



Journal of the Senate

Number 10

Thursday, February 20, 1992

CALL TO ORDER

The Senate was called to order by the President at 1:00 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 James Vaughn, Reading Clerk:

A prayer by St. Francis of Assisi

Our Father, each day is a little life, each night a tiny death; help us to live with faith and hope and love. Lift our duty above drudgery; let not our strength fail, or the vision fade, in the heat and burden of the day.

O God, make us patient and pitiful one with another in the fret and jar of life, remembering that each fights a hard fight and walks a lonely way. Forgive us, heavenly Father, if we hurt our fellow souls; teach us a gentler tone, a sweeter charity of words, and a more healing touch.

Sustain us, O God, when we must face sorrow; give us courage for the day and hope for the morrow. Day unto day may we hold of thy hand and look up into thy face, whatever befall, until our work is finished and the day is done. Amen.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Thomas, by two-thirds vote **SB 2072** was withdrawn from the Committee on Professional Regulation; and **CS for SB's 1342 and 920** was withdrawn from the Committee on Health and Rehabilitative Services.

On motions by Senator Grizzle, by two-thirds vote **CS for SB 434**, and **CS for SB 2162** were withdrawn from the Committee on Community Affairs.

On motions by Senator Gardner, by two-thirds vote **SB 548**, **CS for SB 1064** and **CS for SB 1162** were removed from the calendar and referred to the Committee on Appropriations.

On motions by Senator Gardner, by two-thirds vote **CS for SB 776**, **CS for SB 916**, **CS for SB 1496**, **CS for SB 1506**, **CS for SB 1688**, **CS for SB 1720**, **SB 1778** and **CS for SB 1958** were withdrawn from the Committee on Appropriations.

On motions by Senator Jenne, by two-thirds vote **SB 1692** and **CS for SB 1476** were withdrawn from the Committee on Finance, Taxation and Claims.

SPECIAL ORDER

On motion by Senator Gardner, by unanimous consent—

HB 2327—A bill to be entitled An act relating to implementing the February 1992 Supplemental Appropriations Act for fiscal year 1991-1992; providing legislative intent; authorizing the Department of Health and Rehabilitative Services to transfer funds from selected trust funds to

other funds for which current-year deficits are projected, and providing criteria therefor; authorizing the Governor to transfer up to a specified amount from the excess cash balance in the Public Medical Assistance Trust Fund to the Working Capital Fund for the remainder of fiscal year 1991-1992 and providing for repayment thereof under certain circumstances; transferring the Florida Addictions Treatment Center property to the South Florida Community College; providing for the Florida Parole Commission to institute a furlough program for its personnel; requiring the Department of Administration to determine if an excess cash balance exists in the State Employees' Life Insurance Trust Fund and to use any such excess to offset the fiscal year 1991-1992 State Employees' Health Insurance Trust Fund deficit; providing for reversion of unexpended general revenue funds of the Florida Education Finance Program to the General Revenue Fund; providing for certain transfers from the Conservation and Recreation Lands Trust Fund and the Water Management Lands Trust Fund to the General Revenue Fund; authorizing the Division of Bond Finance to refinance bonds issued for certain fixed capital outlay projects; authorizing the Department of General Services to bond the renovation of the Larson Building under certain circumstances; providing severability; providing an effective and an expiration date.

—was taken up out of order. On motions by Senator Gardner, by two-thirds vote **HB 2327** was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—6

MOTION

On motion by Senator Gardner, the rules were waived and **HB 2327** was ordered immediately certified to the House.

Consideration of **CS for SB 1498** was deferred.

CS for SB 396—A bill to be entitled An act relating to voter registration; providing for the acceptance of voter registration applications and applications to change a name or address on a current voter registration by the Department of Highway Safety and Motor Vehicles in conjunction with the issuance or renewal of drivers' licenses or identification cards; providing an exception; providing for the designation of employees to be used; providing for forms; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendment:

Amendment 1—On page 1, line 23, strike everything after "form" and all of lines 24-30; on page 2, strike all of lines 1-31; and on page 3, strike all of lines 1-6

Further consideration of **CS for SB 396** with pending **Amendment 1** was deferred.

SB 178—A bill to be entitled An act relating to death sentence proceedings; amending ss. 921.141 and 921.142, F.S.; adding as an aggravating circumstance that the victim was a minor in the care, custody, or control of the defendant; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 11-17 and insert:

Section 921.141, Florida Statutes, and present subsection (7) of that section is renumbered as subsection (8), and a new subsection (7) is added, to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(5) **AGGRAVATING CIRCUMSTANCES.**—Aggravating circumstances shall be limited to the following:

(1) *The victim of the capital felony was a minor in the care, custody, or control of the defendant.*

(7) **VICTIM IMPACT EVIDENCE.**—*Once the prosecution has provided evidence of the existence of one or more aggravating circumstances as described in subsection (5) and the defendant has provided evidence showing the defendant's uniqueness as an individual human being as a mitigating circumstance, the prosecution may introduce, and subsequently argue, victim impact evidence. Such evidence shall be designed to demonstrate the victim's uniqueness as an individual human being and the resultant loss to the community's members by the victim's death. Characterizations and opinions about the crime, the defendant, and the appropriate sentence shall not be permitted as a part of victim impact evidence.*

Amendment 2—In title, on page 1, line 6, after the semicolon (;) insert: providing for the admission of victim impact evidence in certain proceedings on the issue of penalty;

On motion by Senator Grant, by two-thirds vote **SB 178** 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—2

SB 116—A bill to be entitled An act relating to the management of hazardous substances; requiring the Department of Environmental Regulation to compile a list of substances deemed to be toxic or hazardous; requiring persons who manufacture, import, transport, or distribute such substances to register with the department; requiring certain records to be maintained relating to the sale of toxic or hazardous substances; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation recommended the following amendment which was moved by Senator Souto:

Amendment 1 (with Title Amendment)—On page 1, line 15, strike everything after the enacting clause and insert:

Section 1. (1) Any person who possesses a toxic substance compiled in the Florida Substance List, Chapter 38I-30, Florida Administrative Code, as it existed on January 1, 1992, with the intent to use such substance to commit a crime, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who uses a toxic substance compiled in the Florida Substance List, Chapter 38I-30, Florida Administrative Code, as it existed on January 1, 1992, to commit a crime is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect October 1, 1992.

And the title is amended as follows:

In title, on page 1, strike all of lines 2-11 and insert: An act relating to toxic substances; providing that it is unlawful to intend to use or actually use certain toxic substances to commit a crime; providing an effective date.

Senator Souto moved the following substitute amendment:

Amendment 2 (with Title Amendment)—On page 1, line 15, strike everything after the enacting clause and insert:

Section 1. (1) Any person who possesses a toxic substance compiled in the Florida Substance List, Chapter 38F-41, Florida Administrative Code, as it existed on January 1, 1992, with the intent to use such substance to commit a crime, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who uses a toxic substance compiled in the Florida Substance List, Chapter 38F-41, Florida Administrative Code, as it existed on January 1, 1992, to commit a crime is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect October 1, 1992.

And the title is amended as follows:

In title, on page 1, strike all of lines 2-11 and insert: An act relating to toxic substances; providing that it is unlawful to intend to use or actually use certain toxic substances to commit a crime; providing an effective date.

Senator Souto moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A—On page 1, line 20, after "to" insert: intentionally

Amendment 2 as amended was adopted.

On motion by Senator Souto, by two-thirds vote **SB 116** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

REPORTS OF COMMITTEES

The Committee on Commerce recommends the following pass: CS for SB's 1368 and 72 with 3 amendments, CS for SB 1536 with 2 amendments, SB 1716

The Committee on Community Affairs recommends the following pass: SB 826, CS for SB 1040, CS for SB 1992 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 260 with 1 amendment, SB 338 with 1 amendment, SB 344 with 1 amendment, SB 1892, SB 1902, CS for SB 2282

The Committee on Education recommends the following pass: SB 1350

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

The Committee on Professional Regulation recommends the following pass: SB 1840 with 1 amendment

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

The Committee on Criminal Justice recommends the following pass: SB 126, SB 514 with 1 amendment

The bills were referred to the Committee on Corrections, Probation and Parole under the original reference.

The Committee on Education recommends the following pass: SB 584

The bill was referred to the Committee on Executive Business, Ethics and Elections under the original reference.

The Committee on Commerce recommends the following pass: SB 300 with 3 amendments, SB 952

The Committee on Community Affairs recommends the following pass: SB 596 with 2 amendments, SB 846, SB 2226

The Committee on Criminal Justice recommends the following pass: SB 2312

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

The Committee on Community Affairs recommends the following pass: SB 1986

The Committee on Education recommends the following pass: SB 580

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

The Committee on Commerce recommends the following pass: SB 1574

The bill was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Agriculture recommends the following pass: SB 1964 with 1 amendment

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

The Committee on Agriculture recommends the following pass: SB 1432 with 1 amendment

The Committee on Appropriations recommends the following pass: CS for SB 868, SB 1168, CS for SB 1266, SB 1470, SB 1594, SB 1596, SB 1600, SB 1602, SB 1604, SB 1606, SB 1608, SB 1610, SB 1612, SB 1806 with 1 amendment, SB 1824

The Committee on Commerce recommends the following pass: SB 1422, SB 2314

The Committee on Community Affairs recommends the following pass: SB 1200 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 26, SB 1060, SB 2452

The Committee on Education recommends the following pass: SB 1406, SB 1770 with 1 amendment

The Committee on Natural Resources and Conservation recommends the following pass: SB 670

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

The Committee on Criminal Justice recommends the following not pass: SB 1346

The Committee on Education recommends the following not pass: SB 2202

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

The Committee on Agriculture recommends a committee substitute for the following: SB 2026

The Committee on Commerce recommends committee substitutes for the following: SB 404, SB 754, Senate Bills 2112 and 2240

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 Commerce recommends committee substitutes for the following: SB 1282, SB 2014, SB 2094

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

The Committee on Professional Regulation recommends a committee substitute for the following: SB 1884

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

The Committee on Commerce recommends committee substitutes for the following: SB 378, SB 1144

The Committee on Professional Regulation recommends committee substitutes for the following: SB 2038, SB 2142

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

The Committee on Agriculture recommends a committee substitute for the following: SB 1490

The Committee on Commerce recommends committee substitutes for the following: SB 1730, SB 2334, SB 2390

The Committee on Professional Regulation recommends committee substitutes for the following: SB 1580, SB 1650

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

BILLS REFERRED TO SUBCOMMITTEE

February 20, 1992

The following have been referred to the Subcommittee on Legislative Reapportionment which will report to the full committee within 45 days: Senate Bills 2496, 2498, 2500, 2502, 2504

Jack Gordon, Chairman
Committee on Reapportionment

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator McKay—

SB 2470—A bill to be entitled An act relating to the North River Fire District, Manatee County; amending ss. 3, 4, chapter 89-502, Laws of Florida, as amended; providing that the board of fire commissioners of the district be elected; prescribing procedures for commission elections; providing for nonpartisan elections; providing terms of office for members of initial elected commission; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 2472—A bill to be entitled An act relating to the Anna Maria Fire Control District, Manatee County; amending ss. 2, 3, chapter 27696, Laws of Florida, 1951, as amended; providing that the board of fire commissioners of the district be elected; prescribing procedures for commission elections; providing for nonpartisan elections; providing terms of office for members of initial elected commission; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 2474—A bill to be entitled An act relating to the Myakka City Fire Control District, Manatee County; amending ss. 3, 4, 16, chapter 86-381, Laws of Florida; providing that the board of fire commissioners of the district be elected; prescribing procedures for commission elections; providing for nonpartisan elections; providing terms of office for members of initial elected commission; increasing the maximum amount of special assessments; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 2476—A bill to be entitled An act relating to the Oneco-Tallavast Fire Control District, Manatee County; amending ss. 3, 4, 15, 16, chapter 84-477, Laws of Florida, as amended; providing that the board of fire commissioners of the district be elected; prescribing procedures for commission elections; providing for nonpartisan elections; providing terms of office for members of initial elected commission; increasing maximum rates of special assessments; increasing impact fees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 2478—A bill to be entitled An act relating to the Whitfield Fire Control District, Manatee County; amending ss. 3, 4, chapter 84-474, Laws of Florida; providing that the board of fire commissioners of the district be elected; prescribing procedures for commission elections; providing for nonpartisan elections; providing terms of office for members of initial elected commission; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 2480—A bill to be entitled An act relating to the Parrish Fire Control District, Manatee County; amending ss. 3, 4, chapter 85-451, Laws of Florida, as amended; providing that the board of fire commissioners of the district be elected; prescribing procedures for commission elections; providing for nonpartisan elections; providing terms of office for members of initial elected commission; repealing s. 2, chapter 91-409, Laws of Florida, relating to election of district board of commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 2482—A bill to be entitled An act relating to the Braden River Fire Control and Rescue District, Manatee County; amending ss. 3, 4, chapter 85-454, Laws of Florida; prescribing procedures for election of members of the board of fire commissioners of the district; providing for nonpartisan elections; providing terms of office for members elected at the 1992 general election; providing for expiration of term of office of current members of board of commissioners; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 2484—A bill to be entitled An act relating to the Samoset Fire Control District, Manatee County; amending ss. 3, 4, 15, 16, chapter 84-481, Laws of Florida, as amended; providing that the board of fire commissioners of the district be elected; prescribing procedures for commission elections; providing for nonpartisan elections; providing terms of office for members of initial elected commission; increasing maximum rates of special assessments; increasing impact fees; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 2486—A bill to be entitled An act relating to the Trailer Estates Fire Control District, Manatee County; amending ss. 2, 3, chapter 63-1587, Laws of Florida, as amended; providing that the board of fire commissioners of the district be elected; prescribing procedures for commission elections; providing for nonpartisan elections; providing terms of office for members of initial elected commission; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 2488—A bill to be entitled An act relating to Manatee County; establishing the merger of the Oneco-Tallevast and Samoset Fire Control Districts into the Southern Manatee Fire and Rescue District; defining jurisdiction of the district; providing for a board of fire commissioners and providing for their election; providing authority to levy special assessments; providing a schedule of special assessments; providing for impact fees; providing for consolidation of the Oneco-Tallevast and Samoset Fire Control Districts; repealing conflicting sections of chapters 84-477 and 84-481, Laws of Florida, as amended; providing severability; providing for liberal interpretation; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 2490—A bill to be entitled An act relating to the West Side Fire Control District, Manatee County; amending ss. 3, 4, chapter 84-479, Laws of Florida, as amended; providing that the board of fire commissioners of the district be elected; prescribing procedures for commission elections; providing for nonpartisan elections; providing terms of office for members of initial elected commission; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator McKay—

SB 2492—A bill to be entitled An act relating to the Cedar Hammock Fire Control District, Manatee County; amending ss. 3, 4, chapter 84-478, Laws of Florida, as amended; providing that the board of fire commissioners of the district be elected; prescribing procedures for commission elections; providing for nonpartisan elections; providing terms of office for members of initial elected commission; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Langley—

SR 2494—A resolution commending The Villages of Orange Blossom Gardens.

—was referred to the Committee on Rules and Calendar.

By Senator Kiser—

SJR 2496—A joint resolution of apportionment; providing for the apportionment of the House of Representatives and the Senate; adopting the federal decennial census for use in such apportionment; providing for omitted areas; providing for areas with no population specified for inclusion in one district which are entirely surrounded by other districts; providing severability of invalid portions.

—was referred to the Committee on Reapportionment.

By Senators Thomas, Margolis, Kurth, Gardner, Walker, Malchon, Girardeau, Kirkpatrick, Davis, Jenne, Forman, Dantzler, Wexler, Gordon, Weinstein, Thurman, Yancey, Meek, Childers, Plummer and Weinstock—

SJR 2498—A joint resolution of apportionment; providing for the apportionment of the House of Representatives and the Senate; adopting the federal decennial census for use in such apportionment; providing for omitted areas; providing for areas with no population specified for inclusion in one district which are entirely surrounded by other districts; providing severability of invalid portions.

—was referred to the Committee on Reapportionment.

By Senator Gordon—

SJR 2500—A joint resolution of apportionment; providing for the apportionment of the House of Representatives and the Senate; adopting the federal decennial census for use in such apportionment; providing for omitted areas; providing for areas with no population specified for inclusion in one district which are entirely surrounded by other districts; providing severability of invalid portions.

—was referred to the Committee on Reapportionment.

By Senators Kiser, Bankhead, Crotty, Casas and Dudley—

SJR 2502—A joint resolution of apportionment; providing for the apportionment of the House of Representatives and the Senate; adopting the federal decennial census for use in such apportionment; providing for omitted areas; providing for areas with no population specified for inclusion in one district which are entirely surrounded by other districts; providing severability of invalid portions.

—was referred to the Committee on Reapportionment.

By Senator Gordon—

SJR 2504—A joint resolution of apportionment; providing for the apportionment of the House of Representatives and the Senate; adopting the federal decennial census for use in such apportionment; providing for omitted areas; providing for areas with no population specified for inclusion in one district which are entirely surrounded by other districts; providing severability of invalid portions.

—was referred to the Committee on Reapportionment.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Commerce and Senator Yancey—

CS for SB 378—A bill to be entitled An act relating to commercial relations; repealing ss. 673.101-673.805, F.S., and creating ss. 673.1011-673.6051, F.S.; revising the law of negotiable instruments (Article 3 of the Uniform Commercial Code—Commercial Paper) in order to modernize, reorganize, and clarify the law with respect thereto; amending ss. 671.201, 671.207, F.S., pertaining to general definitions under the Uniform Commercial Code and to performance or acceptance under reservation of rights, to conform them to revisions made by this act; amending ss. 672.103, 672.511, F.S., pertaining to definitions applicable to the sales provisions of the code, to conform cross-references to revisions made by this act; amending ss. 674.101-674.105, 674.201-674.207, 674.301-674.504, F.S.; transferring, renumbering, and amending ss. 674.106-674.108, 674.208-674.214, F.S.; creating ss. 674.1061, 674.1101, 674.111, 674.2081, 674.2091, F.S.; and repealing s. 674.109, F.S., all pertaining to bank deposits and collections (Article 4 of the Uniform Commercial Code); revising these provisions of the code to the revisions made in the negotiable instruments law and to otherwise improve the clarity of these provisions; amending ss. 675.103, 675.114, F.S., pertaining to definitions applicable to provisions of the code providing for letters of credit, to conform cross-references to revisions made by this act; amending ss. 679.105, 679.203, 679.206, 679.302, 679.309, 679.312, F.S., to conform cross-references in provisions of the code pertaining to secured transactions to revisions made by this act; amending s. 90.953, F.S., pertaining to admissibility of duplicates into evidence, to conform a cross-reference to a revision made by this act; amending ss. 560.135, 560.201, F.S., pertaining to the sale of money orders, to conform cross-references to revisions made by this act; amending s. 658.12, F.S., pertaining to banks and trust companies, to conform a cross-reference to this revision; amending s. 832.05, F.S., pertaining to worthless checks, drafts, or debit card orders, to conform a cross-reference to a revision made by this act; providing an effective date.

By the Committee on Commerce—

CS for SB 404—A bill to be entitled An act relating to financial institutions; amending s. 655.001, F.S.; expanding the scope of the section to specify the purposes and application of the financial institutions codes rather than of ch. 655, F.S.; amending s. 655.005, F.S.; altering and adding definitions applicable to ch. 655, F.S.; amending s. 655.012, F.S., relating to general supervisory powers of the Department of Banking and Finance, to conform; creating s. 655.013, F.S.; providing for the act's effect on existing financial institutions; creating s. 655.015, F.S.; providing for construction of the act and standards to be observed by the department; transferring, renumbering, and amending s. 655.021, F.S., relating to administrative enforcement guidelines; transferring, renumbering, and amending s. 655.025, F.S., concerning department investigations, subpoenas, hearings, and witnesses; transferring, renumbering, and amending s. 655.029, F.S.; requiring hearings and proceedings to be public except under certain circumstances; providing for future legislative review, under the Open Government Sunset Review Act, of this exemption from public records requirements; creating s. 655.0322, F.S.; prescribing prohibited acts and practices; providing criminal penalties; amending s. 655.033, F.S.; revising the grounds upon which, and the parties against which, the department may issue a cease and desist order; revising an exemption from the public records requirements for emergency cease and desist orders; providing for future legislative review of this exemption under the Open Government Sunset Review Act; amending s. 655.034, F.S., relating to injunctions; inserting the term "members" to conform; amending s. 655.037, F.S., relating to removal of officers, directors, and others by the department; revising the list of persons that may be so removed and revising the grounds upon which such persons may be removed; revising the procedure therefor; creating s. 655.0385, F.S.; providing for the disapproval of directors and executive officers of a state financial institution by the department; creating s. 655.0386, F.S.; restricting conduct of, and transactions by, financial institution-affiliated parties; creating s. 655.0391, F.S.; providing for retention of supervision of financial institutions by the department; creating s. 655.0392, F.S.; allowing a financial institution to rent space from a governmental entity under certain circumstances; authorizing a governmental entity to rent such space at a certain rate; deleting provisions for disposition of fines; amending s. 655.041, F.S.; expanding the department's authority to impose administrative fines; amending s. 655.044, F.S.; revising record-keeping requirements; providing for recovery of certain costs; amending

s. 655.045, F.S.; revising the examination authority of the department; amending s. 655.047, F.S.; clarifying the application period of assessments; allowing proration of assessments but prohibiting refunds of portions of assessments; deleting provisions for disposition of assessments; amending s. 655.049, F.S.; clarifying the types of fees that are required to be deposited into the Financial Institutions' Regulatory Trust Fund; amending s. 655.053, F.S.; revising the annual report requirements; amending s. 655.057, F.S.; revising the restrictions on public access to certain records; providing for future legislative review, under the Open Government Sunset Review Act, of these exemptions from public records requirements; amending s. 655.059, F.S.; providing certain law enforcement agencies access to a financial institution's books and records; amending s. 655.061, F.S., relating to competitive equality with federally organized or chartered financial institutions; providing for the section to take precedence over other state statutes; amending s. 655.41, F.S., relating to cross-industry conversions, mergers, consolidations, and acquisitions; replacing the term "financial institution" with the term "financial entity" with reference thereto; amending s. 655.411, F.S.; revising conversion-of-charter requirements; amending s. 655.412, F.S.; revising merger and consolidation requirements; amending s. 655.414, F.S.; revising the conditions and limitations upon which a financial entity may acquire all or substantially all the assets or liabilities of another financial entity; amending s. 655.416, F.S.; providing for the valuation of assets after an acquisition; amending s. 655.417, F.S.; conforming provisions relating to the effect of merger, consolidation, conversion, or acquisition; amending s. 655.418, F.S.; conforming provisions relating to cessation of nonconforming activities; amending s. 655.419, F.S.; clarifying the applicability of provisions for merger, consolidation, conversion, or acquisition of assets; amending s. 655.50, F.S.; revising the provisions of, and the penalties for violation of, the Florida Control of Money Laundering in Financial Institutions Act; providing for confidentiality of reports and records thereunder; providing for future legislative review, under the Open Government Sunset Review Act, of this exemption from public records requirements; extending the act's penalties to cover violations of ch. 896, F.S., or similar state or federal statutes; amending s. 655.51, F.S.; allowing financial institution regulatory agencies access to certain employment information; amending s. 655.55, F.S., relating to the law applicable to deposits in and contracts related to extensions of credit by financial institutions; replacing the term "financial institution" with the term "deposit or lending institution" and defining that term; creating s. 655.56, F.S.; providing for the collection of fines, interest, or premiums on loans made by financial institutions; creating s. 655.60, F.S.; providing for appraisals of state financial institutions, subsidiaries, or service corporations by the department; creating s. 655.762, F.S.; regulating the sale of assets by a state financial institution; creating s. 655.769, F.S.; providing definitions related to deposits in deposit or lending institutions; creating s. 655.77, F.S.; providing for deposits by minors; creating s. 655.78, F.S.; providing for deposit accounts in two or more names; creating s. 655.79, F.S.; establishing a presumption as to vesting on death when deposits and accounts are in two or more names; creating s. 655.80, F.S.; defining and establishing requirements for convenience accounts; creating s. 655.81, F.S.; providing for deposits in trust; creating s. 655.83, F.S.; providing for adverse claims to deposit or fiduciary accounts; creating s. 655.84, F.S.; establishing a presumption as to correctness concerning statements of account; creating s. 655.85, F.S.; providing for settlement of checks; creating s. 655.86, F.S.; regulating the issuance of postdated checks; creating s. 655.89, F.S.; defining "legal holidays," "business days," and "transactions"; creating s. 655.90, F.S.; providing for the closing of deposit or lending institutions during emergencies and other special days; creating s. 655.91, F.S.; providing recordkeeping requirements for such institutions; creating s. 655.921, F.S.; providing for transaction of business by out-of-state financial institutions; creating s. 655.922, F.S.; prohibiting banking by unauthorized persons; providing penalties; creating s. 655.93, F.S.; providing definitions related to the leasing of safe-deposit boxes; creating s. 655.931, F.S.; authorizing financial institutions to engage in the safe-deposit business; creating s. 655.932, F.S.; authorizing the leasing of a safe-deposit box to a minor; creating s. 655.933, F.S.; providing for access to safe-deposit boxes by fiduciaries; creating s. 655.934, F.S.; specifying the effect of the death or incapacity of the lessee of a safe-deposit box; creating s. 655.935, F.S.; establishing safe-deposit search procedures on the death of the lessee; creating s. 655.936, F.S.; providing for the delivery of safe-deposit box contents or other property to a personal representative; creating s. 655.937, F.S.; providing for access to a safe-deposit box leased in two or more names; creating s. 655.938, F.S.; providing for adverse claims to the contents of a safe-deposit box; creating s. 655.939, F.S.; limiting the right of access to a safe-deposit box for failure to comply with security procedures; creating s. 655.94, F.S.; providing spe-

cial remedies for the nonpayment of rent for a safe-deposit box; amending s. 657.002, F.S.; providing definitions; amending s. 657.004, F.S.; deleting a penalty; amending s. 657.005, F.S.; providing credit union organizational procedures and forms; creating s. 657.0061, F.S.; requiring the submission of bylaw amendments to the Department of Banking and Finance; amending s. 657.008, F.S.; authorizing armored car services and deleting the requirement that all records be kept at the principal place of business as described within the bylaws; amending s. 657.021, F.S.; defining the duties and powers of the board of directors; amending s. 657.023, F.S.; clarifying certain language; amending s. 657.026, F.S.; authorizing audit committees and defining the duties and responsibilities of these committees; amending s. 657.0265, F.S.; prescribing the liability of audit committee members; amending s. 657.027, F.S.; clarifying certain language; amending s. 657.028, F.S.; prohibiting certain persons from serving as an officer, director, or committee member; deleting provisions specifying certain unlawful activities on the part of an official, director, or employee of a credit union; deleting a penalty; amending s. 657.031, F.S.; clarifying language and deleting language requiring notice to the department concerning certain authorized activities; creating s. 657.0315, F.S.; prohibiting credit unions from entering into certain contracts; limiting the enforceability of these contracts; amending s. 657.033, F.S.; clarifying the definition of dormant accounts; amending s. 657.038, F.S.; deleting reference to an 18-percent usury cap and defining the term "related interest"; amending s. 657.039, F.S.; prescribing conditions for credit union loans to its directors, officers, and employees; defining the term "related interests"; amending s. 657.042, F.S.; increasing the allowable percentage of certain types of investments and clarifying the authority to invest in mutual funds; amending s. 657.043, F.S.; replacing the term "gross earnings" with the term "all income for the period"; modifying the definition of "risk assets" and increasing the amount of reserve amounts; amending s. 657.053, F.S.; revising the amounts of the semiannual assessments collected from credit unions; amending s. 657.055, F.S.; mandating the type and length of time certain records must be maintained; amending s. 657.062, F.S.; providing procedures for assumption of control of an insolvent credit union; amending s. 657.063, F.S.; authorizing the department to appoint a liquidator; limiting the enforceability of certain contracts; modifying procedures for involuntary liquidation; amending s. 657.064, F.S.; altering the procedures for undertaking a voluntary liquidation; amending s. 657.065, F.S.; prescribing voting requirements and procedures of a credit union merger; amending s. 657.068, F.S.; removing certain limitations on membership in a central credit union; amending s. 658.12, F.S.; providing definitions; amending s. 658.165, F.S.; correcting a cross-reference and inserting the term "financial institutions codes"; amending s. 658.20, F.S.; providing for prior approval of certain directors and executive officers of a failing bank or trust company; providing a filing fee for approval; amending s. 658.21, F.S.; altering the approval criteria of an application; amending s. 658.22, F.S.; revising requirements for coordinating state and federal applications to organize a state bank; amending s. 658.23, F.S.; requiring prior Department of Banking and Finance authorization for a change in the articles of incorporation; amending ss. 658.24, 658.25, F.S.; substituting the term "bank" for "banking corporation"; amending s. 658.26, F.S.; altering the locations where banks and trust companies may transact business; amending s. 658.27, F.S.; altering the definition of control over a bank or other business organization; amending s. 658.28, F.S.; providing an exception to the requirement that the department be given prior notice of any acquisition of voting securities; amending s. 658.29, F.S.; altering certain prohibitions concerning ownership and control of a bank or trust company; amending s. 658.30, F.S.; incorporating changes concerning the application of the Florida Business Corporation Act; deleting a limitation on certain offices that may be established within a bank; amending s. 658.32, F.S.; allowing the department to approve an annual meeting date which is not within the first 4 months of a given year; amending s. 658.33, F.S.; inserting the term "financial institutions codes"; requiring director's oath of office to be filed within 30 days of election; amending s. 658.34, F.S.; requiring shares of capital stock to be issued with a minimum par value and to be paid for in cash; amending s. 658.35, F.S.; requiring board and stockholder approval for the issuance of share options or warrants; providing for expiration of such options and warrants; amending s. 658.36, F.S.; requiring department approval for banks and trust companies to reduce outstanding common stock; amending s. 658.37, F.S.; clarifying that a stock split does not constitute a dividend; amending s. 658.38, F.S.; clarifying that a state bank must have and maintain Federal Deposit Insurance; amending s. 658.39, F.S.; restricting the right of stockholders to examine certain records; amending s. 658.40, F.S.; deleting the term "conversion"; amending s. 658.42, F.S.; providing a technical clarification; amending s. 658.43, F.S.; modifying the department's authority to issue

emergency rules concerning a failing institution; amending s. 658.44, F.S., relating to approval by stockholders; revising cross-references; amending s. 658.45, F.S.; providing a technical clarification; amending s. 658.48, F.S.; altering the loan and credit authority of a state bank; transferring, renumbering, and amending s. 658.50, F.S., relating to loans or extensions of credit; revising interest rate limitations on credit cards or overdraft financing arrangements; improving clarity; amending s. 658.53, F.S.; altering limits of indebtedness; prohibiting a bank or trust company from dealing in subordinated debt; amending s. 658.60, F.S.; deleting the term "reserves"; amending s. 658.65, F.S.; altering the provisions related to remote financial service units; amending s. 658.67, F.S.; altering the investment powers of a bank and trust company; amending s. 658.68, F.S.; altering the liquidity requirements of a state bank; amending s. 658.73, F.S.; increasing examination fees and assessments; amending s. 658.79, F.S.; allowing the department to take possession of an imminently insolvent state bank or trust company; deleting the conditions for determining insolvency; amending ss. 658.80, 658.82, 658.83, F.S.; providing a technical clarification; amending s. 658.84, F.S.; prohibiting the enforcement of certain judicial actions; providing priorities for payment of unsecured claims against a financial institution; creating s. 658.995, F.S.; creating the Credit Card Bank Act; authorizing the creation of and providing for the regulation of credit card banks by the Department of Banking and Finance; amending s. 660.25, F.S.; redefining the term "commercial department"; providing for the use of terms defined in other chapters of the Florida Statutes; creating s. 660.265, F.S.; requiring certain financial institutions to pay the costs of examination by the Department of Banking and Finance; amending s. 660.27, F.S.; deleting references to state mutual associations with respect to deposits of securities with the Treasurer; clarifying the term "bank" to include state banks and national banks; amending s. 660.33, F.S.; prescribing when an association is "affiliated" or a "successor"; correcting a cross-reference; amending s. 660.37, F.S.; deleting references to the Federal Savings and Loan Insurance Corporation; permitting the deposit of fiduciary funds in amounts exceeding insurance in specified circumstances; amending s. 660.41, F.S.; revising powers of corporations other than banks, associations, and trust companies with respect to fiduciary functions; amending s. 660.415, F.S.; authorizing trust companies and trust departments to invest in certain common trust funds; creating s. 660.417, F.S.; authorizing the investment of fiduciary funds into a mutual fund; providing for the charging of reasonable fees associated with such mutual fund investments; amending s. 660.42, F.S.; clarifying language defining the term "trust company or trust department"; amending s. 660.44, F.S.; authorizing a bank, association, or trust company to charge reasonable management expenses for managing common trust funds; amending s. 663.01, F.S.; providing definitions; amending s. 663.02, F.S.; expanding the applicability of domestic bank powers to international banking corporations; deleting reference to a clarification concerning branching authority of bank holding companies located outside the state; providing for future legislative review, under the Open Government Sunset Review Act, of certain exemptions provided from public disclosure requirements; amending s. 663.03, F.S.; providing that ch. 607, F.S., regulating corporations applies to international banking corporations unless it conflicts with the banking code; amending s. 663.04, F.S.; prescribing conditions under which a license may be issued to an international banking corporation to operate an international bank agency or an international branch; deleting application fee; amending s. 663.05, F.S.; modifying the application requirements for an international banking corporation to maintain an office in this state; creating s. 663.055, F.S.; prescribing certain capital requirements as a condition of licensing; providing alternative requirements for licensing; amending s. 663.06, F.S.; expanding the permissible activities of an international banking corporation and allowing the department to prescribe by rule the procedures for surrendering a license; creating s. 663.061, F.S.; defining the permissible activities of international bank agencies; creating s. 663.062, F.S.; defining the permissible activities of an international representative office; amending s. 663.063, F.S.; altering the purposes and powers of an international administrative office; creating s. 663.064, F.S.; defining the permissible activities of an international branch; creating s. 663.065, F.S.; defining the permissible activities of a state investment company; creating s. 663.066, F.S.; authorizing, under certain conditions, the acquisition of state banks by international banking corporations; amending s. 663.07, F.S.; modifying the asset maintenance requirements of an international bank agency and international branch; amending s. 663.08, F.S.; providing for the certification of capital accounts of an international banking corporation; amending s. 663.083, F.S.; adding the term "international branch" and deleting language allowing capital debentures and notes to be treated as capital in computing capital limitations; amending s. 663.09, F.S.; providing for the consolidation of reports under

certain circumstances; requiring loan documentation to be in the English language; amending s. 663.10, F.S.; modifying the provisions related to license conversion; amending s. 663.11, F.S.; replacing the term "international bank agency" with the term "office"; amending s. 663.12, F.S.; providing for filing fees, semiannual assessments, and examination fees; amending s. 663.13, F.S., relating to rulemaking respecting international banking corporations; conforming a cross-reference; amending s. 663.14, F.S.; providing for the reimbursement to the Department of Banking and Finance of certain domestic travel expenses; amending s. 663.302, F.S., relating to the applicability of state banking laws to international development banks, to conform cross-references in that section to renumbering by this act; amending s. 663.309, F.S., relating to prohibited activities; deleting an obsolete cross-reference; amending s. 663.319, F.S., relating to rulemaking respecting regional development banks; conforming a cross-reference; amending s. 665.012, F.S.; altering and deleting certain definitions; creating s. 665.013, F.S.; outlining the applicability of ch. 658, F.S., to ch. 665, F.S.; amending s. 665.0211, F.S.; deleting exclusiveness-of-name provisions; amending s. 665.0315, F.S.; correcting a cross-reference and incorporating a nonrefundable filing fee; amending s. 665.033, F.S.; inserting reference to the financial institutions codes and permitting denial of an application due to the existence of a state-imposed order; increasing the fee for converting from a federal mutual to a state capital stock association and authorizing examination fees for conversions; revising a cross-reference; amending s. 665.0335, F.S.; removing the specific reference to the Federal Savings and Loan Insurance Corporation; amending s. 665.034, F.S.; changing certain requirements concerning acquisition of assets of, or control over, an association; amending s. 665.0501, F.S.; altering the general powers of an association organized under ch. 665, F.S.; amending s. 665.0711, F.S.; limiting the association's power to invest in loans; amending s. 665.074, F.S.; deleting the requirement that a settlement statement be furnished to each borrower; amending s. 665.1001, F.S.; clarifying the definition of a "foreign association"; deleting reference to the term "savings"; deleting a requirement relating to references to insurance or guaranty of accounts in advertising, solicitations, or representations; amending s. 665.1011, F.S.; deleting the term "savings and loan"; repealing s. 655.081, F.S., relating to disclosure of practices with respect to availability of funds; repealing s. 655.413, F.S., relating to acquisition of stock by a financial institution in another financial institution; reviving and readopting ss. 655.001, 655.005, 655.012, 655.016, 655.021, 655.025, 655.029, 655.033, 655.034, 655.037, 655.041, 655.043, 655.044, 655.045, 655.049, 655.053, 655.057, 655.059, 655.061, 655.071, 655.41, 655.411, 655.412, 655.414, 655.416, 655.417, 655.418, 655.419, 655.50, 655.51, 655.55, F.S., as renumbered and amended by this act, notwithstanding their scheduled termination July 1, 1992, pursuant to the Regulatory Sunset Act and other laws; repealing ch. 88-113, Laws of Florida, relating to a contingent amendment to s. 655.061, F.S.; repealing ss. 657.004, 657.029, 657.032, 657.034, 657.035, 657.036, 657.037, F.S., relating to credit unions; reviving and readopting ss. 657.001, 657.002, 657.003, 657.005, 657.008, 657.021, 657.022, 657.023, 657.024, 657.026, 657.027, 657.028, 657.031, 657.033, 657.0335, 657.038, 657.039, 657.041, 657.042, 657.043, 657.051, 657.053, 657.055, 657.062, 657.063, 657.064, 657.065, 657.066, 657.068, F.S., as amended by this act, notwithstanding their scheduled termination July 1, 1992, pursuant to the Regulatory Sunset Act and other laws; repealing ss. 658.1101, 658.13, 658.14, 658.15, 658.46, 658.47, 658.54, 658.55, 658.56, 658.57, 658.58, 658.59, 658.61, 658.62, 658.63, 658.64, 658.66, 658.69, 658.70, 658.71, 658.72, 658.74, 658.75, 658.76, 658.77, 658.78, 658.85, 658.86, 658.87, 658.88, 658.89, 658.91, 658.92, 658.93, 658.97, 658.98, 658.99, F.S., relating to the regulation of banks and trust companies; reviving and readopting ss. 658.12, 658.16, 658.19, 658.20, 658.21, 658.22, 658.23, 658.235, 658.24, 658.25, 658.26, 658.27, 658.28, 658.29, 658.295, 658.30, 658.32, 658.33, 658.34, 658.35, 658.36, 658.37, 658.38, 658.39, 658.40, 658.41, 658.42, 658.43, 658.44, 658.45, 658.48, 658.49, 658.491, 658.50, 658.51, 658.53, 658.60, 658.65, 658.67, 658.68, 658.73, 658.79, 658.80, 658.81, 658.82, 658.83, 658.84, 658.90, 658.94, 658.95, 658.96, F.S., notwithstanding their scheduled termination July 1, 1992, pursuant to the Regulatory Sunset Act and other laws; repealing s. 660.32, F.S., relating to the place of transacting trust business and trust company branches; reviving and readopting ss. 660.25, 660.26, 660.27, 660.28, 660.29, 660.30, 660.31, 660.33, 660.34, 660.35, 660.36, 660.37, 660.38, 660.39, 660.40, 660.41, 660.415, 660.42, 660.43, 660.44, 660.45, 660.46, 660.47, 660.48, F.S., as amended by this act, notwithstanding their scheduled termination July 1, 1992, pursuant to the Regulatory Sunset Act and other laws; repealing ss. 661.45-661.55, F.S., relating to regulating the safe-deposit business, in accordance with the Regulatory Sunset Act; repealing ss. 662.01-662.08, F.S., relating to bank service corporations, in accordance with the Regulatory Sunset Act; reviving and readopting ss. 663.01, 663.02, 663.03, 663.04, 663.05, 663.06,

663.07, 663.08, 663.09, 663.10, 663.11, 663.12, 663.13, 663.14, 663.301, 663.302, 663.303, 663.304, 663.305, 663.306, 663.307, 663.308, 663.309, 663.310, 663.311, 663.312, 663.313, 663.314, 663.315, 663.316, 663.317, 663.318, 663.319, F.S., as amended by this act, notwithstanding their scheduled termination July 1, 1992, pursuant to the Regulatory Sunset Act and other laws; repealing ss. 664.01-664.12, F.S., relating to industrial savings banks, in accordance with the Regulatory Sunset Act; repealing ss. 665.011, 665.0201, 665.022, 665.023, 665.024, 665.025, 665.027, 665.028, 665.0301, 665.0311, 665.038, 665.0401, 665.044, 665.045, 665.047, 665.048, 665.0601, 665.0611, 665.062, 665.063, 665.064, 665.065, 665.066, 665.067, 665.068, 665.069, 665.0701, 665.0731, 665.076, 665.077, 665.0801, 665.082, 665.083, 665.093, 665.096, 665.097, 665.099, 665.102, 665.1021, 665.103, 665.104, F.S., relating to the regulation of savings associations; reviving and readopting ss. 665.012, 665.0211, 665.0315, 665.033, 665.0335, 665.034, 665.0345, 665.0501, 665.0711, 665.074, 665.075, 665.1001, 665.1011, F.S., as amended by this act, notwithstanding their scheduled termination July 1, 1992, pursuant to the Regulatory Sunset Act and other laws; amending s. 154.238, F.S., relating to the authority of a health facilities authority to deal with a bank that employs a member of the authority, to conform terminology to that used in this act; amending s. 159.414, F.S., relating to the authority of a board of a local agency, under the Florida Industrial Development Financing Act, to deal with a bank that employs a board member, to conform terminology to that used in this act; amending s. 159.494, F.S., relating to the authority of an industrial development authority to deal with a bank that employs a member of the authority; amending s. 240.488, F.S., relating to the investment of funds of a county education loan authority, to conform terminology to that used in this act; amending s. 288.753, F.S., relating to examination of the Florida Export Finance Corporation by the Department of Banking and Finance, to conform terminology to that used in this act; amending s. 289.121, F.S., relating to examination of the Florida Industrial Development Corporation, to conform terminology to that used in this act; amending s. 420.141, F.S., relating to examination of the Housing Development Corporation of Florida, to conform terminology to that used in this act; amending s. 494.006, F.S.; exempting insurance companies from ss. 494.006-494.0077, F.S.; amending s. 494.0019, F.S.; clarifying the issue of liability in the case of an unlawful transaction; amending s. 538.03, F.S., relating to definitions applicable to secondhand dealers, to conform a cross-reference made obsolete by this act; amending s. 607.0501, F.S., relating to registered offices and agents of corporations, to conform terminology to that used in this act; amending s. 627.826, F.S., relating to insurance premium finance companies, to delete a cross-reference to a law repealed by this act; amending s. 671.304, F.S., relating to laws not repealed by the enactment of the Uniform Commercial Code, to delete cross-references to laws repealed by this act; amending s. 687.12, F.S., relating to interest rates of licensed lenders and creditors, to revise a cross-reference to a law repealed by this act; amending s. 697.04, F.S.; providing for a secured interest on a future advance when related to an interest in a leasehold upon real property; amending s. 896.101, F.S., relating to the conduct of financial transactions involving the proceeds of unlawful activity, revising a definition to conform with this act; providing an effective date.

By the Committee on Commerce—

CS for SB 754—A bill to be entitled An act relating to exemptions from legal process; amending s. 77.0305, F.S.; providing for garnishment of government employee wages; providing for the moneys to be deposited in the Department of Banking and Finance Administrative Trust Fund; providing a limited waiver of sovereign immunity; amending s. 222.11, F.S.; providing definitions; providing limitations on wages exempt from garnishment or attachment; providing for tracing of head of family wages; creating s. 222.25, F.S.; providing an exemption for other individual property which is exempt from legal process; creating s. 222.29, F.S.; prohibiting exemptions for fraudulent transfers; creating s. 222.30, F.S.; defining fraudulent asset conversions; providing remedies for creditors concerning fraudulent asset conversions; providing a time limitation for bringing legal actions; providing an effective date.

By the Committee on Commerce and Senators Bruner and Walker—

CS for SB 1144—A bill to be entitled An act relating to insurance; amending s. 624.155, F.S.; requiring the Department of Insurance to maintain certain records; specifying form and content of notice of intent to bring an action; deleting provisions requiring return of notices; requires only persons who claim punitive damages to post in advance the costs of discovery; authorizing third-party claimants to plead statutory or common-law causes of action for bad faith; limiting recovery of damages; specifying total recoverable damages; providing legislative intent; providing an effective date.

By the Committee on Commerce and Senator Walker—

CS for SB 1282—A bill to be entitled An act relating to the state lottery; amending s. 24.105, F.S.; providing for Department of the Lottery employee participation in the meritorious service awards program; amending s. 24.111, F.S.; revising provisions relating to department investigation of and contracts with vendors; amending s. 24.115, F.S.; revising provisions relating to the payment of prizes; limiting liability concerning errors or inaccuracies associated with the selling of lottery tickets; providing an effective date.

By the Committee on Agriculture and Senator Forman—

CS for SB 1490—A bill to be entitled An act relating to cruelty to animals; amending s. 828.058, F.S.; restricting method of euthanasia of dogs and cats by public or private agencies or animal shelters; providing an exception in emergency situations; restricting authority of lay persons who may perform such euthanasia; requiring a certification course; specifying curriculum; providing a penalty; amending s. 828.065, F.S.; restricting method of euthanasia of animals in pet shops; restricting authority of lay persons to perform such euthanasia; providing a penalty; amending s. 828.12, F.S.; providing penalties for depriving a dog or cat of certain veterinary medical care; amending s. 828.122, F.S.; deleting requirement that an animal be held pending disposition of certain charges; reenacting ss. 585.95(14), 828.122(6)(a), and 828.17, F.S., relating to consumer guarantees, fighting or baiting animals, and arrest without a warrant, to incorporate the amendment to s. 828.12, F.S., in references thereto; providing an effective date.

By the Committee on Professional Regulation and Senators Wexler and Malchon—

CS for SB 1580—A bill to be entitled An act relating to medicinal drugs; creating s. 465.0255, F.S.; requiring the display of expiration dates on all medicinal drugs manufactured, repackaged, or distributed and all medicinal drugs dispensed; requiring certain use and storage instructions on all medicinal drugs dispensed; providing an effective date.

By the Committee on Professional Regulation and Senator Johnson—

CS for SB 1650—A bill to be entitled An act relating to medical practice; providing for the restricted licensure of physicians under certain circumstances; providing qualifications for such physicians prior to licensure; providing an effective date.

By the Committee on Commerce and Senator Myers—

CS for SB 1730—A bill to be entitled An act relating to disability insurance policies; providing that a health care practitioner whose practice is restricted under certain circumstances because of his testing positive for human immunodeficiency virus has a disability for purposes of health insurance policies delivered in this state; providing an effective date.

By the Committee on Professional Regulation and Senator Forman—

CS for SB 1884—A bill to be entitled An act relating to consumer protection; amending s. 501.015, F.S.; requiring health studios to post a certificate; amending s. 501.016, F.S.; revising language with respect to health studio security requirements; amending s. 501.019, F.S.; revising language with respect to administrative penalties for health studios; amending s. 501.059, F.S.; providing for the deposit of civil penalties with respect to telephone solicitation in the Consumer Protection Trust Fund; amending s. 501.912, F.S.; revising definitions; amending s. 501.913, F.S.; revising registration provisions under the Antifreeze Act of 1978; amending s. 501.917, F.S.; clarifying language with respect to inspections by the department; amending s. 501.918, F.S.; clarifying language with respect to prohibited activities; amending s. 501.919, F.S.; revising language with respect to stop-sale orders; amending s. 501.922, F.S.; increasing timeframes for revocation or suspension of registration under the act; providing for deposit of funds into the General Inspection Trust Fund; amending s. 525.01, F.S.; providing definitions with respect to gasoline and oil inspections by the Department of Agriculture and Consumer Services; amending s. 525.02, F.S.; revising language with respect to analysis of petroleum fuel; repealing s. 525.03, F.S., relating to the submission of samples of gasoline or oil to the department; creating s. 525.035, F.S., relating to mislabeled petroleum fuel being subject to stop sale; creating s. 525.037, F.S.; providing for stop sale with respect to petroleum fuel which is below standard; amending s. 525.07, F.S.; revising language with respect to the power of the department to make inspections; revising penalties; providing for registration of persons who repair or install certain

pump meter devices; amending s. 525.08, F.S.; revising language with respect to the access of the department; amending s. 525.09, F.S.; revising language with respect to inspection fees; amending s. 525.10, F.S.; revising language with respect to the payment of expenses; amending s. 525.14, F.S.; revising language with respect to rules; amending s. 525.15, F.S.; clarifying language with respect to inspectors; amending s. 525.16, F.S.; providing for administrative fines and penalties; amending s. 526.50, F.S.; revising definitions with respect to the law governing the sale of brake fluid; amending s. 526.53, F.S.; revising language with respect to enforcement, inspection, and analysis, stop sale and disposition, and regulations; amending s. 531.41, F.S.; revising language with respect to the powers and duties of the department under the Weights and Measures Act of 1971; amending s. 559.801, F.S.; revising a definition with respect to the Sale of Business Opportunities Act; amending ss. 559.803, 559.805, 559.807, and 559.815, F.S.; changing the term "division" to "department"; increasing a fee in s. 559.805, F.S.; amending s. 559.813, F.S.; authorizing the Department of Agriculture and Consumer Services to bring an action for injunction or civil relief; amending s. 559.927, F.S.; revising language with respect to regulation of sellers of travel; amending s. 570.544, F.S.; revising language with respect to the powers of the Division of Consumer Affairs; providing for rules; creating s. 570.5441, F.S.; creating the Consumer Protection Trust Fund in the Division of Consumer Services; amending s. 616.091, F.S.; revising language with respect to safety standards for the operation of amusement devices; providing permitting and inspection procedures for amusement rental companies; providing an exemption from requirements of chapter 616, F.S., under certain conditions; prohibiting the operation of certain amusement attractions; amending s. 559.21, F.S.; providing for tax collectors instead of sheriffs to issue permits to conduct such sales; requiring the payment of delinquent taxes on the goods to be sold in order for a permit to be issued; revising procedures for the conduct of such a sale; repealing provisions for renewal of such a permit; amending s. 559.22, F.S.; requiring a person who conducts such a sale to specify the permit number within advertisements of the sale; amending s. 559.23, F.S.; providing for payment of permit application fees to tax collectors; deleting provisions for renewal fees; amending s. 559.24, F.S.; revising certain requirements for conducting such a sale; providing that advertisements of such a sale must specify certain information; amending s. 559.26, F.S.; specifying criminal penalties for violation of certain requirements pertaining to such a sale; repealing s. 525.06, F.S.; relating to gasoline or oil which is below standard and subject to confiscation; repealing s. 525.11, F.S.; relating to the requirement that the Comptroller must pay certain expenses of the Department of Agriculture and Consumer Services; repealing s. 525.13, F.S.; relating to a report of the department; repealing s. 525.17, F.S.; relating to penalties for violation of law relating to gasoline and oil inspection; repealing s. 525.18, F.S.; relating to injunctions; repealing s. 559.925, F.S.; relating to receptive tour operators; providing an effective date.

By the Committee on Commerce and Senator Grant—

CS for SB 2014—A bill to be entitled An act relating to insurance; amending s. 213.053, F.S.; authorizing the Insurance Commissioner to receive information; amending s. 624.610, F.S.; revising procedures with respect to certain summary statements; requiring the Department of Insurance to adopt certain rules in conformance with certain manuals; creating s. 626.032, F.S.; defining "administrative agent"; providing for continuing education; providing for designation; amending s. 626.072, F.S.; providing reference to an agency; amending s. 626.091, F.S.; excluding certain attorneys from the definition of managing general agent; amending s. 626.281, F.S.; providing for application for reexamination; providing for fees; amending s. 626.2815, F.S.; requiring sponsors of continuing education courses to provide certain information; amending s. 626.381, F.S.; providing for renewal of appointments in birth month; amending s. 626.551, F.S.; requiring notice of changes in street or mailing addresses; amending s. 626.601, F.S.; providing confidentiality of certain investigative information; amending ss. 626.611, 626.621, F.S.; applying certain departmental referral, suspension, revocation, or denial of a license or application to customer representatives; amending s. 626.631, F.S.; providing for revocation of licenses and appointments upon conviction of a felony; providing for hearings; amending s. 626.641, F.S.; clarifying prohibited activities by former agents; amending s. 626.7351, F.S.; deleting a requirement for qualification for a customer representative's license; amending s. 626.7352, F.S.; clarifying provisions relating to customer representative's officer; amending s. 626.7353, F.S.; providing for appointment of a customer representative by a general lines agency; amending s. 626.7452, F.S.; deleting an exception; amending ss. 626.7851, 626.8311, F.S.; providing additional qualifications for licensure as a life agent or a life and health agent; amending s. 626.837, F.S.; clarifying pro-

visions relating to excess or rejected business; amending s. 626.8373, F.S.; specifying certain types of health insurance with respect to overinsurance; creating ss. 626.8695, 626.8696, 626.8697, F.S.; providing for the licensure of primary adjusters and adjustment firms; providing for refusal, suspension, or revocation of adjusting firm licenses; amending s. 626.891, F.S.; clarifying provisions relating to suspending or revoking certificates of authority of administration; amending ss. 626.916 and 626.918, F.S.; requiring certain statements rather than affidavits; amending s. 626.924, F.S.; revising certain notice of disclaimer provisions; amending ss. 626.931, 626.932, 626.936, 626.938, F.S.; specifying the format and content of certain reports; providing for interest on delinquent taxes; amending s. 626.9361, F.S.; providing for an administrative fine for failing to file a quarterly report; providing for deposit of such fines; amending s. 626.939, F.S.; requiring production of certain records under certain circumstances; amending s. 626.9521, F.S.; providing for fines for unfair trade practices; amending s. 626.9541, F.S.; defining unfair trade practices; including impaired insurers in provisions relating to unfair trade practices; including certain exercise of the power of attorney and sliding as unfair competition or deceptive acts; amending s. 627.4085, F.S.; requiring certain information on applications for insurance; creating s. 626.7491, F.S.; creating the Business Transacted with Producer Controlled Property or Casualty Insurer Act; providing definitions; providing applicability; providing minimum standards; providing for required contract provisions; providing for audit committees; providing for reporting requirements; providing penalties; providing disclosure requirements; creating s. 626.7492, F.S.; creating the Reinsurance Intermediary Act; providing definitions; providing for licensure; specifying certain contract provisions for reinsurance brokers; requiring certain recordkeeping; providing duties of insurers using reinsurance intermediary brokers; specifying certain contract provisions for reinsurance intermediary managers; prohibiting certain activities of reinsurance intermediary managers; providing duties of certain reinsurers; providing for examination of reinsurance intermediaries by the Department of Insurance; providing penalties; amending s. 626.171, F.S.; providing for application to reinsurance intermediaries; amending s. 626.521, F.S.; providing for character reports for reinsurance intermediaries; amending s. 624.501, F.S.; providing license and appointment fees for reinsurance intermediaries; providing an effective date.

By the Committee on Agriculture and Senator Dantzler—

CS for SB 2026—A bill to be entitled An act relating to citrus canker; amending s. 581.192, F.S.; revising language with respect to the excise tax on citrus nursery stock; revising provisions with respect to disposition of such excise taxes; providing for future repeal; amending s. 581.193, F.S.; conforming language; providing for future repeal; amending s. 601.282, F.S.; decreasing the excise tax on citrus fruit; deleting provisions relating to the administration, collection, and enforcement of the excise tax; providing for future repeal; amending s. 602.025, F.S.; revising legislative intent; providing a notification procedure; providing an appropriation; providing for the disposition of unappropriated funds in the Florida Citrus Canker Trust Fund; providing for refund of moneys expended for unauthorized purposes; providing for the disposition of excess taxes; providing for the disposition of excess federal funds; providing for the transfer of certain funds; providing an exception to the reversion of certain appropriations; providing for payment of certain citrus canker programs; providing an effective date.

By the Committee on Professional Regulation and Senator Malchon—

CS for SB 2038—A bill to be entitled An act relating to notaries public; amending s. 117.05, F.S.; allowing a notary public to rely on any reasonable form of identification to show satisfactory evidence of a person's identity; amending s. 117.107, F.S.; requiring a notary public to use the name by which he is commissioned in performing notarial acts; prohibiting a notary public from taking an acknowledgment or administering an oath to a person he actually knows has been adjudicated mentally incapacitated; providing an effective date.

By the Committee on Commerce—

CS for SB 2094—A bill to be entitled An act relating to cellular radio telecommunications; providing for a study of the cellular radio telecommunications services industry; providing for a written report to the Legislature; prescribing guidelines for the study; providing for court-ordered attendance of witnesses and production of evidence; providing for contempt for failure to comply with court's order to appear or provide evidence; providing an effective date.

By the Committee on Commerce and Senators Thurman and Langley—

CS for SB's 2112 and 2240—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.071, F.S.; providing a procedure for the determination of the rate base where one utility is acquired by another; providing a definition; providing for the prospective application of the act; amending s. 367.171, F.S.; directing certain utilities to provide annual reports under certain circumstances; providing an effective date.

By the Committee on Professional Regulation and Senators Forman and Casas—

CS for SB 2142—A bill to be entitled An act relating to deceptive and unfair trade practices; amending s. 501.205, F.S.; revising provisions with respect to rulemaking power under that act; amending s. 501.207, F.S.; increasing the time period for the institution of actions by the enforcing authority; amending s. 501.2075, F.S.; increasing civil penalties for violations of ch. 501, F.S.; amending s. 501.2101, F.S.; revising provisions with respect to moneys received in certain proceedings; providing an effective date.

By the Committee on Commerce and Senator Dudley—

CS for SB 2334—A bill to be entitled An act relating to condominiums; amending s. 718.103, F.S.; revising definitions for purposes of ch. 718, F.S.; amending s. 718.111, F.S.; revising provisions with respect to the corporate entity of a condominium association; deleting certain exclusions provided under policies for condominium property insurance; revising requirements for maintaining official records of the condominium association; providing for privileged records and information; revising requirements for furnishing financial reports; providing for confidentiality; revising certain requirements for maintaining association funds; amending s. 718.112, F.S.; providing for nominations to the board of administration of an association; revising procedures for meetings and elections; revising provisions with respect to fidelity bonds of the association; amending s. 718.113, F.S.; providing requirements for approving alterations or additions to association property; amending s. 718.115, F.S.; providing that certain unpaid shares of common expenses or assessments are collectible from all unit owners; amending s. 718.116, F.S.; providing a mortgagee limited liability for unpaid assessments accruing prior to foreclosure sale; amending s. 718.1255, F.S.; providing for an award of costs in arbitration proceedings; providing for attorney's fees and costs in proceedings to enforce an arbitration award; amending s. 718.301, F.S.; prescribing procedures for the election of a member of the board of an association when unit owners other than the developer are entitled to elect such a member; conditioning developer turnover upon an audit if audits have been performed each year since incorporation; amending s. 718.3026, F.S.; providing certain exemptions from competitive bid requirements; amending s. 718.303, F.S.; providing for a hearing before a committee of unit owners; amending s. 718.501, F.S.; revising provisions with respect to the powers and duties of the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation; deleting provisions relating to random investigations by the division; providing for a mediation program; providing for procedures to handle complaints to the division; amending s. 718.5019, F.S.; prescribing criteria for making appointments to the Advisory Council on Condominiums; amending s. 718.503, F.S.; revising disclosure requirements for non-developers prior to the sale of a condominium unit; providing a limitation on plans to be approved; amending s. 718.504, F.S.; providing a limitation on plans to be approved; repealing ss. 718.5015, 718.5016, 718.5017, 718.5018, F.S., relating to the Office of the Condominium Ombudsman; providing an effective date.

By the Committee on Commerce and Senators Jenne, Burt, Diaz-Balart and Dudley—

CS for SB 2390—A bill to be entitled An act relating to group health insurance; creating s. 627.6699, F.S.; creating the "Employee Health Care Access Act"; providing purpose and intent; providing definitions; providing for application; providing for availability of coverage; providing procedures for electing to become a risk-assuming carrier; providing for a standard health benefit plan and a basic health benefit plan to be offered to all small employers; restricting the use of exclusions for preexisting conditions; establishing a health reinsurance program for small employers; providing for assessment of small employer carriers under the program; providing standards for marketing health care plans; providing for applicability of other state laws; authorizing the Department of Insurance

to adopt rules for implementing and administering the act; requiring small employers to file with the department certain premium information relating to a certain time period; providing severability; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILL 1992 REGULAR SESSION

Honorable Gwen Margolis
President, Florida Senate

February 19, 1992

Dear Madam President:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8 of the Constitution of the State of Florida, I do hereby withhold my approval of Senate Bill 2410, enacted by the 24th Regular Session of the Florida Legislature since the Constitution of 1968, during the Regular Session of 1992, and entitled:

"An act relating to implementing the February 1992 Supplemental Appropriations Act for fiscal year 1991-1992; providing legislative intent; eliminating funding for Medicaid coverage for pregnant women and children under age 1 with incomes above 150 percent up to and including 185 percent of the most current federal poverty level; eliminating funding for increases in obstetrical fees for Medicaid providers and requiring the Department of Health and Rehabilitative Services to reimburse such providers for obstetrical services based on rates in effect on a specified date; authorizing the Department of Health and Rehabilitative Services to transfer funds from selected trust funds to other funds for which current-year deficits are projected, and providing criteria therefor; transferring the Florida Addictions Treatment Center property to the South Florida Community College; providing for the Florida Parole Commission to institute a furlough program for its personnel; requiring the Department of Administration to determine if an excess cash balance exists in the State Employees' Life Insurance Trust Fund and to use any such excess to offset the fiscal year 1991-1992 State Employees' Health Insurance Trust Fund deficit; providing for reversion of unexpended general revenue funds of the Florida Education Finance Program to the General Revenue Fund; providing for certain transfers from the Conservation and Recreation Lands Trust Fund and the Water Management Lands Trust Fund to the General Revenue Fund; authorizing the Division of Bond Finance to refinance bonds issued for certain fixed capital outlay projects; providing severability; providing an effective and an expiration date."

I have reviewed Senate Bill 2410 and must report that it has several significant defects.

This legislation reduces funding for the Healthy Start Program which provides the sort of preventive investment that I recently advocated in my State-of-the-State address. Sections 2 and 3 of this legislation appropriate reductions to the Healthy Start Program. I have vetoed these same reductions for the Healthy Start Program contained in Senate Bill 2408. The weight of my veto in Senate Bill 2408 would be nullified, however, by the appropriation actions made in Sections 2 and 3 of this bill. Having vetoed the relevant portions of Senate Bill 2408, this bill attempts to reinstate these same reductions as specific appropriations. The specific appropriations contained within Senate Bill 2408 do not have associated qualifications or restrictions to which the appropriations relate. Section 2 and 3 of this legislation make an appropriation with associated qualifications and restrictions.

I must object, therefore, to the specific appropriations of Senate Bill 2410 and their associated qualifications, pursuant to Article III, Section 8 of the Florida Constitution and in accordance with section 216.011(1)(c), Florida Statutes.

In light of these objections, I hereby veto Senate Bill 2410.

With kind regards, I am

Sincerely,
Lawton Chiles
Governor

The bill, together with the Governor's objections thereto, was referred to the Committee on Rules and Calendar.

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 as amended HB 2327 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Appropriations and Representative Saunders—

HB 2327—A bill to be entitled An act relating to implementing the February 1992 Supplemental Appropriations Act for fiscal year 1991-1992; providing legislative intent; authorizing the Department of Health and Rehabilitative Services to transfer funds from selected trust funds to other funds for which current-year deficits are projected, and providing criteria therefor; authorizing the Governor to transfer up to a specified amount from the excess cash balance in the Public Medical Assistance Trust Fund to the Working Capital Fund for the remainder of fiscal year 1991-1992 and providing for repayment thereof under certain circumstances; transferring the Florida Addictions Treatment Center property to the South Florida Community College; providing for the Florida Parole Commission to institute a furlough program for its personnel; requiring the Department of Administration to determine if an excess cash balance exists in the State Employees' Life Insurance Trust Fund and to use any such excess to offset the fiscal year 1991-1992 State Employees' Health Insurance Trust Fund deficit; providing for reversion of unexpended general revenue funds of the Florida Education Finance Program to the General Revenue Fund; providing for certain transfers from the Conservation and Recreation Lands Trust Fund and the Water Management Lands Trust Fund to the General Revenue Fund; authorizing the Division of Bond Finance to refinance bonds issued for certain fixed capital outlay projects; authorizing the Department of General Services to bond the renovation of the Larson Building under certain circumstances; providing severability; providing an effective and an expiration date.

(Passed on the Special Order Calendar this day.)

RETURNING MESSAGES ON HOUSE BILLS

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to CS for HB 2101 and requests that a conference committee be appointed.

The Speaker has appointed the following Representatives to the conference committee: Representatives Saunders (Chair), Ritchie (Vice Chair and At Large); HRS: Gordon (Chair), Hafner, Sanderson, Alternates-Graber, Gutman; Criminal Justice: Clark (Chair), Ireland, Liberti, Alternate-Valdes; Transportation/Economic Development: Silver (Chair), Albright, Stone, Alternate-Rojas; General Government: Mitchell (Chair), Holzendorf, Morse, Alternate-Hawkins; Education: Long (Chair), Arnold, Garcia, Alternates-Flagg, King

John B. Phelps, Clerk

CS for HB 2101—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.

On motion by Senator Gardner, the Senate refused to recede from **Senate Amendment 1 (with Title Amendment)** to CS for HB 2101 and acceded to the request that a conference committee be appointed. 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 refused to concur in Senate Amendment 1 to CS for HB 2103 and requests that a conference committee be appointed.

The Speaker has appointed the following Representatives to the conference committee: Representatives Saunders (Chair), Ritchie (Vice Chair and At Large); HRS: Gordon (Chair), Hafner, Sanderson, Alter-

nates-Graber, Gutman; Criminal Justice: Clark (Chair), Ireland, Liberti, Alternate-Valdes; Transportation/Economic Development: Silver (Chair), Albright, Stone, Alternate-Rojas; General Government: Mitchell (Chair), Holzendorf, Morse, Alternate-Hawkins; Education: Long (Chair), Arnold, Garcia, Alternates-Flagg, King

John B. Phelps, Clerk

CS for HB 2103—A bill to be entitled An act relating to implementing the fiscal year 1992-1993 General Appropriations Act; providing legislative intent; providing that the Emergency Medical Services Trust Fund may be used to fund Medicaid reimbursement for patient transportation; eliminating funding for Medicaid coverage for pregnant women and children under age 1 with incomes above 150 percent up to and including 185 percent of the most current federal poverty level; eliminating funding for increases in obstetrical fees for Medicaid providers and requiring the Department of Health and Rehabilitative Services to reimburse such providers for obstetrical services based on the rates in effect on a specified date; abolishing the Statewide Health Council and local health councils and providing for the deposit of fees assessed; authorizing the Department of Highway Safety and Motor Vehicles to expend certain funds for operations; continuing for fiscal year 1992-1993 the authority of the Department of Revenue and a division of the Department of Labor and Employment Security to act outside the normal personnel and budget requirements of the Florida Statutes, as granted pursuant to s. 14(1), (2), and (3), ch. 91-157, Laws of Florida; granting the same authority to the Department of State, the Department of Insurance, the Department of Commerce, and the whole of the Department of Labor and Employment Security; requiring the Department of Transportation to prepare a tentative work program for 1992-1997 that implements the Intermodal Surface Transportation and Efficiency Act; providing requirements thereof and responsibilities of the Department of Transportation, the Department of Community Affairs, and the Florida Transportation Commission with respect thereto; extending the authority of the Department of State to transfer funds from the Corporations Trust Fund to the Division of Licensing Trust Fund and providing for uses of such funds; 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 the implementation of ch. 90-49, Laws of Florida, relating to laboratory schools; providing that specified appropriations relating to the Florida International University Library Addition and Joint Center for Conflict Resolution, certain Capital Improvement Fee projects, the University of Central Florida Solar Energy Center, and the University of Florida Library Center East Renovation/Restoration project will not revert until a specified date; transferring all funds from the University of West Florida's Student Activity Lodge Design project and certain funds from the university's Outdoor Recreation Facility Expansion and Other Campus Enhancement Structures project to the university's Commons Building Renovation and Expansion project; providing that specified appropriations relating to the Florida Community College at Jacksonville Building E - Kent, Performing Arts - South, Child Care Facility - Kent, Energy Conservation - Collegewide, and asbestos abatement projects, the Gulf Coast Community College Site Acquisition project, the Hillsborough Community College Land Acquisition/Brandon Campus project, and Lake-Sumter Community College Land Acquisitions projects will not revert until a specified date; eliminating a salary raise for Legislators; prohibiting adjustment to the allocation of funds for any university for the 1991-1992 and 1992-1993 fiscal years; providing for calculation of the statewide adjusted aggregate required local effort for all school districts from ad valorem taxes, under authority of the Commissioner of Education; providing for adjustment of the required local effort millage rate of certain districts; prescribing limitations on the filling of vacant positions within executive branch agencies and the judicial branch; requiring reports with respect to filling vacant positions; continuing the Resolution Trust Corporation Advisory Commission established pursuant to s. 72, ch. 91-157, Laws of Florida; requiring the Department of Administration to conduct a study on withdrawal of certain dependent and independent public hospitals from the Florida Retirement System; providing severability; providing effective dates, including a retroactive effective date, and an expiration date.

On motion by Senator Gardner, the Senate refused to recede from **Senate Amendment 1 (with Title Amendment) to CS for HB**

2103 and acceded to the request that a conference committee be appointed. The action of the Senate was certified to the House.

CONFEREES ON HOUSE BILLS 2101 and 2103 APPOINTED

The President had previously appointed Senate conferees as follows: Senator Gardner, Chairman; Subcommittee A: Senators Kirkpatrick, Scott, Thomas and alternates Beard and Girardeau; Subcommittee B: Senators Meek, Johnson and Thurman and alternates, Grizzle and Walker; Subcommittee C: Senators Davis, Myers, Weinstock and alternates Bankhead and Gordon; and Subcommittee D: Senators Childers, Dudley, Yancey and alternates Walker and Plummer.

RETURNING MESSAGES—FINAL ACTION

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed SB 890, SB 1182, SB 1212, SB 1220, SB 1264, SB 1320, SB 1654, SB 2420 and SB 2432.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

ROLL CALLS ON SENATE BILLS

SB 116

Yeas—37

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

Nays—None

SB 178

Yeas—35

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

Nays—2

Davis Weinstock

Vote after roll call:

Nay—Gordon

ROLL CALL ON HOUSE BILL

HB 2327

Yeas—33

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

Nays—6

Bankhead	Grizzle	McKay
Bruner	Langley	Myers

ENROLLING REPORTS

SB 252 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on February 19, 1992.

CS for SB 60 and SB 798 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on February 20, 1992.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of February 18 was corrected and approved.

CO-SPONSORS

Senator Kurth—CS for CS for SB 12, SB 508 and SB 1310; Senator Gardner—SB 1324; Senator Burt—SB 2264

RECESS

On motion by Senator Thomas, the Senate recessed at 1:59 p.m. for the purpose of holding committee meetings and conducting other Senate business until 2:00 p.m., Tuesday, February 25 or upon call of the President.