



Journal of the Senate

Number 3

Tuesday, March 12, 1991

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—38:

Madam President	Davis	Jennings	Souto
Bankhead	Diaz-Balart	Johnson	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Bruner	Gardner	Langley	Weinstein
Casas	Girardeau	Malchon	Weinstock
Childers	Gordon	McKay	Wexler
Crenshaw	Grant	Meek	Yancey
Crotty	Grizzle	Plummer	
Dantzler	Jenne	Scott	

Excused: Senators Kirkpatrick and Myers

PRAYER

The following prayer was offered by the Rev. Dr. William S. Echols, Conference Secretary, The Florida Annual Conference of the United Methodist Church, Lake Wales:

Eternal God, the Father of us all, we pause in the earlier time of this day to invoke your blessings upon this most significant body of Senators, those selected by their constituents to be lawgivers, caregivers and persons of service through this high place of governmental responsibility.

Cause them to be reminded that with your gift of this new day you have shown once again your trust and confidence in each to fulfill her or his known responsibilities. May that which is done this day be not so much driven by pressing problems as led by daring dreams and challenging opportunities for advancement.

In our boldness we believe that today's concerns here are matters that concern you, also. Further boldness causes us to pray for your wisdom and guidance in today's proposals, considerations and decisions. Bless and use these our friends individually and as a body, along with others whose governance affects millions of persons. Keep them from falling prey to expediency; rather give to each strength of body, mind and soul equal to the tasks that are before them. And, we would remember all who have special needs just now, be they personal or otherwise. Particularly, we would remember Senator Kirkpatrick who this day is undergoing surgery in Maryland. Use those who shall be making diagnoses and shall be ministering to his physical need.

We pray and we believe all of this in your Holy name. Amen.

PLEDGE

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

SPECIAL ORDER

SB 232—A bill to be entitled An act relating to eminent scholars selection committees; amending s. 240.257, F.S.; deleting committee composition requirements; amending s. 1, ch 82-46, Laws of Florida; abrogating the repeal of s. 240.257(6)(c), F.S., pursuant to the Sundown Act; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote **SB 232** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

SB 238—A bill to be entitled An act relating to women's intercollegiate athletics; amending s. 240.533, F.S.; revising the composition of the Council on Equity in Athletics, providing for the length of terms for council members; abrogating the repeal of s. 240.533(3), F.S., scheduled pursuant to the Sundown Act; providing for future legislative review and repeal of s. 240.533(3), F.S.; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote **SB 238** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 414—A bill to be entitled An act relating to the Florida State Medical Museum Council; amending s. 240.515, F.S.; abolishing the council; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote **SB 414** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 418—A bill to be entitled An act relating to the Postsecondary Education Planning Commission; amending s. 240.147, F.S.; deleting obsolete language; clarifying the role of the commission as an independent advisory body to the State Board of Education and Legislature; directing the commission to conduct certain studies and planning activities; revising and readopting ss. 240.145, 240.147, F.S., notwithstanding their scheduled repeal pursuant to the Sundown Act; providing for future legislative review and repeal of such sections; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote **SB 418** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for SB 448—A bill to be entitled An act relating to state government; repealing ss. 1, 2, 3, 4, 5, 6, 7, chapter 90-110, Laws of Florida, and amending ss. 216.023, 11.45, 215.20, 215.22, F.S.; repealing the Agency Budget Sunset Act under which agencies of state government were subject to periodic review in order to determine whether their programs and activities remained justifiable; providing for certain audits by the Auditor General; prescribing duties of certain legislative committees; providing an effective date.

—was read the second time by title.

Senator Kiser moved **Amendment 1** which failed.

On motion by Senator Bruner, by two-thirds vote **CS for SB 448** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23 Nays—15

CS for SB 254—A bill to be entitled An act relating to school zone speed limits; amending s. 316.1895, F.S.; providing additional speed restrictions for school zones; providing for certain speed limits before, during, and after regularly scheduled breakfast programs at schools; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for SB 254** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 138—A bill to be entitled An act relating to traffic control; prohibiting state agencies from establishing quotas for the issuance of traffic citations by law enforcement officers; providing an effective date.

—was read the second time by title.

Senator Casas moved **Amendment 1**.

Further consideration of **CS for SB 138** with pending **Amendment 1** was deferred.

SB 286—A bill to be entitled An act relating to housing authorities; amending s. 421.05, F.S.; providing that the specification of the number of members of a housing authority applies regardless of the date of creation of the housing authority; providing an effective date.

—was read the second time by title.

Senator Dudley moved **Amendments 1 and 2** which were adopted.

On motion by Senator Dudley, by two-thirds vote **SB 286** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34 Nays—None

On motion by Senator Dudley, the rules were waived and **SB 286** was ordered immediately certified to the House.

SB 168—A bill to be entitled An act relating to building permits; amending s. 553.79, F.S.; requiring agencies that enforce building codes, when issuing permits, to provide certain information pertaining to additional permit requirements; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended **Amendment 1** which was moved by Senator Grizzle and adopted.

On motion by Senator Gardner, 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—37 Nays—None

CS for SB 132—A bill to be entitled An act relating to controlled substance violations; prohibiting the leasing or rental of a place, structure, trailer, or conveyance with the knowledge that the leased or rented premises will be used for trafficking in or the sale of illegal controlled substances; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for SB 132** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Senate resumed consideration of—

CS for SB 138—A bill to be entitled An act relating to traffic control; prohibiting state agencies from establishing quotas for the issuance of traffic citations by law enforcement officers; providing an effective date.

—with pending **Amendment 1**.

Senator Beard moved **Amendment 1A**.

Senator Diaz-Balart moved **Substitute Amendment 1B** which failed.

Amendment 1A was adopted.

The question recurred on the adoption of **Amendment 1** as amended.

Senator Thomas moved that the rules be waived and **CS for SB 138** with pending **Amendment 1** as amended be deferred. The motion was adopted. The vote was:

Yeas—22 Nays—12

STATEMENT BY APPROPRIATIONS COMMITTEE CHAIRMAN

On motion by Senator Gardner, the following was printed in the Journal:

On January 28, 1991, the House and Senate leadership issued a joint policy for the consideration of "special project" appropriations. At that time the Governor and Cabinet had already cut the current year budget by \$747 million with a projected deficit for next year of \$1.4 to \$1.7 billion.

Since that time the Appropriations Committees have developed a base-line 1991 budget that restores no current year cuts and only funds deficits and mandatory workload in public schools, Medicaid and AFDC

We are now faced with worse circumstances. An additional \$125-\$150 million General Revenue shortfall is expected this year. This shortage is

expected to carry over to next year. There has been a drop in the ad valorem tax rolls which equates to an additional \$54.3 million shortage in public school funding. We have approximately \$5.3 million *total* non-recurring general revenue to cover approximately \$100 million in legitimate state requirements.

Under these circumstances we are readdressing "special project" requests. We have received over 1200 requests for funding. According to our analysis, in excess of 800 of these have not gone through a formal process and would require a public hearing in order to be considered for 1991-92 funding. If each project were allotted 5 minutes for discussion we would require 67 hours, or approximately 9 working days to conduct these hearings. The General Appropriations Act is scheduled for full committee on March 27, requiring subcommittees to devote all available time remaining to develop the state budget.

As a result of the current fiscal crisis, we will be unable to fund the vast majority of projects requested even if they went through the hearing process. Our review of the projects that you formally requested indicates that those on the blue list furnished to each of you are considered special projects and require public hearings. *We will schedule a project to be heard only upon your request.*

To assist you in deciding whether to request a hearing on a project, the following criteria would place a project in low priority with little or no chance of receiving state funds:

- (1) Local projects benefitting local area residents but lacking overall benefit to the state as a whole.
Examples:
 - (a) Road projects not on the DOT 5 year work plan.
 - (b) Highway beautification grants
 - (c) Non-state parks
 - (d) Non-state farmers markets
 - (e) Beach restoration without federal matching funds
 - (f) Community centers or recreational facilities operated by local governments.
- (2) Projects funded from an inappropriate funding source or duplicative of an existing program.
Examples:
 - (a) Dropout prevention projects (should be funded locally within the existing, dedicated FEFP cost factor)
 - (b) PECO projects not on the 3 year PECO budget list or 5 year Capital Improvement Plan
 - (c) Projects funded by earmarked lottery funds
 - (d) New postsecondary contracts without PEPC review
 - (e) Projects allocating funds directly to a specific provider without provision for a competitive bid.
- (3) Providing capital outlay or earmarking of projects for non-profit vendors through proviso on statewide program funding.

In order for a project on the blue sheet to be considered for the 1991-92 budget, you will need to personally contact the respective Appropriations Committee Chairman no later than Wednesday, March 13 at 12:00 noon in order to schedule a hearing. Projects not scheduled will not be heard.

Joint hearings on "special project" appropriations have been noticed for Wednesday, March 13th and Thursday, March 14th. The hearings will begin at 5:30 p.m.

We appreciate your cooperation in this important process.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, March 12, 1991: SB 232, SB 238, SB 414, SB 418, CS for SB 448, CS for SB 254, CS for SB 138, SB 286, SB 168, CS for SB 132

Respectfully submitted,
Pat Thomas, Chairman

The Committee on Commerce recommends the following pass: SB 954, SB 1138

The Committee on Corrections, Probation and Parole recommends the following pass: SB 860 with 2 amendments

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

The Committee on Corrections, Probation and Parole recommends the following pass: SM 914

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

The Committee on Commerce recommends the following pass: SB 380, SB 560, SB 562, SB 564, SB 676, SB 972

The bills were placed on the calendar.

The Committee on Corrections, Probation and Parole recommends a committee substitute for the following: SB 706

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 180

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 Finance, Taxation and Claims recommends a committee substitute for the following: SB 204

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

The Committee on Commerce recommends a committee substitute for the following: SB 280

The bill with committee substitute attached was referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Corrections, Probation and Parole recommends a committee substitute for the following: SB 726

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: Senate Bills 98 and 454

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

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Natural Resources and Conservation recommends that the Senate confirm the appointment made by the Governor of Carol M. Browner, Tallahassee, as Secretary of Environmental Regulation, to serve at the pleasure of the Governor.

The appointment contained in the foregoing report was referred to the Committee on Executive Business under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

On motion by Senator Gardner, by unanimous consent the following bills were introduced out of order:

First Reading

By Senator Gardner—

SB 2126—A bill to be entitled An act relating to fiscal affairs of the state; amending s. 161.091, F.S., relating to the Beach Management Trust Fund; eliminating funds from the State Infrastructure Fund for beach management purposes; amending s. 201.15, F.S.; eliminating distribution of revenues from the state excise tax on documents to the State Infrastructure Fund; increasing certain annual caps on transfers to the Land Acquisition Trust Fund; amending s. 212.0606, F.S.; providing for distribution of the proceeds of rental car surcharges to specified funds; amending s. 212.20, F.S.; eliminating distribution of revenues from the state tax on sales, use, and other transactions to the State Infrastructure Fund; providing for distribution thereof to the General Revenue Fund; amending s. 215.32, F.S.; eliminating the State Infrastructure Fund as a fund in the State Treasury; requiring certain annual appropriations of general revenue for certain state-level purposes; amending s. 216.016, F.S.; eliminating the State Infrastructure Fund as a source for certain projects; amending s. 216.167, F.S.; eliminating the State Infrastructure Fund from the Governor's consideration regarding his budget recommendations; amending s. 320.072, F.S.; providing for disposition of proceeds from additional fees imposed on certain motor vehicle registration trans-

actions; amending s. 366.84, F.S.; restricting the Florida Energy Trust Fund to the sole purpose of subsidizing and guaranteeing loans made prior to July 1, 1991; repealing s. 195.094, F.S., relating to the Property Assessment Loan Fund; repealing s. 212.235, F.S., relating to the State Infrastructure Fund; repealing s. 216.175, F.S., relating to State Infrastructure Fund appropriations; reappropriating certain funds; providing an effective date.

—was referred to the Committee on Appropriations.

By Senator Gardner—

SB 2128—A bill to be entitled An act relating to fiscal affairs of the state; amending s. 215.32, F.S.; requiring the Administration Commission to provide the chairmen of the legislative appropriations committees with certain information on trust funds approved for establishment by the commission; providing for automatic abolishment of such trust funds; requiring certain legislative authorization to continue such trust funds; prohibiting reestablishment of abolished trust funds, except in certain circumstances; providing duties of the Comptroller; providing exemptions; providing for transfer of trust funds to the Working Capital Fund to prevent a deficit in general revenue; providing exemptions; clarifying the moneys available in the General Revenue Fund; amending s. 216.011, F.S.; modifying the definition of "fixed capital outlay"; defining "emergency situation"; amending s. 216.023, F.S.; conforming provisions relating to agency legislative budget requests to truth-in-bonding provisions; amending s. 216.043, F.S.; requiring state agencies to include certain truth-in-bonding information in any legislative budget request for fixed capital outlay or operating capital outlay proposed to be funded by a proposed state debt or obligation; amending s. 216.044, F.S.; requiring the Department of General Services to assist state agencies and the Executive Office of the Governor in fulfilling truth-in-bonding information requirements; creating s. 216.0442, F.S., relating to truth in bonding; providing definitions; requiring development of a summary of state debt, a statement of proposed financing, and a truth-in-bonding statement, under specified circumstances; creating s. 216.065, F.S.; providing for fiscal impact statements on actions affecting approved operating budgets; amending s. 216.162, F.S.; modifying the time of submission of the Governor's recommended budget under certain circumstances; amending s. 216.163, F.S.; requiring inclusion of state debt, debt financing, and truth-in-bonding documents in the Governor's recommended budget for each specific fixed capital outlay project or group of projects or operating capital outlay requests to be funded from a proposed state debt or obligation; amending s. 216.167, F.S.; requiring inclusion of state debt, debt financing, and truth-in-bonding documents, and a 5-year estimate of program operational costs, in certain of the Governor's recommendations; creating s. 216.174, F.S.; providing specifications for the bill which enacts legislative budget decisions; requiring truth-in-bonding provisions, under certain circumstances; amending s. 216.177, F.S.; requiring the chairmen of the legislative appropriations committees to jointly transmit certain information relating to state debt and truth-in-bonding to the Executive Office of the Governor, the Comptroller, the Auditor General, and each state agency; authorizing a shorter period of notice of budget actions under certain circumstances; prohibiting action by the commission on certain budget items without notice; creating s. 216.179, F.S.; prohibiting reinstatement of vetoed appropriations by administrative means; amending s. 216.181, F.S.; providing for advance payments for program startup or contracted services by agencies authorized by the General Appropriations Act; amending s. 216.195, F.S.; limiting impoundment of funds by the commission; amending s. 216.221, F.S.; authorizing use of certain legislative branch appropriations and the Working Capital Fund to prevent a deficit in the General Revenue Fund; requiring notice to the Legislature of certain proposed reductions or adjustments to agency budgets; providing restrictions on restoring budget reductions; creating s. 216.2815, F.S.; providing that any appropriation made in the General Appropriations Act to a private or nongovernmental organization or person shall be a public record and may be audited by the Auditor General; amending s. 216.301, F.S.; modifying provisions and changing dates relating to certification of undisbursed funds to the Executive Office of the Governor, including certain fixed capital outlay appropriations; providing a date by which the review of such certifications shall be completed; creating s. 216.346, F.S.; restricting assessment of overhead and other indirect costs in any contract between state agencies; creating s. 216.347, F.S.; prohibiting disbursement of grants and aids appropriations for lobbying; creating s. 216.349, F.S.; requiring review of grants and aids appropriations; requiring audits or attestation statements on such appropriations to certain entities; requiring the Governor to submit to the Secretary of State a statement of the estimated costs of each new proposed state debt or obligation in the General Appropriations Act; providing an effective date.

—was referred to the Committee on Appropriations.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Health and Rehabilitative Services—

CS for SB's 98 and 454—A bill to be entitled An act relating to confidentiality of records relating to health and rehabilitative services; amending ss. 409.175, 409.176, F.S., which provide exemptions from public records requirements for information obtained in connection with screening persons for employment with certain child-caring agencies; clarifying the exemptions and saving them from repeal; revising and conforming penalties; amending ss. 409.2561, 409.2577, 409.2579, F.S., which provide exemptions from public records requirements for information obtained in connection with child support and enforcement thereof; clarifying the exemptions and saving them from repeal; amending s. 409.355, F.S., which provides an exemption from public records requirements for information relating to persons who receive public assistance; saving the exemption from repeal; amending s. 409.441, F.S.; providing an exemption from public records requirements for records of runaway youth programs and centers; creating s. 410.0295, F.S.; exempting certain information relating to elderly persons from public disclosure requirements; amending ss. 410.037, 410.605, F.S., which provide exemptions from public records requirements for information relating to elderly persons and disabled adults who receive services through the Department of Health and Rehabilitative Services; clarifying the exemptions and saving them from repeal; creating ss. 410.302, 410.403, F.S.; exempting information relating to displaced homemakers and Alzheimer's victims who receive services through the Department of Health and Rehabilitative Services from public disclosure requirements; amending ss. 415.103, 415.107, 415.111, 415.504, 415.505, 415.51, 415.513, F.S., which provide exemptions from public records requirements for information relating to abuse of aged persons, disabled adults, and children; saving the exemptions from repeal; prohibiting the release of records concerning active criminal investigations unless authorized by the State Attorney; prohibiting the release of quality assurance reports; amending s. 415.5086, F.S., which provides an exemption from public records requirements for information relating to the appointment of a guardian advocate for a child; saving the exemption from repeal; amending s. 415.608, F.S., which provides an exemption from public records requirements for information relating to domestic violence centers; allowing the release of information in an emergency; clarifying the exemption and saving it from repeal; amending ss. 400.145, 407.02, 407.31, 409.7015, F.S., which provide exemptions from public records requirements for certain records of nursing homes, hospitals, and the Florida Health Access Corporation; saving such exemptions from repeal; providing for future review and repeal; amending s. 409.266, F.S., which provides an exemption from public records requirements for the Department of Health and Rehabilitative Services with respect to certain information relating to Medicaid providers; saving such exemption from repeal; providing for future review and repeal; reenacting s. 409.2664(1)(g) and (2)(a), F.S., which provide exemptions from public records requirements for certain patient records examined by the Auditor General; saving such exemptions from repeal; providing for future legislative review of exemptions from public disclosure requirements contained in this act pursuant to the Open Government Sunset Review Act; amending ss. 110.1127, 119.07, 400.414, F.S.; correcting cross-references; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senators Grant and Souto—

CS for SB 180—A bill to be entitled An act relating to taxation; amending s. 212.0505, F.S., which imposes a tax on unlawful sales, use, and other transactions involving medicinal drugs, cannabis, or controlled substances; including possession within such transactions; providing definitions; authorizing the Department of Revenue to enter into agreements with law enforcement agencies in administering the tax; providing that, under such agreement, the law enforcement agency is bound by certain confidentiality requirements; providing that a United States attorney may request that taxes or penalties be settled or compromised; creating the Unlawful Drugs Tax Clearing Trust Fund within the department; providing for the release of certain liens on property for liability for taxes and penalties imposed under said section; authorizing the Department of Revenue to issue subpoenas in connection with the enforcement of said section and providing requirements and procedures; providing for enforcement by the circuit courts; providing for witness fees; amending s. 212.20, F.S.; providing circumstances under which proceeds from the tax on controlled substances may be transferred to law enforcement agencies; amending s. 607.0505, F.S.; authorizing the Department of Legal Affairs to disclose certain information to the Department of Revenue in

connection with the enforcement of s. 212.0505; providing that such information is exempt from public record requirements; providing for future legislative review of this and certain other exemptions pursuant to the Open Government Sunset Review Act; providing an effective date.

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

CS for SB 204—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.012, F.S.; revising the definition of "educational institution"; amending s. 196.198, F.S.; specifying that property owned by an educational institution and used for educational purposes by another exempt entity or educational institution is qualified for exemption; providing an effective date.

By the Committee on Commerce and Senator Jenne—

CS for SB 280—A bill to be entitled An act relating to the sale of cigarettes; creating s. 210.1501, F.S.; requiring a person distributing, wholesaling, or exporting cigarettes to obtain a permit from the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation; providing permit fees; providing for permit renewal; authorizing the division to revoke permits under certain circumstances; providing for duplicate permits; providing for rules; providing penalties; creating s. 210.1601, F.S.; providing for the revocation or suspension of wholesale dealer permits; providing civil penalties in lieu of revocation or suspension; creating s. 210.1611, F.S.; authorizing the division to examine records and issue subpoenas; providing a penalty for refusal to appear or give testimony; repealing ss. 210.15, 210.16, 210.161, F.S., which sections contain the foregoing provisions, but which sections were repealed by s. 2, ch. 81-318, Laws of Florida, effective October 1, 1990, in order to authorize deletion of the repealed provisions from the Florida Statutes; providing an effective date.

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

CS for SB 706—A bill to be entitled An act relating to driving under the influence; amending s. 316.193, F.S.; providing that certain persons convicted of DUI manslaughter are not eligible for basic gain-time; amending s. 947.146, F.S.; providing that certain persons convicted of DUI manslaughter are ineligible for control release; providing an effective date.

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

CS for SB 726—A bill to be entitled An act relating to county and municipal detention facilities; providing for a study by the Department of Corrections of jail rules promulgated under chapter 33-8, Florida Administrative Code; providing for a report to the President of the Senate and the Speaker of the House of Representatives by December 1, 1991; amending s. 944.17, F.S.; including chief correctional officers among those required to perform certain recordkeeping requirements on prisoners placed in state custody; prescribing other duties of the chief correctional officer; amending s. 944.32, F.S.; providing for the filing of jail inspection reports with the officer in charge of the facility and the board of county commissioners rather than the clerk of the circuit court; amending s. 950.02, F.S.; deleting the requirement that the Governor first be notified of the need to remove a prisoner from a jail in certain circumstances; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Thurman, by two-thirds vote **SB 694** was withdrawn from the committee of reference and further consideration.

On motions by Senator Diaz-Balart, by two-thirds vote **Senate Bills 1964 and 1966** were withdrawn from further consideration.

On motions by Senator Thomas, by two-thirds vote **SB 160 and SR 722**, by Senator Kirkpatrick, were withdrawn from the committees of reference and further consideration.

On motions by Senator Malchon, by two-thirds vote **Senate Bills 270 and 572** were withdrawn from the committees of reference and further consideration.

On motion by Senator Gardner, by two-thirds vote **CS for SB 298** was removed from the calendar and referred to the Committee on Appropriations.

On motions by Senator Wexler, by two-thirds vote **SJR 84** was withdrawn from the committees of reference and further consideration.

On motions by Senator Wexler, by two-thirds vote **Senate Bills 1930** and **2030** were withdrawn from further consideration.

AMENDMENTS TO SENATE BILLS

SB 138

Senator Casas moved the following amendment:

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

Section 1. Subsection (1) of section 316.640, Florida Statutes, 1990 Supplement, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Game and Fresh Water Fish Commission, and the Division of Law Enforcement of the Department of Natural Resources each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle. University police officers shall have authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities which are under the guidance, supervision, regulation, or control of the State University System, except that traffic laws may be enforced off campus when hot pursuit originates on campus.

2. *An agency of the state as described in subparagraph 1. may not require a law enforcement officer employed by the agency to issue a certain number of traffic citations within a specified period of time. The provisions of s. 316.655 do not apply to this subparagraph.*

3. *An agency of the state as described in subparagraph 1. may not evaluate, promote, compensate, discipline, or otherwise take any action whatsoever against a law enforcement officer according to whether such officer issues a certain number of traffic citations within a specified period of time. The provisions of s. 316.655 do not apply to this subparagraph.*

(b) The Department of Transportation has authority to enforce on all the streets and highways of this state all laws applicable within its authority.

Section 2. This act shall take effect upon becoming a law.

Senator Beard moved the following amendment to **Amendment 1**:

Amendment 1A—On page 2, lines 7 and 8, strike “, or otherwise take any action whatsoever against”

Senator Diaz-Balart moved the following substitute amendment for **Amendment 1A** which failed:

Amendment 1B—On page 2, lines 3 and 10, strike “number” and insert: *numerical quota*

Amendment 1A was adopted.

SB 168

The Committee on Community Affairs recommended the following amendment which was moved by Senator Grizzle and adopted:

Amendment 1—On page 1, lines 16-18, strike “, or for carrying out any building activity, including making any material change in the use or appearance of any structure or land.”

SB 286

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 1, line 10, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 421.05, Florida Statutes, is amended to read:

421.05 Appointment, qualifications, and tenure of commissioners; hiring of employees.—

(1) When the governing body of a city adopts a resolution as aforesaid, the mayor, with the approval of the governing body, shall promptly appoint no fewer than five persons, and no more than seven persons, as commissioners of the authority created for such city. Three of the commissioners who are first appointed shall be designated to serve for terms of 1, 2, and 3 years respectively; the remaining commissioners shall be designated to serve for terms of 4 years each, from the date of their appointment. Thereafter, each commissioner shall be appointed as aforesaid for a term of office of 4 years, except that a vacancy shall be filled for the unexpired term by an appointment by the mayor with the approval of the governing body within 60 days after such vacancy occurs. Each housing authority created pursuant to this chapter shall have at least one commissioner who shall be a resident who is current in rent in a housing project or a person of low or very low income who resides within the housing authority's jurisdiction and is receiving rent subsidy through a program administered by the authority or public housing agency that has jurisdiction for the same locality served by the housing authority, which commissioner shall be appointed at the time a vacancy exists. In the case of an authority which has no completed project, no tenant-commissioner shall be appointed until 10 percent of the units in the first project of the authority have been occupied. The cessation of a tenant-commissioner's tenancy in a housing project or the cessation of rent subsidy shall remove such tenant-commissioner from office, and another person meeting the qualifications required for the office shall be appointed for the unexpired portion of the term. After all reasonable efforts have been made and documented, if the commissioners find that no housing project resident or rent subsidy recipient is available to serve as a tenant-commissioner, the existing vacancy shall then be filled through the normal appointment procedures set forth in this subsection. However, such normal appointment shall not preclude the requirement to exercise diligence in all succeeding vacancies to attempt to first appoint a tenant-commissioner until at least one tenant-commissioner has been appointed. No commissioner of an authority may be an officer or employee of the city for which the authority is created. A commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge of his duties. *The requirements of this subsection with respect to the number of commissioners of a housing authority apply without regard to the date on which the housing authority was created.*

Section 2. Notwithstanding the limitation contained in section 421.05(1), Florida Statutes, on the number of commissioners of a housing authority, any housing authority that has more than seven commissioners on the effective date of this act may maintain the same number of commissioners it had on the effective date of this act.

Section 3. This act shall take effect upon becoming a law.

Amendment 2—In title, on page 1, strike all of lines 1-7 and insert: A bill to be entitled An act relating to housing authorities; amending s. 421.05, F.S.; providing a limitation on the number of members of a housing authority; providing that the specification of the number of members of a housing authority applies regardless of the date of creation of the housing authority; providing that any housing authority that exceeds the limitation on membership provided in this act as of the effective date of this act may maintain the same number of members; providing an effective date.

CS for SB 448

Senator Kiser moved the following amendment which failed:

Amendment 1—On page 13, lines 1 and 2, strike “upon becoming a law” and insert: July 1, 1992

ROLL CALLS ON SENATE BILLS

CS for SB 132

Yeas—38

Madam President	Davis	Jennings
Bankhead	Diaz-Balart	Johnson
Beard	Dudley	Kiser
Brown	Forman	Kurth
Bruner	Gardner	Langley
Casas	Girardeau	Malchon
Childers	Gordon	McKay
Crenshaw	Grant	Meek
Crotty	Grizzle	Plummer
Dantzler	Jenne	Scott

Nays—None

CS for SB 138—Motion

Yeas—22

Bankhead	Dantzler	Kiser
Brown	Diaz-Balart	McKay
Casas	Forman	Meek
Childers	Girardeau	Scott
Crenshaw	Grant	Souto
Crotty	Jenne	Thomas

Nays—12

Beard	Gardner	Johnson
Davis	Grizzle	Langley
Dudley	Jennings	Malchon

SB 168

Yeas—37

Madam President	Diaz-Balart	Johnson	Thomas
Bankhead	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Bruner	Gardner	Langley	Weinstein
Casas	Girardeau	Malchon	Weinstock
Childers	Gordon	McKay	Wexler
Crenshaw	Grant	Meek	Yancey
Crotty	Grizzle	Plummer	
Dantzler	Jenne	Scott	
Davis	Jennings	Souto	

Nays—None

SB 232

Yeas—36

Madam President	Dantzler	Grizzle	Plummer
Bankhead	Davis	Jenne	Souto
Beard	Diaz-Balart	Jennings	Thomas
Brown	Dudley	Kiser	Thurman
Bruner	Forman	Kurth	Walker
Casas	Gardner	Langley	Weinstein
Childers	Girardeau	Malchon	Weinstock
Crenshaw	Gordon	McKay	Wexler
Crotty	Grant	Meek	Yancey

Nays—None

SB 238

Yeas—38

Madam President	Davis	Jennings	Souto
Bankhead	Diaz-Balart	Johnson	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Bruner	Gardner	Langley	Weinstein
Casas	Girardeau	Malchon	Weinstock
Childers	Gordon	McKay	Wexler
Crenshaw	Grant	Meek	Yancey
Crotty	Grizzle	Plummer	
Dantzler	Jenne	Scott	

Nays—None

CS for SB 254

Yeas—36

Madam President	Dantzler	Grizzle	Meek
Bankhead	Davis	Jenne	Plummer
Beard	Diaz-Balart	Jennings	Souto
Brown	Dudley	Johnson	Thurman
Bruner	Forman	Kiser	Walker
Casas	Gardner	Kurth	Weinstein
Childers	Girardeau	Langley	Weinstock
Crenshaw	Gordon	Malchon	Wexler
Crotty	Grant	McKay	Yancey

Nays—None

SB 286

Yeas—34

Madam President	Diaz-Balart	Jennings	Souto
Bankhead	Dudley	Johnson	Thurman
Brown	Forman	Kiser	Walker
Bruner	Gardner	Kurth	Weinstein
Casas	Girardeau	Langley	Weinstock
Childers	Gordon	Malchon	Wexler
Crenshaw	Grant	McKay	Yancey
Crotty	Grizzle	Meek	
Dantzler	Jenne	Scott	

Nays—None

SB 414

Yeas—38

Madam President	Davis	Jennings	Souto
Bankhead	Diaz-Balart	Johnson	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Bruner	Gardner	Langley	Weinstein
Casas	Girardeau	Malchon	Weinstock
Childers	Gordon	McKay	Wexler
Crenshaw	Grant	Meek	Yancey
Crotty	Grizzle	Plummer	
Dantzler	Jenne	Scott	

Nays—None

SB 418

Yeas—38

Madam President	Davis	Jennings	Souto
Bankhead	Diaz-Balart	Johnson	Thomas
Beard	Dudley	Kiser	Thurman
Brown	Forman	Kurth	Walker
Bruner	Gardner	Langley	Weinstein
Casas	Girardeau	Malchon	Weinstock
Childers	Gordon	McKay	Wexler
Crenshaw	Grant	Meek	Yancey
Crotty	Grizzle	Plummer	
Dantzler	Jenne	Scott	

Nays—None

CS for SB 448

Yeas—23

Madam President	Dantzler	Langley	Walker
Beard	Gardner	Malchon	Weinstein
Bruner	Girardeau	McKay	Weinstock
Casas	Jenne	Scott	Wexler
Childers	Johnson	Thomas	Yancey
Crenshaw	Kurth	Thurman	

Nays—15

Bankhead	Diaz-Balart	Grant	Meek
Brown	Dudley	Grizzle	Plummer
Crotty	Forman	Jennings	Souto
Davis	Gordon	Kiser	

COMMITTEE APPOINTMENT

The President announced the appointment of Senators Childers, Scott and Yancey to the Select Subcommittee on Reviser's Bills.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of March 5 and 8 were corrected and approved.

CO-SPONSORS

Senator Bankhead—SB 860; Senator Beard—SB 1522; Senator Brown—SB 88, SB 142, SB 328, SB 848; Senator Crotty—SB 134, SB 768; Senator Forman—CS for SB 640; Senator Gardner—SB 1216, SB 1224; Senator Girardeau—SB 1074; Senator Gordon—CS for SB 640; Senator Grant—CS for SB 498, CS for SB 612, SB 732, SB 848, SB 978, SB 988, SB 1024, SB 1532; Senator Jenne—SB 596, SB 678; Senator Jennings—SB 768; Senator Johnson—SB 308, SB 1316, SB 1532; Senator Kirkpatrick—SB 1140, SB 1212; Senator Kiser—SB 1532; Senator Kurth—SB 800; Senator Malchon—SB 1532; Senator McKay—SB 524; Senator Souto—CS for SB 132, SB 678, SB 1532; Senator Walker—SB 704, SB 1036; Senator Weinstock—CS for SB 640; Senator Wexler—SB 596, SB 1212, SB 1522; Senator Yancey—SB 678

RECESS

Senator Thomas moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Thursday, March 14, at 2:00 p.m. The motion was adopted.

Pursuant to the motion by Senator Thomas, the Senate recessed at 11:59 a.m. to reconvene at 2:00 p.m., Thursday, March 14.

SENATE PAGES

March 11-15

Tammy Alfonson, Tampa; R. Courtney G. Ashburn, Tallahassee; Candace Danley-Balliet, Brandon; Mary Beth Douglas, Tallahassee; Keeva Gatlin, Apalachicola; Julie Anne Heekin, Jacksonville; Boris L. Jackson, Orlando; Richard C. McGowan, Tallahassee; Jeana Lee Messer, Tallahassee; Shannen Parrish, Winter Garden; Dionne M. Ragon, Immokalee; Charles Anthony Stewart, Jr., Jacksonville; Tracy Strontel Wilson, Cocoa; Holly Taylor, Jacksonville; Amy Heather Tilman, Sarasota; Grace Varas, Tampa