



Journal of the Senate

Number 2—Special Session D

Wednesday, December 11, 1991

CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—39:

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

Excused: Senator Grant

PRAYER

The following prayer was offered by Senator Dudley:

Psalms 121: I will lift up mine eyes unto the hills, from whence cometh my help. My help cometh from the Lord, which made heaven and earth. He will not suffer thy foot to be moved: he that keepeth thee will not slumber. Behold, he that keepeth Israel shall neither slumber nor sleep. The Lord is thy keeper: the Lord is thy shade upon thy right hand. The sun shall not smite thee by day, nor the moon by night. The Lord shall preserve thee from all evil: he shall preserve thy soul. The Lord shall preserve thy going out and thy coming in from this time forth, and even for evermore.

Dear Lord, help us remember why we are here. We are not here because the Supreme Court gave us the power. We are not here because the Governor called us. It is because those you have allowed us to represent look to us for guidance, in good times as well as bad, as we look to you for guidance in good times as well as bad. Amen.

MOTIONS

On motions by Senator Thomas, the rules were waived and by two-thirds vote **Senate Bills 16-D and 18-D** were withdrawn from the Committee on Appropriations.

On motions by Senator Thomas, by two-thirds vote **CS for SB 2-D, Senate Bills 16-D, 18-D, 10-D, 28-D, 30-D, 24-D, 32-D, SJR 12-D, CS for SB 4-D, Senate Bills 50-D, 46-D, 48-D and 6-D** were established as the Special Order Calendar for this day.

On motion by Senator Thomas, the rules were waived to allow consideration of amendments not filed two hours prior to convening of the session.

SPECIAL ORDER

CS for SB 2-D—A bill to be entitled An act relating to the state budget process; amending s. 215.32, F.S.; providing goals for amounts to be maintained in the Working Capital Fund; limiting uses of Working Capital Fund moneys; providing for segregation of federal funds; amending s. 216.181, F.S.; providing for control of annual salary rates by state agencies; prescribing circumstances under which the Comptroller may waive requirements relating to advances for program startup and advances for contracted services; amending s. 216.0158, F.S.; prescribing matters to be included in agencies' assessments of their facility needs; amending s. 216.031, F.S.; prescribing contents of agencies' legislative budget requests; providing that the Executive Office of the Governor and the legislative appropriations committees' chairmen may request certain budget information from agencies; amending s. 216.292, F.S.; revising

limitations on certain appropriations transfers; amending s. 216.164, F.S.; authorizing the Governor to submit certain budgets for state agencies; amending s. 216.262, F.S.; prescribing the circumstances and procedures under which the Administration Commission may increase the number of authorized positions or delete specified positions within agencies; amending s. 216.178, F.S., and creating s. 216.052, F.S.; providing criteria for legislative budget requests; requiring certain information relating to appropriations bills to be made available; providing for fiscal budget reports; amending s. 216.212, F.S.; providing requirements for use of federal funds; abolishing certain trust funds in the State Treasury and providing for review of the continued need for those trust funds; providing for inclusion of summary information in the General Appropriations Act and for the construction of such information; providing an effective date.

—was read the second time by title.

Senators Gardner and Dudley offered the following amendment which was moved by Senator Gardner and adopted:

Amendment 1—On page 20, strike all of lines 29 and 30 and renumber subsequent paragraphs.

Further consideration of **CS for SB 2-D** as amended was deferred.

SB 16-D—A bill to be entitled An act making appropriations; amending appropriations in the 1991-92 General Appropriations Act; providing moneys for the annual period beginning July 1, 1991 and ending June 30, 1992, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was read the second time by title.

Senator Gardner moved the following amendments which were adopted:

Amendment 1—

SECTION 01, PAGE 29	STRIKE:	INSERT:
ITEM 297		

EXECUTIVE OFFICE OF THE GOVERNOR
GENERAL OFFICE

SALARIES AND BENEFITS FROM PLANNING AND BUDGETING SYSTEM TRUST FUND	96,441
---	--------

EXPENSES FROM PLANNING AND BUDGETING SYSTEM TRUST FUND	86,441
--	--------

OTHER PERSONAL SERVICES FROM PLANNING AND BUDGETING SYSTEM TRUST FUND	10,000
---	--------

Amendment 2—

SECTION 01, PAGE 52	STRIKE:	INSERT:
ITEM 525		

SPECIAL CATEGORIES TRANSFER TO PLANNING AND BUDGETING SYSTEM TRUST FUND FROM GENERAL REVENUE FUND	104,847
--	---------

Senators Crenshaw, McKay and Langley offered the following amendments which were moved by Senator McKay and failed:

Amendment 3—

SECTION 01, PAGE 52 STRIKE: INSERT:
ITEM 520-524

Insert the following proviso following "Legislative Branch": Pay raises provided in Fiscal Year 1991-92 to legislative employees are hereby rescinded effective January 1, 1992. In addition, any other scheduled pay raises shall not be provided.

		STRIKE	INSERT:
520	LUMP SUM SENATE FROM GENERAL REVENUE FUND	1,560,043	1,819,400
521	LUMP SUM HOUSE FROM GENERAL REVENUE FUND	2,470,950	2,842,401
522	LUMP SUM JLMC FROM GENERAL REVENUE FUND	1,135,111	1,312,055
523	LUMP SUM ADMINISTRATIVE PROCEDURES FROM GENERAL REVENUE FUND	56,997	67,798
524	LUMP SUM IRC FROM GENERAL REVENUE FUND	23,936	27,750

Following Specific Appropriation 524 insert:

ENVIRONMENTAL EDUCATION,
ADVISORY COUNCIL ON

524A	LUMP SUM ENVIRONMENTAL EDUCATION FROM SAVE OUR STATE ENVIRONMENTAL EDUCATION TRUST FUND		3,460
------	--	--	-------

SECTION 01, PAGE 53 STRIKE: INSERT:
ITEM 526-529

526	LUMP SUM JUVENILE JUSTICE REFORM - BOBBY M ASSESSMENT AND CONTINUUM IMPLEMENTATION, PHASE-IN FROM GENERAL REVENUE FUND	14,608	17,812
527	LUMP SUM ACIR FROM GENERAL REVENUE FUND	33,846	40,903
528	LUMP SUM PUBLIC COUNSEL FROM GENERAL REVENUE FUND	137,281	160,490
529	LUMP SUM ETHICS COMMISSION FROM GENERAL REVENUE FUND	60,236	73,192
530	LUMP SUM AUDITOR GENERAL FROM GENERAL REVENUE FUND	1,878,513	2,453,745
531	LUMP SUM AUDITING COMMITTEE FROM GENERAL REVENUE FUND	13,546	19,756

The vote was:

Yeas—17 Nays—18

Amendment 4—

On Page 63 insert a new Section 6 as follows:

Section 6: The expense appropriation for each Agency shall be reduced by 20 percent. This reduction shall be implemented at the budget entity level. This reduction is net of any reduction in expenses made by this bill. In meeting the requirements of this reduction, Agencies may not reduce spending in the following areas: State Personnel Assessment, Medical Services, Medical Supplies, Workers' Compensation Insurance, Unemployment Compensation Benefits, Workers Compensation Benefits, Fire Fund Insurance, Bedding and Other Textiles and Department of General Services Rent. It is the intent of the Legislature that this reduction include reducing private lease agreements by 20 percent.

(Renumber all subsequent sections.)

Senator Myers moved the following amendments which were adopted:

Amendment 5—

SECTION 01, PAGE 19
ITEM 206

206 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - FLORIDA EDUCATIONAL
FINANCE PROGRAM
FROM GENERAL REVENUE FUND

Add: new paragraph of proviso.

In the administration of the appropriation reduction provided in Specific Appropriation 206, districts' first priority shall be protection of direct classroom expenditures. Districts shall reduce non-classroom, indirect, and administrative cost to the maximum extent possible before reducing classroom expenditures. Each district shall report its administration of its appropriation reduction amount to the Commissioner of Education in a format and by a date specified by the Commissioner.

Amendment 6—

SECTION 01, PAGE 21
ITEM 227

Following the existing proviso language for Specific Appropriation 227 insert a new paragraph of proviso.

In the administration of the appropriation reduction provided in Specific Appropriation 227, each college's first priority shall be protection of direct classroom expenditures. Colleges shall reduce non-classroom, indirect, and administrative costs to the maximum extent possible before reducing classroom expenditures. Each college shall report its administration of its appropriation reduction amount to the State Board of Community Colleges in a format and by a date specified by the Division of Community Colleges.

Senator Bruner moved the following amendment which was adopted:

Amendment 7—

SECTION 01, PAGE 31
ITEM 319

	STRIKE:	INSERT:
319 SALARIES AND BENEFITS	Positions 11	Positions 10
FROM GENERAL REVENUE FUND	225,687	200,687

And insert New Item:

AID TO LOCAL GOVERNMENTS MOSQUITO CONTROL PROGRAM FROM GENERAL REVENUE FUND	25,000
---	--------

Senator Burt moved the following amendment which was adopted:

Amendment 8—

SECTION 01, PAGE 10
ITEM 96

DEPARTMENT OF CORRECTIONS
CORRECTIONAL EDUCATION
SCHOOL AUTHORITY

96 SALARIES AND BENEFITS
FROM GENERAL REVENUE FUND 431,352 1,681,352

And insert the following proviso:

The funding reduction in Salaries and Benefits for \$1,250,000 represents the elimination of Correctional Education School Authority (CESA) vocational educational programs, effective April 1, 1992. Additionally, no state funds from any other source shall be used to provide CESA vocational educational programs. The Correctional Education School Authority shall issue a Request for Proposals (RFP) by the February 15, 1992 to solicit proposals from private and public educational institutions to operate vocational programs by exclusively using federally funded Pell grants. The RFP shall require the provider to offer similar programs currently offered by CESA and provide certain scholarship programs to inmates who are ineligible for federal funds and who are interested in enrolling in a vocational program.

The CESA shall select a provider and sign a contract for services no later than April 1, 1992.

Senators Crenshaw, McKay and Langley offered the following amendment which was moved by Senator Langley:

Amendment 9—

SECTION 01, PAGE 9 ITEM 91	STRIKE:	INSERT:
DEPARTMENT OF CORRECTIONS ASSISTANT SECRETARY FOR HEALTH SERVICES	Positions 100	Positions 19
91 SALARIES AND BENEFITS FROM GENERAL REVENUE FUND	1,793,017	356,889
92 EXPENSES FROM GENERAL REVENUE FUND	754,990	151,302
93 OCO FROM GENERAL REVENUE FUND	325,869	-0-
95 SPECIAL CATEGORIES - COMMUNITY HOSPITAL COSTS FROM GENERAL REVENUE FUND	209,442	52,656
MAJOR INSTITUTIONS	Positions 1,175	Positions 483
100 SALARIES AND BENEFITS FROM GENERAL REVENUE FUND	17,925,587	5,271,390
101 EXPENSES FROM GENERAL REVENUE FUND	9,232,974	6,559,407
102 OCO FROM GENERAL REVENUE FUND	1,164,097	679,584
103 FOOD PRODUCTS FROM GENERAL REVENUE FUND	397,966	-0-
105 SPECIAL CATEGORIES - SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	150,062	-0-

Senator Langley moved the following amendment to **Amendment 9** which was adopted:

Amendment 9A—On page 1, insert:

This amendment is subject to the passage of language in the implementation bill to provide for the repeal of the state employees pay raise or other available funds.

Amendment 9 as amended failed.

The vote was:

Yeas—16 Nays—21

On motion by Senator Gardner, by two-thirds vote **SB 16-D** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 18-D—A bill to be entitled An act relating to implementing the appropriations acts for fiscal year 1991-1992; eliminating funding for Medicaid coverage for certain pregnant women and children under age 1, for certain hospital inpatient services, and for increased obstetrical fees; directing the Department of Health and Rehabilitative Services to use county contributions to fund the state's share of other hospital-related services; reducing funding for Medicaid physician fees; requiring the department to amend the allowable fee schedule to implement the mandatory reserve reduction; providing for reduction of reimbursement to nursing home providers; eliminating the department's responsibility to perform preliminary home studies in independent adoptions; prescribing the duties of the Comptroller and the powers of the Chief Justice of the Supreme Court with respect to the budget for the judicial branch; authorizing transfer of moneys from the lottery Administrative Trust Fund to the Educational Enhancement Trust Fund; providing for transfer of moneys from certain trust funds to general revenue; reducing moneys for state employee pay raises and postponing the effective date of the raises; providing an effective date and an expiration date.

—was read the second time by title.

SENATOR CHILDERS PRESIDING

THE PRESIDENT PRESIDING

Senator Bruner moved the following amendment which was adopted:

Amendment 1—On page 4, following line 8, insert:

Section 11. The Dog Fly Program, the Pest Control Program, and the Mosquito Control Program are hereby transferred from the Department of Health and Rehabilitative Services by a type 4 transfer, as defined in section 20.06, Florida Statutes, to the Department of Agriculture and Consumer Services, Division of Inspection.

Section 12. The John A. Mulrennan Laboratory is hereby transferred from the Department of Health and Rehabilitative Services by a type 4 transfer, as defined in section 20.06, Florida Statutes, to the Division of Universities, Florida Agricultural and Mechanical University.

(Renumber subsequent sections.)

Senator Bankhead moved the following amendment which failed:

Amendment 2—On page 4, between lines 8 and 9, insert:

Section 11. The amount appropriated in Specific Appropriation 206 in SB 16D shall be allocated among school districts based on the provisions of s. 236.081(13), F.S., and shall be adjusted to take into account district expenditures for district administration. A district's appropriation reduction amount shall be increased if its expenditure for district administration as a percent of total expenditures is greater than the state average. A district's appropriation reduction amount shall be reduced if its expenditure for district administration is less than the state average.

(Renumber subsequent sections.)

Senator Gardner moved the following amendment which was adopted:

Amendment 3—On page 4, between lines 8 and 9, insert:

Section 11. Notwithstanding the provisions of section 230.33(7), Florida Statutes, to the contrary, for the 1992-1993 school year, nominations for the reappointment of supervisors, principals, and instructional personnel shall be submitted in writing to the school board no later than 3 weeks before the close of the postschool conference period.

Senator Crenshaw moved the following amendment which was adopted:

Amendment 4—On page 4, between lines 8 and 9, insert:

Section 11. (1) Notwithstanding any laws to the contrary, any vacant position, as of December 16, 1991, shall only be filled if it is vital to accomplishing the mission of the agency or would cause the loss of federal funding for the position or the program. Only the agency head, and not his designee, has the authority to determine which positions are vital and whether those positions are to be filled. An Agency head may fill any vacant position within his agency by transfer of an existing full-time employee from within the same agency. Vacant positions cannot be supplemented by the hiring of OPS employees or consultants. For purposes

of this section, the term "agency head" means the Governor, a Cabinet Member, an agency secretary or executive director, the Chancellor of the State University System, and the Director of the Division of Community Colleges.

(2) By the 4th working day following each month, the agency head shall submit a report to the President of the Senate, the Speaker of the House, the Republican Leader of the Senate, and the Republican Leader of the House, detailing the number of vacant positions during the month and those positions that have been filled or approval has been given to fill such positions. Also, included in this report shall be a detailed description of any position filled or authorized to be filled, a detailed explanation as to the reason such position is considered vital, what federal funding would be lost if such position were not filled, and the salary authorized in filling such position.

(Renumber subsequent sections.)

Senator Margolis offered the following amendment which was moved by Senator Gardner and adopted:

Amendment 5—On page 4, following line 8, insert:

Section 11. Notwithstanding section 409.911(3)(b), Florida Statutes, as created by section 39 of chapter 91-282, Laws of Florida, the Department of Health and Rehabilitative Services shall use audited hospital cost reports for Medicaid reporting periods that ended in 1988, and the initial Medicaid per diem rates in effect on January 1, 1991, plus 3.074 percent, in order to calculate amounts due hospitals under the regular disproportionate share program for Fiscal Year 1991-1992.

(Renumber subsequent section.)

On motion by Senator Gardner, by two-thirds vote **SB 18-D** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

MOTION

On motion by Senator Gardner, the rules were waived and staff of the Appropriations Committee was instructed to make title amendments and technical changes in **SB 18-D** as necessary.

The Senate resumed consideration of—

CS for SB 2-D—A bill to be entitled An act relating to the state budget process; amending s. 215.32, F.S.; providing goals for amounts to be maintained in the Working Capital Fund; limiting uses of Working Capital Fund moneys; providing for segregation of federal funds; amending s. 216.181, F.S.; providing for control of annual salary rates by state agencies; prescribing circumstances under which the Comptroller may waive requirements relating to advances for program startup and advances for contracted services; amending s. 216.0158, F.S.; prescribing matters to be included in agencies' assessments of their facility needs; amending s. 216.031, F.S.; prescribing contents of agencies' legislative budget requests; providing that the Executive Office of the Governor and the legislative appropriations committees' chairmen may request certain budget information from agencies; amending s. 216.292, F.S.; revising limitations on certain appropriations transfers; amending s. 216.164, F.S.; authorizing the Governor to submit certain budgets for state agencies; amending s. 216.262, F.S.; prescribing the circumstances and procedures under which the Administration Commission may increase the number of authorized positions or delete specified positions within agencies; amending s. 216.178, F.S., and creating s. 216.052, F.S.; providing criteria for legislative budget requests; requiring certain information relating to appropriations bills to be made available; providing for fiscal budget reports; amending s. 216.212, F.S.; providing requirements for use of federal funds; abolishing certain trust funds in the State Treasury and providing for review of the continued need for those trust funds; providing for inclusion of summary information in the General Appropriations Act and for the construction of such information; providing an effective date.

—which had been previously considered and amended this day.

Senator McKay moved the following amendment which was adopted:

Amendment 2—On page 2, lines 15-31, through page 7, line 12, strike all said lines and insert:

Section 1. Paragraph (c) of subsection (2) of section 215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(c)1. The amount of moneys in the General Revenue Fund shall be determined at the beginning of the fiscal year based on the Revenue Estimating Conference's estimate of funds available. This amount shall be adjusted upon determination of the previous year's appropriations which remain unspent after certifications are completed pursuant to s. 216.301.

2. The Working Capital Fund shall consist of an amount, not more than 5.49 percent, and beginning in fiscal year 1993-1994, not less than 2.5 percent, of the amount of net revenue of the General Revenue Fund for the preceding fiscal year, which accrues from moneys in the General Revenue Fund which are in excess of the amount needed to meet the General Revenue Fund appropriations acts. By September 15 of each year, the Executive Office of the Governor shall transfer the excess funds that are in the General Revenue Fund to the Working Capital Fund. Such moneys are hereby appropriated for transfer to the General Revenue Fund whenever it is determined by the Administration Commission that revenue collections in the General Revenue Fund will be insufficient to meet General Revenue Fund appropriations and when the Administration Commission determines, after consultation with the legislative appropriations committees, that it would be more prudent to transfer the Working Capital Funds than to reduce general revenue approved budget and release authority pursuant to s. 216.221. When not required to meet General Revenue Fund appropriations, such moneys shall be used as a revolving fund for transfers as provided by s. 215.18; and when the Comptroller determines that such moneys are not needed for either type of transfer, they may be temporarily invested as provided in s. 18.125.

3. The provisions of subparagraph 1. notwithstanding, the Comptroller shall pay from the Working Capital Fund such claims as are authorized pursuant to s. 265.55.

Senator Myers moved the following amendments which were adopted:

Amendment 3—On page 2, lines 15-31; on page 3, lines 1-31; on page 4, lines 1-31; and on page 5, lines 1-16, strike all of said lines and insert:

Section 1. Paragraph (c) of subsection (2) of section 215.32, Florida Statutes, is amended to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

The vote was:

Yeas—17 Nays—16

Amendment 4—On page 7, strike all of lines 4-12

Senator McKay moved the following amendment which was adopted:

Amendment 5—In title, on page 1, strike all of lines 3-7 and insert: amending s. 215.32, F.S.; providing a limitation on the Working Capital Fund;

Senator Myers moved the following amendment which was adopted:

Amendment 6—In title, on page 1, strike all of lines 6 and 7 and insert: amending s. 216.181, F.S.; providing for

On motion by Senator Gardner, by two-thirds vote **CS for SB 2-D** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33 Nays—None

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

HB 25-D—A bill to be entitled An act relating to insurance retaliatory tax; reenacting s. 624.5091, F.S., relating to the retaliatory provision with respect to insurers; providing for retroactive effect; providing an effective date.

—a companion measure, was substituted for **SB 10-D** and by two-thirds vote read the second time by title. On motion by Senator Jenne, by two-thirds vote **HB 25-D** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 28-D—A bill to be entitled An act relating to governmental accountability; amending s. 11.143, F.S.; requiring substantive legislative committees to review agency functional plans and to hold public hearings concerning the findings of performance audits conducted by the Auditor General; amending s. 11.45, F.S.; requiring the Auditor General, in auditing a program, to identify and comment upon alternatives; requiring the Auditor General to audit performance measures included in agency functional plans; requiring local governments to pay for requested audits by the Auditor General; requiring additional reports; amending s. 11.60, F.S.; requiring the Administrative Procedures Committee to report to legislative standing committees regarding agency rulemaking; repealing s. 11.61, F.S., which provides for periodic repeal and review of statutes regulating professions, occupations, businesses, and industries; repealing s. 11.611, F.S., which provides for periodic repeal and review of statutes creating advisory bodies, commissions, and boards of trustees adjunct to the executive branch; abrogating the future repeal of statutes scheduled for repeal and review in accordance with such acts; creating s. 11.62, F.S.; providing legislative intent; requiring the Legislature to consider certain factors when enacting legislation that provides for the regulation of a profession or an occupation; requiring proponents of such legislation to provide specified information to certain legislative committees and to the Department of Professional Regulation; requiring the department to provide information to the Legislature relating to the effect of proposed regulation of a profession or occupation; requiring legislative committees to make certain determinations upon making recommendations concerning the enactment of new regulation of a profession or occupation; amending s. 186.021, F.S., requiring state agency functional plans to include performance measures; deleting an obsolete provision; amending s. 186.022, F.S., specifying state agency plans must include program performance measures; providing an effective date.

—was read the second time by title. On motion by Senator Malchon, by two-thirds vote **SB 28-D** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SB 30-D—A bill to be entitled An act relating to government inspections; requiring the Governor to direct certain agencies under his authority to enter into interagency agreements that will eliminate duplication of inspections by those agencies; providing for authority of agents conducting such inspections; providing for reports; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Johnson and adopted:

Amendment 1—On page 1, line 18, after the period (.) insert: Parties to the agreement may include departments which are headed by a cabinet officer, the Governor and Cabinet, or a collegial body.

Amendment 2—On page 1, line 25, after the period (.) insert: No department which has entered into an agreement may charge or accept any funds with respect to duties performed under the agreement, from other parties to the agreement, which are in excess of the direct costs of conducting such inspections.

Amendment 3—On page 1, line 17, after “inspections” insert: and permitting

Senator Johnson moved the following amendment which was adopted:

Amendment 4—On page 1, line 25, after the period (.) insert: It is the intent of the Legislature that, in eliminating duplication, the agreement should emphasize more efficient delivery of services and should seek to enhance productivity.

Senator Dantzler moved the following amendments which were adopted:

Amendment 5—On page 1, line 19, after “inspections” insert: or permitting

Amendment 6—On page 1, lines 21, 22 and 23, after “inspection” insert: or permitting

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Johnson and adopted:

Amendment 7—In title, on page 1, line 6, after the semicolon (;) insert: authorizing other departments to be parties to agreements;

Amendment 8—In title, on page 1, strike line 8 and insert: such inspections; providing limitations on funds received under such agreements; providing for reports;

Amendment 9—In title, on page 1, line 2, after “inspections” insert: and permitting

Senator Dantzler moved the following amendment which was adopted:

Amendment 10—In title, on page 1, lines 6 and 8, after “inspections” insert: or permitting

On motion by Senator Malchon, by two-thirds vote **SB 30-D** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34 Nays—None

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

HB 23-D—A bill to be entitled An act relating to jurors; amending s. 7, ch. 91-235, Laws of Florida; changing the effective date of specified provisions in ch. 91-235, Laws of Florida, which relate to creation of jury lists and eligibility for jury duty; providing an effective date.

—a companion measure, was substituted for **SB 24-D** and by two-thirds vote read the second time by title. On motion by Senator Girardeau, by two-thirds vote **HB 23-D** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

SB 32-D—A bill to be entitled An act relating to elections; changing the date of the second primary election in 1992; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote **SB 32-D** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

Consideration of **SJR 12-D** was deferred.

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

CS for SB 4-D—A bill to be entitled An act relating to state employees; amending s. 110.109, F.S.; revising provisions relating to productivity improvement and personnel audits of the executive branch agencies; creating s. 110.1099, F.S.; providing for education and training opportunities for state employees; amending s. 110.112, F.S.; providing for affirmative action and equal employment opportunity goals; providing for the primary responsibilities of the affirmative action-equal employment opportunity officer; revising dates with respect to the plan; amending s. 110.107, F.S.; defining the term “furlough”; creating s. 110.1225, F.S.; providing for furloughs and other alternatives to reduce payroll costs; amending s. 110.123, F.S.; revising provisions with respect to the state group insurance program to provide for the payment of premiums for employees granted certain leaves of absence; amending s. 110.201, F.S.; revising provisions relating to personnel rules, records, and reports; amending s. 110.203, F.S.; providing definitions; amending s. 110.205, F.S.; revising provisions relating to exemptions from the Career Service System; transferring certain responsibilities from the department to employing agencies; amending s. 110.207, F.S.; revising provisions relating to the classification plan; amending s. 110.209, F.S.; revising provisions relating to the pay plan; amending s. 110.211, F.S.; revising provisions relating to recruitment; amending s. 110.213, F.S.; revising provisions relating to selection; amending s. 110.217, F.S.; revising provisions relating to appointments and promotion; amending s. 110.219, F.S.; providing for cooperation and consultation with the agencies with respect to rules governing attendance and leave; amending s. 110.221, F.S.; providing for parental or family medical leave; amending s. 110.227, F.S.; revising provisions relating to suspensions, dismissals, reductions in pay, demotions, layoffs, furloughs, and transfers; providing for training;

amending s. 447.207, F.S.; prescribing the powers and duties of the Public Employees Relations Commission with respect to appeals by permanent employees in the Career Service System; repealing s. 1 of ch. 91-164, Laws of Florida; abrogating the repeal of part II of chapter 110, F.S.; providing for implementation of act to be collectively bargained; providing an effective date.

—was read the second time by title.

Senator Meek moved the following amendment which was adopted:

Amendment 1—On page 4, strike all of lines 24-26 and insert: to attend work-related courses at public universities.

On motion by Senator Wexler, by two-thirds vote **CS for SB 4-D** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

Consideration of **SB 50-D** was deferred.

SB 46-D—A bill to be entitled An act relating to food safety; amending s. 500.03, F.S.; revising definitions; defining “convenience store”; deleting applicability provisions; amending s. 500.09, F.S.; expanding and clarifying provisions which require the Department of Agriculture and Consumer Services to adopt rules governing food products; authorizing certain exemptions from labeling requirements; amending s. 500.12, F.S.; requiring food permits; providing an exemption; providing an application fee; providing legislative intent; amending s. 500.121, F.S.; increasing a fine for specified violations; amending s. 500.146, F.S.; expanding the department’s authority to adopt rules; revising provisions relative to analytical work; creating s. 500.165, F.S.; prohibiting carriers from transporting food items in certain vehicles or rail cars; providing for standards by rule; providing an administrative fine; providing a penalty; amending s. 500.167, F.S.; revising provisions which provide exemptions for carriers engaged in interstate commerce; amending ss. 502.091, 502.165, 502.191, F.S.; clarifying and updating references; amending s. 502.231, F.S.; revising penalty and injunction provisions; providing for the suspension or revocation of permits; authorizing a fine; providing applicability to milk and milk product producers and handlers; amending s. 509.013, F.S.; revising an exclusion from the definition of “public food service establishment”; amending s. 583.09, F.S.; requiring food permits for egg dealers and poultry dealers; amending s. 583.022, F.S.; providing for the refrigeration of eggs for sale or processing; providing temperature requirements; amending s. 585.002, F.S.; requiring the department to establish a fee schedule for certain services; amending s. 585.21, F.S.; revising provisions relating to the sale of biological products for animals; amending s. 585.90, F.S., relating to inspection, stop-sale orders, condemnation, and destruction of animal products; creating s. 585.902, F.S.; providing causes for seizure and condemnation of animal products; creating s. 585.903, F.S.; providing procedures with respect to seizure of animal products; providing a penalty; providing for the suspension or revocation of permits; providing a fine; creating s. 585.904, F.S.; providing for the condemnation, sale, and release of seized animal products; amending s. 571.11, F.S.; correcting a cross-reference; amending s. 381.0072, F.S.; clarifying the duties of the Department of Health and Rehabilitative Services with respect to the adoption and enforcement of specified sanitation rules; creating the Seafood and Aquatic Species Task Force; requiring a report; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Gardner and adopted:

Amendment 1—On page 12, line 17, and on page 18, line 2, strike “\$10,000” and insert: \$1,000

Amendment 2—On page 24, line 9, strike “\$10,000” and insert: \$1,000

Amendment 3—On page 27, lines 30 and 31, strike “upon becoming a law” and insert: July 1, 1992

Senator Kiser moved the following amendment which was adopted:

Amendment 4—On page 11, strike all of lines 28-31 and insert:

(4) *Notwithstanding chapters 381 and 509 and to the extent of the jurisdiction of those chapters only, the regulatory authority over the manufacturing, processing, packing, holding, preparing, selling at retail, or transporting of food is preempted to the department.*

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

Amendment 5—In title, on page 1, line 14, strike “increasing” and insert: decreasing

On motion by Senator Gardner, by two-thirds vote **SB 46-D** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

RECONSIDERATION

On motion by Senator Gardner, the rules were waived and the Senate reconsidered the vote by which—

SB 46-D—A bill to be entitled An act relating to food safety; amending s. 500.03, F.S.; revising definitions; defining “convenience store”; deleting applicability provisions; amending s. 500.09, F.S.; expanding and clarifying provisions which require the Department of Agriculture and Consumer Services to adopt rules governing food products; authorizing certain exemptions from labeling requirements; amending s. 500.12, F.S.; requiring food permits; providing an exemption; providing an application fee; providing legislative intent; amending s. 500.121, F.S.; increasing a fine for specified violations; amending s. 500.146, F.S.; expanding the department’s authority to adopt rules; revising provisions relative to analytical work; creating s. 500.165, F.S.; prohibiting carriers from transporting food items in certain vehicles or rail cars; providing for standards by rule; providing an administrative fine; providing a penalty; amending s. 500.167, F.S.; revising provisions which provide exemptions for carriers engaged in interstate commerce; amending ss. 502.091, 502.165, 502.191, F.S.; clarifying and updating references; amending s. 502.231, F.S.; revising penalty and injunction provisions; providing for the suspension or revocation of permits; authorizing a fine; providing applicability to milk and milk product producers and handlers; amending s. 509.013, F.S.; revising an exclusion from the definition of “public food service establishment”; amending s. 583.09, F.S.; requiring food permits for egg dealers and poultry dealers; amending s. 583.022, F.S.; providing for the refrigeration of eggs for sale or processing; providing temperature requirements; amending s. 585.002, F.S.; requiring the department to establish a fee schedule for certain services; amending s. 585.21, F.S.; revising provisions relating to the sale of biological products for animals; amending s. 585.90, F.S., relating to inspection, stop-sale orders, condemnation, and destruction of animal products; creating s. 585.902, F.S.; providing causes for seizure and condemnation of animal products; creating s. 585.903, F.S.; providing procedures with respect to seizure of animal products; providing a penalty; providing for the suspension or revocation of permits; providing a fine; creating s. 585.904, F.S.; providing for the condemnation, sale, and release of seized animal products; amending s. 571.11, F.S.; correcting a cross-reference; amending s. 381.0072, F.S.; clarifying the duties of the Department of Health and Rehabilitative Services with respect to the adoption and enforcement of specified sanitation rules; creating the Seafood and Aquatic Species Task Force; requiring a report; providing an effective date.

—as amended passed this day.

Senator Gardner moved the following amendment which was adopted by two-thirds vote:

Amendment 6—On page 21, line 11, after the period (.) insert: *Public schools are exempt from fees established by this section.*

On motion by Senator Gardner, **SB 46-D** as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

SB 48-D—A bill to be entitled An act relating to the Division of Hotels and Restaurants of the Department of Business Regulation; amending s. 509.032, F.S.; deleting the division’s authority to enter into certain contracts to perform inspections of public lodging establishments and public food service establishments; providing an effective date.

—was read the second time by title. On motion by Senator Crotty, by two-thirds vote **SB 48-D** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—4

SENATOR CHILDERS PRESIDING

SB 50-D—A bill to be entitled An act relating to the Commission on Legal Representation of Grand Jury Witnesses; prescribing the duties of the commission; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike line 21 and insert: *Florida Association of Criminal Defense Lawyers Attorneys Association*, two persons

On motion by Senator Plummer, by two-thirds vote **SB 50-D** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

MOTION

On motion by Senator Scott, all bills passed this day were ordered immediately certified to the House.

Consideration of **SB 6-D** was deferred.

SJR 12-D—A joint resolution proposing the creation of Section 10 of Article II and amendments to Section 4 of Article III and Section 2 of Article V of the State Constitution to provide for access to public records and meetings.

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

That the creation of Section 10 of Article II and the amendments to Section 4 of Article III and Section 2 of Article V of the State Constitution set forth below are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

**ARTICLE II
GENERAL PROVISIONS**

SECTION 10. Access to public records and meetings.—

(a) Any person may inspect or copy any public record, including, but not limited to, any fiscal record dealing with the receipt or expenditure of public funds, held, in connection with official business, by a public officer or employee of the executive or legislative branch of state government or by a public officer or employee of a county, municipality, school district, or special district, or anyone acting on behalf of such officer or employee. The legislature may exempt records from this requirement by law enacted by a three-fifths vote of each house; provided that the law creating the exemption contains only one exemption and no other subject and states with specificity the compelling public necessity which the legislature finds justifies the exemption.

(b) Meetings of any collegial public body of the executive or legislative branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, are declared to be open meetings and shall be open to the public at all times. The legislature may exempt meetings from this requirement by law enacted by a three-fifths vote of each house.

(c) This section does not invalidate any law existing on the effective date of this section, nor does it apply to any subsequent law reauthorizing, but not expanding, an exemption provided by law.

(d) The provisions of this section are self-executing. However, the legislature may, by general law, provide for the enforcement of this section and for the maintenance, control, and disposition of records made public by this section.

**ARTICLE III
LEGISLATURE**

SECTION 4. Quorum and procedure.—

(a) A majority of the membership of each house shall constitute a quorum, but a smaller number may adjourn from day to day and compel

the presence of absent members in such manner and under such penalties as it may prescribe. Each house shall determine its rules of procedure.

(b) Sessions of each house shall be public; except sessions of the senate when considering appointment to or removal from public office may be closed.

(c) Each house shall keep and publish a journal of its proceedings; and upon the request of five members present, the vote of each member voting on any question shall be entered on the journal. In any legislative committee or subcommittee, the vote of each member voting on the final passage of any legislation pending before the committee, and upon the request of any two members of the committee or subcommittee, the vote of each member on any other question, shall be recorded.

(d) *The rules of procedure of each house shall provide that any person may inspect or copy legislative records, including, but not limited to, fiscal records dealing with the receipt or expenditure of public funds, held, in connection with official business, by a member, officer or employee of that house.*

(e)(d) Each house may punish a member for contempt or disorderly conduct and, by a two-thirds vote of its membership, may expel a member.

(f)(e) The rules of procedure of each house shall provide that all legislative committee and subcommittee meetings of each house, and joint conference committee meetings, shall be open and noticed to the public. The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public. All open meetings shall be subject to order and decorum. This section shall be implemented and defined by the rules of each house, and such rules shall control admission to the floor of each legislative chamber and may, where reasonably necessary for security purposes or to protect a witness appearing before a committee, provide for the closure of committee meetings. Each house shall be the sole judge for the interpretation, implementation, and enforcement of this section.

**ARTICLE V
JUDICIARY**

SECTION 2. Administration; practice and procedure.—

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. *The supreme court shall provide by rule that any person may inspect or copy judicial records, including, but not limited to, fiscal records dealing with the receipt or expenditure of public funds, held, in connection with official business, by a justice, judge, judicial officer or employee of any court.* These rules may be repealed by general law enacted by two-thirds vote of the membership of each house of the legislature.

(b) The chief justice of the supreme court shall be chosen by a majority of the members of the court. He shall be the chief administrative officer of the judicial system. He shall have the power to assign justices or judges, including consenting retired justices or judges, to temporary duty in any court for which the judge is qualified and to delegate to a chief judge of a judicial circuit the power to assign judges for duty in his respective circuit.

(c) A chief judge for each district court of appeal shall be chosen by a majority of the judges thereof or, if there is no majority, by the chief justice. The chief judge shall be responsible for the administrative supervision of the court.

(d) A chief judge in each circuit shall be chosen from among the circuit judges as provided by supreme court rule. The chief judge shall be responsible for the administrative supervision of the circuit courts and county courts in his circuit.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE II, SECTION 10; ARTICLE III, SECTION 4;
ARTICLE V, SECTION 2

ACCESS TO PUBLIC RECORDS AND MEETINGS.—Proposing an amendment to the State Constitution to grant public access to records and meetings of the executive and legislative branches of state government, counties, municipalities, school districts, and special districts; to allow the Legislature to enact exemptions by 3/5 vote; to require each house of the Legislature to provide for public inspection of its records; and to require the Supreme Court to provide for public inspection of court records.

—was read the second time in full.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Margolis and adopted:

Amendment 1—On page 3, line 10, strike “*legislative*” and insert: *public*

Amendment 2—On page 4, strike all of lines 18-20 and insert: *inspect or copy fiscal records dealing with the receipt or expenditure of public funds held, in connection with official business, by a*

Amendment 3—On page 5, line 26, following “court” insert: *fiscal*

Senator Wexler moved the following amendments which were adopted:

Amendment 4—On page 1, line 28, after “exempt” insert: *public*

Amendment 5—On page 5, between lines 12 and 13, insert:

Section 3. This section does not invalidate any law existing on the effective date of this section, nor does it apply to any subsequent law reauthorizing, but not expanding, an exemption provided by law.

Senator Langley moved the following amendment which was adopted:

Amendment 6—On page 3, lines 10 and 11, strike “legislative records, including but not limited to,”

The vote was:

Yeas—27 Nays—12

Further consideration of **SJR 12-D** as amended was deferred.

THE PRESIDENT PRESIDING

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

CS for HB 43-D—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; providing findings; providing intent to restructure the delivery of health and human services; repealing s. 20.19(8), F.S., relating to the district advisory councils; providing effective dates.

—a companion measure, was substituted for **SB 6-D** and by two-thirds vote read the second time by title.

Senator Dudley moved the following amendments which were adopted:

Amendment 1—On page 5, strike all of lines 20-22 and renumber subsequent sections.

Amendment 2—In title, on page 1, strike all of lines 5-7 and insert: *health and human services; providing effective dates.*

On motion by Senator Malchon, by two-thirds vote **CS for HB 43-D** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31 Nays—2

REPORTS OF COMMITTEES

The Committee on Governmental Operations recommends the following pass: **SB 8-D** with 13 amendments

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

The Committee on Executive Business, Ethics and Elections recommends the following pass: **SB 24-D**, **SB 32-D**

The Committee on Governmental Operations recommends the following pass: **CS for SB 4-D**, **SB 6-D** with 2 amendments, **SB 28-D**, **SB 30-D** with 6 amendments, **SB 46-D** with 4 amendments, **SB 48-D**

The Committee on Judiciary recommends the following pass: **SB 50-D** with 1 amendment

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

The Committee on Health and Rehabilitative Services recommends the following pass: **SB 6-D** with 1 amendment, **SB 8-D** with 2 amendments

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: **SB 4-D**

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By the Committee on Appropriations—

SB 16-D—A bill to be entitled An act making appropriations; amending appropriations in the 1991-92 General Appropriations Act; providing moneys for the annual period beginning July 1, 1991 and ending June 30, 1992, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Appropriations—

SB 18-D—A bill to be entitled An act relating to implementing the appropriations acts for fiscal year 1991-1992; eliminating funding for Medicaid coverage for certain pregnant women and children under age 1, for certain hospital inpatient services, and for increased obstetrical fees; directing the Department of Health and Rehabilitative Services to use county contributions to fund the state's share of other hospital-related services; reducing funding for Medicaid physician fees; requiring the department to amend the allowable fee schedule to implement the mandatory reserve reduction; providing for reduction of reimbursement to nursing home providers; eliminating the department's responsibility to perform preliminary home studies in independent adoptions; prescribing the duties of the Comptroller and the powers of the Chief Justice of the Supreme Court with respect to the budget for the judicial branch; authorizing transfer of moneys from the lottery Administrative Trust Fund to the Educational Enhancement Trust Fund; providing for transfer of moneys from certain trust funds to general revenue; reducing moneys for state employee pay raises and postponing the effective date of the raises; providing an effective date and an expiration date.

—was referred to the Committee on Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Personnel, Retirement and Collective Bargaining; and Senator Wexler—

CS for SB 4-D—A bill to be entitled An act relating to state employees; amending s. 110.109, F.S.; revising provisions relating to productivity improvement and personnel audits of the executive branch agencies; creating s. 110.1099, F.S.; providing for education and training opportunities for state employees; amending s. 110.112, F.S.; providing for affirmative action and equal employment opportunity goals; providing for the primary responsibilities of the affirmative action-equal employment opportunity officer; revising dates with respect to the plan; amending s. 110.107, F.S.; defining the term “furlough”; creating s. 110.1225, F.S.; providing for furloughs and other alternatives to reduce payroll costs; amending s. 110.123, F.S.; revising provisions with respect to the state group insurance program to provide for the payment of premiums for

employees granted certain leaves of absence; amending s. 110.201, F.S.; revising provisions relating to personnel rules, records, and reports; amending s. 110.203, F.S.; providing definitions; amending s. 110.205, F.S.; revising provisions relating to exemptions from the Career Service System; transferring certain responsibilities from the department to employing agencies; amending s. 110.207, F.S.; revising provisions relating to the classification plan; amending s. 110.209, F.S.; revising provisions relating to the pay plan; amending s. 110.211, F.S.; revising provisions relating to recruitment; amending s. 110.213, F.S.; revising provisions relating to selection; amending s. 110.217, F.S.; revising provisions relating to appointments and promotion; amending s. 110.219, F.S.; providing for cooperation and consultation with the agencies with respect to rules governing attendance and leave; amending s. 110.221, F.S.; providing for parental or family medical leave; amending s. 110.227, F.S.; revising provisions relating to suspensions, dismissals, reductions in pay, demotions, layoffs, furloughs, and transfers; providing for training; amending s. 447.207, F.S.; prescribing the powers and duties of the Public Employees Relations Commission with respect to appeals by permanent employees in the Career Service System; repealing s. 1 of ch. 91-164, Laws of Florida; abrogating the repeal of part II of chapter 110, F.S.; providing for implementation of act to be collectively bargained; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed HB 25-D, CS for HB 43-D; has admitted for introduction and consideration by the required constitutional two-thirds vote and passed HB 23-D and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Abrams—

HB 25-D—A bill to be entitled An act relating to insurance retaliatory tax; reenacting s. 624.5091, F.S., relating to the retaliatory provision with respect to insurers; providing for retroactive effect; providing an effective date.

(Substituted for **SB 10-D** on the Special Order Calendar this day.)

By the Committee on Health and Rehabilitative Services; and Representatives Frankel and Bloom—

CS for HB 43-D—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; providing findings; providing intent to restructure the delivery of health and human services; repealing s. 20.19(8), F.S., relating to the district advisory councils; providing effective dates.

(Substituted for **SB 6-D** on the Special Order Calendar this day.)

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

By Representative Hill—

HB 23-D—A bill to be entitled An act relating to jurors; amending s. 7, ch. 91-235, Laws of Florida; changing the effective date of specified provisions in ch. 91-235, Laws of Florida, which relate to creation of jury lists and eligibility for jury duty; providing an effective date.

(Substituted for **SB 24-D** on the Special Order Calendar this day.)

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has admitted for introduction and consideration by the required Constitutional two-thirds vote and adopted HM 49-D and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Logan and others—

HM 49-D—A memorial to the Congress of the United States condemning the unconstitutional seizure of power by the military junta in Haiti and urging certain actions to end the military seizure of power.

On motion by Senator Meek, by the required constitutional two-thirds vote of the Senate, **HM 49-D** was admitted for introduction.

On motions by Senator Meek, **HM 49-D** was taken up out of order by unanimous consent and by two-thirds vote read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—35 Nays—None

RETURNING MESSAGES ON SENATE BILLS

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 16-D and requests the concurrence of the Senate, or failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed from the House to resolve the differences between the houses.

John B. Phelps, Clerk

SB 16-D—A bill to be entitled An act making appropriations; amending appropriations in the 1991-92 General Appropriations Act; providing moneys for the annual period beginning July 1, 1991 and ending June 30, 1992, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

Pursuant to Rule 7.6, the amendments constituted an entirely new bill and therefore were not published in the Journal.

On motions by Senator Gardner, the Senate refused to concur in the House amendments and acceded to the request for a conference committee.

CONFEREES ON SB 16-D APPOINTED

The President appointed Senator Gardner, Chairman; Senators Kirkpatrick, Scott, Childers, Meek, Johnson, Thurman, Davis, McKay, Weinstock, Bruner, Yancey and Diaz-Balart.

The action of the Senate was certified to the House.

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 18-D and requests the concurrence of the Senate, or failing to concur, requests the Senate to appoint a committee of conference to meet with a like committee appointed from the House to resolve the differences between the houses.

John B. Phelps, Clerk

SB 18-D—A bill to be entitled An act relating to implementing the appropriations acts for fiscal year 1991-1992; eliminating funding for Medicaid coverage for certain pregnant women and children under age 1, for certain hospital inpatient services, and for increased obstetrical fees; directing the Department of Health and Rehabilitative Services to use county contributions to fund the state's share of other hospital-related services; reducing funding for Medicaid physician fees; requiring the department to amend the allowable fee schedule to implement the mandatory reserve reduction; providing for reduction of reimbursement to nursing home providers; eliminating the department's responsibility to perform preliminary home studies in independent adoptions; prescribing the duties of the Comptroller and the powers of the Chief Justice of the Supreme Court with respect to the budget for the judicial branch; authorizing transfer of moneys from the lottery Administrative Trust Fund to the Educational Enhancement Trust Fund; providing for transfer of moneys from certain trust funds to general revenue; reducing moneys for state employee pay raises and postponing the effective date of the raises; providing an effective date and an expiration date.

Pursuant to Rule 7.6, the amendment constituted an entirely new bill and therefore was not published in the Journal.

On motions by Senator Gardner, the Senate refused to concur in the House amendment and acceded to the request for a conference committee.

The President announced she was appointing the same Senate Conferrees as previously appointed on **SB 16-D**, the appropriations bill.

The action of the Senate was certified to the House.

ROLL CALLS ON SENATE BILLS

CS for SB 2-D—Amendment 3

Yeas—17

Bruner	Dantzler	Johnson	Souto
Casas	Diaz-Balart	Kiser	Thomas
Childers	Dudley	Langley	
Crenshaw	Gordon	Myers	
Crotty	Grizzle	Scott	

Nays—16

Madam President	Girardeau	McKay	Walker
Burt	Kirkpatrick	Meek	Weinstock
Forman	Kurth	Plummer	Wexler
Gardner	Malchon	Thurman	Yancey

CS for SB 2-D

Yeas—33

Madam President	Forman	Langley	Thurman
Bruner	Gardner	Malchon	Walker
Burt	Girardeau	McKay	Weinstein
Casas	Gordon	Meek	Weinstock
Childers	Grizzle	Myers	Wexler
Dantzler	Jennings	Plummer	Yancey
Davis	Johnson	Scott	
Diaz-Balart	Kirkpatrick	Souto	
Dudley	Kiser	Thomas	

Nays—None

Vote after roll call:

Yea—Kurth

CS for SB 4-D

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Davis, Gardner, Girardeau

SJR 12-D—Amendment 6

Yeas—27

Bankhead	Dudley	Johnson	Scott
Burt	Forman	Kirkpatrick	Souto
Casas	Girardeau	Kiser	Thurman
Crenshaw	Gordon	Langley	Walker
Dantzler	Grizzle	McKay	Weinstein
Davis	Jenne	Meek	Wexler
Diaz-Balart	Jennings	Myers	

Nays—12

Madam President	Childers	Kurth	Thomas
Beard	Crotty	Malchon	Weinstock
Bruner	Gardner	Plummer	Yancey

SB 16-D—Amendment 3

Yeas—17

Bankhead	Crenshaw	Jennings	Myers
Beard	Crotty	Johnson	Souto
Bruner	Diaz-Balart	Kiser	
Burt	Dudley	Langley	
Casas	Grizzle	McKay	

Nays—18

Madam President	Gardner	Kurth	Weinstein
Childers	Girardeau	Meek	Wexler
Dantzler	Gordon	Thomas	Yancey
Davis	Jenne	Thurman	
Forman	Kirkpatrick	Walker	

Vote after roll call:

Nay—Malchon, Plummer

SB 16-D—Amendment 9

Yeas—16

Bankhead	Casas	Grizzle	McKay
Beard	Crenshaw	Jennings	Myers
Bruner	Crotty	Kiser	Scott
Burt	Dudley	Langley	Souto

Nays—21

Madam President	Girardeau	Meek	Weinstock
Childers	Gordon	Plummer	Wexler
Dantzler	Jenne	Thomas	Yancey
Davis	Kirkpatrick	Thurman	
Forman	Kurth	Walker	
Gardner	Malchon	Weinstein	

SB 16-D

Yeas—38

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

Nays—None

SB 18-D

Yeas—35

Madam President	Dantzler	Kirkpatrick	Souto
Bankhead	Davis	Kurth	Thomas
Beard	Dudley	Langley	Thurman
Bruner	Forman	Malchon	Walker
Burt	Gardner	McKay	Weinstein
Casas	Girardeau	Meek	Weinstock
Childers	Grizzle	Myers	Wexler
Crenshaw	Jenne	Plummer	Yancey
Crotty	Johnson	Scott	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

SB 28-D

Yeas—37

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

Nays—None

SB 30-D

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 32-D

Yeas—35

Madam President Davis	Kirkpatrick	Scott
Bankhead Diaz-Balart	Kiser	Souto
Beard Dudley	Kurth	Thomas
Bruner Forman	Langley	Thurman
Burt Girardeau	Malchon	Walker
Casas Grizzle	McKay	Weinstein
Childers Jenne	Meek	Weinstock
Crotty Jennings	Myers	Wexler
Dantzler Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Gordon, Yancey

SB 46-D

Yeas—36

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

Nays—None

SB 46-D—After Reconsideration

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Souto, Yancey

SB 48-D

Yeas—33

Madam President Bruner	Childers	Diaz-Balart
Bankhead Burt	Crotty	Dudley
Beard Casas	Davis	Forman

Gardner	Kirkpatrick	Meek	Weinstein
Girardeau	Kiser	Myers	Weinstock
Gordon	Kurth	Plummer	Wexler
Jenne	Langley	Souto	
Jennings	Malchon	Thurman	
Johnson	McKay	Walker	

Nays—4

Dantzler Grizzle Thomas Yancey

Vote after roll call:

Yea to Nay—Bruner, Myers

SB 50-D

Yeas—39

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

Nays—None

ROLL CALLS ON HOUSE BILLS

HB 23-D

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Yancey

HB 25-D

Yeas—38

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

Nays—None

CS for HB 43-D

Yeas—31

Madam President Dantzler	Jennings	Plummer
Beard Davis	Johnson	Souto
Bruner Diaz-Balart	Kirkpatrick	Thomas
Burt Dudley	Kiser	Thurman
Casas Forman	Kurth	Walker
Childers Girardeau	Malchon	Weinstein
Crenshaw Gordon	McKay	Weinstock
Crotty Grizzle	Meek	Yancey

Nays—2

Bankhead Langley

Vote after roll call:

Nay to Yea—Langley

HM 49-D

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Childers

MOTION

On motion by Senator Thomas, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet Thursday, December 12 at 12:00 noon to consider SB 34-D.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of December 10 was corrected and approved.

CO-SPONSORS

Senator Grant—SJR 12-D

RECESS

Senator Thomas moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Friday, December 13, at 2:00 p.m. or upon call of the President. The motion was adopted.

Pursuant to the motion by Senator Thomas, the Senate recessed at 6:13 p.m. to reconvene at 2:00 p.m., Friday, December 13 or upon call of the President.