating to education; amending s. 228.086, F.S.; providing that museums of science may establish regional centers of excellence in mathematics, science, computers, and technology; revising provisions relating to the reporting and coordinating regions of the Department of Education in which centers shall be located; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Casas—

CS for SB 1064—A bill to be entitled An act relating to false and fraudulent acts; creating s. 817.025, F.S.; prohibiting home or private business invasion by false personation or representation with intent to commit a felony; providing criminal penalties; amending s. 817.234, F.S.; defining the term "insurer" and broadening the scope of fraudulent acts committed against any insurer; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senator Johnson—

CS for SB 1108—A bill to be entitled An act relating to the regulation of water and wastewater systems; amending s. 367.045, F.S.; prohibiting the Florida Public Service Commission from issuing or amending a certificate of authorization to provide water or wastewater service within a county or municipality in which the provision of such service is inconsistent with the local comprehensive plan; requiring that applications for an initial or amended certificate of authorization be submitted to the local planning agency; amending s. 367.171, F.S.; excepting, from regulation by the commission, water and wastewater systems that transverse county boundaries pursuant to interlocal utility agreements entered into by January 1, 1991; providing an effective date.

By the Committee on Corrections, Probation and Parole; and Senator Langley—

CS for SB 1110—A bill to be entitled An act relating to the criminal justice one-cent sales tax; creating s. 212.0501, F.S.; providing a supplemental sales tax; providing for use of such tax; creating the Criminal Justice One-cent Sales Tax Trust Fund; providing for a distribution of trust fund revenues upon certain conditions; amending s. 212.20, F.S.; providing conforming language; providing for a future repeal; providing an effective date.

By the Committee on Corrections, Probation and Parole; and Senator Deratany—

CS for SB 1226—A bill to be entitled An act relating to the correctional system; amending ss. 944.09, 947.175, F.S.; requiring that all terms, conditions, and restrictions imposed upon the release under supervision of offenders, parolees, and probationers be monitored and complied with; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation; and Senator Stuart—

CS for SB 1288—A bill to be entitled An act relating to sexual misconduct in the practice of psychotherapy; providing criminal penalties for psychotherapists who engage in sexual misconduct with a client or former client, and enhanced penalties for second and subsequent offenses; providing a criminal penalty for therapeutic deceptions; eliminating client consent as a defense to offenses; defining psychotherapists, therapeutic deception, sexual misconduct, and client; providing an effective date.

By the Committee on Corrections, Probation and Parole; and Senator Grant—

CS for SB 1310—A bill to be entitled An act relating to corrections; creating s. 944.0265, F.S.; requiring the department to operate a system of regional drug intervention centers for minimum and medium custody inmates; providing for chemical dependency assessments; providing for intensive programs for such inmates; requiring the department to contract with local providers, when available, for such programs; providing for random urinalysis as a condition of early release; providing an effective date.

By the Committee on Insurance and Senator Grant—

CS for SB 1312—A bill to be entitled An act relating to insurance; amending s. 624.411, F.S.; specifying the deposit requirements for foreign insurers; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senators Peterson, Kirkpatrick, Beard, Thurman, Souto, Thomas and Grizzle—

CS for SB 1366—A bill to be entitled An act relating to aboveground storage tanks; providing applicability; providing definitions; providing powers and duties of the Department of Environmental Regulation; providing for annual registration of tanks; providing for fees; providing for deposit of such fees in the Water Quality Assurance Trust Fund; providing for rules; requiring a containment and integrity plan for each facility; providing for an inspection and maintenance program; requiring procedures and requirements to minimize risk of spills, releases, and discharges; providing for biennial review of plans; providing further requirements; providing for department audit; providing timeframes; providing alternative requirements; providing that aboveground tanks are not excluded from s. 376.317, F.S., relating to local ordinances; providing an effective date.

By the Committee on Commerce and Senators D. Childers, Diaz-Balart, Stuart and Woodson-Howard—

CS for SB 1566—A bill to be entitled An act relating to international affairs, economic development, and trade promotion; providing findings and intent; providing an international affairs officer; creating the Florida International Affairs Commission; providing for membership; providing for an executive director; providing duties of the commission; providing for a strategic plan for international economic development in Florida; providing commission duties relating to international business promotion grants; providing for reports; creating a trust fund; providing for a direct-support organization; providing for use of property; providing for a board of directors; providing for an annual audit; providing an exemption from public records requirements for certain information and providing for review and repeal of such exemption; providing purposes and duties of the Office of the Executive Director; creating the Florida International Trade and Investment Council and authorizing the creation of the Florida International Council and providing membership, terms, and duties thereof; requiring annual reports; providing advisory duties of the Florida International Tourism Advisory Council; providing powers of the Office of the Executive Director relating to international research; providing an exemption from public records law with respect to certain research; providing for review and repeal; providing a penalty; providing responsibilities and duties of the Office of the Executive Director relating to inter-governmental relations; providing for rules; providing legislative intent relating to international education; providing duties relating to international education liaison; requiring studies and reports; amending s. 229.6053, F.S.; revising membership of the Florida Commission on International Education and providing duties thereof; amending s. 240.137, F.S.; revising provisions relating to linkage institutes between postsecondary institutions and foreign countries; requiring reports; authorizing certain exemptions from payment of out-of-state tuition rates; providing duties of the Florida International Affairs Commission; creating the International Language Institute Advisory Council and providing membership, terms, and duties thereof; amending s. 228.086, F.S.; providing for regional centers of excellence in global awareness; amending s. 229.59, F.S.; providing that educational improvement projects may include global awareness programs; amending s. 229.6056, F.S.; revising provisions relating to certain education outreach activities; amending ss. 240.145, 240.147, F.S.; requiring that the Postsecondary Education Planning Commission serve as an advisory body to the Florida International Affairs Commission and include international education in its master plan for postsecondary education; amending s. 187.201, F.S.; adding an education

policy to the State Comprehensive Plan; requiring reports and an inventory; amending s. 15.18, F.S.; providing coordinating duties of the Secretary of State; providing for transfer of powers, personnel, property, and funds for sister city and sister state and consular activities to the commission; repealing ss. 15.185, 15.20, F.S., relating to sister city and sister state activities and consular activities; amending s. 34, ch. 88-201, Laws of Florida; changing the International Banking and Trade Study Commission to an advisory council within the Florida International Affairs Commission and revising provisions thereof; amending s. 20.17, F.S.; establishing the Division of International Trade and Development of the Department of Commerce; increasing membership of the Economic Development Advisory Council and revising duties thereof; creating s. 288.025, F.S.; providing powers and duties of the Division of International Trade and Development; amending s. 288.03, F.S.; revising powers and duties of the Division of Economic Development of the Department of Commerce; amending s. 288.115, F.S.; correcting a cross-reference; amending s. 288.118, F.S.; revising provisions relating to the export finance officer; amending s. 601.15, F.S.; increasing duties of the Department of Citrus; providing for review and repeal of certain councils; providing for implementation of part II of the act; providing additional duties of the Florida International Affairs Commission; providing for administrative composition of the commission; providing intent relating to export finance; creating the Florida International Tourism Promotion Council and providing membership, terms, and duties thereof; requiring annual reports; providing for the operation of foreign offices; creating the Florida Council of International Economic Advisors and providing membership, terms, and duties thereof; requiring annual reports; amending s. 288.117, F.S.; revising provisions relating to international currency and barter exchanges; amending s. 288.121, F.S.; eliminating powers and duties relating to international tourism from the Division of Tourism of the Department of Commerce; authorizing the Governor to negate certain proposed courses of action; providing for the transfer of powers, personnel, property, and funds of certain agencies to the commission; repealing ss. 288.012, 288.015, F.S., relating to foreign offices and a foreign trade impact report; providing for review and repeal of certain councils; amending s. 288.123, F.S.; revising the membership of the Tourism Advisory Council; creating the Florida Seaport Transportation and Economic Development Trust Fund to finance certain port transportation or port facilities projects; providing for the trust fund to be funded from moneys in the Transportation Trust Fund; authorizing use of moneys in the trust fund to provide grants for specified port transportation or port facilities and improvements on a matching basis; specifying eligibility for project funding; providing limitations on receipt of moneys from the trust fund; requiring ports that receive port improvement funds to institute equal opportunity hiring procedures for jobs created as a result of the state funding; requiring ports that receive moneys from the trust fund to be subject to final audit; providing for expiration of such provisions and for review of such provisions in advance thereof; creating the Florida Seaport Transportation and Economic Development Council within the Department of Transportation to approve and rank projects for funding; providing for membership of the council; requiring the council to prepare and annually update a 5-year Florida Seaport Mission Plan; requiring the council to annually submit the Florida Seaport Mission Plan to the President of the Senate, the Speaker of the House of Representatives, the Department of Transportation, the Department of Commerce, and the Department of Community Affairs; requiring the council to recommend programs of training in job skills; requiring the council to adopt rules for evaluating projects; requiring the council to submit a list of projects it approves for funding to the Department of Transportation, the Department of Commerce, and the Department of Community Affairs for review; requiring the council to review the findings of such agencies; requiring the Department of Transportation to include in its annual budget request funding for a block grant program for port improvement projects; providing meeting and voting requirements for the council; providing for per diem and travel expenses of council members; providing for an administrative staff and for payment of administrative costs; providing for expiration of these provisions and for review of such provisions in advance thereof; providing appropriations; providing effective dates.

By the Committee on Natural Resources and Conservation; and Senator Plummer—

CS for SB 1758—A bill to be entitled An act relating to saltwater fisheries; creating s. 370.142, F.S.; directing the Department of Natural Resources to establish a program to verify the number of spiny lobster traps in state and adjacent federal waters; prohibiting use of traps without tags; providing for a trap tag fee; providing an effective date.

By the Committee on Corrections, Probation and Parole; and Senators Forman and Bruner—

CS for SB's 1766 and 726—A bill to be entitled An act relating to the Inmate Welfare Trust Fund; amending s. 945.215, F.S.; revising certain purposes for the appropriation of money to the fund; prohibiting certain expenditures; providing for appropriation of the interest to the fund and to the Bureau of Crimes Compensation and Victim and Witness Services for purposes of victim compensation; providing contraband forfeiture proceeds to the Bureau of Crimes Compensation and Victim and Witness Services for purposes of victim compensation; providing an effective date.

By the Committee on Judiciary-Civil and Senators Johnson and Weinstein—

CS for SB 1786—A bill to be entitled An act relating to procurement of legal services; amending s. 287.059, F.S.; requiring agencies requesting approval for use of private legal services to report certain information to the Attorney General; requiring agencies to contract with the Attorney General when staffing and expertise are available; requiring initial approval of the Attorney General for legal services procured by the Executive Office of the Governor or a department under the jurisdiction of a Cabinet member; requiring the Attorney General to adopt, by rule, a standard fee schedule for private legal services; requiring agencies to use the fee schedule; providing exceptions; reenacting s. 287.012(4), F.S., relating to contractual services, to incorporate the amendment to s. 287.059, F.S., in a reference thereto; providing an appropriation; providing an effective date.

By the Committee on Judiciary-Criminal and Senator Bruner—

CS for SB 1818—A bill to be entitled An act relating to the solicitation of funds; amending s. 496.006, F.S.; exempting funds solicited for a person within the geographical area in which that person resides from provisions that require the deposit of such funds into a trust account and restrict the distribution of moneys from the trust account; providing an effective date.

By the Committee on Transportation and Senator Johnson—

CS for SB 2026—A bill to be entitled An act relating to motor vehicle valuations; amending s. 212.05, F.S.; amending the manner in which the Department of Revenue determines the value of used motor vehicles for purposes of sales and use taxes; amending s. 319.30, F.S.; providing for averaging of used motor vehicle values by the Department of Highway Safety and Motor Vehicles for purposes of determining whether salvaged vehicles are unrebuildable; amending s. 723.061, F.S.; providing for the adoption by the Department of Highway Safety and Motor Vehicles of valuation guides for purposes of determining the price at which a mobile home park owner must purchase a mobile home in the event of eviction of the homeowner under certain circumstances; providing an effective date.

By the Committee on Transportation and Senator Bankhead—

CS for SB 2042—A bill to be entitled An act relating to An act relating to motor vehicle registration; amending s. 320.02, F.S.; providing for a hold on the registration or renewal of motor vehicle registration if the owner of the vehicle has a driver's license under suspension for failure to comply with the penalty requirements of certain civil traffic infractions or criminal traffic offenses; directing the Department of Highway Safety and Motor Vehicles to take certain action; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senators McPherson, Walker and Gordon—

CS for SB 2060—A bill to be entitled An act relating to environmental regulation; amending s. 376.301, F.S.; defining the term "pipeline"; amending s. 376.303, F.S.; providing powers and duties of the Department of Environmental Regulation relating to pipelines; providing a registration fee; amending s. 287.0595, F.S.; correcting a cross-reference; providing an effective date.

By the Committee on Transportation and Senator Weinstock—

CS for SB 2344—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.302, F.S.; removing the exception from certain federal regulations requiring drug testing; removing the exception from federal regulations concerning reporting of accidents; updating cross-references to the Code of Federal Regulations; conforming language

to the terminology used in applicable federal law; revising restrictions on the maximum length of time an operator in intrastate commerce may drive without having a rest period or being off duty; imposing certain federal drug-testing requirements on a person who operates a commercial motor vehicle transporting agricultural products from farm to market or to first place of processing; providing restrictions on certain operators who transport hazardous materials, as defined; providing penalties; including the determination of compliance with hazardous materials regulations in the purposes for which motor carrier terminal audits may be conducted; amending s. 316.3025, F.S.; prohibiting a driver from driving while he is out-of-service or removed from driving status; providing penalties; increasing the amount of fines for certain violations; providing for liens on the property of motor carriers; expanding the list of property to which liens may attach; providing an effective date.

By the Committee on Corrections, Probation and Parole; and Senator Langley—

CS for SJR 2464—A joint resolution proposing an amendment to Article VII of the State Constitution to authorize a sales tax to provide supplemental funding for state and county correctional facilities and programs, for the operation of the offices of the state attorneys and public defenders, and for the counties' financial obligations relating to the state court system and to require the Legislature to eliminate provisional release credits.

By the Committee on Corrections, Probation and Parole; and Senator Walker—

CS for SB 2594—A bill to be entitled An act relating to prisoner supervision programs; amending ss. 944.277, 947.1405, 947.146, 947.18, 948.01, 948.03, 948.10, F.S., relating to provisional release, control release, parole, community control, and probation; requiring that offenders who committed controlled substances violations and who are placed on release from the state correctional system or who committed controlled substances violations and are placed on community control submit to random substance abuse testing intermittently throughout the term of supervision as a condition of such release, upon the direction of the correctional probation officer; providing an effective date.

By the Committee on Education and Senator Gardner—

CS for SB 2746—A bill to be entitled An act relating to education; amending s. 228.301, F.S.; revising provisions relating to the security of tests administered to students, educators, and applicants for certification; prohibiting the violation of test security rules for the administration of certain tests by school districts; requiring certain persons and educational institutions to cooperate with the Commissioner of Education in investigations of violations of security rules for mandatory tests; amending s. 229.555, F.S.; requiring a school district to consider certain student achievement data within its continuing educational planning system; amending s. 229.565, F.S.; requiring the Commissioner of Education to adopt educational evaluation procedures to evaluate minimum and higher levels of student skills and competencies; requiring the commissioner to obtain recommendations of citizens, educators, and members of the business community in developing such procedures; amending s. 229.57, F.S.; providing for participation in the administration of the National Assessment of Educational Progress; revising the statewide student assessment testing programs to provide for a statewide assessment program adopted by the Commissioner of Education; requiring the commissioner to develop a student achievement testing program to test students in the 4th, 7th, and 10th grades in reading, writing, and mathematics; requiring school districts to offer remedial instruction and to administer a high school competency test developed by the State Board of Education to 10th grade students who fail the test administered pursuant to the program developed by the commissioner; requiring school districts and public schools to periodically assess student performance; requiring the commissioner to prepare annual reports of test results; requiring the State Board of Education to adopt rules to implement the program; amending s. 229.575, F.S., relating to reporting procedures; revising a cross-reference to conform to the act; amending s. 232.245, F.S.; providing that each school district's program for pupil progression must be compatible with its remediation plan; amending s. 232.2454, F.S.; repealing provisions relating to uniform student performance standards and assessment procedures; requiring the State Board of Education to adopt rules to authorize each school district to develop student performance standards and assessment procedures; requiring school districts to annually report the results of student assessments to the state board; amending s. 232.246, F.S.; providing that students must pass the high

school competency test in order to graduate from high school; exempting certain students from such requirement; amending s. 233.0641, F.S.; providing that tests administered to students pursuant to the free enterprise and consumer education program are also administered as part of the statewide assessment program developed by the commissioner pursuant to this act; amending s. 236.088, F.S.; providing for the allocation of funds; providing an effective date.—

By the Committee on Health Care and Senator Malchon—

CS for SB 2758—A bill to be entitled An act relating to health care; providing legislative findings and intent; establishing the Study Committee on Pooling of State Purchasing of Health Care; requiring a report and recommendations; providing for membership, duties, powers, and compensation; providing an exemption from competitive bidding procedures; requiring cooperation of state agencies; providing appropriations; amending s. 5, ch. 89-530, Laws of Florida; extending a fiscal year 1989-1990 appropriation for the Florida Task Force on Private Sector Health Care Responsibility; providing an effective date.

By the Committee on Insurance and Senator Margolis—

CS for SB 2764—A bill to be entitled An act relating to insurers; amending s. 624.316, F.S.; providing for submission of requests for reduction in costs of examination; amending s. 625.172, F.S.; providing for replacement of assets; providing for suspension of a certificate of authority; amending s. 628.461, F.S.; providing exemptions from filing requirements; amending s. 628.4615, F.S.; narrowing applicability of provisions relating to acquisition of controlling stock in allied lines insurers; repealing s. 628.291(3), F.S., relating to notice of reciprocity; amending s. 631.251, F.S.; specifying conditions for offsets for reinsurance agreements in insurer liquidation proceeding; amending s. 631.281, F.S.; fixing a date for certain offsets in insurer liquidation proceedings; creating s. 624.4075, F.S.; specifying surplus as to policyholders requirements for certain applications to convert a license of a captive insurer to a certificate of authority of a domestic insurer to transact property and casualty insurance; amending s. 641.2017, F.S.; authorizing health maintenance organizations to enter into specified contracts; reenacting ss. 48.151(3), 624.11(2), 631.051(7), 634.252, 634.3073, 634.4085, 637.153, 637.422, 638.052, 639.106, 641.125, 641.255, 641.416, 642.032(5), 651.024, 651.105(1), F.S., relating to service of process on statutory agents, risk retention groups, rehabilitation of domestic insurers, motor vehicle service agreement companies, home warranty associations, service warranty associations, optometric service plans, dental service plans, ambulance service associations, preneed funeral contracts, health care service plans, health maintenance organizations, prepaid health clinics, legal expense insurance corporations, and continuing care facilities and contracts, to incorporate the amendments to ss. 624.316, 628.461, 628.4615, F.S., in references thereto; providing an effective date.

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

CS for SB 2956—A bill to be entitled An act relating to taxation; creating s. 213.015, F.S.; providing requirements with respect to the rights, safeguards, and protections afforded taxpayers during tax assessment, collection, and enforcement processes; creating s. 213.018, F.S.; providing for a taxpayer problem resolution program; providing for a taxpayers' rights advocate with authority to issue taxpayer assistance orders in extraordinary circumstances; amending s. 213.21, F.S.; providing a taxpayer's rights to have representation and to record informal conferences; creating s. 213.025, F.S.; requiring the Department of Revenue to conduct its audits, inspections, and interviews at reasonable times and places, with exceptions; amending s. 213.34, F.S.; allowing the department to offset overpayments against deficiencies; creating s. 213.731, F.S.; requiring notice before collection action is taken; providing taxpayer's rights to protest and to seek a review; creating s. 213.732, F.S.; providing procedural requirements, taxpayers' rights, and venue for certain legal actions, relating to jeopardy findings and assessments; creating s. 213.733, F.S.; providing for the cancellation, amendment, or modification of a warrant; creating s. 213.734, F.S.; providing for interest payments; amending ss. 199.262, 206.075, 211.125, 211.33, 212.14, 212.15, 214.12, 214.45, F.S.; providing procedures applicable if jeopardy to the revenue exists and is asserted in or with an assessment; amending s. 20.21, F.S.; creating within the Department of Revenue the position of Taxpayer's Rights Advocate and providing the responsibilities of the advocate; amending s. 72.011, F.S.; prohibiting certain legal actions when an action has been initiated under s. 120.575, F.S.; amending s. 95.091, F.S.; requiring the department to commence an audit within a specified period of time after it issues a

notice of intent to conduct an audit; amending s. 120.575, F.S.; providing procedures that must be followed when a taxpayer contests a tax, interest, or penalty; providing venue; providing for filing a petition and providing prerequisites thereto; providing powers of hearing officers and panels; providing for liens; providing for the prevailing party to recover legal costs including attorney's fees; amending s. 120.65, F.S.; providing for hearing officers to be administrative law judges; providing for a uniform rate of pay for administrative law judges; providing an exception; amending s. 95.091, F.S.; providing a statute of limitations on assessments and refunds; creating a task force; providing an appropriation; providing severability; providing an effective date.

By the Committee on Economic, Professional and Utility Regulation—

CS for SB 2960—A bill to be entitled An act relating to the Florida Public Service Commission; amending s. 20.055, F.S.; deleting references to the commission and to its chairman with respect to agency chief internal auditors; amending s. 110.205, F.S.; redefining the term "department" to exclude the commission; amending s. 186.005, F.S.; deleting a reference to the Public Service Commission; amending s. 255.257, F.S.; deleting a reference to the Public Service Commission; amending s. 350.001, F.S.; clarifying that the commission is and has been an agency of the legislative branch of government and that it is not an agency of government as expressed in chapters 216 and 287; amending s. 350.01, F.S.; deleting obsolete language; establishing a limitation on the number of terms that a commissioner may serve; providing for the commission to conduct its administrative functions in accordance with policies and procedures developed by the Joint Legislative Management Committee; providing for the commission to conduct its regulatory proceedings in an independent and nonpartisan manner; providing for the commission to conduct its regulatory proceedings in accordance with chapters 119 and 120, F.S., and the open meeting provisions of chapter 286, F.S.; amending s. 350.03, F.S.; authorizing the Governor to suspend a commissioner in specified circumstances; providing for review by the Senate; amending s. 350.031, F.S.; revising the membership of the Florida Public Service Commission Nominating Council; prohibiting certain conduct by council members; providing for meetings and proceedings of the council to be staffed by the Joint Legislative Management Committee; providing for council meetings and proceedings to be subject to ss. 119.07 and 286.011, F.S.; providing for per diem and travel reimbursement for commission applicants; requiring background investigations to be conducted by the Florida Department of Law Enforcement; amending s. 350.04, F.S.; revising the qualifications for commissioners; proscribing certain business dealings by commissioners; amending s. 350.05, F.S.; revising the oath of office; creating s. 350.055, F.S.; establishing standards of conduct for commissioners; providing for alleged violations to be investigated by the Commission on Ethics; providing for enforcement by the Governor; amending s. 350.06, F.S.; deleting a limitation on the compensation of official reporters; revising references; amending s. 350.061, F.S.; prescribing criteria to be used in evaluating the Public Counsel; amending s. 350.0611, F.S.; establishing reporting requirements; creating s. 350.0604, F.S.; establishing reporting requirements; amending s. 350.0605, F.S.; prohibiting certain conduct by former commissioners; establishing a 2-year time limit; amending s. 350.111, F.S.; redefining the term "regulated company"; amending s. 350.113, F.S.; revising references; deleting obsolete language; amending s. 350.115, F.S.; deleting obsolete language; amending s. 350.117, F.S.; deleting obsolete language; amending s. 350.121, F.S.; providing for inquiries to be initiated by the chairman; establishing a reporting requirement; providing that exemptions from ch. 119, F.S., are not subject to open government review; amending s. 350.127, F.S.; providing for injunctive relief; amending s. 350.128, F.S.; revising references; repealing s. 350.80, F.S., relating to coal slurry pipelines; providing for an annual audit of the commission; providing a savings clause; creating the position of Chief Legislative Analyst; providing duties; providing for the appropriation and transfer of funds; providing an appropriation; providing a criminal penalty for any false statement made by an officer, director, employee, or agent of a utility; providing an administrative penalty for a utility convicted of a felony; prohibiting certain business dealings by a utility convicted of a felony; prohibiting a utility from including in its rate base any out-of-state plant if it has been convicted of a felony; providing advertising restrictions; providing an effective date.

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

CS for SB 2984—A bill to be entitled An act relating to fuel 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, enforce-

ment, and administration of such taxes; providing collection allowances; 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, 206.21, 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, 206.9942, 207.003, 207.005, 212.05, 212.08, 336.021, 336.025, 336.026, 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; providing for retroactivity of such exemption; 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. 163.3184, 207.023, 207.026, 212.235, 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. 213.21, F.S.; renumbering and amending s. 206.445, F.S.; authorizing the Department of Revenue to settle or compromise motor and special fuel taxes; renumbering and amending s. 206.12, F.S.; providing for the sampling of motor and special fuel tax records for audit purposes by the department; repealing ss. 206.08, 206.19, 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, F.S., relating to the motor fuel tax and the sales tax on motor fuel and special fuel; providing for a tax on certain special fuel inventory; providing an effective date.

By the Committee on Education and Senator Johnson—

CS for SB 3006—A bill to be entitled An act relating to education; creating the Florida instructional technology challenge grant program to grant moneys to the school districts to purchase instructional devices; providing that the school districts must match such moneys; providing for the training of teachers to use such technology; providing a procedure for applying for a grant; creating a grant application review panel to recommend applications for approval; providing for a clearinghouse to review the development of such technology; requiring the Commissioner of Education to file an annual report to the Legislature relating to the effectiveness of the program; amending s. 229.575, F.S.; revising provisions relating to the commissioner's annual report on the status of the state system of education; providing that such report must be filed with the Governor and the State Board of Education by a specified date each year; requiring the State Board of Education and the Department of Health and Rehabilitative Services to jointly establish full-service schools to serve students from schools that have a high population of students in need of medical and social services; requiring each local private industry council created pursuant to the Job Training Partnership Act to provide awards to participants in the program upon maintaining unsubsidized employment for a specified period of time and to children of participants upon each successful completion of a semester of school; creating the Small School Task Force consisting of members appointed by the Governor to conduct research to determine the optimum public school size; requiring the task force to report its finding to the Governor, the Legislature, and the State Board of Education; providing for the abolition of the task force; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Margolis, by two-thirds vote Senate Bills 462, 1028 and 1398 were withdrawn from the Committee on Appropriations.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed HB 171, HB 209, CS for HB 223, HB 429, HB 441, CS for HB 529, HB 557, HB 1267, HB 1917, CS for HB 1991, HB 2225, HB 2303, CS

for HB 2311, HB 2535, HB 2547, HB 2551, HB 3295, CS for HB 3695; has passed as amended HB 211, CS for HB 571, HB 2039, HB 2399, HB 2455, HB 3471; has adopted HCR 3625 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Holland and others—

HB 171—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.1995, F.S.; revising the amount of the economic development ad valorem tax exemption that may be granted by a county or municipality; providing an effective date.

(Substituted for SB 298 on the special order calendar this day.)

By the Committee on Governmental Operations and Representative Martin—

HB 209—A bill to be entitled An act relating to health records of students; amending s. 402.32, F.S.; saving the exemption from public records requirements for health records of public school students from repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Health Care.

By the Committee on Natural Resources and Representative Safley and others—

CS for HB 223—A bill to be entitled An act relating to special observances; creating s. 683.18, F.S.; designating "Save the Florida Panther Day"; providing an effective date.

(Substituted for SB 1380 on the special order calendar this day.)

By the Committee on Governmental Operations and Representative Martin—

HB 429—A bill to be entitled An act relating to infant medical records; amending s. 383.14, F.S., which provides an exemption from public records requirements for the registry of cases maintained by the Department of Health and Rehabilitative Services in connection with the screening of infants for metabolic and other disorders; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Health Care.

By Representative Ostrau—

HB 441—A bill to be entitled An act relating to traffic control; amending s. 316.0747, F.S.; providing that nongovernmental entities which use a traffic control device at a place to which the public is invited shall install devices which conform to specified standards; providing exemptions; providing penalties; providing an effective date.

—was referred to the Committee on Transportation.

By the Committee on Ethics and Elections; and Representatives Hawkins and Ritchie—

CS for HB 529—A bill to be entitled An act relating to elections; creating ss. 101.731, 101.732, and 101.733, F.S., and amending s. 101.74, F.S., creating the Florida Elections Emergency Declaration Act; providing definitions; expanding authority of the Governor to suspend or delay elections in emergency circumstances; providing for requests by the Secretary of State or a supervisor of elections for such suspension or delay; authorizing the Secretary of State to reschedule elections not held due to an emergency; providing time and notice requirements; requiring the Division of Elections of the Department of State to develop an elections emergency contingency plan; specifying scope and concerns; providing for an advisory council; providing for coordination of such plan with municipal clerks and supervisors of elections and emergency management officials; requiring approval of such contingency plan by the Governor; providing for review; amending s. 101.75, F.S., conforming language; providing additional circumstances for change of dates of municipal elections; providing for review and repeal; providing an effective date.

—was referred to the Committees on Ethics and Elections; Governmental Operations; and Rules and Calendar.

By Representative Crotty—

HB 557—A bill to be entitled An act relating to consumer protection organizations; repealing s. 501.131, F.S., which provides that no consumer protection organizations shall solicit funds or anything of value for whatever purpose in this state unless a certificate of registration has been first secured from the Department of State; providing an effective date.

—was referred to the Committees on Economic, Professional and Utility Regulation; and Governmental Operations.

By Representatives Mims and Dantzler—

HB 1267—A bill to be entitled An act relating to construction contracting; amending s. 489.103, F.S.; defining the term “owners of property” to provide certain exemptions from construction contracting provisions for owners of mobile homes; providing an effective date.

—was referred to the Committees on Regulated Industries and Community Affairs.

By Representatives Bloom and Burke—

HB 1917—A bill to be entitled An act relating to the Tourism Advisory Council; amending s. 288.123, F.S.; providing for removal of members who fail to attend three consecutive meetings; providing an effective date.

(Substituted for SB 1628 on the special order calendar this day.)

By the Committee on Agriculture and Representatives C. Smith and Harris—

CS for HB 1991—A bill to be entitled An act relating to pesticides; amending s. 487.165, F.S.; increasing the maximum administrative fine for violation of ch. 487, F.S.; providing conditions; amending ss. 487.101, 487.158, and 487.159, F.S., and repealing ss. 487.091(2) and (3) and 487.173, F.S.; conforming penalty provisions and removing redundant penalties; providing an effective date.

—was referred to the Committee on Agriculture.

By the Committee on Governmental Operations and Representative Martin—

HB 2225—A bill to be entitled An act relating to governmental data processing software; creating s. 119.083, F.S.; authorizing certain governmental agencies to obtain copyrights for data processing software created by such agencies; authorizing such agencies to enforce rights pertaining to said copyrights; authorizing agencies to sell or license copyrighted data processing software, with certain restrictions; providing applicability; providing an effective date.

—was referred to the Committees on Governmental Operations; Rules and Calendar; and Appropriations.

By Representatives Martin and Flag—

HB 2303—A bill to be entitled An act relating to the University of Florida; naming the new student services center as the Marshall M. Criser Student Services Center; authorizing the university to erect appropriate markers; providing an effective date.

—was referred to the Committee on Higher Education.

By the Committees on Employee and Management Relations; and Emergency Preparedness, Military and Veterans Affairs; and Representative Reddick and others—

CS for HB 2311—A bill to be entitled An act relating to military personnel of the Department of Military Affairs; amending s. 250.05, F.S.; defining the term “military personnel of the Department of Military Affairs”; providing an effective date.

(Substituted for CS for SB 56 on the special order calendar this day.)

By Representative Harris—

HB 2535—A bill to be entitled An act relating to the Florida Citrus Commission; amending s. 601.04, F.S.; providing for four members of the commission from each of three districts; removing limitations on the appointment of grower and grower-handler members; requiring each commission member to reside in the district from which he was appointed; providing that current members shall continue in office until

the expiration of current terms; requiring the Governor to announce the district and classification of appointees; removing a restriction on legislative redistricting of the commission; amending s. 601.09, F.S.; reducing the number of commission districts from four to three; specifying the boundaries of such districts; amending s. 601.154, F.S., to conform; reenacting s. 600.051(1), F.S., relating to marketing agreements, to incorporate the amendment to s. 601.09, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Agriculture and Appropriations.

By the Committee on Agriculture and Representatives Trammell and Harris—

HB 2547—A bill to be entitled An act relating to agricultural commodity insect control; amending s. 593.113, F.S.; requiring the Department of Agriculture and Consumer Services to conduct certain referenda relating to boll weevil control programs; providing conditions for referenda; providing an effective date.

—was referred to the Committee on Agriculture.

By the Committee on Agriculture and Representatives Easterly and Harris—

HB 2551—A bill to be entitled An act relating to citrus; amending s. 601.27, F.S.; deleting requirement for federal licensure of citrus fruit inspectors; providing for sampling, testing, and inspection of processed citrus products by specified persons; amending s. 601.90, F.S.; revising requirements for meetings of the Florida Citrus Commission to determine freeze damage; providing for emergency quality assurance orders, rather than embargo orders; amending s. 601.9911, F.S.; conforming language; providing an effective date.

—was referred to the Committee on Agriculture.

By the Committee on Governmental Operations—

HB 3295—A bill to be entitled An act relating to information gathered for employment screening purposes in certain caretaking facilities; amending ss. 393.0674, 394.457, 396.0427, 397.0716, 400.497, 402.3025, and 402.319, F.S., which provide exemptions from public records requirements for local, statewide, and federal criminal records checks and abuse registry information compiled for required employment screening in certain caretaking facilities supervised by the Department of Health and Rehabilitative Services; saving such exemptions from repeal; providing for future review and repeal; providing an effective date.

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

By the Committees on Appropriations; and Finance and Taxation—

CS for HB 3695—A bill to be entitled An act relating to taxation; amending s. 199.032, F.S.; increasing the annual tax on intangible personal property; amending s. 199.185, F.S.; increasing the personal exemption for the annual tax; amending s. 199.292, F.S.; revising the distribution of intangible personal property taxes; amending ss. 201.05, 201.07, and 201.08, F.S.; increasing the documentary excise tax on stock certificates, bonds, debentures, certificates of indebtedness, promissory or non-negotiable notes, written obligations to pay money, and assignments of wages or other compensation; amending s. 201.15, F.S.; revising the distribution of documentary excise taxes; amending ss. 203.01 and 203.012, F.S.; increasing the tax on gross receipts for utility services over a specified period; providing for application of the tax to television system program services; providing an exemption for the sale of such services for resale or retransmission; defining “utility service,” “person,” and “television system program services” for purposes of imposition of said tax; providing for application of said tax to certain electricity produced by cogeneration or small power producers and by certain persons who produce electrical energy for their own use; amending ss. 212.05 and 212.08, F.S.; providing for application of sales tax to charges for television system program services; amending s. 212.054, F.S., relating to discretionary sales surtaxes, to conform; amending s. 210.02, F.S.; increasing the tax rate on cigarettes; amending s. 210.05, F.S.; revising the method of calculating the discount to wholesale purchasers of stamps; amending s. 210.20, F.S.; revising distribution of cigarette tax proceeds; amending s. 210.30, F.S.; increasing the tax on tobacco products and providing for the disposition of a portion of the proceeds of said tax; amending s. 210.70, F.S., to conform; providing for a tax on cigarette and tobacco product inventory on

hand on the effective date of the act; providing for application of penalty and interest provisions; providing effective dates.

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

By the Committee on Governmental Operations and Representative Martin—

HB 211—A bill to be entitled An act relating to publication of legal notices and advertisements; amending s. 50.061, F.S.; revising requirements regarding the charges allowable for the publication of public notices and legal advertisements; authorizing governmental agencies to solicit bids for such publication under certain circumstances; amending ss. 73.031, 75.06, 124.02, 125.56, 155.25, 157.01, 157.06, 157.23, 157.28, 157.31, 165.041, 165.051, 165.052, 171.0413, 171.044, 171.051, 173.04, 230.39, 236.38, 236.39, 333.05, 336.44, and 706.11, F.S.; revising requirements for publication of notice relating to the following: eminent domain actions; bond validation hearings; change of boundaries of county commissioners' districts; adoption of building codes by counties; levies for county public hospitals; petitions for establishment of public ditches or canals, assessments therefor, objections to assessments, soliciting of bids for repair thereof, and reassessments; election regarding merger of two or more municipalities and unincorporated areas or revocation of the charter of a municipality; proclamation by the Secretary of State declaring a municipality inactive; referendum regarding municipal annexation; ordinances regarding voluntary municipal annexation; ordinances and referenda regarding municipal contraction; suits for foreclosure of municipal tax and special assessment liens; school district millage elections; resolution proposing the issuance of school bonds and election with respect thereto; adoption of airport zoning regulations; soliciting of bids for county road construction; finding of lost timber; amending s. 180.24, F.S.; revising the monetary limit on contracts relating to municipal public works which must be advertised by publication and revising requirements for publication of notice; amending ss. 372.312 and 849.38, F.S.; revising the monetary limit relating to advertisement of certain property seized in connection with violation of laws relating to wildlife and gambling that may be forfeited; revising advertisement requirements; providing an effective date.

—was referred to the Committees on Judiciary-Civil; Finance, Taxation and Claims; and Appropriations.

By the Committee on Regulatory Reform and Representative Kelly—

CS for HB 571—A bill to be entitled An act relating to osteopathy; amending s. 459.0077, F.S.; revising requirements for an osteopathic faculty certificate; revising the automatic expiration date; amending s. 459.013, F.S.; conforming language; amending s. 459.015, F.S.; modifying grounds for disciplinary actions; amending s. 459.021, F.S.; modifying procedures for registration of hospital residents and interns; providing for rules; providing an effective date.

—was referred to the Committees on Higher Education; and Economic, Professional and Utility Regulation.

By Representative Langton—

HB 2039—A bill to be entitled An act relating to concealed weapons; amending s. 27.53, F.S.; authorizing an investigator employed by a public defender to carry concealed weapons in specified circumstances; providing that certain judges and justices may receive a license to carry a concealed weapon or firearm under certain circumstances; repealing s. 790.06(6)(g), F.S.; relating to licenses to carry concealed weapons or firearms issued to circuit or county judges; providing an effective date.

—was referred to the Committee on Judiciary-Criminal.

By the Committee on Ethics and Elections; and Representative Ostrau—

HB 2399—A bill to be entitled An act relating to legislative procedures; creating s. 11.491, F.S.; creating an official seal of the House of Representatives; providing a description; providing for use of the seal; providing for advisory opinions; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Environmental Regulation and Representative Smith—

HB 2455—A bill to be entitled An act relating to water management districts; saving ss. 373.0693, 373.0695, 373.073, 373.076, 373.079, 373.083, 373.084, 373.085, 373.086, 373.087, 373.088, 373.089, 373.093, 373.096, 373.099, and 373.103, F.S., from Sundown repeal; providing for future review and repeal; providing for periodic review of Parts II, III, and IV of chapter 373; providing an effective date.

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

By the Committee on Commerce and Representatives Simon and others—

HB 3471—A bill to be entitled An act relating to international affairs, economic development, and trade promotion; providing findings and intent; providing an international affairs officer; creating the Florida International Affairs Commission; providing for membership; providing for an executive director; providing duties of the commission; providing for a strategic plan for international economic development in Florida; providing commission duties relating to international business promotion grants; providing for reports; creating a trust fund; providing for a direct-support organization; providing for use of property; providing for a board of directors; providing for an annual audit; providing an exemption from public records requirements for certain information and providing for review and repeal of such exemption; providing purposes and duties of the Office of the Executive Director; creating the Florida International Trade and Investment Council and authorizing the creation of the Florida International Council and providing membership, terms, and duties thereof; requiring annual reports; providing advisory duties of the Florida International Tourism Advisory Council; providing powers of the Office of the Executive Director relating to international research; providing an exemption from public records law with respect to certain research; providing for review and repeal; providing a penalty; providing responsibilities and duties of the Office of the Executive Director relating to inter-governmental relations; providing for rules; providing legislative intent relating to international education; providing duties relating to international education liaison; requiring studies and reports; amending s. 229.6053, F.S.; revising membership of the Florida Commission on International Education and providing duties thereof; amending s. 240.137, F.S.; revising provisions relating to linkage institutes between postsecondary institutions and foreign countries; requiring reports; authorizing certain exemptions from payment of out-of-state tuition rates; providing duties of the Florida International Affairs Commission; creating the International Language Institute Advisory Council and providing membership, terms, and duties thereof; amending s. 228.086, F.S.; providing for regional centers of excellence in global awareness; amending s. 229.59, F.S.; providing that educational improvement projects may include global awareness programs; amending s. 229.6056, F.S.; revising provisions relating to certain education outreach activities; amending ss. 240.145 and 240.147, F.S.; requiring that the Postsecondary Education Planning Commission serve as an advisory body to the Florida International Affairs Commission and include international education in its master plan for postsecondary education; amending s. 187.201, F.S.; adding an education policy to the State Comprehensive Plan; requiring reports and an inventory; amending s. 15.18, F.S.; providing coordinating duties of the Secretary of State; providing for transfer of powers, personnel, property, and funds for sister city and sister state and consular activities to the commission; repealing ss. 15.185 and 15.20, F.S., relating to sister city and sister state activities and consular activities; amending s. 34, ch. 88-201, Laws of Florida; changing the International Banking and Trade Study Commission to an advisory council within the Florida International Affairs Commission and revising provisions thereof; amending s. 20.17, F.S.; establishing the Division of International Trade and Development of the Department of Commerce; increasing membership of the Economic Development Advisory Council and revising duties thereof; creating s. 288.025, F.S.; providing powers and duties of the Division of International Trade and Development; amending s. 288.03, F.S.; revising powers and duties of the Division of Economic Development of the Department of Commerce; amending s. 288.115, F.S.; correcting a cross reference; amending s. 288.118, F.S.; revising provisions relating to the export finance officer; amending s. 601.15, F.S.; increasing duties of the Department of Citrus; providing for review and repeal of certain councils; providing for implementation of part II of the act; providing additional duties of the Florida International Affairs Commission; providing for administrative composition of the commission; providing intent relating

to export finance; creating the Florida International Tourism Promotion Council and providing membership, terms, and duties thereof; requiring annual reports; providing for the operation of foreign offices; creating the Florida Council of International Economic Advisors and providing membership, terms, and duties thereof; requiring annual reports; amending s. 288.117, F.S.; revising provisions relating to international currency and barter exchanges; amending s. 288.121, F.S.; eliminating powers and duties relating to international tourism from the Division of Tourism of the Department of Commerce; authorizing the Governor to negate certain proposed courses of action; providing for the transfer of powers, personnel, property, and funds of certain agencies to the commission; repealing ss. 288.012 and 288.015, F.S., relating to foreign offices and a foreign trade impact report; providing for review and repeal of certain councils; providing appropriations; amending s. 288.123, F.S.; revising the membership of the Tourism Advisory Council; providing effective dates.

—was referred to the Committees on Commerce, Governmental Operations, Higher Education and Appropriations.

By Representative Lippman—

HCR 3625—A resolution calling for continued legislative interest in organ and tissue donation and support for work and publicity related to that purpose.

—was referred to the Committee on Rules and Calendar.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed SB 324 and CS for SB 1294.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

SPECIAL ORDER

SB 1380—A bill to be entitled An act relating to special observances; creating s. 683.18, F.S.; designating "Save the Florida Panther Day"; providing an effective date.

—was read the second time by title.

One amendment was adopted to SB 1380 to conform the bill to CS for HB 223.

Pending further consideration of SB 1380 as amended on motions by Senator Grizzle, by two-thirds vote—

CS for HB 223—A bill to be entitled An act relating to special observances; creating s. 683.18, F.S.; designating "Save the Florida Panther Day"; providing an effective date.

—a companion measure, was substituted for SB 1380 and by two-thirds vote read the second time by title. On motion by Senator Grizzle, by two-thirds vote CS for HB 223 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Stuart

SB 1604—A bill to be entitled An act relating to cruelty to animals; creating s. 828.065, F.S.; specifying procedures for the euthanasia of certain animals offered or obtained for sale by pet shops; providing a penalty; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendment which was moved by Senator Weinstein and adopted:

Amendment 1—On page 2, strike all of lines 13 and 14 and insert: noncriminal violation

Senator D. Childers moved the following amendments which were adopted:

Amendment 2—On page 2, between lines 14 and 15, insert:

Section 2. Section 828.135, Florida Statutes, is created to read:

828.135 Animals sold in pet stores; requirements for exercise and for cage flooring.—

(1) A pet shop owner or operator who offers for sale or obtains for sale a cat or dog:

(a) Shall provide such cat or dog at least two exercise periods every 24 hours, each of which is 15 minutes or more in length and takes place outside a cage and on a hard surface, not on a wire-mesh surface; and

(b) Shall provide that at least 50 percent of the cage floor of any cage in which the cat or dog is kept is composed of solid material, or of tightly woven mesh or other closely fitted material, that the cat or dog may stand on without any of its feet going through a crack, hole, or other interstice in the flooring.

(2) A pet shop owner or operator who violates subsection (1):

(a) If such violation is a first offense, is guilty of a noncriminal violation, punishable by a fine of no more than \$1,000.

(b) If such violation is a second or subsequent offense, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(Renumber subsequent section.)

Amendment 3—In title, on page 1, line 6, after the semicolon (;) insert: creating s. 828.135, F.S.; imposing on owners or operators of pet stores requirements pertaining to certain animals offered or obtained for sale; providing penalties;

On motion by Senator Weinstein, by two-thirds vote SB 1604 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—McPherson, Stuart

CS for SB 884—A bill to be entitled An act relating to dissolution of marriage; amending s. 61.052, F.S.; deleting provision that evidence establishing residency at a marriage dissolution hearing need not be corroborated; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote CS for SB 884 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

| | | | |
|-------------|-----------|----------|----------------|
| Gordon | Kiser | Myers | Thurman |
| Grizzle | Malchon | Peterson | Walker |
| Jennings | Margolis | Plummer | Weinstock |
| Johnson | McPherson | Souto | Woodson-Howard |
| Kirkpatrick | Meek | Thomas | |

Nays—2

| | |
|-------|---------|
| Grant | Langley |
|-------|---------|

Vote after roll call:

Yea—Scott, Stuart, Weinstein

Consideration of **SB 1178** was deferred.

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

CS for HB 2311—A bill to be entitled An act relating to military personnel of the Department of Military Affairs; amending s. 250.05, F.S.; defining the term “military personnel of the Department of Military Affairs”; providing an effective date.

—a companion measure, was substituted for CS for SB 56 and by two-thirds vote read the second time by title. On motion by Senator Beard, by two-thirds vote CS for HB 2311 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Grant, Scott, Stuart

SB 168—A bill to be entitled An act relating to flag displays; requiring certain state-owned buildings to display P.O.W.-M.I.A. flags; providing for donation of such flags by veterans’ organizations; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Thurman and adopted:

Amendment 1—On page 1, strike line 10 and insert:

Section 1. On and after September 19, 1990, each state-owned building at which the flag

Senator Thurman moved the following amendments which were adopted:

Amendment 2—On page 1, strike all of lines 12-16 and insert: M.I.A. flag, if such flag is available free of charge to the agency that occupies the building and if such display is in accordance with federal laws and regulations.

(Renumber subsequent section.)

Amendment 3—In title, on page 1, strike all of lines 4 and 5 and insert: P.O.W.-M.I.A. flags;

On motion by Senator Thurman, by two-thirds vote SB 168 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Grant, Scott

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

HB 1917—A bill to be entitled An act relating to the Tourism Advisory Council; amending s. 288.123, F.S.; providing for removal of members who fail to attend three consecutive meetings; providing an effective date.

—a companion measure, was substituted for SB 1628 and by two-thirds vote read the second time by title. On motion by Senator Bankhead, by two-thirds vote HB 1917 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Grant

Consideration of **CS for SB 426** was deferred.

SB 934—A bill to be entitled An act relating to the State of Florida Correctional Medical Authority; amending s. 945.602, F.S.; providing additional membership requirements for persons appointed to the authority; deleting provisions requiring certain records of the authority to be made available to the public; amending s. 945.603, F.S.; providing additional duties of the authority; creating s. 945.6031, F.S.; requiring the authority to make certain reports and conduct surveys; creating s. 945.6032, F.S.; requiring the authority to appoint a medical review committee; requiring a member of the authority to serve on the medical review committee of the Department of Corrections; providing that the confidentiality of certain records under ch. 119, F.S., is maintained; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole recommended the following amendment which was moved by Senator Plummer and adopted:

Amendment 1—On page 2, line 23, strike “5” and insert: 2

On motion by Senator Plummer, by two-thirds vote SB 934 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

Vote after roll call:

Yea—Scott

SB 918—A bill to be entitled An act relating to mental and substance abuse health treatment facilities; amending ss. 394.907, 396.181, 397.0961, F.S.; continuing exemptions from public disclosure requirements for records maintained pursuant to the quality assurance programs of community mental health centers, alcoholism treatment and rehabilitation facilities, and drug abuse treatment and education program facilities, notwithstanding the Open Government Sunset Review Act; providing an effective date.

—was read the second time by title. On motion by Senator Weinstock, by two-thirds vote SB 918 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 666—A bill to be entitled An act relating to chiropractic; amending s. 460.403, F.S.; redefining "peer review committee"; amending s. 460.407, F.S.; providing that an active license which is not renewed at the end of the biennium shall automatically expire; providing a grace period; creating s. 460.417, F.S.; providing treatment programs for impaired practitioners; providing penalties; providing limits on civil liability for disclosure of certain information; amending s. 455.26, F.S.; adding a licensed chiropractor to the Impaired Practitioners Committee; repealing s. 460.402(6), F.S., relating to an exception to the provisions relating to chiropractic for a student or recent unlicensed graduate practicing under a licensed chiropractic physician under certain circumstances; repealing s. 460.409, F.S., relating to inactive status licenses; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote CS for SB 666 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 752—A bill to be entitled An act relating to county officers and employees; authorizing county constitutional officers and county commissioners to reimburse employees for educational expenses under specified conditions; providing an effective date.

—was read the second time by title. On motion by Senator Gardner, by two-thirds vote SB 752 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

SB 518—A bill to be entitled An act relating to home health care; amending s. 400.462, F.S.; defining "nurse registry"; creating s. 400.506, F.S.; providing for licensure of nurse registries; providing for a fee; providing administrative penalties; providing for license renewal; providing for conditional licenses; providing for injunction; requiring use of license number in advertising; prohibiting false advertising; providing criminal penalties; providing for inspections and investigations by the Department of Health and Rehabilitative Services; providing for the referral of certain health care professionals for contract; prohibiting referral of certain health care professionals for contract in private residences; requiring compliance with notice requirements pertaining; to abuse reporting; requiring employment applications and records; providing for employment screening, plan of treatment, and notice of abuse reporting information; providing for department rules; providing for review and repeal; providing an effective date.

—was read the second time by title.

Senator Malchon moved the following amendment which was adopted:

Amendment 1—On page 2, line 9, after "contractors" insert: , *including, but not limited to, both contracts for the provision of services to patients at the homes or places of residence of the patients and contracts for the provision of services including private duty and/or supplemental staffing at health care facilities licensed under chapter 395 or under parts I, II, IV or V of chapter 400*

On motion by Senator Malchon, by two-thirds vote SB 518 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Scott

CS for SB 502—A bill to be entitled An act relating to handicapped parking; amending s. 316.1967, F.S.; requiring counties to provide the Department of Highway Safety and Motor Vehicles with lists of persons who have violated handicapped parking laws or ordinances; requiring the department to mark the vehicle registrations of such persons; reenacting s. 320.03(8), F.S., relating to issuance of license plates or revalidation stickers to such persons, to incorporate the amendment to s. 316.1967, F.S., in a reference thereto; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote CS for SB 502 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Scott

On motions by Senator Woodson-Howard, by two-thirds vote—

HB 171—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.1995, F.S.; revising the amount of the economic development ad valorem tax exemption that may be granted by a county or municipality; providing an effective date.

—a companion measure, was substituted for SB 298 and by two-thirds vote read the second time by title. On motion by Senator Woodson-Howard, by two-thirds vote HB 171 was 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 |
| Casas | Gordon | McPherson | Weinstein |
| Childers, D. | Grant | Meek | Weinstock |
| Childers, W. D. | Grizzle | Myers | Woodson-Howard |
| Crenshaw | Jennings | Peterson | |
| Davis | Johnson | Plummer | |

Nays—None

Vote after roll call:

Yea—Scott

SB 932—A bill to be entitled An act relating to records of home health agency personnel; amending s. 400.497, F.S.; prohibiting the Department of Health and Rehabilitative Services and home health agencies from using the criminal records and juvenile records of home health agency personnel and administrators for purposes other than determining if such personnel or administrators meet minimum standards for good moral character; exempting such records obtained by the department or a home health agency from public disclosure requirements; providing for periodic legislative review of such exemption pursuant to s. 119.14, F.S., the Open Government Sunset Review Act; deleting an obsolete cross-reference; providing an effective date.

—was read the second time by title. On motion by Senator Weinstock, by two-thirds vote SB 932 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Scott

CS for SB 940—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing a minimum fee to be used in determining the actual cost of duplication of certain public records; providing duties of the Department of State; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendments which were adopted:

Amendment 1—On pages 1 and 2, strike everything after the enactment clause and insert:

Section 1. Paragraph (a) of subsection (1) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection and examination of records; exemptions.—

(1)(a) Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record or his designee. The custodian shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law or, if a fee is not prescribed by law, for duplicated copies of not more than 14 inches by 8½ inches, upon payment of 15 cents per one-sided copy, and for all other copies, upon payment of the actual cost of duplication of the record. An agency may charge no more than an additional 5 cents for each two-sided duplicated copy. For purposes of this section, duplicated copies shall mean new copies produced by duplicating, as defined in s. 283.30. The phrase "actual cost of duplication" means the cost of the material and supplies used to duplicate the record, but it does not include the labor cost or overhead cost associated with such duplication. However, the charge for copies of county maps or aerial photographs supplied by county constitutional officers may also include a reasonable charge for the labor and overhead associated with its duplication. Unless otherwise provided by law, the fees to be charged for duplication of public records shall be collected, deposited, and accounted for in the manner prescribed for other operating funds of the agency. An agency may charge up to \$1 per copy for a certified copy of a public record.

Section 2. This act shall take effect July 1, 1990, or upon becoming a law, whichever occurs later.

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing a fee to be charged for copies of certain public records; providing a fee to be charged for certified copies; providing an effective date.

On motion by Senator Jennings, by two-thirds vote CS for SB 940 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Consideration of **CS for SB 1210** was deferred.

Senator W. D. Childers presiding

SB 970—A bill to be entitled An act relating to insurance; amending s. 626.9541, F.S.; revising language with respect to unfair claim settlement practices as unfair methods of competition and unfair or deceptive acts to include additional actions which are considered unfair claim settlement practices; amending s. 627.613, F.S.; providing for the time of payment of health insurance benefits; providing when such benefits are overdue; providing for the payment of interest on overdue payments; amending s. 627.662, F.S.; providing that provisions with respect to overdue health insurance benefit payments also apply to group health insurance, blanket health insurance, and franchise health insurance policies; providing an effective date.

—was read the second time by title.

The Committee on Insurance recommended the following amendment which was moved by Senator Kiser and adopted:

Amendment 1—On page 3, lines 15-31, and on page 4, lines 1-12, strike all of said lines and insert:

(2) *Health insurers shall reimburse all claims or any portion of any claim from an insured or an insured's assignees, for payment under a health insurance policy, within 30 days after receipt of the claim by the health insurer. If a claim or a portion of a claim is contested by the health insurer, the insured or the insured's assignees shall be notified, in writing, that the claim is contested or denied, within 30 working days after receipt of the claim by the health insurer. The notice that a claim is contested shall identify the contested portion of the claim and the reasons for contesting the claim.*

(3) *A health insurer, upon receipt of the additional information requested from the insured or the insured's assignees shall pay or deny the contested claim or portion of the contested claim, within 60 working days.*

(4) *Payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was placed in the United States mail in a properly addressed, postpaid envelope or, if not so posted, on the date of delivery.*

(5) *All overdue payments shall bear simple interest at the rate of 10 percent per year.*

On motion by Senator Kiser, by two-thirds vote SB 970 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

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

Nays—None

Vote after roll call:

Yea—Davis, Scott

SB 1438—A bill to be entitled An act relating to workers' compensation; amending s. 440.44, F.S.; abolishing terms of present members and providing for new membership on the workers' compensation advisory council; continuing provisions authorizing the council notwithstanding repeal pursuant to the Sundown Act; providing for future repeal and review of such provisions; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote SB 1438 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Scott, Walker

Consideration of **CS for SB 944** was deferred.

SB 278—A bill to be entitled An act relating to protective orders; creating s. 45.063, F.S.; providing attorneys involved in civil cases and proceedings the right to share information and materials with other attorneys or expert witnesses involved in similar or related matters; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil recommended the following amendment which was moved by Senator Langley:

Amendment 1—On page 1, strike everything after the enacting clause and insert:

Section 1. Section 69.081, Florida Statutes, is created to read:

69.081 Sunshine in Litigation; Concealment of Public Hazards Prohibited.—

(1) This section may be cited as the "Sunshine in Litigation Act."

(2) As used in this section, "public hazard" means an instrumentality, including but not limited to any device, instrument, person, procedure, product, or a condition of a device, instrument, person, procedure or product, that has caused or is likely to cause injury.

(3) No court shall enter an order or judgment which has the purpose or effect of concealing a public hazard or any information concerning a public hazard, nor shall the court enter an order or judgment which has the purpose or effect of concealing any information which may be useful to members of the public in protecting themselves from injury which may result from the public hazard.

(4) Any portion of an agreement or contract which has the purpose or effect of concealing a public hazard, any information concerning a public hazard, or any information which may be useful to members of the public in protecting themselves from injury which may result from the public hazard, is void, contrary to public policy and may not be enforced.

(5) Any person has standing to contest an order, judgment, agreement or contract that violates this section. A person may contest an order, judgment, agreement or contract that violates this section by motion in the court that entered the order or judgment, or by bringing a declaratory judgment action pursuant to Chapter 86.

Section 2. This act shall take effect July 1, 1990.

Senator Langley moved the following amendments to Amendment 1 which were adopted:

Amendment 1A—On page 1, line 22, strike "or" and insert: and

Amendment 1B—On page 1, line 23, strike "No" and insert: Except pursuant to this section, no

Amendment 1C—On page 2, between lines 5 and 6, insert a new section (5):

(5) Trade secrets as defined in s. 688.002 which are not pertinent to public hazards shall be protected pursuant to chapter 688.

(Renumber subsequent sections.)

Amendment 1D—On page 2, line 6, strike "person" and insert: substantially affected person, including but not limited to representatives of news media,

Amendment 1E—On page 2, between lines 11 and 12, insert a new section (6):

(6) Upon motion and good cause shown by a party attempting to prevent disclosure of information or materials which have not previously been disclosed, including but not limited to alleged trade secrets, the court shall examine the disputed information or materials in camera. If the court finds that the information or materials or portions thereof consist of information concerning a public hazard or information which may be useful to members of the public in protecting themselves from injury which may result from a public hazard, the court shall allow disclosure of the information or materials. If allowing disclosure, the court shall allow disclosure of only that portion of the information or materials necessary or useful to the public regarding the public hazard.

Amendment 1 as amended was adopted.

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

Amendment 2—In title, on page 1, strike all of lines 2-8 and insert: An act relating to the concealment of public hazards; creating s. 69.081, F.S.; providing a definition; providing that a court may not enter a judgment which conceals a public hazard; providing that certain contracts or agreements are void; providing standing for certain persons; providing for an action for declaratory judgment; providing an effective date.

On motion by Senator Langley, by two-thirds vote SB 278 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Scott

CS for SB 870—A bill to be entitled An act relating to elections; amending s. 100.371, F.S.; requiring that signatures on initiative petitions be witnessed; revising the time period for which such signatures are valid; requiring the sponsor to certify that no per-signature fee was paid; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Brown, by two-thirds vote CS for SB 870 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

| | | | |
|-----------------|-------------|-----------|-----------|
| Bankhead | Deratany | Kiser | Stuart |
| Beard | Diaz-Balart | Langley | Thomas |
| Brown | Forman | Malchon | Thurman |
| Bruner | Girardeau | Margolis | Walker |
| Casas | Gordon | McPherson | Weinstein |
| Childers, D. | Grant | Myers | Weinstock |
| Childers, W. D. | Grizzle | Peterson | |
| Crenshaw | Jennings | Scott | |
| Davis | Johnson | Souto | |

Nays—4

| | | | |
|--------|---------|---------|----------------|
| Dudley | Gardner | Plummer | Woodson-Howard |
|--------|---------|---------|----------------|

Vote after roll call:

Yea to Nay—Bankhead, Deratany

On motion by Senator Brown, the rules were waived and **CS for SB 870** was ordered immediately certified to the House.

CS for SB 210—A bill to be entitled An act relating to taxes; imposing a surcharge on retail sales of cigarette rolling papers; providing an exemption; providing for depositing collections of surcharge revenues into the Drug Abuse Education Trust Fund; providing for penalties and interest; providing for collection and enforcement; providing an effective date.

—was read the second time by title. On motion by Senator Souto, by two-thirds vote CS for SB 210 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

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

Nays—2

| | |
|---------|----------------|
| Gardner | Woodson-Howard |
|---------|----------------|

On motion by Senator Souto, the rules were waived and **CS for SB 210** was ordered immediately certified to the House.

CS for SB's 112 and 100—A bill to be entitled An act relating to offenses involving alcohol or drugs; providing a short title; authorizing a court to order, as a condition of probation, certain persons convicted of driving under the influence to participate in the Youthful Drunk Driver Visitation Program; requiring a court to determine whether the program is appropriate for a probationer; allowing a court to require supervised probationers to visit certain prescribed facilities to view appropriate victims of vehicle accidents involving drinking drivers; prescribing appropriate supervisory personnel for such visitations; requiring a comprehensive counseling session before visitations; providing for a waiver of visitation if it is determined to be inappropriate; providing for a discretionary post-visitiation conference; providing immunity from civil liability; creating s. 322.056, F.S.; providing mandatory withholding, revocation, or suspension of the driving privilege of a person under 21 years of age who is found guilty of or delinquent for certain offenses; amending ss. 562.11, 562.111, F.S.; providing that penalties imposed under s. 322.056, F.S., are in addition to penalties imposed for the specified violations of the Beverage Law; providing an effective date.

—was read the second time by title. On motion by Senator Davis, by two-thirds vote CS for SB's 112 and 100 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Davis, the rules were waived and **CS for SB's 112 and 100** was ordered immediately certified to the House.

SB 1178—A bill to be entitled An act relating to the State University System; amending s. 240.209, F.S.; revising procedures relating to the appointment of university presidents; revising membership requirements of search committees which recommend candidates for such appointment; deleting duties of the Chancellor in the appointment process; deleting a prohibition on providing tenured faculty appointments to university presidents removed from office; reviving and readopting s. 240.209, F.S., notwithstanding a repeal scheduled pursuant to the Regulatory Sunset Act; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 1178 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Grant

CS for SB 426—A bill to be entitled An act relating to warning signs at contaminated sites; providing legislative intent; providing for adoption of rules by the Department of Environmental Regulation; providing penalties; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 1—On page 1, line 11, strike everything after the enacting clause and insert:

Section 1. Legislative intent.—It is the intent of the legislature to protect the citizens of Florida from unknowingly becoming exposed to hazardous wastes, and from entering sites which may have been contaminated by hazardous wastes and to alert parents to keep their children off such property. The legislature intends by enactment of this law, to require that owners or operators of contaminated sites clearly post signs at points of possible access to any such wastes or sites to provide public warning of the presence of the hazardous wastes or other material.

Section 2. Department to adopt rules.—The Department of Environmental Regulation shall adopt rules no later than January 1, 1991 which establish requirements and procedures for the placement of signs at sites which may have been contaminated by hazardous wastes. Sites shall include any site in the state that is listed or proposed for listing on the Superfund Site List of the United States Environmental Protection Agency or any site identified by the department as a suspected or confirmed contaminated site. The requirements of this section shall not apply to sites reported under sections 376.3071 and 376.3072, Florida Statutes. The rules shall establish the appropriate size for such signs, which size shall be no smaller than 2 feet by 2 feet, and shall provide in clearly legible print appropriate warning language for the waste or other materials at the site and a telephone number which may be called for further information.

Section 3. Violations of this act are punishable as provided in section 403.161(4), Florida Statutes.

Section 4. The provisions of this act are independent of and cumulative to any other requirements and remedies in chapters 403 or 376, Florida Statutes, or any rules promulgated thereunder.

Section 5. This act shall take effect upon becoming law.

Amendment 2—In title, on page 1, line 6, insert: providing application; providing sign specifications;

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 426 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

McPherson

On motion by Senator Kirkpatrick, the rules were waived and **CS for SB 426** was ordered immediately certified to the House.

On motion by Senator Gardner, by two-thirds vote HB 441 was withdrawn from the Committee on Transportation.

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

HB 441—A bill to be entitled An act relating to traffic control; amending s. 316.0747, F.S.; providing that nongovernmental entities which use a traffic control device at a place to which the public is invited shall install devices which conform to specified standards; providing exemptions; providing penalties; providing an effective date.

—a companion measure, was substituted for CS for SB 944 and by two-thirds vote read the second time by title.

Senator Deratany moved the following amendment which was adopted:

Amendment 1—On page 2, strike all of lines 2-4 and insert: *be installed no later than January 1, 1992. Businesses, the parking lots of which do not provide intersecting lanes of traffic and businesses having fewer*

On motion by Senator Gardner, by two-thirds vote HB 441 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Grant

On motion by Senator Gardner, the rules were waived and **HB 441** was ordered immediately certified to the House.

CS for SB 1616—A bill to be entitled An act relating to revocation of driving privileges; amending s. 322.27, F.S.; requiring the Department of Highway Safety and Motor Vehicles to revoke for a specified period the driving privilege of a person convicted of or adjudicated delinquent for any felony violation of ch. 893, F.S., relating to controlled substances, or any substantially similar violation committed in another jurisdiction; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote CS for SB 1616 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator Bankhead, the rules were waived and **CS for SB 1616** was ordered immediately certified to the House.

SB 2028—A bill to be entitled An act relating to public records; amending ss. 393.0655, 393.067, 393.0674, 394.457, 396.042, 396.0425, 396.0427, 397.0715, 397.0716, 397.091, 402.3025, 402.3055, 402.319, F.S.; prohibiting the Department of Health and Rehabilitative Services or certain facilities or programs for the care or treatment of persons who are developmentally disabled, mentally ill, alcoholic, drug dependent, or children from using the criminal records or juvenile records relating to the personnel of such facilities or programs for any purpose other than determining if the moral character of such persons meet certain specified minimum standards for the personnel of such facilities or programs; exempting such records obtained by the department or such a facility or program from public disclosure requirements; providing for periodic legislative review of such exemptions pursuant to s. 119.14, F.S., the Open Government Sunset Review Act; revising provisions specifying criminal penalties for using the criminal records or juvenile records of such personnel for any purpose other than determining if the moral characters of such persons meet such minimum standards; specifying criminal penalties for

using juvenile records of child care personnel in family day care homes for any purposes other than determining if the moral characters of such persons meet minimum standards for personnel of family day care homes; deleting obsolete provisions; providing an effective date.

—was read the second time by title. On motion by Senator Weinstock, by two-thirds vote SB 2028 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Plummer, Scott

CS for SB 1482—A bill to be entitled An act relating to county courts; amending s. 34.01, F.S.; increasing the amount in controversy over which the county court has jurisdiction; providing for payment of certain filing fees and service charges; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for SB 1482 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

| | | | |
|-----------------|-------------|-------------|----------------|
| Bankhead | Davis | Jennings | Plummer |
| Beard | Deratany | Johnson | Souto |
| Brown | Diaz-Balart | Kirkpatrick | Thomas |
| Bruner | Dudley | Kiser | Thurman |
| Casas | Forman | Langley | Walker |
| Childers, D. | Gardner | Malchon | Weinstein |
| Childers, W. D. | Girardeau | McPherson | Weinstock |
| Crenshaw | Grizzle | Myers | Woodson-Howard |

Nays—None

Vote after roll call:

Yea—Scott, Stuart

On motion by Senator Langley, by two-thirds vote HB 2039 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Langley, by unanimous consent—

HB 2039—A bill to be entitled An act relating to concealed weapons; amending s. 27.53, F.S.; authorizing an investigator employed by a public defender to carry concealed weapons in specified circumstances; providing that certain judges and justices may receive a license to carry a concealed weapon or firearm under certain circumstances; repealing s. 790.06(6)(g), F.S.; relating to licenses to carry concealed weapons or firearms issued to circuit or county judges; providing an effective date.

—was taken up out of order and by two-thirds vote read the second time by title.

Senators Langley, Dudley, Thurman and W. D. Childers offered the following amendments which were moved by Senator Langley and adopted:

Amendment 1—On page 2, line 28, strike “October 1, 1990” and insert: upon becoming a law

Amendment 2—On page 2, strike all of lines 18-24 and insert: 790.06, Florida Statutes.

Section 3. Section 790.051, Florida Statutes, is amended to read:

790.051 Exemption from licensing requirements; law enforcement officers, *state attorneys, and assistant state attorneys*.—Law enforcement officers, *state attorneys, and assistant state attorneys* are exempt

from the licensing and penal provisions of this chapter when acting at any time within the scope or course of their official duties or when acting at any time in the line of or performance of duty.

Section 4. Section 790.052, Florida Statutes, is amended to read:

790.052 Carrying concealed firearms; off-duty law enforcement officers, *state attorneys, and assistant state attorneys*.—

(1) All persons holding active certifications from the Criminal Justice Standards and Training Commission as law enforcement officers or correctional officers as defined in s. 943.10(1), (2), (6), (7), (8), or (9) shall have the right to carry, on or about their persons, concealed firearms, during off-duty hours, at the discretion of their superior officers, and may perform those law enforcement functions that they normally perform during duty hours, utilizing their weapons in a manner which is reasonably expected of on-duty officers in similar situations. However, nothing in this subsection shall be construed to limit the right of a law enforcement officer to carry a concealed firearm off duty as a private citizen.

(2) *Any state attorney, or any assistant state attorney who has the permission of his employing state attorney to do so, shall have the right to carry, on or about their persons, concealed firearms, during off-duty hours. This subsection does not limit the right of a state attorney or assistant state attorney to carry a concealed firearm off duty as a private citizen.*

(3)(2) The superior officer of any police department or sheriff’s office or the Florida Highway Patrol, if he elects to direct the officers under his supervision to carry concealed firearms while off duty, shall file a statement with the governing body of such department of his instructions and requirements relating to the carrying of said firearms.

(Renumber subsequent sections.)

Amendment 3—In title, on page 1, strike all of lines 6-8 and insert: providing that certain judges and justices are not required to comply with s. 790.06, F.S.; amending s. 790.051, F.S.; exempting state attorneys and certain assistant state attorneys from the licensing and penal provisions of ch. 790, F.S.; amending s. 790.052, F.S.; providing that state attorneys and assistant state attorneys have the right to carry concealed firearms during off-duty hours;

On motion by Senator Langley, by two-thirds vote HB 2039 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Motion

On motion by Senator Scott, the rules were waived and time of recess was extended until final action on CS for SB 1210.

On motion by Senator Thurman, by two-thirds vote CS for HB 1991 was withdrawn from the Committee on Agriculture.

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

CS for HB 1991—A bill to be entitled An act relating to pesticides; amending s. 487.165, F.S.; increasing the maximum administrative fine for violation of ch. 487, F.S.; providing conditions; amending ss. 487.101, 487.158, and 487.159, F.S., and repealing ss. 487.091(2) and (3) and 487.173, F.S.; conforming penalty provisions and removing redundant penalties; providing an effective date.

—a companion measure, was substituted for CS for SB 2652 and by two-thirds vote read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for HB 1991 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for SB 1210—A bill to be entitled An act relating to weapons and firearms; amending s. 790.051, F.S.; exempting state attorneys and certain assistant state attorneys from the licensing and penal provisions of ch. 790, F.S.; amending s. 790.052, F.S.; providing that state attorneys and assistant state attorneys have the right to carry concealed firearms during off-duty hours; providing an effective date.

—was read the second time by title.

Senators Langley, Dudley, Thurman, Bruner and W. D. Childers offered the following amendments which were moved by Senator Dudley and adopted:

Amendment 1—On page 2, between lines 21 and 22, insert:

Section 3. No county court judge, circuit court judge, district court of appeals judge, or justice of the supreme court shall be required to comply with the provisions of s. 790.06, Florida Statutes.

Section 4. Paragraph (g) of subsection (6) of section 790.06, Florida Statutes, as created by chapter 89-60, Laws of Florida, is hereby repealed.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 9, after the semicolon (;) insert: providing that certain judges are not required to comply with s. 790.06, F.S.; repealing s. 790.06(6)(g), F.S.; relating to concealed weapon licensure requirements for certain judges;

On motion by Senator Dudley, by two-thirds vote CS for SB 1210 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—D. Childers, Plummer

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Margolis, by two-thirds vote CS for SB 402 and SB 1554 were withdrawn from the Committee on Appropriations.

On motions by Senator Deratany, by two-thirds vote CS for SB 2472 and CS for SB 2104 were also referred to the Committee on Finance, Taxation and Claims.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 1 was corrected and approved.

CO-INTRODUCERS

Senator Langley—CS for SB's 112 and 100; Senator Woodson-Howard—CS for SB 976; Senator Stuart—SB 1450; Senator Diaz-Balart—SB 1500; Senator Souto—SB 1686; Senator Meek—SB 1738; Senator Davis—SB 2916

Senators Bankhead, Crenshaw and Grant withdrew their names as co-introducers of CS for SB 402.

RECESS

Senator Scott moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Tuesday, May 8, at 2:30 p.m. The motion was adopted.

Pursuant to the motion by Senator Scott, the Senate recessed at 12:09 p.m. to reconvene at 2:30 p.m., Tuesday, May 8.