



# Journal of the Senate

Number 4

Thursday, January 30, 1992

## CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—40:

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

## PRAYER

The following prayer was offered by Father Peter Wood, St. Patrick's Catholic Church, Apalachicola:

Lord God, to those you have chosen for political office, you've also given a share in your very own authority to lead and guide the people of this state. On the last day we will be judged as to how we have exercised it.

We ask your forgiveness for the times that this authority has been misused and we ask the gift of your grace that we might exercise this authority in a manner that is consistent with your will and truth.

In the complex issues that this body faces today in these times, give them light and direction and lead all of us, each one here, and the people of this state to the peace of your kingdom where you live and reign forever and ever. Amen.

## PLEDGE

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

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Thomas, by two-thirds vote **SB 2110** was withdrawn from the Committees on Governmental Operations, Judiciary and Appropriations and referred to the Committees on Governmental Operations and Appropriations.

On motions by Senator Thomas, by two-thirds vote **SB 1768** was withdrawn from the Committees on Judiciary; Health and Rehabilitative Services; and Commerce and referred to the Committees on Judiciary; Health and Rehabilitative Services; and Appropriations.

On motion by Senator Thomas, by two-thirds vote **SM 1638** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Thomas, by two-thirds vote **SB 1008** was withdrawn from the Committee on Education.

On motions by Senator Gardner, by two-thirds vote **CS for SB 456**, **CS for CS for SB's 528, 544 and 312** and **CS for SB 778** were withdrawn from the Committee on Appropriations.

On motion by Senator Malchon, by two-thirds vote **SB 384** was withdrawn from the committee of reference and further consideration.

On motions by Senator Grant, by two-thirds vote **Senate Bills 184 and 1628** were withdrawn from the committees of reference and further consideration.

On motions by Senator Jennings, by two-thirds vote **Senate Bills 1560 and 374** were withdrawn from the committees of reference and further consideration.

On motions by Senator Thomas, by two-thirds vote **Senate Bills 2350 and 2352** were withdrawn from the Committee on Appropriations and by two-thirds vote placed on the Special Order Calendar to be considered Thursday, February 6.

## MOTION TO INTRODUCE BILL

Senator Weinstein moved that the rules be waived and the following bill be introduced notwithstanding the fact that the final day had passed for introduction of bills:

A bill to be entitled An act relating to judicial certification.

The motion was referred to the Committee on Rules and Calendar.

## POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, Senator Gordon raised the issue of possible irregularity in the payment of two witnesses at last week's committee hearing on congressional reapportionment, as reported by Florida newspapers, and asked the President to refer the matter to whatever committee she deemed appropriate to study the issue for a determination on whether any rules or laws had been broken.

The President referred the matter to the Committee on Rules and Calendar.

Senator Thomas, Chairman of the Committee on Rules and Calendar, concurred in the appropriateness of that reference, citing Rule 9.8, and announced that he had appointed Senator Yancey, Chairman, and Senators Wexler and Beard to a subcommittee to look into the matter.

## SENATOR CHILDERS PRESIDING

## SPECIAL ORDER

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

**CS for CS for HJR's 1727, 863 and 2035**—A joint resolution proposing the creation of Section 24 of Article I and Section 20 of Article XII of the State Constitution relating to access to public records.

—a companion measure, was substituted for **SJR 1288** and by two-thirds vote read the second time by title.

Senators Margolis and Johnson offered the following amendment which was moved by Senator Margolis:

**Amendment 1 (with Title Amendment)**—On page 1, strike everything after the resolving clause and insert:

That the following addition of Section 24 of Article I of the State Constitution is 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 I

#### DECLARATION OF RIGHTS

**SECTION 24.** Access to public records and meetings.—

(a) Except with respect to records exempted pursuant to this section or specifically made confidential by this constitution, every person has the right to inspect or copy any public record made, received, or held in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf. This section specifically includes the legislative, executive, and judicial branches of

government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this constitution.

(b) Except with respect to meetings exempted pursuant to this section or specifically closed by this constitution, every person has the right to access meetings of any collegial public body of the executive or judicial branch of state government or of any collegial public body of a county, municipality, school district, or special district, or of a quorum of either house of the legislature or a quorum of any committee of the legislature or either house thereof, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, or meetings of members of the legislature constituting less than a quorum which form an integral part of the decision-making process; provided:

1. The legislature shall adopt rules defining those meetings of legislators constituting less than a quorum to which public access is to be provided pursuant to this section. The right of access granted under this section shall be in addition to that provided in Section 4(e) of Article III.

2. The supreme court may adopt rules exempting meetings of judicial bodies from the requirements of this section when such exemptions are necessary to preserve the fair, impartial, and orderly administration of justice.

(c) This section shall be self-executing. However, the legislature may, by general law, provide for the exemption of records or meetings from the requirements of this section, provided that the law creating such an exemption states with specificity the public necessity that justifies the exemption and provided that the exemption is no broader than necessary to meet such necessity. A law enacted pursuant to this subsection shall contain only exemptions and shall relate to only one subject.

(d) The legislature shall enact laws governing the enforcement of this section, including the maintenance, control, destruction, disposal, and disposition of records made public by this section.

(e) All laws or rules of court that are in effect on the effective date of this section and that limit public access to records or meetings shall remain in force, and apply to records and meetings of the legislative and judicial branches, until they are repealed.

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

CONSTITUTIONAL AMENDMENT  
ARTICLE I, SECTION 24

ACCESS TO PUBLIC RECORDS AND MEETINGS.—Proposing an amendment to the State Constitution to grant public access to records and meetings of the executive, judicial, and legislative branches of state government, counties, municipalities, school districts, and special districts; to allow the legislature to enact exemptions and rules; to allow the Supreme Court to adopt rules exempting certain judicial bodies; and to apply existing exemptions to judicial and legislative records and meetings.

And the title is amended as follows:

In title, on page 1, strike everything before the resolving clause and insert: A joint resolution proposing the creation of Section 24 of Article I of the State Constitution to provide for access to public records and meetings.

Senators Margolis and Johnson offered the following amendments to **Amendment 1** which were moved by Senator Margolis and adopted:

**Amendment 1A**—On page 1, line 15, following “purpose” insert: and, if approved, shall take effect January 1, 1993

**Amendment 1B**—On page 3, line 15, following “Constitution” insert: , effective January 1, 1993,

Senator Kiser moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1C**—On page 2, line 23, strike “law” and insert: law enacted by a two-thirds vote of each house

Senator Langley moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1D**—On page 3, strike line 1 and insert:

(d) The Florida Senate and the Florida House of Representatives shall adopt rules governing the

Further consideration of **CS for CS for HJR’s 1727, 863 and 2035** with pending **Amendment 1** as amended was deferred.

Consideration of **SB 1286** was deferred.

**SB 664**—A bill to be entitled An act relating to building designations; designating the Florida Folklife Building at the Stephen Foster State Folk Culture Center in White Springs as the “Lillian Shipp Saunders Florida Folklife Building”; directing the Department of General Services to erect suitable markers; providing an effective date.

—was read the second time by title.

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

**Amendment 1 (with Title Amendment)**—On page 2, line 4, strike “General Services” and insert: Natural Resources

And the title is amended as follows:

In title, on page 1, line 7, strike “General Services” and insert: Natural Resources

On motion by Senator Walker, by two-thirds vote **SB 664** 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

**CS for SB 496**—A bill to be entitled An act relating to notaries public; amending s. 117.05, F.S.; providing prohibitions against specified notarizations; providing a qualification; providing a form, providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendments which were adopted:

**Amendment 1**—On page 1, strike all of lines 22-25 and insert:

(c) *The notary public actually knows that the person signing the document has been adjudicated mentally incapacitated, and the notarization relates to a right that has been removed pursuant to s. 744.3215(2) or s. 744.3215(3), and that the person has not been restored to capacity as a matter of record* ~~the notary public knows or has reason to know that the person has been adjudicated mentally incapacitated.~~

**Amendment 2 (with Title Amendment)**—On page 2, between lines 17 and 18, insert:

Section 2. Subsection (8) of section 117.107, Florida Statutes, is amended to read:

117.107 Prohibited acts.—

(8) A notary public is not authorized to engage in the practice of law, including the preparation of legal instruments ~~prepare a legal instrument or fill in the blanks of an instrument, other than a notary certificate except as allowed by rule of the Florida Supreme Court; however, this prohibition does not prohibit an attorney, or an employee of a licensed title insurance agent or title insurer, who is also a notary public, from performing notarial acts for a document prepared by that attorney or prepared, incident to the issuance of title insurance, by the employee of a licensed title insurance agent or title insurer.~~

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 5, after “form;” insert: amending s. 117.107, F.S.; prohibiting the practice of law by notaries;

**Amendment 3**—On page 1, line 21, after the period (.) insert: *However, an endorsement or assignment in blank of a negotiable or nonnegotiable note and the assignment in blank of any instrument given as security for such note is not deemed incomplete.*

On motion by Senator Dantzler, by two-thirds vote **CS for SB 496** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40 Nays—None

**SB 532**—A bill to be entitled An act relating to drivers' licenses; amending s. 322.15, F.S.; requiring law enforcement officers and representatives of the Department of Highway Safety and Motor Vehicles to make a reasonable effort to establish the identity of persons who fail to display a driver's license; authorizing the search of certain department records for the purpose of driver identification; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote **SB 532** 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 58**—A bill to be entitled An act relating to public school personnel; amending s. 231.06, F.S.; providing penalties for persons who commit assault or battery on an elected official or employee of a school district; amending s. 231.29, F.S.; providing criteria for designing a personnel assessment system; deleting the reference to the Florida Council on Educational Management; providing for the performance assessment of teachers assigned to teach out-of-field; deleting the requirement for annual state review of school district personnel assessment systems; providing for review by local school boards; amending s. 231.291, F.S.; authorizing certain fees; amending s. 231.36, F.S.; conforming language; amending s. 231.3505, F.S.; deleting references to community colleges; reviving and readopting ss. 231.001, 231.02, 231.06, 231.07, 231.085, 231.09, 231.141, 231.29, 231.291, 231.30, 231.3505, 231.36, 231.361, 231.381, 231.39, 231.40, 231.41, 231.415, 231.424, 231.434, 231.44, 231.45, 231.47, 231.471, 231.481, 231.49, 231.495, 231.55, F.S., notwithstanding their scheduled repeal pursuant to the Regulatory Sunset Act and chs. 82-242 and 84-94, Laws of Florida; providing an effective date.

—was read the second time by title.

Senator McKay moved the following amendment which was adopted:

**Amendment 1 (with Title Amendment)**—On page 6, between lines 15 and 16, insert:

Section 6. Paragraphs (a) and (b) of subsection (3) of section 231.40, Florida Statutes, are amended to read:

231.40 Sick leave.—

(3) **SICK LEAVE POOL.**—Notwithstanding any other provision of this section, a school board, based upon the maintenance of reliable and accurate records by the district school system showing the amount of sick leave which has been accumulated and is unused by employees in accordance with this section, may, by rule or collective bargaining agreement, establish one or more plans ~~a plan~~ allowing participating full-time employees of a district school system to pool sick leave accrued and allowing any sick leave thus pooled to be disbursed to any participating employee who is in need of sick leave in excess of that amount he has personally accrued. Such rules or agreements shall include, but not be limited to, the following provisions:

(a) Participation in any ~~the~~ sick leave pool shall at all times be voluntary on the part of employees.

(b) Any full-time employee shall be eligible for participation in any ~~the~~ sick leave pool after 1 year of employment with the district school system, provided such employee has accrued a minimum amount of unused sick leave, which minimum shall be established by rule and provided, further, a sick leave pool is established that allows participation by that particular employee.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 18, after the semicolon (;) insert: amending s. 231.40, F.S.; authorizing one or more plans allowing school employees to participate in any sick leave pool;

On motion by Senator Walker, by two-thirds vote **CS for SB 58** 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

**SJR 162**—A joint resolution proposing an amendment to Section 5 of Article VI of the State Constitution relating to general elections.

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

That the amendment to Section 5 of Article VI of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1992:

#### ARTICLE VI SUFFRAGE OF ELECTIONS

**SECTION 5.** General and special elections.—A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. A general election may be suspended or delayed due to a state of emergency or impending emergency pursuant to general law. Special elections and referenda shall be held as provided by law.

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

#### CONSTITUTIONAL AMENDMENT ARTICLE VI, SECTION 5

**EMERGENCY SUSPENSION OR DELAY OF GENERAL ELECTION.**—Proposing an amendment to Section 5 of Article VI of the State Constitution to allow for suspension or delay of the general election due to a state of emergency or impending emergency pursuant to general law.

—was read the second time in full. On motion by Senator Grant, by two-thirds vote **SJR 162** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—37 Nays—None

**SB 230**—A bill to be entitled An act relating to historic preservation; creating s. 943.1728, F.S.; requiring the Criminal Justice Standards and Training Commission to develop standards for instruction relating to the protection of archaeological sites; requiring such standards to be implemented by July 1, 1993; requiring the Department of Law Enforcement to make recommendations to the Legislature regarding the protection of archaeological sites; directing the Department of State to make recommendations to the Legislature regarding the protection of historical resources; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, line 26, before "skills" insert: standards and

The Committee on Criminal Justice recommended the following amendments which were moved by Senator Malchon and adopted:

**Amendment 2**—On page 1, line 31, after "in" insert: any of the following:

**Amendment 3**—On page 2, line 19, strike "The department" and insert: In consultation with the departments of Community Affairs and Insurance, the Department of State

On motion by Senator Malchon, by two-thirds vote **SB 230** 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

**CS for SB 108**—A bill to be entitled An act relating to durable powers of attorney; amending s. 709.08, F.S.; deleting the requirements of notification of the execution of a durable power of attorney; providing an effective date.

—was read the second time by title. On motion by Senator Dudley, by two-thirds vote **CS for SB 108** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

**SB 380**—A bill to be entitled An act relating to offenses involving obscene materials; amending s. 827.071, F.S.; providing that, for purposes of the crime of possessing certain items of child pornography, the possession of each such item is a separate offense; providing an effective date.

—was read the second time by title. On motion by Senator Gardner, by two-thirds vote **SB 380** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—1

**CS for SB 652**—A bill to be entitled An act relating to confidentiality of information obtained by the Department of Banking and Finance; amending s. 494.0012, F.S.; removing provisions which provide an exemption from public records requirements for information obtained in connection with investigations and examinations by the department under the Mortgage Brokerage and Mortgage Lending Act; creating s. 494.00125, F.S.; providing exemptions from public records requirements for such information; amending s. 517.12, F.S., which provides an exemption from public records requirements for reports of certain currency transactions filed with the department under the Florida Securities and Investor Protection Act; saving such exemption from repeal; repealing s. 517.201(6), F.S., which provides an exemption from public records requirements for material obtained by the department in connection with investigations and examinations under said act; creating s. 517.2015, F.S.; providing exemptions from public records requirements for such information; providing a privilege against civil liability for persons who furnish information to the department; repealing s. 520.996(3) and (5), F.S., which provide an exemption from public records requirements for information obtained by the department in connection with investigations and examinations carried out pursuant to its supervisory powers over retail installment sales and finance, and which provide a privilege against civil liability for persons who furnish information to the department; creating s. 520.9965, F.S.; providing exemptions from public records requirements for such information and providing such a privilege; providing for future review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote **CS for SB 652** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

**CS for SB 654**—A bill to be entitled An act relating to the confidentiality of records and proceedings relating to financial institutions; amending s. 655.029, F.S., which provides exemptions from public meeting and records requirements for hearings and documents relating to cease and desist orders and suspension or removal orders, pursuant to a determination by the Department of Banking and Finance; revising the exemption; amending s. 655.033, F.S., which provides an exemption from public records requirements for emergency cease and desist orders; amending s. 655.057, F.S., which provides exemptions from public records requirements for information relating to investigations by the department, examination reports and papers, confidential information supplied to other agencies by the department, confidential information supplied to the department, lists of members of credit unions and mutual associations, and lists of shareholders of banks, trust companies, and stock associations; revising the exemptions; amending s. 655.50, F.S., which provides an exemption from public records requirements for reports filed under the Florida Control of Money Laundering in Financial Institutions Act; revising the exemption; amending s. 663.02, F.S., which provides for application of certain exemptions to international bank agencies; saving such exemptions from repeal; providing for future review and repeal; amending ss. 119.07, 655.059, 658.39, F.S.; correcting references and deleting duplicative references; repealing s. 665.048(9), F.S., which provides requirements relating to maintenance of stockholder records by capital stock associations; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote **CS for SB 654** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—1

The Senate resumed consideration of—

**CS for CS for HJR's 1727, 863 and 2035**—A joint resolution proposing the creation of Section 24 of Article I and Section 20 of Article XII of the State Constitution relating to access to public records.

—with pending **Amendment 1**, by Senators Margolis and Johnson, as amended.

#### RECONSIDERATION OF AMENDMENT

On motion by Senator Langley, the Senate reconsidered the vote by which **Amendment 1D** was adopted. **Amendment 1D** was withdrawn.

Senator Langley moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1E**—On page 3, line 10, insert a new section:

(f) *Except as provided herein, each house of the Legislature shall adopt rules governing the retention, availability and destruction of any records made public by this section.*

Senator Kiser moved the following amendment to **Amendment 1** which failed:

**Amendment 1F**—On page 1, line 30, following the period (.) insert: *However, the legislature may not exempt any of the following records from public inspection:*

- (1) *Records relating to the receipt or expenditure of public funds;*
- (2) *Correspondence between a member of the legislature and a person who, for compensation, represents another person, group, or entity, before the legislature or any member or committee of the legislature; and*
- (3) *Correspondence between a member of the legislature and any governmental entity or any officer or employee of any governmental entity.*

The vote was:

Yeas—19 Nays—19

**Amendment 1** as amended was adopted.

On motion by Senator Margolis, by two-thirds vote **CS for CS for HJR's 1727, 863 and 2035** as amended was read the third time in full as follows:

**CS for CS for HJR's 1727, 863 and 2035**—A joint resolution proposing the creation of Section 24 of Article I 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 following addition of Section 24 of Article I of the State Constitution is 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 and, if approved, shall take effect January 1, 1993:

#### ARTICLE I DECLARATION OF RIGHTS

##### **SECTION 24.** *Access to public records and meetings.—*

(a) *Except with respect to records exempted pursuant to this section or specifically made confidential by this constitution, every person has the right to inspect or copy any public record made, received, or held in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this constitution.*

(b) *Except with respect to meetings exempted pursuant to this section or specifically closed by this constitution, every person has the right to access meetings of any collegial public body of the executive or judicial branch of state government or of any collegial public body of a county, municipality, school district, or special district, or of a quorum of either house of the legislature or a quorum of any committee of the legislature or either house thereof, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, or meetings of members of the legislature constituting less than a*

quorum which form an integral part of the decision-making process; provided:

1. The legislature shall adopt rules defining those meetings of legislators constituting less than a quorum to which public access is to be provided pursuant to this section. The right of access granted under this section shall be in addition to that provided in Section 4(e) of Article III.

2. The supreme court may adopt rules exempting meetings of judicial bodies from the requirements of this section when such exemptions are necessary to preserve the fair, impartial, and orderly administration of justice.

(c) This section shall be self-executing. However, the legislature may, by general law enacted by a two-thirds vote of each house, provide for the exemption of records or meetings from the requirements of this section, provided that the law creating such an exemption states with specificity the public necessity that justifies the exemption and provided that the exemption is no broader than necessary to meet such necessity. A law enacted pursuant to this subsection shall contain only exemptions and shall relate to only one subject.

(d) The legislature shall enact laws governing the enforcement of this section, including the maintenance, control, destruction, disposal, and disposition of records made public by this section.

(e) All laws or rules of court that are in effect on the effective date of this section and that limit public access to records or meetings shall remain in force, and apply to records and meetings of the legislative and judicial branches, until they are repealed.

(f) Except as provided herein, each house of the legislature shall adopt rules governing the retention, availability and destruction of any records made public by this section.

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

CONSTITUTIONAL AMENDMENT  
ARTICLE I, SECTION 24

ACCESS TO PUBLIC RECORDS AND MEETINGS.—Proposing an amendment to the State Constitution, effective January 1, 1993, to grant public access to records and meetings of the executive, judicial, and legislative branches of state government, counties, municipalities, school districts, and special districts; to allow the legislature to enact exemptions and rules; to allow the Supreme Court to adopt rules exempting certain judicial bodies; and to apply existing exemptions to judicial and legislative records and meetings.

—and as amended passed by the required constitutional three-fifths vote of the membership, and was certified to the House. The vote on passage was:

Yeas—39    Nays—1

**SB 1286**—A bill to be entitled An act relating to government records; amending s. 119.07, F.S.; exempting certain legislative records relating to constituent correspondence and preliminary records relating to legislation and amendments from public disclosure; providing for future review of these exemptions; providing an effective date.

—was read the second time by title.

Senator Johnson moved the following amendment which was adopted:

**Amendment 1 (with Title Amendment)**—On page 1, strike everything after the enacting clause and insert:

Section 1. Paragraphs (bb), (cc), and (dd) are added to subsection (3) of section 119.07, Florida Statutes, to read:

119.07 Inspection and examination of records; exemptions.—

(3)

(bb) Sensitive personal information that is included in correspondence from constituents to members of the Legislature is exempt from the provisions of subsection (1) when:

1. The release of the information would identify the correspondent or any person who is the subject of the correspondence; and

2. The information is not related to a public officer's or public employee's performance of, or capacity to perform, his official duties or to the eligibility of a person to receive public benefits or services.

This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(cc) A preliminary draft of any legislation or amendment, and its related work papers, made before the legislation or amendment is filed or prefiled for introduction is exempt from the provisions of subsection (1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(dd) Any document generated by an officer or employee of the judicial branch and related to any deliberation or conference held among officers or employees of the judicial branch, which document is declared confidential by a court rule in effect on the effective date of this paragraph is exempt from the provisions of subsection (1); however, any document received by an officer or employee of the judicial branch from a person who is not an officer or employee of the judicial branch and which relates to any matter pending before a court, including a document relating to the receipt or expenditure of public funds, is not exempted by this paragraph.

Section 2. Section 11.165, Florida Statutes, is created to read:

11.165 Legislative meetings and records.—

(1) OPEN MEETINGS.—

(a) All meetings at which legislative business is discussed among any two or more legislators are open to the public except meetings between two legislators to exchange information, provided the purpose of the meeting between the two legislators is not to agree upon final action that will be taken at a subsequent meeting. Discussions on the floor while the Legislature is in session and discussions among legislators in a committee room during committee meetings shall be deemed to be in compliance with this section.

(b) All meetings shall be subject to appropriate order and decorum at the discretion of the person conducting the meetings.

(c) For the purposes of this section, the term "legislative business" is defined as issues pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, the House of Representatives, or a committee or subcommittee thereof; a joint committee; or a conference committee.

(2) NOTICE REQUIRED FOR CERTAIN MEETINGS.—

(a) A written notice of the following meetings at which legislative business is to be discussed shall be filed with the Secretary of the Senate or the Clerk of the House of Representatives. While the Legislature is not in regular or special session and during the first 50 days of a regular session, the notice must be filed not later than 4 hours before the scheduled time of the meeting. After the 50th day of a regular session and during a special session, the notice must be filed not later than 2 hours before the scheduled time of the meeting:

1. Meetings of the President of the Senate (or a senator designated to represent the president) with the Speaker of the House of Representatives (or a representative designated to represent the speaker) or meetings of either of them with the Governor;

2. Meetings of a majority of the legislators who constitute the membership of any committee or subcommittee;

3. Steering meetings of the chairman of the committee on appropriations with the chairmen of the standing subcommittees of the committee on appropriations; and

4. Meetings called by the president or his designee or the speaker or his designee of a majority of the chairmen of the standing committees of the Senate or House of Representatives.

(b) Notices of meetings required by this subsection shall be filed by or at the direction of the person at whose call the meeting is convened; shall state the date, time, and place of the meeting; and shall contain a brief description of the general subject matter scheduled to be discussed. In the case of a meeting required to be noticed pursuant to this section, if the meeting is to take place at or after 10:00 p.m. then the notice must be delivered to the Secretary of the Senate or Clerk of the House of Rep-

representatives by 6:00 p.m. Notices of such meetings shall appear in the daily calendar. In the event the times required for notice under this subsection are not sufficient to permit publication in a daily or interim calendar, the secretary or clerk shall post a copy of each such notice on a bulletin board provided for this purpose in the public corridor leading to the chambers. The secretary and the clerk shall make a diligent effort to give actual notice to the representatives of the press of all noncalendared meeting notices posted.

(c) Political caucuses are exempt from the foregoing notice requirements. Political caucuses shall be open to the public in accordance with subsection (1) and noticed in accordance with this section when issues then pending before, or upon which foreseeable action is reasonably expected to be taken by, the Senate, the House of Representatives, or a committee or subcommittee thereof are discussed. Political caucuses held for the sole purpose of designating a president, a president pro tempore, a speaker, a speaker pro tempore, a minority leader, or a minority leader pro tempore need not be open or noticed.

(3) VIOLATIONS OF REQUIREMENTS ON OPEN MEETINGS AND NOTICE.—An intentional violation of subsection (1) or subsection (2) constitutes a violation of the rules regulating legislative ethics and conduct and shall be punished as provided by the rules of each house.

(4) CONSTITUTIONAL REQUIREMENTS CONCERNING OPEN MEETINGS.—All legislative committee and subcommittee meetings and joint conference committee meetings shall be open and noticed to the public. 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. In cases of conflict between this section and any rule of the Senate or the House of Representatives, the provision providing greater notice or public access shall prevail.

(5) LEGISLATIVE RECORDS.—There shall be available for public inspection in Tallahassee the retained papers and records developed and received in the course of legislative business as follows:

(a) Bills and amendments thereto and resolutions and amendments thereto filed with or reported to the secretary or the clerk;

(b) Messages and communications received from the Governor or the other house of the Legislature;

(c) Transcripts or minutes, if prepared, and journal records of all sessions and meetings, including meetings of committees and subcommittees and public hearings, with the records of attendance of legislators and records of any votes taken;

(d) Final reports submitted by committees and subcommittees and final staff reports submitted to committees and subcommittees;

(e) Records showing the recorded votes of each legislator in every session and every committee and subcommittee meeting in which the legislator votes;

(f) Reports and findings required by law to be made and submitted to the Senate or the House of Representatives or an officer thereof;

(g) Leave, classification, applications, and payroll records of legislators and employees;

(h) Administrative manuals setting forth Senate or House of Representatives policies and procedures;

(i) Fiscal records, including the operating budgets of the Senate and of the House of Representatives, financial and compliance audits of the Legislature, accounts, vouchers, invoices and contracts dealing with the receipt or disbursement of funds by the Senate or the House of Representatives as an institution or its acquisition, use or disposal of services, supplies, materials, equipment, or other property;

(j) Reports of quarterly intradistrict allotment expenditures of legislators;

(k) Lobbyist registration and expenditure records;

(l) All final records which are required by these rules to be made or retained.

However, that this section does not affect legislative records otherwise, specifically protected by law, and activities undertaken in executive session.

(b) COMMITTEES ON REAPPORTIONMENT.—All legislators shall have equal access to the electronic redistricting system, census data, and all other information maintained by and available to the Committee on Reapportionment of their respective house for the analysis of legislative apportionment and congressional redistricting plans.

Section 3. Section 43.45, Florida Statutes, is created to read:

43.45 Public meetings; exemptions.—Deliberations and conferences among officers or employees of the judicial branch, including deliberations among juries, which are declared confidential by a court rule in effect on the effective date of this section are exempt from the requirements of s. 286.011 or any other provision of law providing for public access to meetings.

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to open government; amending s. 119.07, F.S.; exempting certain legislative records relating to constituent correspondence and preliminary records relating to legislation and amendments from public disclosure; exempting certain judicial records from public disclosure; providing for future review of these exemptions; creating s. 11.165, F.S.; providing for public access to certain legislative meetings and records; providing a penalty; creating s. 43.45, F.S.; providing for certain conferences and deliberations of the judicial branch to be exempt from public-meetings requirements; providing an effective date.

On motion by Senator Margolis, by two-thirds vote **SB 1286** 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—2

#### THE PRESIDENT PRESIDING

Consideration of **CS for SB 1384** was deferred.

#### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, January 30, and Friday, January 31, 1992: **SJR 1288**, **SB 1286**, **SB 664**, **CS for SB 496**, **SB 532**, **CS for SB 58**, **SB 162**, **SB 230**, **CS for SB 108**, **SB 380**, **CS for SB 652**, **CS for SB 654**, **CS for SB 1384**

Respectfully submitted,  
*Pat Thomas, Chairman*

The Committee on Commerce recommends the following pass: **SB 382** with 1 amendment, **CS for SB 674**, **SB 896**

The Committee on Community Affairs recommends the following pass: **SB 764**, **SB 1310**

The Committee on Criminal Justice recommends the following pass: **SB 146**, **SB 1274**

The Committee on Education recommends the following pass: **CS for SB 690**, **SB 810**

The Committee on Governmental Operations recommends the following pass: **SB 1778** with 1 amendment, **SB 1806**

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

The Committee on Governmental Operations recommends the following pass: **SB 826** with 2 amendments

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

The Committee on Executive Business, Ethics and Elections recommends the following pass: **SB 1202**

The Committee on Transportation recommends the following pass: SB 428

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

The Committee on Community Affairs recommends the following pass: SB 1116

The Committee on Education recommends the following pass: SB 684, SJR 1258 with 2 amendments

The Committee on Transportation recommends the following pass: SB 1300 with 1 amendment, SB 1396 with 1 amendment

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

The Committee on Commerce recommends the following pass: SB 2

**The bill was referred to the Committee on Governmental Operations under the original reference.**

The Committee on Commerce recommends the following pass: SB 348

**The bill was referred to the Committee on International Trade, Economic Development and Tourism under the original reference.**

The Committee on Commerce recommends the following pass: SB 1238 with 2 amendments

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

The Committee on Community Affairs recommends the following pass: SB 526, SB 1792

The Committee on Education recommends the following pass: CS for SB 668 with 1 amendment

The Committee on Finance, Taxation and Claims recommends the following pass: SB 1398, SB 1700

The Committee on Governmental Operations recommends the following pass: SJR 766 with 1 amendment

**The bills contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.**

The Committee on Commerce recommends the following pass: SB 798, SB 954

The Committee on Community Affairs recommends the following pass: SB 274

The Committee on Education recommends the following pass: SB 722 with 1 amendment, SB 808, SB 1076, SB 1360 with 1 amendment

The Committee on Governmental Operations recommends the following pass: SB 1644

The Committee on Rules and Calendar recommends the following pass: SB 1286, SJR 1288 with 1 amendment

The Committee on Transportation recommends the following pass: SB 324 with 3 amendments, SB 454 with 1 amendment, SB 732, SB 1714, SB 1786 with 1 amendment

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

The Committee on Commerce recommends a committee substitute for the following: SB 376

The Committee on Corrections, Probation and Parole recommends committee substitutes for the following: SB 1498, SB 1524

The Committee on Criminal Justice recommends committee substitutes for the following: SB 182, Senate Bills 196 and 298, SB 518

The Committee on Education recommends committee substitutes for the following: SB 406, SB 928

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 118

**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 Criminal Justice recommends a committee substitute for the following: SB 1134

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

The Committee on Governmental Operations recommends a committee substitute for the following: SB 692

**The bill with committee substitute attached was referred to the Committee on Executive Business, Ethics and Elections under the original reference.**

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1366

**The bill with committee substitute attached was referred to the Committee on Health and Rehabilitative Services under the original reference.**

The Committee on Commerce recommends a committee substitute for the following: SB 114

**The bill with committee substitute attached was referred to the Committee on Professional Regulation under the original reference.**

The Committee on Commerce recommends a committee substitute for the following: SB 900

The Committee on Rules and Calendar recommends a committee substitute for the following: SB 314

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

#### REPORT OF THE SELECT COMMITTEE ON EXECUTIVE BUSINESS

January 29, 1992

The Select Committee on Executive Business recommends confirmation of the following executive appointments to the Committee on Executive Business, Ethics and Elections:

<i>Office and Appointment</i>	<i>For Term Ending</i>
State Athletic Commission Appointee: Honey, Curtis P.	09/30/95
Florida Black Business Investment Board Appointee: Carswell, Keith A.	09/30/93
Florida Citrus Commission Appointee: Rice, Talmadge G.	05/31/92
Board of Trustees of Chipola Junior College Appointee: Davis, James Edwin.	05/31/95
Board of Correctional Education Appointee: Henderson, Joan C.	08/31/93
Harbormaster for the Port of Boca Grande Appointee: Johnson, Robert W.	11/21/93
Board of Professional Land Surveyors Appointees: Alfonso, Carlos J. Stoner, E. W.	12/06/94 12/06/95
Board of Nursing Home Administrators Appointee: Handel, Leo K.	12/13/93

*Office and Appointment*

Historic Palm Beach Preservation Board of Trustees Appointee: Wescott, William Flynn	06/30/95
Historic St. Augustine Preservation Board of Trustees Appointee: Mason, Otis A.	06/30/94

*For Term  
Ending*

Rehabilitative Services to retain interest income on advanced funds that have been invested; providing for calculation of school districts' maximum total weighted full-time equivalent student enrollment; providing for the Comptroller to transfer certain moneys from the Administrative Trust Fund of the Department of the Lottery to the Educational Enhancement Trust Fund; providing for disposition of unclaimed lottery prizes; providing severability; providing a retroactive effective date and an expiration date.

—was referred to the Committee on Appropriations.

**INTRODUCTION AND  
REFERENCE OF BILLS**

**FIRST READING**

By the Committee on Appropriations—

**SB 2350**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1992, and ending June 30, 1993, 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 2352**—A bill to be entitled An act relating to implementing the fiscal year 1992-1993 General Appropriations Act; providing legislative intent; authorizing an appropriation from the Emergency Medical Services Trust Fund to fund Medicaid rate increases for patient transportation; reducing funding for Medicaid physician fees; eliminating funds for Medicaid coverage for pregnant women and children with incomes between 150 percent and 185 percent of federal poverty level; eliminating funds for increased fees for obstetrical fees for Medicaid providers; prescribing levels of reimbursement for obstetrical services; authorizing the Department of Highway Safety and Motor Vehicles to expend certain funds for operations; continuing and providing for expansion of an experimental program in the Department of Revenue and in the Division of Workers' Compensation of the Department of Labor and Employment Security for fiscal year 1992-1993 to determine the feasibility of acting outside the normal constraints on personnel and budget; directing the Department of Transportation to prepare a 5-year tentative work program that implements the Intermodal Surface Transportation and Efficiency Act and expends funds in designated ways; providing for public hearings on the program; providing guidelines for the program; providing for amendments to the program; providing for payment of moneys owed by district school boards to the Division of Administrative Hearings; providing a limitation on the use of moneys appropriated to the Vocational Gold Seal Endorsement Scholarship Program; providing for implementation of chapter 90-49, Laws of Florida, relating to developmental research schools; providing that funds for the Florida International University Library Addition, for Capital Improvement Fee projects, for the University of Central Florida Solar Energy Center, and for the Library Center East - Renovation/Restoration will not revert; revising certain appropriations to the University of West Florida; providing for the use or non-reverter of funds appropriated for specified projects at Brevard Community College, Florida Community College at Jacksonville, Gulf Coast Community College, Hillsborough Community College, and Lake-Sumter Community College; forgoing salary increases for members of the Legislature in the 1992-1993 fiscal year; authorizing the Department of Corrections to provide for the operation of correctional education programs if general revenue funds for the operation of the Correctional Education School Authority are eliminated; providing for use by the Department of State of moneys deposited into the Public Access Data Systems Trust Fund; providing for the Department of Business Regulation to impose an additional charge on cigarette stamps; providing for funding of leases between governmental entities and nongovernmental lessors; prohibiting expenditure of funds appropriated for lease payments for certain purposes; providing that the Department of Revenue is not required to print and distribute documentary stamps; providing that the Department of Revenue is not required to notify taxpayers before commencing litigation to recover delinquent taxes; prohibiting salary increases for state employees in fiscal year 1992-1993; prescribing authority of the Commissioner of Education to compute and adjust required local millage rates for school districts; providing no increase adjustment for Financial Assistance Payments for Private Tuition Assistance; providing for calculation of the Health Care Cost Containment Board assessment for certain teaching hospitals having 100,000 or more Medicaid covered days; providing for certain contract providers of services for the Department of Health and

**COMMITTEE SUBSTITUTES**

**FIRST READING**

By the Committee on Commerce and Senators Casas and Forman—

**CS for SB 114**—A bill to be entitled An act relating to consumer collection practices; amending s. 559.55, F.S.; providing definitions; creating ss. 559.553-559.713, F.S.; requiring licensure of consumer collection agencies by the Department of Banking and Finance; providing exemptions; providing for licensure forms, fees, and periods; providing for license reactivation; providing licensure requirements; providing for the denial or revocation of licenses; requiring a surety bond; providing departmental powers and duties; providing for the adoption of rules; providing for enforcement; providing for appointment of a receiver; providing for imposition of fines; providing grounds for disciplinary action; providing for investigations; providing for the confidentiality of certain information; providing immunity from civil liability; providing recordkeeping requirements; providing for deposits into the Regulatory Trust Fund of the Division of Finance; providing trust account requirements; providing procedures for debt collection; providing for the assignment of accounts; amending s. 559.715, F.S.; providing for assignment of consumer debts; amending s. 559.72, F.S.; prohibiting certain practices; amending s. 559.77, F.S.; providing venue; amending s. 559.78, F.S.; providing jurisdiction; creating s. 559.781, F.S.; providing penalties; providing an effective date.

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

**CS for SB 118**—A bill to be entitled An act relating to taxation; creating s. 213.015, F.S.; providing requirements with respect to the rights, safeguards, and protections afforded taxpayers during tax assessment, collection, and enforcement processes; creating s. 213.018, F.S.; providing for a taxpayer problem resolution program; providing for a taxpayers' rights advocate with authority to issue taxpayer assistance orders; amending s. 213.21, F.S.; providing a taxpayer's right to have representation and record informal conferences; creating s. 213.025, F.S.; requiring the Department of Revenue to conduct its audits, inspections, and interviews at reasonable times and places, with exceptions; amending s. 213.34, F.S.; directing the department to offset overpayments against deficiencies; creating s. 213.731, F.S.; requiring notice before collection action is taken; providing a taxpayer's right to protest and seek a review; creating s. 213.732, F.S.; providing procedural requirements, taxpayers' rights, and venue for certain legal actions with respect to jeopardy findings and assessments; creating s. 213.733, F.S.; providing for cancellation, amendment, or modification of warrants; amending ss. 199.262, 206.075, 211.125, 211.33, 212.14, 212.15, 220.719, 220.815, F.S.; specifying procedures applicable if jeopardy to the revenue exists and is asserted in or with an assessment; repealing s. 220.719(4), F.S., relating to taxpayer protest regarding a jeopardy assessment lien; amending s. 20.21, F.S.; creating within the department the position of taxpayers' rights advocate and providing his responsibilities; amending s. 72.011, F.S.; prohibiting certain legal actions when an action has been initiated under s. 120.575, F.S.; amending s. 95.091, F.S.; requiring the department to commence an audit within a specified period of time after it issues a notice of intent to conduct an audit; amending s. 120.575, F.S.; providing procedures and requirements applicable when a taxpayer contests specified taxes, interest, penalties, or denials of refund; providing requirements relating to petitions, hearings, and orders; providing venue; providing powers of hearing officers and panels; providing for liens; providing for recovery of legal costs, including attorney's fees; requiring the Taxation and Budget Reform Commission to make certain recommendations to the Legislature; providing an effective date.

By the Committee on Criminal Justice and Senator Grant—

**CS for SB 182**—A bill to be entitled An act relating to firearms; amending s. 784.05, F.S.; providing that it is a third-degree felony to store

or leave a firearm accessible to a minor, under certain circumstances, if the minor uses the firearm to cause injury or death; providing exceptions; providing penalties; amending s. 790.174, F.S.; requiring secure storage of a firearm that is accessible to a minor, under certain circumstances; providing penalties for failure to store the firearm in accordance with such requirement; providing exceptions; providing penalties; providing an effective date.

By the Committee on Criminal Justice and Senators Meek, Grant, Casas, Gardner, Weinstock, Davis, Girardeau, Malchon, McKay, Weinstein and Kurth—

**CS for SB's 196 and 298**—A bill to be entitled An act relating to stalking; creating s. 775.0853, F.S.; creating the offense of stalking and providing definitions and criminal penalties; providing an effective date.

By the Committee on Rules and Calendar; and Senator Grant—

**CS for SB 314**—A bill to be entitled An act relating to elections; creating ss. 101.731, 101.732, 101.733, F.S.; amending s. 101.74, F.S.; creating the Elections Emergency Act; providing definitions; expanding authority of the Governor to suspend or delay elections in emergency circumstances; providing for requests by the Secretary of State, a supervisor of elections, or a municipal clerk for such suspension or delay; authorizing the Governor to reschedule elections suspended or delayed due to an emergency; providing time and notice requirements; requiring the Division of Elections of the Department of State to develop an elections emergency contingency plan; specifying scope and concerns; providing for coordination with municipal clerks, supervisors of elections, and emergency management officials; amending s. 101.75, F.S.; conforming language; providing additional circumstances for change of dates of municipal elections; providing a contingent effective date.

By the Committee on Commerce—

**CS for SB 376**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.101, F.S.; excluding from unemployment compensation calculations any benefits from programs under the United States Social Security Act; amending s. 443.111, F.S.; connecting the weekly benefit for the partially unemployed individual to federal hourly minimum wage levels; amending s. 443.131, F.S.; revising the definition of "annual payroll" as used in tax rate calculations; amending s. 443.141, F.S.; increasing the interest charged on unpaid contributions; providing an exception; increasing the penalty for delinquent reports; creating s. 443.231, F.S.; establishing a 3-year statewide pilot employment training program; providing expiration date; providing for promulgation of rules; providing an effective date.

By the Committee on Education and Senator Crotty—

**CS for SB 406**—A bill to be entitled An act relating to transportation of school students; amending s. 234.021, F.S.; clarifying the procedures for determining a hazardous walking condition for elementary school students; providing additional criteria for determining a hazardous walking condition; changing the time limit for funding transportation of certain students; providing an effective date.

By the Committee on Criminal Justice and Senators Kiser and Grant—

**CS for SB 518**—A bill to be entitled An act relating to prostitution; amending s. 796.03, F.S.; increasing the age of the victim applicable to the crime of procuring prostitution; reenacting ss. 787.01(3)(a)4., 787.02(3)(a)4., F.S., relating to kidnapping and false imprisonment, to incorporate said amendment in references thereto; amending s. 796.06, F.S.; increasing penalty for second and subsequent violations of renting space for use of prostitution; amending s. 796.07, F.S.; increasing penalty for second and subsequent violations of prostitution; reenacting ss. 796.09(2), 893.138(1), F.S., relating to coercion and abatement of public nuisances, to incorporate said amendment in references thereto; reenacting ss. 772.102(1)(a)14., 895.02(1)(a)17., F.S., relating to criminal activities and racketeering, to incorporate amendments to ss. 796.03, 796.07, F.S., in references thereto; amending s. 796.08, F.S.; authorizing state attorneys to have access to test results of persons convicted of certain prostitution-related offenses; increasing penalty for second or subsequent violations of unlawful transmission of sexually transmissible diseases; reenacting s. 381.004(3)(i)1.a., F.S., relating to HIV testing, to incorporate said amendment in references thereto; providing an effective date.

By the Committee on Governmental Operations and Senator Girardeau—

**CS for SB 692**—A bill to be entitled An act relating to appointments to statewide boards and commissions; providing for demographic and geographic representation on statewide boards and commissions having five or more appointive members; providing an effective date.

By the Committee on Commerce and Senator Jennings—

**CS for SB 900**—A bill to be entitled An act relating to business opportunities; amending s. 559.801, F.S.; including advertisements of certain products in the definition of "business opportunities"; providing that ss. 559.80-559.815, F.S.; apply to advertisers of business opportunities; providing an effective date.

By the Committee on Education and Senator Crotty—

**CS for SB 928**—A bill to be entitled An act relating to transportation of students; amending s. 234.01, F.S.; requiring school boards to fund transportation of middle school students who are subject to hazardous walking conditions; creating s. 234.022, F.S.; determining hazardous walking conditions for middle school students; amending s. 236.083, F.S.; providing funding for transportation of middle school students who are subjected to hazardous walking conditions; providing an effective date.

By the Committee on Criminal Justice and Senator Yancey—

**CS for SB 1134**—A bill to be entitled An act relating to the Florida Mutual Aid Act; amending s. 23.12, F.S.; clarifying the short title; amending s. 23.121, F.S.; specifying that the purpose of the act is to prepare law enforcement agencies to deal with natural or manmade disasters or emergencies; authorizing a law enforcement agency to enter a mutual aid agreement; amending s. 23.1225, F.S.; specifying terms and conditions to be included in a mutual aid agreement; deleting obsolete provisions; requiring filing of a copy of the agreement with the Department of Law Enforcement within a specified time period; authorizing certain persons to enter such an agreement; amending s. 23.127, F.S.; granting to an employee of a law enforcement agency the same rights, privileges, and immunities as an officer of the aided agency; clarifying financial responsibility for equipment and employees; granting to employees of an agency their usual rights, privileges, and immunities when performing extraterritorially; providing for real parties in interest, recoupment of damages, and liability actions; amending s. 23.1231, F.S.; deleting a reference to administration of the Florida Mutual Aid Plan by the Division of Local Law Enforcement Assistance; deleting the authority of the executive director of the Department of Law Enforcement to maintain certain lists and otherwise revising the powers and duties of the executive director; deleting the reference to the deadline for filing a mutual aid agreement; clarifying the duties of the department; providing an effective date.

By the Committee on Criminal Justice and Senators Bankhead, Dantzer, Crotty, Myers and Grant—

**CS for SB 1366**—A bill to be entitled An act relating to juvenile proceedings; amending s. 39.01, F.S.; revising the definition of "serious or habitual juvenile offender," and reenacting ss. 39.052(5), 39.058(3)(e), (4)(a), F.S., relating to serious or habitual delinquent child placement and assessments, to incorporate said amendment in references thereto; amending s. 39.0585, F.S.; revising provisions relating to information systems and records to authorize identification files on chronic delinquent offenders; defining "chronic delinquent offender"; providing for certain sharing of information; amending s. 39.044, F.S.; expanding detention criteria, and reenacting ss. 39.037(1), 39.038(2) and (4), 39.042(3)(b)1., 39.049(5), 39.064(1), 39.402(4), F.S., relating to taking a child into custody, release from custody, use of detention, process and service, detention of escaped child, and placement in a shelter, to incorporate changes in references thereto; amending s. 39.052, F.S.; providing for arraignment at an adjudicatory hearing; creating s. 39.0445, F.S.; providing for placement of juvenile domestic violence offenders; amending s. 39.054, F.S.; allowing the court to prevent a child from obtaining a driver's license under certain circumstances; providing for a judgment lien; amending s. 775.089, F.S., to expand applicability of restitution provisions to juvenile offenders, and reenacting ss. 921.187(2), 944.17(5)(f), 947.147, 947.181(2), 948.03(1)(e), 948.032, F.S., relating to sentencing, commitment, control release, parole, probation, and community control, to incorporate changes in references thereto; amending ss. 538.07, 538.23, 810.115, F.S., relating to secondhand dealers, secondary metals recyclers, and injuring fences, to conform; amending s. 39.023, F.S.; expanding powers of the Commission on Juvenile Justice; amending ss. 960.001, 960.002, 960.003, 960.01,

960.02, 960.03, 960.07, 960.17, 960.20, 960.28, F.S., relating to victim assistance, to provide that victims and witnesses in juvenile delinquency cases have the same rights as those afforded to victims and witnesses in adult criminal cases; providing an effective date.

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

**CS for SB 1498**—A bill to be entitled An act relating to county and municipal detention facilities; amending s. 951.23, F.S.; establishing the Jail Standards Committee in the Department of Corrections; providing for minimum standards; providing for enforcement; authorizing courts to enjoin confinement in facilities posing a threat to inmates' health and safety; providing an effective date.

By the Committee on Corrections, Probation and Parole—

**CS for SB 1524**—A bill to be entitled An act relating to correctional education; amending s. 242.68, F.S.; authorizing the Board of Correctional Education to contract with state-licensed independent postsecondary schools for educational services; providing contract requirements; requiring the board to adopt rules governing the contracts; authorizing the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools to investigate violations of rules adopted by the Board of Correctional Education; requiring each independent postsecondary school operating under a contract with the Board of Correctional Education to document its compliance with rules; providing for termination of contracts by the Board of Correctional Education; amending s. 246.203, F.S.; revising the definition of the term "school" for purposes of ss. 246.201-246.231, F.S.; amending s. 246.213, F.S.; requiring the State Board of Education to adopt certain licensing requirements for independent postsecondary schools that operate within state correctional facilities; requiring the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools to make certain recommendations to the Board of Correctional Education; amending s. 246.215, F.S.; providing licensing requirements for independent postsecondary schools that operate within state correctional facilities; amending s. 246.228, F.S.; authorizing the Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools to take certain disciplinary actions against schools that violate rules adopted by the Board of Correctional Education; amending s. 246.229, F.S.; authorizing the Department of Legal Affairs and the state attorney to enforce rules adopted by the Board of Correctional Education; amending s. 246.231, F.S.; providing penalties; providing an effective date.

**MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS**

**APPOINTMENTS SUBJECT TO CONFIRMATION BY THE SENATE:**

The Secretary of State has certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Correctional Education Appointee: Hampton, Bill, Winter Haven	08/31/95
Electrical Contractors' Licensing Board Appointees: Autrey, Ronald A., Jacksonville Florence, Edna R., Ft. Walton Beach Robinson, Keneath F., Tampa	12/17/95 12/17/93 12/17/95
Board of Employee Leasing Companies Appointees: Saladrigas, Carlos A., Miami Stockfisch, Phyllis C., St. Petersburg	12/30/95 12/30/94
Environmental Regulation Commission Appointee: Batchelor, Dick J., Orlando	07/01/95
Board of Professional Geologists Appointee: Upchurch, Sam B., Land O'Lakes	09/30/95
Citrus County Hospital Board Appointee: Sanders, James T., Homosassa	07/03/95
Board of Nursing Home Administrators	

*Office and Appointment*

*For Term Ending*

Appointee: McKeon, Joseph F., Tallahassee	12/13/93
Board of Optometry Appointees: Andrews, James W., Pensacola Fisher, Alan P., Lakeland	12/28/95 12/28/95

**Referred to the Committee on Executive Business, Ethics and Elections.**

**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 by the required constitutional three-fifths vote of the membership CS for CS for HJR's 1727, 863 and 2035 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committee on Governmental Operations and Representative Wetherell and others—

**CS for CS for HJR's 1727, 863 and 2035**—A joint resolution proposing the creation of Section 24 of Article I and Section 20 of Article XII of the State Constitution relating to access to public records.

(Substituted for **SJR 1288** on the Special Order Calendar this day.)

**RETURNING MESSAGES—FINAL ACTION**

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed SB 86, SB 88, CS for SB 148 and SB 160.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

**ROLL CALLS ON SENATE BILLS**

**CS for SB 58**

Yeas—38

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

Nays—None

**CS for SB 108**

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Plummer

## SJR 162

Yeas—37

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

Nays—None

## SB 230

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Johnson

## SB 380

Yeas—32

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

Nays—1

Davis

Vote after roll call:

Yea—Grant, Johnson, Thurman

## CS for SB 496

Yeas—40

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

Nays—None

## SB 532

Yeas—38

Madam President	Burt	Crotty	Dudley
Bankhead	Casas	Dantzler	Forman
Beard	Childers	Davis	Gardner
Bruner	Crenshaw	Diaz-Balart	Girardeau

Gordon	Kirkpatrick	Myers	Weinstein
Grant	Kiser	Plummer	Weinstock
Grizzle	Kurth	Souto	Wexler
Jenne	Langley	Thomas	Yancey
Jennings	Malchon	Thurman	
Johnson	Meek	Walker	

Nays—None

## CS for SB 652

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Scott

Yea to Nay—Plummer

## CS for SB 654

Yeas—36

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

Nays—1

Plummer

## SB 664

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Bankhead, Langley

## SB 1286

Yeas—38

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



# Journal of the Senate

Number 5

Thursday, February 6, 1992

## CALL TO ORDER

The Senate was called to order by the President at 3:15 p.m. A quorum present—37:

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

## PRAYER

The following prayer was offered by the Rev. John Spencer, Pastor, New Life Christian Fellowship Church, Gulf Breeze:

Scary newspaper headlines and grim news broadcasts cause us at times to shake our heads in disbelief.

No one man or woman has all the answers or solutions to the problems and dilemmas that face our modern fast paced world. No one man or woman has an answer to all the problems and questions that face the State of Florida. No one has an answer to all the problems of Northwest Florida or the county of Santa Rosa or even the small city I come from, Gulf Breeze.

Let's take another step, the complex job of directing and shaping and handling the wars and rumors of wars that erupt in a home like mine, that is filled with joys and chaos that come at times with three small children. "Dad, he is in my room!..." "Dad, he got to sit in the front seat last time!..." "Dad, can we go play in the woods? Derek's dad let's him play in the woods!"

The decisions that we make and the answers we give impact the lives of those we love and live among—from parents to preachers to politicians.

My prayer is to ask God to grant each of us more and more knowledge and depth of insight so that you may be able to discern what is best.

Lord, we call upon you for wisdom; wisdom to know and courage to do your will. We pray that the foundation of our leaders will be a strong character—the nature of their function will be to serve.

God, give us leaders with strong minds, great hearts, true faith and ready hands—men and women whom the lust of office cannot kill; men and women whom the spoils of office cannot buy; leaders who cannot be bought and that possess both opinions and a will; men and women who have honor and will not lie.

Grant each of these that you have allowed to serve in this place knowledge, wisdom and discernment.

And God, we pray, keep your hand of favor and blessing upon our state and the great United States of America. For God, it's in you we trust and depend. Amen.

## PLEDGE

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

## CONSIDERATION OF RESOLUTIONS

On motion by Senator Plummer, by two-thirds vote **SR 2212** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Plummer—

**SR 2212**—A resolution commending officer Randy Chong for his accomplishments in being named Florida Officer of the Year by the Florida Retail Federation.

WHEREAS, the enforcement of drug laws is a dangerous, time-consuming, and potentially lethal task which demands both physical and psychological courage on the part of law enforcement officers involved in undercover work, and

WHEREAS, Homestead Police Sergeant Randy Chong led a 4-month-long undercover international cocaine investigation which resulted in the seizure of 660 pounds of cocaine and the award of \$100,000 to the police department in confiscated funds, and

WHEREAS, the case was successfully concluded through a series of improvisations, deceptions, and ploys conceived and executed by Sergeant Randy Chong, and

WHEREAS, Sergeant Randy Chong's expertise in firearms, defensive tactics, and fitness enabled him to complete the undercover drug investigation successfully, and

WHEREAS, Sergeant Randy Chong has been named the Florida Officer of the Year by the Florida Retail Federation, NOW, THEREFORE,

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

That the Senate of the State of Florida hereby commends Sergeant Randy Chong for his accomplishments in being named the Florida Officer of the Year by the Florida Retail Federation and wishes him continued success in his pursuits as a law enforcement officer.

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

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

## SPECIAL GUEST

Senator Plummer introduced Sergeant Randy Chong, Officer of the Year, who was seated in the Chamber.

Upon request of the President, Senator Plummer escorted Sergeant Chong to the rostrum where he was presented a copy of the resolution.

On motion by Senator Bruner, by unanimous consent—

By Senator Bruner—

**SR 2398**—A resolution recognizing February 6, 1992, as Florida Economic Development Day.

WHEREAS, economic development in the State of Florida is of primary importance if there are to be sufficient employment opportunities for the state's youth and for incoming residents, and

WHEREAS, economic development is defined as the efforts aimed toward the creation of jobs and job opportunities and the expansion of the tax base through the expansion of existing business and industry and the attraction of new business and industry, including, but not limited to, manufacturing, warehousing, research and development, and corporate and regional headquarters, and

Nays--2

Gordon Plummer

**ROLL CALLS ON HOUSE BILLS**

**CS for CS for HJR's 1727, 863 and 2035—Amendment 1F**

Yeas--19

Bankhead	Diaz-Balart	Jennings	Myers
Bruner	Dudley	Johnson	Plummer
Burt	Forman	Kiser	Scott
Casas	Grant	Langley	Souto
Crenshaw	Jenne	McKay	

Nays--19

Madam President	Gardner	Malchon	Weinstein
Beard	Girardeau	Meek	Weinstock
Childers	Gordon	Thomas	Wexler
Crotty	Grizzle	Thurman	Yancey
Dantzler	Kurth	Walker	

Vote after roll call:

Yea to Nay—Jenne

**CS for CS for HJR's 1727, 863 and 2035**

Yeas-- 39

Madam President	Casas	Davis	Girardeau
Bankhead	Childers	Diaz-Balart	Grant
Beard	Crenshaw	Dudley	Grizzle
Bruner	Crotty	Forman	Jenne
Burt	Dantzler	Gardner	Jennings

Johnson	Malchon	Scott	Weinstein
Kirkpatrick	McKay	Souto	Weinstock
Kiser	Meek	Thomas	Wexler
Kurth	Myers	Thurman	Yancey
Langley	Plummer	Walker	

Nays--1

Gordon

**CORRECTION AND APPROVAL OF JOURNAL**

The Journals of January 22 and January 28 were corrected and approved.

**CO-SPONSORS**

Senator Crotty—SB 188, SB 762; Senator Forman—SB 206, SB 822; SR 1198, SB 1574; Senator Jenne—SB 206, SB 1574; Senator Walker—SB 206, SB 1574; Senator Wexler—SB 206; Senator Yancey—SB 206, SB 1296, SB 1644; Senator Langley—SB 300; Senator Johnson—SB 300, SJR 1288; Senator Grizzle—SB 556; Senator Kirkpatrick—SB 556, SB 824; Senator Dantzler—SB 816; Senators Burt, Jennings—CS for SB 1266; Senator Grant—CS for SB 1366, SB 1574; Senators Dudley, Myers—SB 1574

**RECESS**

On motion by Senator Thomas, the Senate recessed at 3:55 p.m. to reconvene at 9:00 a.m., Friday, January 31 or upon call of the President.