



Journal of the Senate

Number 7

Tuesday, February 23, 1993

CALL TO ORDER

The Senate was called to order by the President at 9:00 a.m. A quorum present—39:

Mr. President	Diaz-Balart	Jenne	Scott
Bankhead	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Grogan	Kurth	Weinstein
Childers	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Holzendorf	Myers	

PRAYER

The following prayer was offered by the Rev. Eddie Blalock, Pastor, First Baptist Church, Branford:

Our gracious Heavenly Father, we thank you for this day that you have given us. We thank you for another day of life to enjoy. We thank you, Father, for your love for us and your watchcare and your guidance over us.

Lord, we come to you today because we understand our need for you. We understand your majesty and your sovereignty and, Lord, because we love you. Father, today you have told us to pray for those who are in places of leadership, places of authority, and so we come today to pray for these our leaders. We pray for each Senator today, Father, and we pray that you would give each one clear thinking and, Father, that you would guide them, give them wisdom and discretion. Help them think clearly and justly and rightly and, Father, we'll give you the praise.

We thank you for our country and we thank you for the democratic freedom that we enjoy and most of all, we thank you for our Lord Jesus Christ. We thank you that through Him we have eternal life and we have wisdom and knowledge. We look to you at the beginning of this day and we ask your blessings upon all the proceedings, and that all would be done to remind us that it is indeed in God whom we must trust. All of this we ask in Jesus' name. Amen.

PLEDGE

Senator Brown-Waite led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTIONS

On motion by Senator McKay, by two-thirds vote **SR 378** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

SR 378—A resolution recognizing the month of May as "Awareness for Chronically Ill Children Month."

WHEREAS, there are many children in this state who are chronically ill, and

WHEREAS, chronic medical conditions often require lengthy treatments that interrupt normal lifestyles over a period of years, and

WHEREAS, both the child and his family are affected by the problems accompanying chronic illness, and

WHEREAS, the health-care system alone cannot bear the full burden of helping such children and families cope, and

WHEREAS, Project Rainbow S/M of Manatee County and Sarasota County, is the only community-based group that serves children and young adults who are afflicted with such long-term disorders, and

WHEREAS, children with cancer, sickle-cell anemia, heart and lung disorders, diabetes, asthma, and allergies, and those in need of organ transplants, are among the children served by this agency, and

WHEREAS, Project Rainbow S/M provides such services to chronically ill children and their families as free psychological counseling, daily emotional support, a food pantry, medical-material needs, and even funerals, and

WHEREAS, there is a need throughout the state for privately funded organizations to supplement the assistance that the health-care system provides, NOW, THEREFORE,

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

That this legislative body commends Project Rainbow S/M for its efforts in helping chronically ill children and their families and encourages other organizations to provide similar assistance, and that, as a token of its sentiments, the Florida Senate recognizes the month of May as "Awareness for Chronically Ill Children Month."

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

On motion by Senator Williams, by two-thirds vote **SM 1664** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Williams—

SM 1664—A memorial to the Congress of the United States, urging Congress to propose the issuance by the federal postal service of a stamp honoring the four freedoms.

WHEREAS, Madison, Florida, was the home of Colin P. Kelly, Jr., the first national hero of World War II, and

WHEREAS, President Franklin Delano Roosevelt, in a speech before Congress on the Lend Lease Act, outlined four essential freedoms of mankind, and

WHEREAS, a beautiful monument depicting these four freedoms was dedicated to Captain Kelly, and

WHEREAS, today, more than ever, these freedoms need to be reaffirmed and are the responsibility of this free nation, NOW, THEREFORE,

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

That the Congress of the United States is requested to propose the issuance by the United States Postal Service of a stamp honoring the four freedoms.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Florida delegation to the United States Congress, and to the United States Postal Service.

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

On motion by Senator Jennings, by two-thirds vote **SR 1938** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Jennings—

SR 1938—A resolution encouraging the location of the United States Volleyball Association National Training Center in Central Florida.

WHEREAS, the location of the United States Volleyball Association National Training Center in Central Florida will bring economic growth, media exposure, and community pride and involvement to this state, and

WHEREAS, this state offers many amenities to attract the training center, including quality education, cultural and medical programs, an affordable cost-of-living, access to national and international air transportation, and supportive communities, and

WHEREAS, Central Florida will provide an excellent location for the staff and players at the training center, NOW, THEREFORE,

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

That the Florida Senate strongly supports the location of the United States Volleyball Association National Training Center in Central Florida and urges the association to relocate to this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the United States Volleyball Association as a tangible token of the sentiments of the Florida Senate.

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

On motion by Senator Foley, by unanimous consent—

By Senators Foley, McKay, Sullivan, Boczar, Williams and Casas—

SR 2036—A resolution to exclude certain Florida agricultural products from the proposed North American Free Trade Agreement.

WHEREAS, the health of our nation's people depends upon the availability of a safe and economical food supply as recognized in the 1990 Farm Bill, and

WHEREAS, Florida, because of its geographical location and climate, produces more than 50 percent of our nation's supply of winter fruits and vegetables, and

WHEREAS, over 500,000 acres of winter fruits and vegetables, 700,000 acres of citrus, 400,000 acres of sugar cane, and 35,000 acres of ornamental horticultural plants are grown in Florida, and

WHEREAS, Florida is the sole domestic producer of many fruits and vegetables in the nation's marketplace during the winter months, and

WHEREAS, it is essential to our nation's security that we not become dependent on a foreign supply of essential foods in the American diet, and

WHEREAS, Florida's public policy with respect to agricultural production, as found in section 604.001, Florida Statutes, states "It is important to the health and welfare of the people of this state and to the economy of the state that additional problems are not created for growers and ranchers engaged in the Florida agricultural industry by laws and regulations that cause, or tend to cause, agricultural production to become inefficient or unprofitable," and

WHEREAS, this state recognizes the increasing importance of fostering international trade as a means for economic development and maintaining global competitiveness, and the significant role that agricultural trade plays, and

WHEREAS, proposed expansion of free trade agreements to include other southern hemispheric countries including Chile, Venezuela, Brazil, Colombia, and Argentina necessitates appropriate trade agreement formulation as a standard for these future negotiations as well as for current negotiations with Mexico and Canada, and

WHEREAS, many foreign countries do not have regulatory or enforcement capabilities to ensure food safety and compliance with phytosanitary and environmental regulations, and

WHEREAS, differences in wage requirements, farm worker safety, environmental regulation, workers' compensation, and governmental land subsidies give foreign growers an advantage over Florida growers, NOW, THEREFORE,

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

That the Florida Senate urges the President of the United States and Congress to ensure an equitable Free Trade Agreement in which the Government of Mexico agrees to enact laws and regulations and to enforce these regulatory requirements so that the public health and safety of U.S. citizens who consume the agricultural products of Mexico are assured, and so that a healthy, competitive domestic regional and world market for each nation's agricultural products is guaranteed. In the absence of such treaty provisions, U.S. negotiators should be directed to take steps to assure the physical safety of its citizens and the financial safety of U.S. agriculture.

BE IT FURTHER RESOLVED that the Florida Senate urges the President of the United States and Congress to exclude Florida's winter fruits and vegetables, citrus and citrus juice products, tropical crops, and ornamental horticultural products from the North American Free Trade Agreement until Mexico complies with labor, environmental, pesticide, phytosanitary, and sanitary requirements.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be dispatched to the President of the United States, to the Office of the United States Trade Representative, and to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida Delegation to the United States Congress.

—was introduced out of order and read by title. On motion by Senator Foley, **SR 2036** was read the second time in full and adopted.

On motion by Senator Hargrett, by unanimous consent—

By Senator Hargrett—

SR 2026—A resolution celebrating February 24, 1993, as Tampa Bay Day.

WHEREAS, the Tampa Bay Estuary is the largest open water estuary in the state, and

WHEREAS, the Tampa Bay Estuary contains a variety of mangrove, salt-marsh, tidal-flat, and seagrass-bed ecosystems, and

WHEREAS, important economic resources such as recreational and commercial fishing, marine industries, shipping, and tourism are dependent on the quality of the Tampa Bay Estuary, and

WHEREAS, the Tampa Bay Regional Planning Council and its Agency on Bay Management have been instrumental in initiating the Surface Water Improvement and Management (SWIM) program, seagrass-research funding, the Grizzle-Figg Bill requiring advanced wastewater treatment, and the designation of Tampa Bay for the National Estuary Program, and

WHEREAS, the Tampa Bay Estuary is of national significance due to its size, ecological diversity, and economic value, and

WHEREAS, it is appropriate that this body recognize the significance of an important natural resource of the state, NOW, THEREFORE,

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

That the Senate recognizes the importance of the Tampa Bay Estuary and celebrates February 24, 1993, Tampa Bay Day.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Tampa Bay Regional Planning Council and the Agency on Bay Management as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Hargrett, **SR 2026** was read the second time in full and adopted.

On motion by Senator Burt, the following remarks were printed in the Journal:

POINT OF PERSONAL PRIVILEGE

Senator McKay: Senator Crenshaw, if I could ask the Senate's indulgence on a point of personal privilege, I would appreciate it.

Senators, when I was first sworn into this body in November 1990, my father was too ill to make the trip here which was something he really wanted to do because his uncle had served in the Florida Senate in the early 1890's. However, last November he was able to join me and it was truly an enjoyable day for him and he appreciated the privilege of meeting most of you on that day.

He died last Tuesday, as you all know, and while intellectually, his family knew that it was the right time to go, emotionally it was very, very hard on all of us and it will continue to be hard because my father was a man of great honor and integrity. One, I think, that we could all strive to emulate and make this a better place. Senator Dantzler's father knew him very well because I grew up in Winter Haven and Senator Dantzler's father made some very kind comments in the paper and I'm certainly appreciative of that. He was of the embodiment of the phrase "that it's amazing how much you can accomplish when you don't care who gets the credit." Because of that, the United Way was started in Winter Haven, the Girl Scouts and the Boy Scouts are better off, the Industrial Park was started by him on a voluntary basis and his list of accomplishments go on and on.

He was very active in his church. The service last Friday, and I know many of you were there in spirit, was a beautiful one that he would have been proud of. He will be terribly missed by his friends, his family and his community and I would like to take this opportunity on behalf of my family to thank you for your many kind words and cards and flowers. Thank you. They will always be remembered and appreciated by my family. Thank you very much.

Senator Dantzler: Thank you, Mr. President. You know Senators, one of the great privileges that all of us have is to represent a lot of fine people. Senator McKay's father was one of my constituents and we're going to miss him very much. The McKay family has been very good to the people of our area. They have been good for our part of the state, and Senator McKay, our thoughts and concerns are with you and the other members of your family.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Jennings, by two-thirds vote **SB 1276** was withdrawn from the Committees on Natural Resources and Conservation; and Governmental Operations and referred to the Committees on Commerce and Governmental Operations; **SB 1312** was withdrawn from the Committees on Health and Rehabilitative Services; Judiciary; Finance, Taxation and Claims; and Appropriations and referred to the Committees on Judiciary; Health and Rehabilitative Services; Finance, Taxation and Claims; and Appropriations; **SB 1188** was also referred to the Committee on Rules and Calendar; **SB 794** was withdrawn from the Committee on Finance, Taxation and Claims and referred to the Committees on Transportation; and Finance, Taxation and Claims; **SB 558** was withdrawn from the Committees on Finance, Taxation and Claims; and Appropriations; and referred to the Committees on Transportation; Finance, Taxation and Claims; and Appropriations; **SB 628** was withdrawn from the Committees on Governmental Operations, Judiciary and Appropriations and referred to the Committees on Transportation, Governmental Operations and Appropriations; **SB 786** was withdrawn from the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations and referred to the Committees on Natural Resources and Conservation; Transportation; Finance, Taxation and Claims; and Appropriations.

On motions by Senator Kiser, by two-thirds vote **SB 250**, **CS for SB 298** and **SB 304** were withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Scott, by two-thirds vote **Senate Bills 58** and **76** were withdrawn from the Committee on Appropriations; **CS for SB 282** was removed from the calendar and referred to the Committee on Appropriations; **CS for SB 288**, **SJR 486**, **Senate Bills 290**, **1188** and **1904** were also referred to the Committee on Appropriations.

On motions by Senator Holzendorf, by two-thirds vote **Senate Bills 928** and **1940** were withdrawn from the committees of reference and further consideration.

SPECIAL ORDER

On motion by Senator Childers, by unanimous consent—

CS for SB 512—A bill to be entitled An act relating to designations; naming a bridge connecting Innerarity Point and Perdido Key in Escambia County the "Theo Baars Bridge"; providing for markers; designating a portion of S.W. 62nd Avenue in West Miami an historic highway; limiting authority to widen this road; providing for markers; providing an effective date.

WHEREAS, in the 1920's, there were no paved roads in Escambia County outside the City of Pensacola, and

WHEREAS, Theo Baars agreed with the Escambia County Commission and Chamber of Commerce that he would build a hotel and donate certain lands to the chamber and the county if the county would pave a road to the Gulf of Mexico, and

WHEREAS, as a result of the paving of the road and the gift of land, Theo Baars is responsible for opening up access to the Gulf of Mexico for the people of Pensacola, NOW, THEREFORE,

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

Section 1. The bridge across the Intracoastal Waterway connecting Innerarity Point and Perdido Key in Escambia County is designated the "Theo Baars Bridge." The Department of Transportation shall erect suitable markers designating "Theo Baars Bridge."

Section 2. The portion of S.W. 62nd Avenue between S.W. 8th Street and Coral Way (S.W. 24th Street) is designated an historic highway. This portion of road may not be widened without the approval of the City Commission of the City of West Miami. The Department of State is directed to erect suitable markers designating this portion of road an historic highway.

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

—was taken up out of order and read the second time by title. On motion by Senator Childers, by two-thirds vote **CS for SB 512** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

Motion

On motion by Senator Childers, the rules were waived and **CS for SB 512** was ordered immediately certified to the House.

Special Guests

Senator Childers introduced the following guests who were seated in the chamber: Theo D. Baars, Jr., and his wife, Marge M. Baars.

Senator Childers also introduced the following family members who were seated in the gallery: Frauna M. Baars, granddaughter; Bryan T. Baars, grandson; Spencer Swanson, grandson-in-law; Kristen B. Swanson and Mary Ellison Baars, great granddaughters; and Spencer Swanson, Jr., Stephen K. Swanson and Theo D. Baars IV, great grandsons.

Upon request of the President, Senator Harden escorted the guests to the rostrum where they were presented a copy of the bill.

SENATOR THOMAS PRESIDING

CS for SJR's 328, 530, 844 and 1398—A joint resolution proposing the repeal of section 16, Article III of the State Constitution, relating to legislative apportionment, and the addition of section 10, Article II of the State Constitution, relating to the establishment of a commission to reapportion the state legislative districts and redistrict congressional districts; prescribing guidelines for such reapportionment and redistricting; and providing for judicial review thereof.

—was read the second time by title.

Senator Jennings moved the following amendments which were adopted:

Amendment 1—On page 2, line 19, after the period (.) insert: Of the three recommendations made by each chief judge, the chief justice shall appoint one member.

Amendment 2—On page 3, line 20, after “justice” insert: based on the same criteria as the original appointment including domicile within a district of an appellate court within the state

Senators Jennings and Jones offered the following amendment which was moved by Senator Jennings and adopted:

Amendment 3—On page 3, between lines 14 and 15, insert:

(3) Should the number of appellate court districts in this state be increased or decreased by the legislature, the number of members on the commission shall increase or decrease accordingly, with the method of appointment remaining unchanged except as herein modified. The chairperson of the commission shall be selected by a two-thirds vote of the commissioners. The chief justice shall appoint an additional member to serve on the commission if the number of commissioners prior to the selection of the chairperson is an odd number.

(Renumber subsequent paragraphs.)

Senator Jennings moved the following amendment which was adopted:

Amendment 4—On page 4, lines 6 and 7, strike “The provisions of section 286.011, Florida Statutes, shall apply to the commission.” and insert: The provisions of section 24 of Article I of this constitution regarding access to public records and meetings shall apply to the commission.

Senator Silver moved the following amendment which was adopted:

Amendment 5—On page 4, lines 5 and 6, strike “The prohibition against ex parte communications shall not apply to commission staff.” and insert: The ex parte prohibition shall not apply to commission staff except that such ex parte communications between commission staff and the following shall be prohibited: any interested party to any proposed plan; any lobbyist as defined in section 112.3148(2)(b), Florida Statutes, or section 112.3215(1)(a), Florida Statutes; and any officer or employee of a political party or its agent or designee.

Senators Weinstein, Turner, Siegel and Holzendorf offered the following amendment which was moved by Senator Weinstein and failed:

Amendment 6—On page 2, between lines 3 and 4, insert new subsection (b):

(b) Reapportionment Special Session. The legislature at a special session of no longer than sixty days, during which no other business may be transacted, shall apportion the state in accordance with this mandate. The date of such special session shall be set by general law, provided that such special session shall complete its work and adjourn no later than June 1. In the event the legislature fails to adopt congressional and legislative apportionment plans as required by this subsection, the attorney general shall, within 5 days, petition the reapportionment commission created herein to adopt an apportionment plan.

On motion by Senator Crenshaw, by two-thirds vote **CS for SJR's 328, 530, 844 and 1398** as amended was read the third time in full as follows:

CS for SJR's 328, 530, 844 and 1398—A joint resolution proposing the repeal of section 16, Article III of the State Constitution, relating to legislative apportionment, and the addition of section 10, Article II of the State Constitution, relating to the establishment of a commission to reapportion the state legislative districts and redistrict congressional districts; prescribing guidelines for such reapportionment and redistricting; and providing for judicial review thereof.

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

That the repeal of section 16 of Article III of the State Constitution and the addition of the following section 10 of Article II of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE II GENERAL PROVISIONS

SECTION 10. Legislative apportionment and congressional redistricting.—

(a) **REAPPORTIONMENT MANDATE.**—By the end of each year that ends in one, the state shall be divided by the commission herein created into: as many congressional districts as there are United States Representatives apportioned to the state; forty consecutively numbered senate districts; and one-hundred-and-twenty consecutively numbered representative districts. All legislative districts shall be single-member districts.

(b) **REAPPORTIONMENT COMMISSION.**—

(1) In each year that ends in zero and at any other time of court-ordered reapportionment, a commission shall be established to prepare a redistricting plan for congressional districts and a reapportionment plan for legislative districts. The commission shall consist of seven electors, none of whom may be an elected public official, party officer, registered lobbyist, or legislative employee, as such terms are defined by law. Any other person may serve on the commission. By March 1 of the same year, the chief justice of the supreme court shall appoint six members to serve on the commission. Five members shall be selected from recommendations made by the chief judge of each district court of appeal in this state. Each chief judge shall recommend 3 individuals who otherwise meet the qualifications of this section and are domiciled in that district. Of the three recommendations made by each chief judge, the chief justice shall appoint one member. In making such appointments, the chief justice shall appoint at least one member of each racial or language minority group that comprises at least 10 percent of the population of this state as shown by the most recent federal decennial census. If the recommendations from the chief judges do not permit such appointments, the chief justice may disregard the recommendations to the extent necessary to make these required appointments. In making the remaining appointments, the chief justice shall endeavor to establish the membership of the commission to reflect the gender diversity of the state and to be geographically representative of the state.

(2) Within thirty days after the appointments have been made, the six commissioners shall select, by a vote of at least four commissioners, a seventh commissioner, who shall serve as chairperson. The chairperson will be responsible for the administrative duties of the commission, including supervision of commission staff. Staffing of the commission shall be as provided by law. Failure to select the seventh commissioner within the time prescribed shall constitute an impasse that shall automatically discharge the commission. A new commission shall then be appointed in the same manner as the original commission. Within twenty days after the new appointments have been made, the six commissioners shall select, by a vote of at least four commissioners, a seventh commissioner, who shall serve as chairperson.

(3) Should the number of appellate court districts in this state be increased or decreased by the legislature, the number of members on the commission shall increase or decrease accordingly, with the method of appointment remaining unchanged except as herein modified. The chairperson of the commission shall be selected by a two-thirds vote of the commissioners. The chief justice shall appoint an additional member to serve on the commission if the number of commissioners prior to the selection of the chairperson is an odd number.

(4) As a condition of appointment, each commissioner shall take an oath that such commissioner will agree not to seek public office in any of the newly redistricted legislative or congressional districts for a period of two years after the effective date thereof.

(5) Vacancies shall be filled by the chief justice based on the same criteria as the original appointment including domicile within a district of an appellate court within the state, except that the chairperson shall be selected in the manner set forth in paragraph (2).

(6) The legislature shall, by general appropriations, provide adequate funds to enable the commission to carry out its duties.

(7) The commission shall hold public hearings as it deems necessary to carry out its responsibilities under this section. The commission shall adopt its plans by majority vote. No ex parte communication relative to the merits, threat, or offer of reward shall be made to a commissioner. A commissioner who receives an ex parte communication shall place on the

record or otherwise make known the existence of, and disclose, all written communications received and all written responses to such communications, and all oral communications received and all oral responses made thereto. The ex parte prohibition shall not apply to commission staff except that such ex parte communications between commission staff and the following shall be prohibited: any interested party to any proposed plan; any lobbyist as defined in section 112.3148(2)(b), Florida Statutes, or section 112.3215(1)(a), Florida Statutes; and any officer or employee of a political party or its agent or designee. The provisions of section 24 of Article I of this constitution regarding access to public records and meetings shall apply to the commission.

(c) REAPPORTIONMENT STANDARDS.—

(1) Congressional districts and state legislative districts for each respective house shall be as nearly equal in population as is practicable, based on the population reported in the federal decennial census, taken in each year ending in zero. No congressional district shall have a population that varies by more than one percent from the average population of all congressional districts in the state. No legislative district shall have a population that varies by more than ten percent from the average population of all districts of the respective house. The average of the absolute values of the population deviations of all districts of the respective house shall not vary by more than five percent from the average population of all districts. Any population variance must be justifiable as necessary for compliance with the other standards in this section.

(2) Districts should be composed of convenient contiguous territory and, consistent with paragraph (1), should be drawn to coincide with the boundaries of local political subdivisions, as such terms are defined by general law.

(3) Districts should be compact in form.

(4) No district shall be drawn for the purpose of favoring any political party, incumbent legislator, representative to Congress, or other person. In preparing a plan, the commission shall not take into account the addresses of incumbent legislators or representatives to Congress.

(5) A district shall not be drawn to dilute the voting strength of any racial or language minority group.

On applying the reapportionment standards prescribed in this subsection, the prohibition against drawing a district to dilute the voting strength of any racial or language minority groups shall be controlling over the standards prescribed in paragraphs (2) and (3).

(d) JUDICIAL REVIEW.—Within five days after completion of a plan of apportionment or redistricting, the commission shall file such plan with the secretary of state. Within fifteen days after the filing of an apportionment or redistricting plan by the commission, the attorney general shall petition the state supreme court for a declaratory judgment determining the validity of the plan, including its compliance with all criteria herein specified, applicable federal law, and the constitution of the United States. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within sixty days after the filing of the petition, shall enter its judgment. If the supreme court determines the apportionment or redistricting plan to be invalid in whole or in part, the commission shall forthwith reconvene and shall, within thirty days, adopt a revised plan that conforms to the judgment of the supreme court. The revised plan shall be subject to judicial review by the supreme court in the same manner as the original plan. Upon approval of the supreme court, a plan of apportionment or redistricting shall be filed with the secretary of state, and upon filing, shall be the official plan for the state.

(e) JUDICIAL REAPPORTIONMENT.—If the commission fails to adopt a plan or a revised plan by the end of each year that ends in one, the commission shall, within five days, notify the secretary of state in writing of its inability to adopt a plan. Within five days after the filing of such notice, the attorney general shall petition the supreme court to prepare a plan of apportionment or redistricting. The court shall, not later than sixty days after receiving the petition of the attorney general, file with the secretary of state an order making such apportionment or redistricting.

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

CONSTITUTIONAL AMENDMENTS
ARTICLE II, SECTION 10; ARTICLE III, SECTION 16

LEGISLATIVE APPORTIONMENT AND CONGRESSIONAL REDISTRICTING.—Proposing amendments to the State Constitution replacing existing provisions providing for legislative apportionment with new provisions that establish reapportionment standards and provide for the creation of a seven-member commission to prepare an apportionment plan for the state legislature and a redistricting plan for the congressional districts of the state.

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

Yeas—40 Nays—None

THE PRESIDENT PRESIDING

CS for SB's 340 and 358—A bill to be entitled An act relating to vital records; amending s. 28.222, F.S.; requiring the clerk of the circuit court to record certain death certificates; repealing s. 382.025(11), F.S., which prohibits the duplication of a certified copy of a certificate of birth, death, or fetal death; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote CS for SB's 340 and 358 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 34—A bill to be entitled An act relating to the Northwest Florida Creek Indian Council; amending s. 285.19, F.S.; renaming the council; revising the membership of the council; providing for removal of members for nonattendance; providing for election of officers; providing meeting and quorum requirements; providing an effective date.

—was read the second time by title.

Senator Childers moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 3, between lines 28 and 29, insert:

Section 2. In order to provide for the staggering of terms of the council members appointed to serve on the council, beginning July 1, 1993, eight of the members' terms shall end on January 3, 1995, and seven of the members' terms shall end on January 1, 1997. Thereafter, section 285.19(2)(b), Florida Statutes, shall apply.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 8, after the semicolon (;) insert: providing for staggering of terms;

On motion by Senator Childers, by two-thirds vote SB 34 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

SB 228—A bill to be entitled An act relating to reduction of salary or wages; amending s. 61.1301, F.S.; increasing deduction for reimbursement for administrative costs of income deduction orders; amending s. 77.0305, F.S.; increasing reimbursement for administrative costs of writs of garnishment; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote SB 228 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

CS for SB 192—A bill to be entitled An act relating to license plates; amending s. 320.06, F.S.; specifying the form of license plates issued for for-hire vehicles; specifying that unexpired license plates remain valid until their scheduled expiration date; allowing the word "Lease" on license plates to be covered; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for SB 192** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

Motion

On motion by Senator Forman, the rules were waived and **CS for SB 192** was ordered immediately certified to the House.

CS for SB 138—A bill to be entitled An act relating to law enforcement; creating s. 112.194, F.S.; authorizing the award of a Medal of Valor to law enforcement and correctional officers; providing criteria; providing an effective date.

—was read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB 138** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

Motion

On motion by Senator Diaz-Balart, the rules were waived and **CS for SB 138** was ordered immediately certified to the House.

SB 408—A bill to be entitled An act relating to water-treatment devices; amending s. 817.558, F.S.; deleting a requirement that advertisements and solicitations for water-treatment devices contain certain information with respect to operating, maintaining, and replacing the devices; clarifying provisions; providing an effective date.

—was read the second time by title.

The Committee on Professional Regulation recommended the following amendment which was moved by Senator Sullivan and adopted:

Amendment 1—On page 3, line 1, after "writing" insert: *in at least 10-point bold face type*

On motion by Senator Sullivan, by two-thirds vote **SB 408** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40 Nays—None

Motion

On motion by Senator Sullivan, the rules were waived and **SB 408** was ordered immediately certified to the House.

SB 140—A bill to be entitled An act relating to incorporation of municipalities; amending s. 165.061, F.S.; exempting certain areas proposed for incorporation from the requirement that an area be a specified distance or otherwise separated from an existing municipality; providing an effective date.

—was read the second time by title.

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

Amendment 1 (with Title Amendment)—On page 1, strike all of lines 19-26 and insert:

~~(d) It must have a minimum distance of any part of the area proposed for incorporation from the boundaries of an existing municipality within the county of at least 2 miles or have an extraordinary natural boundary which requires separate municipal government.~~

And the title is amended as follows:

In title, on page 1, strike all of lines 4 and 5 and insert: removing the requirement that an area

On motion by Senator Dudley, by two-thirds vote **SB 140** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 292—A bill to be entitled An act relating to elections; amending s. 98.051, F.S.; authorizing voter registration on Sundays at locations other than the main office of the supervisor of elections, subject to prior notice; providing an effective date.

—was read the second time by title.

The Committee on Executive Business, Ethics and Elections recommended the following amendments which were moved by Senator Jennings and adopted:

Amendment 1—On page 1, strike all of lines 22-28 and insert: ~~paragraph (a), provided notice of the days, hours, and place is published at least once, not less than 1 day prior thereto, in a newspaper of general circulation in the county in which such offices are to be located. However, if the publication deadline for such notice cannot be met, the public notice shall be posted at the courthouse and may be advertised in the news media.~~ Upon approval by the supervisor of elections, any

Amendment 2 (with Title Amendment)—On page 2, strike all of lines 12-14 and insert: other than the main office or branch locations provided proper notice of the time and place is given pursuant to paragraph (b).

And the title is amended as follows:

In title, on page 1, strike all of lines 5 and 6 and insert: of the supervisor of elections; deleting prior notice provisions; providing an effective date.

On motion by Senator Jennings, by two-thirds vote **SB 292** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40 Nays—None

CS for SB 438—A bill to be entitled An act relating to commercial motor vehicles; amending s. 316.515, F.S.; providing an exemption from length limitations for a truck or truck tractor-semitrailer combination transporting horticultural trees; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote **CS for SB 438** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

SB 448—A bill to be entitled An act relating to construction contracting; amending s. 489.103, F.S.; exempting the sale or installation of awnings from regulation under pt. I, ch. 489, F.S., relating to construction contracting; providing an effective date.

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

Yeas—39 Nays—None

CS for SB 506—A bill to be entitled An act relating to operating or moving motor vehicles upon the highways; amending s. 316.550, F.S., pertaining to special permits to operate or move vehicles not in conformity with weight limits or other requirements; authorizing the Department of Transportation or a local highway authority, with respect to highways under its jurisdiction, to issue a special permit for a vehicle transporting a sealed, containerized cargo unit to exceed certain weight limits; providing criteria for the issuance of such permit; providing for fees; clarifying existing provisions pertaining to special permits; providing an effective date.

—was read the second time by title. On motion by Senator Dantzler, by two-thirds vote **CS for SB 506** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

CS for SB 160—A bill to be entitled An act relating to multiphasic health testing centers; amending s. 483.28, F.S.; revising the short title provision; amending s. 483.282, F.S.; revising policy and purpose; amending s. 483.285, F.S.; revising applicability of multiphasic health testing center licensure requirements; providing exemptions; amending s. 483.288, F.S.; revising applicable definitions; amending s. 483.291, F.S.; providing powers and duties of the Agency for Health Care Administration; requiring the agency to adopt rules; providing an additional fee; amending s. 483.294, F.S.; requiring the Agency for Health Care Administration to conduct inspections of multiphasic health testing centers; amending s. 483.30, F.S.; providing requirements for licensing multiphasic health testing centers; prohibiting the operation of a multiphasic health testing center without a license; amending s. 483.302, F.S.; requiring applications for licensure of multiphasic health testing centers to be made to the Agency for Health Care Administration; amending s. 483.305, F.S.; revising requirements for advertisement of centers; amending s. 483.308, F.S.; revising requirements for and duties of a medical director; amending s. 483.311, F.S.; revising requirements for display of licenses; creating s. 483.312, F.S.; requiring notice of fees charged; amending s. 483.314, F.S.; requiring test results to be forwarded to the person tested within a specified time; limiting the types of specimens that can be collected by testing centers; requiring centers that offer certain types of testing to comply with specified statutes; amending s. 483.317, F.S.; revising a ground for disciplinary action to conform; amending s. 483.32, F.S.; revising provisions relating to administrative penalties; amending s. 483.322, F.S.; revising those actions that constitute violations; amending s. 483.325, F.S.; revising criminal penalties; amending s. 483.328, F.S.; revising provisions for injunctions; repealing s. 30, ch. 83-276, Laws of Florida; abrogating the repeal of part II of ch. 483, F.S., relating to multiphasic health testing centers, notwithstanding the repeal of that part scheduled under the Regulatory Sunset Act; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

Amendment 1—On page 12, line 1, after “*medical technicians*,” insert: *medical assistants*,

On motion by Senator Gutman, by two-thirds vote **CS for SB 160** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40 Nays—None

On motion by Senator Foley, by two-thirds vote **HB 267** was withdrawn from the Committee on Agriculture.

On motion by Senator Foley—

HB 267—A bill to be entitled An act relating to the sale of leaf tobacco; saving ch. 574, F.S., relating to the sale of leaf tobacco, from Sunset repeal; providing an effective date.

—a companion measure, was substituted for **SB 220** and read the second time by title. On motion by Senator Foley, by two-thirds vote **HB 267** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Foley, by two-thirds vote **HB 265** was withdrawn from the Committee on Agriculture.

On motion by Senator Foley—

HB 265—A bill to be entitled An act relating to livestock markets; saving ss. 534.47-534.53, F.S., relating to the regulation of livestock markets, from Sunset repeal; providing an effective date.

—a companion measure, was substituted for **SB 226** and read the second time by title. On motion by Senator Foley, by two-thirds vote **HB 265** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, February 23, 1993: **CS for SJR's 328, 530, 844 and 1398, CS for SB's 340 and 358, SB 34, SB 228, CS for SB 192, CS for SB 138, SB 408, CS for SB 512, SB 140, SB 292, CS for SB 438, SB 448, CS for SB 506, CS for SB 160, SB 220, SB 226**

Respectfully submitted,
Toni Jennings, Chairman

The Committee on Health Care recommends the following pass: **SB 1508** with 1 amendment

The Committee on Natural Resources and Conservation recommends the following pass: **SB 952** with 1 amendment

The Committee on Professional Regulation recommends the following pass: **SB 1412**

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

The Committee on Health Care recommends the following pass: **SB 634** with 3 amendments

The Committee on Natural Resources and Conservation recommends the following pass: **SB 978** with 2 amendments

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

The Committee on Professional Regulation recommends the following pass: **SB 1296**

The bill was placed on the calendar.

The Committee on Health Care recommends a committee substitute for the following: **SB 166**

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

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: **SB 752**

The Committee on Health Care recommends a committee substitute for the following: **SB 1244**

The Committee on Professional Regulation recommends a committee substitute for the following: **SB 1174**

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 Transportation recommends a committee substitute for the following: **SB 1110**

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

The Committee on Health Care recommends a committee substitute for the following: SB 1506

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1500

The Committee on Transportation recommends a committee substitute for the following: SB 754

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

The Committee on Health Care recommends committee substitutes for the following: SB 158, SB 164

The bills with committee substitutes attached were referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Executive Business, Ethics and Elections recommends committee substitutes for the following: SB 314, SB 1114, SB 1164

The bills with committee substitutes attached were placed on the calendar.

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Natural Resources and Conservation recommends that the Senate confirm the appointment made by the Governor of Virginia B. Wetherell, as Secretary of the Department of Environmental Regulation, to serve at the pleasure of the Governor.

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senator Forman—

SB 1906—A bill to be entitled An act relating to emergency telephone number fees; amending s. 365.171, F.S.; exempting pay telephones from "911" surcharges; providing an effective date.

—was referred to the Committees on Commerce; Community Affairs; and Finance, Taxation and Claims.

By Senator Wexler—

SB 1908—A bill to be entitled An act relating to taxation; creating ch. 204, F.S., the Florida General Business Tax Act; providing legislative intent and definitions; imposing a tax on the adjusted tax base of taxpayers conducting business activity in this state; defining "adjusted tax base" and "tax base"; providing for consolidation of tax bases by affiliated groups of corporations; providing adjustments for the tax base of a financial organization; providing exemptions; providing for apportionment of the tax base by taxpayers doing business within and without the state; providing apportionment methods for taxpayers furnishing transportation services; providing for other methods of apportionment; providing for an adjustment to the tax base following apportionment; providing for an enterprise zone jobs credit, an enterprise zone property tax credit, and a community contribution credit against the tax; providing requirements and limitations; providing penalties; providing for expiration; providing for a credit against the tax for employee health insurance, child care, job training, regulatory compliance costs, and migrant worker health care; providing for a credit against the corporate income tax and the emergency excise tax; providing a credit against the tax for taxes paid on intangible property; providing a credit against the tax for documentary

stamp taxes paid by the business entity; providing taxpayers' duties to keep records and make returns; providing penalties for incomplete returns; providing requirements relating to filing, signing, and verification of returns; providing requirements relating to furnishing of federal income tax returns and procedures upon adjustment of such returns; requiring certain taxpayers to make a declaration of estimated tax and providing requirements with respect thereto; providing requirements relating to payment of tax, tentative tax, and estimated tax; providing special rules relating to estimated tax; specifying a taxpayer's taxable year and methods of accounting; providing requirements relating to certain determinations regarding federal income tax; authorizing adjustment of certain items under certain conditions; providing for rules; providing for construction; providing for adoption of provisions relating to emergency rules and informal conferences and compromises; providing for costs of administration; specifying the collection authority of the Department of Revenue; providing for assessment of tax and providing limitations; providing for notice of and demand for amounts due; providing for deficiency determinations and notice thereof; specifying when such notice constitutes an assessment; providing that a taxpayer may waive restrictions on assessment and collection; providing for protests of proposed assessments; providing for jeopardy assessments and liens; providing for credits or refunds for overpayments and interest thereon; providing for refund claims and limitations thereon; providing requirements relating to the keeping of books and records; providing for investigations by the department; providing for actions to recover taxes; providing for issuance of subpoenas; providing for service and witness fees; providing for disregard or adjustment of amounts less than \$1; providing procedure for notices; providing penalties for failure to file timely returns and failure to pay tax; providing for assessment of penalties; providing for determination of rate of interest; providing for interest on deficiencies; providing for settlement or compromise of interest; providing for liens for taxes, penalties, and interest due; providing for priority, filing, and release of liens; providing for certificates of release; providing for foreclosure of liens; providing collection procedures for unpaid taxes; providing for issuance of warrants and levy upon and sale of taxpayers' property; specifying liability of transferees; specifying tax crimes under the act and providing penalties therefor; amending ss. 72.011, 72.041, 95.091, 125.019, 154.2331, 159.15, 159.31, 159.50, 159.621, 159.708, 161.40, 163.340, 163.385, 190.021, 193.076, 193.077, 193.085, 196.012, 212.0598, 212.096, 213.05, 213.053, 213.21, 213.28, 213.31, 215.76, 220.03, 220.12, 240.497, 243.33, 288.117, 288.742, 290.006, 290.007, 290.015, 315.11, 331.354, 341.329, 348.0011, 348.25, 348.65, 348.762, 348.91, 348.96, 349.13, 380.0673, 403.1834, 409.029, 409.178, 420.513, 423.03, 608.426, 608.471, 616.260, 624.5105, F.S., conforming provisions to changes made by the act; repealing s. 112.096, s. 220.02(7) and (8), ss. 220.181, 220.182, 220.183, F.S., relating to enterprise zone tax credits; providing transitional provisions regarding estimated tax payments; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; Commerce; Community Affairs; International Trade, Economic Development and Tourism; and Appropriations.

By Senator Forman—

SB 1910—A bill to be entitled An act relating to adult care homes; amending s. 400.402, F.S.; amending the definition of the term "adult congregate living facility" to exclude a licensed adult family-care home from regulation under the Adult Congregate Living Facilities Act; amending s. 400.616, F.S.; redesignating the Adult Foster Home Care Act as the "Adult Family-Care Home Act" and adding additional sections; amending s. 400.617, F.S.; providing additional legislative intent; amending s. 400.618, F.S.; adding and revising definitions; amending s. 400.619, F.S.; revising and adding licensure requirements; providing license fees; providing access for the nursing home and long-term care facility ombudsman council; prohibiting the transfer of licenses; providing for conditional licenses; providing additional circumstances under which the department may deny, suspend, or revoke a license; providing for the deposit and use of fees; creating s. 400.6196, F.S.; authorizing the Department of Health and Rehabilitative Services to impose penalties and require corrective action for certain violations; providing for the deposit and use of penalty moneys; amending s. 400.621, F.S.; providing for additional rules; providing for placement of clients; creating s. 400.6211, F.S.; requiring the department to provide training and education for persons who operate adult family-care homes; requiring that providers complete such a program within a time limit; providing a penalty for failure to complete the program within the time limit; amending s. 400.622, F.S.;

revising the provisions providing for injunctive proceedings; amending s. 400.623, F.S.; revising the requirement that the department recruit and license adult family-care homes; deleting an obsolete provision; creating s. 400.625, F.S.; providing requirements for residency agreements for residents of adult family-care homes; creating s. 400.628, F.S.; establishing a residents' bill of rights; creating s. 400.629, F.S.; providing for civil actions to enforce rights under ss. 400.616-400.629, F.S.; converting existing licenses for adult foster homes to licenses for adult family-care homes; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Appropriations.

By Senators Grogan and Wexler—

SB 1912—A bill to be entitled An act relating to hazardous waste landfills; amending s. 403.7222, F.S.; providing an exception to the prohibition against disposing of hazardous waste through an injection well; prohibiting the disposal of such waste through other subsurface methods of disposal; prohibiting the permitting of certain wells under this section; providing an effective date.

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

SB 1914—Not referenced.

By Senator Dudley—

SB 1916—A bill to be entitled An act relating to fiduciary relations; repealing s. 518.11, F.S., and creating s. 518.111, F.S.; replacing the prudent-man standards applicable to investment and management of investments by fiduciaries with the prudent-investor standards as enunciated in the Restatement of Trusts, (3rd ed., 1990); creating s. 518.112, F.S.; providing for delegation of a fiduciary's investment functions; amending s. 660.43, F.S., pertaining to the duty of a bank, association, or trust company not to mingle its funds with any common trust fund managed by it, to clarify the provision and to delete a provision superseded by this act; creating s. 660.431, F.S., to conform common trust fund management and investment standards with the prudent-investor standards; amending s. 731.201, F.S.; redefining the term "interested person," for the purposes of certain estate proceedings, to include the trustee of a revocable, inter vivos trust; amending s. 733.212, F.S.; providing for the serving of a copy of the notice of administration on the trustee of such a trust; amending s. 733.607, F.S.; authorizing a personal representative to seek payment of the expenses of administration and certain claims of creditors from the trustee of such a trust to the extent the assets of the settlor's estate are insufficient to satisfy them; amending s. 733.617, F.S., and creating s. 733.6175, F.S.; providing for compensation of a personal representative for ordinary services, extraordinary services, and, if the personal representative is an attorney, for legal services in administering an estate; providing for compensation of the attorney of a personal representative for services rendered in administering the decedent's estate; providing for payment of costs of a court proceeding to determine attorney's fees, including fees for expert witnesses and for the personal representative's attorney; amending s. 733.707, F.S.; providing that revocable dispositions in trust are subject to the expenses of administration of the settlor's estate and certain claims of the settlor's creditors to the extent the probate assets are insufficient to satisfy them; creating s. 737.207, F.S.; providing that a trust provision that purports to penalize any interested person for contesting the trust instrument or instituting any other proceeding relative to a trust estate or trust assets is unenforceable; amending s. 737.302, F.S., pertaining to a trustee's standard of care and performance in dealing with trust assets, to conform to this act; creating s. 737.3056, F.S.; prescribing the duty of a trustee of a revocable, inter vivos trust to pay the expenses and obligations of the settlor's estate; creating s. 737.3057, F.S.; prescribing such a trustee's duty to give notice to creditors; creating s. 737.601, F.S.; prescribing general rules of construction respecting trusts; creating s. 737.602, F.S.; prescribing rules of construction respecting references in trust instruments to adopted persons and to persons born out of wedlock; creating s. 737.603, F.S.; providing for per stirpes distribution of class gifts unless otherwise provided; creating s. 737.605, F.S.; providing that a gift of specific securities to a beneficiary entitles the beneficiary only to certain securities held by the trust estate;

creating s. 737.607, F.S.; providing that a beneficiary of a trust who unlawfully kills the settlor or certain other persons is not entitled to benefits by reason of the victim's death; amending s. 737.609, F.S.; providing for costs and attorney's fees in an action challenging the proper exercise of a trustee's powers; providing an effective date.

—was referred to the Committees on Judiciary and Appropriations.

By Senator Bankhead—

SB 1918—A bill to be entitled An act relating to juvenile delinquency proceedings; amending s. 39.055, F.S.; amending provisions relating to the maximum number of children that an early delinquency intervention program facility must be designed to accommodate; amending s. 39.056, F.S.; amending provisions relating to alternatives for placing certain very young delinquent children in an early delinquency intervention program; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Criminal Justice; and Appropriations.

By Senator Forman—

SB 1920—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.12, F.S.; authorizing a dealer's credit for tax collectors acting as direct collection agents for the state on amounts collected in excess of \$1,200; providing an effective date.

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

By Senator Foley—

SB 1922—A bill to be entitled An act relating to small and minority business enterprise programs; amending s. 287.042, F.S.; limiting spending goals for expenditures on commodities for certain minorities; providing an effective date.

—was referred to the Committees on International Trade, Economic Development and Tourism; Governmental Operations; and Appropriations.

By the Committee on Commerce—

SB 1924—A bill to be entitled An act relating to preneed funeral merchandise or service contracts; amending s. 639.055, F.S.; providing legislative intent; providing an effective date.

—was referred to the Committee on Commerce.

By Senator Foley—

SB 1926—A bill to be entitled An act relating to public food service establishments; amending s. 509.251, F.S.; authorizing the Division of Hotels and Restaurants of the Department of Business Regulation to set license fees based on the past sanitation performance of an establishment; requiring the department to pay expenses of the Department of Health and Rehabilitative Services for certain epidemiological services; providing a maximum on the amount to be paid for such expenses; repealing s. 381.0072(2)(d), F.S., relating to amounts that the department is to pay to the Department of Health and Rehabilitative Services for epidemiological services; providing an effective date.

—was referred to the Committees on International Trade, Economic Development and Tourism; Health Care; and Appropriations.

By Senator Williams—

SB 1928—A bill to be entitled An act relating to water policy; creating s. 373.222, F.S.; establishing priority uses for consumptive-use permits; providing an effective date.

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

By Senator Kiser—

SB 1930—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; updating references to the current Internal Revenue Code for corporate income tax purposes; providing for retroactive effect; providing an effective date.

—was referred to the Committee on Finance, Taxation and Claims.

By Senator Kiser—

SB 1932—A bill to be entitled An act relating to tax administration; amending s. 201.17, F.S.; revising the date from which interest accrues for nonpayment of certain taxes; amending s. 212.054, F.S.; revising the criteria under which administration costs may be deducted by the Department of Revenue from the proceeds of discretionary sales surtaxes; amending s. 212.14, F.S.; providing procedures under which the department may issue subpoenas and subpoenas duces tecum; amending s. 212.15, F.S.; revising the penalties imposed for failing to remit taxes; amending s. 213.053, F.S.; providing that certain information with respect to railroads and private car and freight lines may be made available to certain federal agencies by the department; amending s. 213.10, F.S.; authorizing the department to account for the collection and distribution of tax moneys in separate clearing trust funds; amending s. 213.27, F.S.; authorizing the department to enter into contracts for the purpose of determining liability for intangible personal property tax; revising the requirements for notice before the department commences litigation to recover taxes due or before the department assigns a tax debt for collection; amending s. 213.28, F.S.; deleting certain limitations on contracts by the department with private auditors; amending s. 218.21, F.S.; prescribing distributions from the Revenue Sharing Trust Fund for Municipalities to certain governments exercising municipal powers; amending s. 220.13, F.S.; correcting a cross-reference to a provision in the Internal Revenue Code; amending ss. 403.718, 403.7185, 403.7195, F.S.; revising the criteria under which administration costs may be deducted by the department from the proceeds of waste tire fees, lead-acid battery fees, and waste newsprint disposal fees; amending s. 624.5092, F.S.; revising requirements for calculating estimated tax payments; amending s. 731.111, F.S.; authorizing the department to file a claim, or amend a previously filed claim, against a taxpayer following receipt of the taxpayer's federal estate tax return or an amended or supplemented federal estate tax return; providing an effective date.

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

By Senator Dyer—

SB 1934—A bill to be entitled An act relating to workers' compensation; providing a presumption that certain conditions and diseases are compensable; requiring certain immunizations; providing exceptions for certain insurance coverages; requiring records keeping and physicals; amending s. 440.02, F.S.; revising definition of the term "employee" and the term "wages"; amending s. 440.09, F.S.; imposing a penalty on an employer under certain circumstances; providing for deposit of the penalty into the Special Disability Trust Fund; amending s. 440.11, F.S.; limiting application of certain immunities under certain circumstances; amending s. 440.13, F.S.; limiting additional independent medical examinations under certain circumstances; providing additional duties of a three-member panel; amending s. 440.15, F.S.; specifying certain permanent impairment guidelines; deleting a duty of the three-member panel; revising the provision that denies employee recovery for subsequent injuries under certain circumstances; amending s. 440.19, F.S.; requiring service of certain motions within a certain time; amending s. 440.25, F.S.; authorizing a judge of compensation claims to hold emergency hearings under certain circumstances; requiring notice; amending s. 440.29, F.S.; requiring receipt of medical reports into evidence in certain actions; requiring provision of certain records; amending s. 440.34, F.S.; revising certain guidelines for the award of attorney's fees; providing that attorney fees may not be recouped through premiums, rates, or assessments; amending s. 440.56, F.S.; imposing a penalty upon an employer under certain circumstances; providing for deposit of the penalty into the Special Disabilities Trust Fund; providing legislative intent; amending s. 350.0611, F.S.; providing additional powers and duties of the Public

Counsel; amending s. 350.0613, F.S.; clarifying employment authority of the Public Counsel; providing an effective date.

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

By Senator Kirkpatrick—

SB 1936—A bill to be entitled An act relating to correctional work programs; amending s. 946.501, F.S.; redefining the mission of the correctional work program; amending s. 946.5025, F.S.; revising guidelines for the corporation established under ch. 946, F.S., to enter into joint ventures with private entities; amending s. 946.507, F.S.; authorizing appropriations to the corporation in specified circumstances; amending s. 946.515, F.S.; providing for appointment of private entities as retail or wholesale distributors of corporation products or services; specifying language that certain contracts must contain; amending s. 946.517, F.S.; providing additional circumstances under which reports of the corporation are exempted from public-records requirements; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; Governmental Operations; and Appropriations.

By Senator Jennings—

SR 1938—A resolution encouraging the location of the United States Volleyball Association National Training Center in Central Florida.

—was referred to the Committee on Rules and Calendar.

By Senator Holzendorf—

SB 1940—A bill to be entitled An act relating to state employment; amending s. 20.22, F.S.; creating the Office of Labor Relations in the Division of Personnel Management Services of the Department of Management Services; providing for the duties of the office; amending s. 110.112, F.S.; transferring a duty relating to affirmative action and equal employment opportunity from the department to the various executive agencies; amending the responsibilities of affirmative action-equal employment opportunity officers; providing for executive agencies to conduct training programs; amending s. 110.114, F.S.; providing limitations on certain employee wage deductions that must be authorized or permitted; amending s. 110.117, F.S.; revising provisions relating to each employee's annual paid holiday; amending s. 110.122, F.S.; revising provisions restricting receipt of terminal payment for accumulated sick leave for certain employees who have been convicted of specified violations; amending s. 110.211, F.S.; deleting an exception to the provision that job application must be made directly to the employing agency; amending s. 110.2135, F.S.; amending the veterans' exemption from examination and hiring procedures; amending s. 110.219, F.S.; amending requirements for rules pertaining to attendance and leave policies, by deleting a requirement for continuous service and redefining creditable service; amending s. 110.227, F.S.; transferring certain duties relating to conducting layoffs from the department to the various agencies; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; Governmental Operations; and Appropriations.

By Senator Dudley—

SB 1942—A bill to be entitled An act relating to title to sovereignty lands; amending s. 253.12, F.S.; providing for conveying title to certain tidal lands to riparian owners under certain circumstances; providing for consideration for such conveyance; requiring certain evidence and a filing fee for such conveyance; requiring the Board of Trustees of the Internal Improvement Trust Fund to specify information that must be submitted and to set a filing fee; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Judiciary.

By Senator Harden—

SB 1944—A bill to be entitled An act relating to tax collections, sales, and liens; amending s. 197.432, F.S.; providing that tax liens may be placed on certain leasehold properties if the ad valorem taxes on those properties are not paid; providing for retroactive application; providing an effective date.

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

By Senator Williams—

SB 1946—A bill to be entitled An act relating to the Florida Gold Seal Vocational Endorsement Program; amending s. 239.217, F.S.; providing additional course requirements that must be met; providing an exemption from requirements if a student has deficiencies in meeting the requirements for the program because of misinformation that was given to him; providing for procedures to correct such deficiencies; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Holzendorf—

SB 1948—A bill to be entitled An act relating to public employees; amending s. 20.22, F.S.; renaming the Division of Personnel Management Services of the Department of Management Services and creating within the division an Office of Labor Relations; amending s. 110.112, F.S.; revising agencies' duties with respect to affirmative action and equal employment opportunity; amending s. 110.114, F.S.; providing for wage deduction of an employee's dues to an employee organization; amending s. 110.117, F.S.; granting a personal holiday to permanent part-time state employees; changing the time within which the personal holiday must be taken; amending s. 110.122, F.S.; repealing the disqualification of an employee terminated for cause from the right to terminal pay for accumulated sick leave; amending s. 110.209, F.S.; providing for trainer additive pay and repealing authority for trainee additive pay; amending s. 110.211, F.S.; requiring application for all vacancies to be made directly to the employing agency; amending s. 110.219, F.S.; repealing the requirement that personnel rules must contain a provision with respect to continuous service without a break; amending s. 110.2135, F.S.; revising provisions relating to exemption from certain examination and hiring procedures for disabled veterans; amending s. 110.227, F.S.; transferring authority to approve competitive areas within which layoffs take place from the Department of Management Services to agency heads; repealing s. 110.215, F.S., relating to examinations administered to blind and deaf persons; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; Governmental Operations; and Appropriations.

By Senator Turner—

SCR 1950—A concurrent resolution establishing education as a fundamental right of children.

—was referred to the Committees on Education; and Rules and Calendar.

By Senator Burt—

SB 1952—A bill to be entitled An act relating to juvenile contempt; amending s. 39.043, F.S.; authorizing the placement, under certain circumstances, of a child in a detention center or facility as punishment for contempt of court; providing an effective date.

—was referred to the Committees on Criminal Justice; Health and Rehabilitative Services; and Appropriations.

By Senators Johnson, Jennings, Siegel, Grogan and Foley—

SB 1954—A bill to be entitled An act relating to education; creating the "Blind Persons' Literacy Rights and Education Act"; providing definitions; providing for assessment of blind students and development of individualized education programs; providing for standards of competency and instruction; providing for instructional materials; providing for establishment of a commission and specifying duties thereof; providing teacher certification requirements; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Brown-Waite—

SR 1956—A resolution commending the Pasco Comprehensive High Pirates on winning the State Championship.

—was referred to the Committee on Rules and Calendar.

By Senator Hargrett—

SB 1958—A bill to be entitled An act relating to the Whistle-blower's Act of 1986; amending s. 112.3187, F.S.; defining the term "gross neglect of duty"; revising language with respect to the nature of information disclosed; revising language with respect to employees and persons protected; amending s. 112.3188, F.S.; revising provisions relating to the confidentiality of information given to internal auditors and inspectors general; providing for Sunset review; providing penalties; amending s. 112.3189, F.S.; substantially revising provisions relating to investigative procedures upon receipt of whistle-blower information from certain state employees; amending s. 112.31895, F.S.; revising language with respect to investigative procedures in response to prohibited personnel actions; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Governmental Operations.

By Senator Dudley—

SB 1960—A bill to be entitled An act relating to collective bargaining; amending s. 447.308, F.S.; providing that a public employer may file a petition to revoke certification of a bargaining agent of a certified employee organization of a bargaining unit under certain circumstances; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

By Senators Bankhead and Kirkpatrick—

SB 1962—A bill to be entitled An act relating to crime; creating s. 943.382, F.S.; creating the Council on Violent Crime within the Department of Law Enforcement; providing for membership, meetings, per diem and travel expenses, and reports; creating s. 943.383, F.S.; providing the powers, duties, and functions of the council; creating s. 943.384, F.S.; providing for the establishment of anti-violent-crime regional coordinating teams by the Department of Law Enforcement to respond to major violent crimes throughout the state; creating s. 943.385, F.S.; creating the Violent Crime Investigative Emergency Trust Fund within the department; providing for the use of those funds; creating s. 943.386, F.S.; authorizing the department to provide grants for anti-violent-crime innovations and to promote educational programs aimed at violence reduction and gang and drug resistance by means of community partnerships and community policing; creating s. 943.387, F.S.; authorizing the department to develop a violent crime information system; amending s. 39.045, F.S.; revising provisions relating to the use, release, and destruction of sealed records concerning children who have violated the law; specifying that juvenile offense reports are public records; amending s. 810.02, F.S.; increasing the penalty for the crime of burglary; amending s. 921.141, F.S.; providing for consideration as an additional aggravating circumstance in capital felony sentencing the fact that a victim died during the course of a burglary of an occupied dwelling; directing the department to develop a proposal to establish a juvenile identification system and a

juvenile criminal history data base; amending s. 943.1711, F.S.; requiring the Criminal Justice Standards and Training Commission to establish standards for instruction of law enforcement officers in the subject of violent crimes; requiring that every basic skills course for initial certification of law enforcement officers include training concerning violent crimes; amending s. 943.325, F.S.; requiring that persons convicted of certain offenses relating to murder submit specimens of blood for analysis by the automated data base maintained by the department; authorizing the department to receive, process, and store blood samples furnished pursuant to law; providing an appropriation; providing a contingent effective date.

—was referred to the Committees on Criminal Justice; Governmental Operations; Finance, Taxation and Claims; and Appropriations.

By Senator Wexler—

SB 1964—A bill to be entitled An act relating to the Environmental Protection Act of 1971; amending s. 403.412, F.S.; expanding authority of the Department of Legal Affairs, any political subdivision of the state, or a citizen of the state to maintain certain actions for the protection of the air, water, land, or other natural resources of the state; requiring certain notice of governmental enforcement actions; revising provisions relating to the award of attorney and witness fees, and providing for costs; providing for the granting of injunctive relief without a showing of special injury to the complaining party or inadequate remedies of law; providing for award of damages; providing for the dismissal of intervening parties under certain circumstances and for the award of reasonable attorney and witness fees; providing for complaints by any person of violations of environmental laws; providing for inspection, determination, and notice of disposition; providing for access to disputed sites for certain purposes; requiring consent of the property owner; authorizing complainant to accompany inspector under certain circumstances; providing that procedures relating to local government comprehensive plans are not affected; reenacting ss. 258.397(7), 258.46, 373.136(2), F.S., relating to certain enforcement actions, to incorporate the amendment to s. 403.412, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Judiciary; and Appropriations.

By Senator Dantzler—

SB 1966—A bill to be entitled An act relating to ad valorem taxation; amending s. 193.461, F.S.; providing for classification and assessment of high-water recharge lands in the counties of Polk, Orange, Lake, and Lee; providing procedures and requirements; providing for appeals to the value adjustment board; specifying the factors applicable to such classification; providing for determination of assessment of such land; amending ss. 193.052, 194.011, 194.032, 194.037, 195.073, and 195.096, F.S., relating to filing of returns, procedures of the value adjustment boards, and classification of real property, to conform; providing intent regarding application; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Community Affairs.

By Senator Diaz-Balart—

SJR 1968—A joint resolution proposing an amendment to Section 2 of Article VI of the State Constitution, relating to electors, to revise age requirements.

—was referred to the Committees on Executive Business, Ethics and Elections; and Rules and Calendar.

By Senator Bankhead—

SB 1970—A bill to be entitled An act relating to the Department of Military Affairs; amending s. 250.48, F.S.; increasing the permissible time period for a leave of absence without loss of pay; creating s. 250.532, F.S.; creating an Interstate Compact on Drug Interdiction; creating s. 250.533, F.S.; providing legislative purpose; creating s. 250.534, F.S.; providing for entry into force and withdrawal from the compact; creating s. 250.535,

F.S.; providing definitions; providing for mutual assistance and support; creating s. 250.536, F.S.; providing responsibilities; creating s. 250.537, F.S.; providing for delegation; creating s. 250.538, F.S.; providing for limitations; creating s. 250.539, F.S.; providing for construction and severability; creating s. 250.5401, F.S.; creating an Interstate Compact on Emergency Relief; creating s. 250.5405, F.S.; providing legislative purpose; creating s. 250.541, F.S.; providing for entry into and withdrawal from the compact; creating s. 250.542, F.S.; providing for definitions and for mutual aid; creating s. 250.543, F.S.; providing for delegation; creating s. 250.544, F.S.; providing for limitations; creating s. 250.545, F.S.; providing for construction and severability; creating s. 250.546, F.S.; providing for payment of liability to responding states; creating s. 250.547, F.S.; providing for status, rights, and benefits of forces engaged pursuant to the compact; creating s. 250.548, F.S.; providing for benefits to be paid for injury or death occurring while going to or returning from duty; creating s. 250.549, F.S.; providing for the authority of responding states; providing an effective date.

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

By Senator Dyer—

SB 1972—A bill to be entitled An act relating to telephone companies; creating s. 364.3377, F.S.; requiring telecommunications companies that provide operator services to ensure users of those services access to a live operator; requiring review and approval by the Florida Public Service Commission of the method of such access; providing exceptions; providing penalties; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By Senator Kirkpatrick—

SB 1974—A bill to be entitled An act relating to education; amending s. 236.081, F.S.; transferring the responsibility for preparation of the Florida Price Level Index to the Commissioner of Education; authorizing a portion of the funds appropriated in the 1993 General Appropriations Act for maintenance, repair, and renovation to be used for technology enhancements; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Forman—

SB 1976—A bill to be entitled An act relating to unclaimed property; requiring the Department of Banking and Finance to develop and implement a temporary amnesty program for unclaimed property; providing eligibility for participation in the amnesty program; amending ss. 717.117, 717.118, F.S.; revising provisions governing reports relating to abandoned property; decreasing the minimum value of property that must be reported or acted upon in certain ways; amending s. 717.132, F.S.; increasing the administrative fine for failure to report, pay for, or deliver unclaimed property; providing an effective date.

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

By Senators Forman, Holzendorf, Williams, Jenne, Turner, Dyer, Thomas, Jones and Silver—

SB 1978—A bill to be entitled An act relating to planning and growth management; amending s. 163.3184, F.S., which provides the process for adoption of comprehensive plans or plan amendments; revising requirements relating to regional and county review; amending s. 186.502, F.S.; providing findings regarding regional planning councils; amending s. 186.503, F.S.; providing definitions; amending s. 186.504, F.S.; revising provisions relating to membership of the councils; amending s. 186.505, F.S.; providing additional powers of the councils; amending s. 186.506, F.S.; providing for revision of the boundaries of comprehensive planning districts; amending s. 186.507, F.S.; providing for strategic regional policy plans to be adopted by the councils and providing requirements with respect thereto; providing status of standards included therein; limiting establishment of binding level of service standards by the councils;

amending s. 408.033, F.S., to conform; amending s. 186.508, F.S.; providing requirements for plan adoption; amending s. 186.509, F.S.; directing each council to establish a dispute resolution process; amending s. 419.001, F.S., to conform; amending s. 186.511, F.S.; providing requirements for evaluation of plans; repealing s. 1(3), ch. 92-182, Laws of Florida, which provides for review and repeal of the Florida Regional Planning Council Act; amending s. 380.06, F.S., relating to developments of regional impact; providing requirements for adoption of rules by the state land planning agency and eliminating adoption of rules by regional planning agencies; amending s. 380.07, F.S.; revising duties of regional planning agencies regarding appeals to the Florida Land and Water Adjudicatory Commission; providing an effective date.

—was referred to the Committees on Community Affairs, Transportation and Appropriations.

By Senator Sullivan—

SB 1980—A bill to be entitled An act relating to the dispensing of hearing aids; amending ss. 468.1245, 484.051, F.S.; transferring certain authority related to the regulation of licensees who dispense hearing aids from the Division of Consumer Services of the Department of Agriculture to the Agency for Health Care Administration and the Department of Professional Regulation; providing an effective date.

—was referred to the Committee on Professional Regulation.

By Senator Kurth—

SB 1982—A bill to be entitled An act relating to solicitation of funds; amending s. 496.405, F.S.; providing procedures for processing applications for registration which charitable organizations that intend to solicit contributions in this state must file with the Division of Consumer Services of the Department of Agriculture and Consumer Services; amending s. 496.411, F.S.; providing additional disclosure requirements and duties of charitable organizations and sponsors; providing an effective date.

—was referred to the Committee on Professional Regulation.

By Senator Bankhead—

SB 1984—A bill to be entitled An act relating to driving under the influence; amending s. 316.193, F.S.; providing for a court to order the impoundment or immobilization of the vehicle driven by or in the actual physical control of an individual while committing the offense of driving under the influence; providing an exception; providing for various periods of impoundment or immobilization, for notice, for costs and fees; providing remedies of the owner or lienholder; providing an effective date.

—was referred to the Committees on Transportation and Criminal Justice.

By Senator Holzendorf—

SB 1986—A bill to be entitled An act relating to state attorney investigators; providing a competitive pay adjustment for state attorney investigators; providing for adjustments in pay plans to conform; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; Transportation; and Appropriations.

By Senator Wexler—

SB 1988—A bill to be entitled An act relating to energy efficiency; amending s. 553.955, F.S.; redefining the term "energy conservation standard"; amending s. 553.963, F.S.; modifying certain energy conservation standards; authorizing inclusion of standards for certain additional appliances in the Florida Energy Efficiency Code for Building Construction; creating ss. 553.990, 553.998, F.S., the Florida Building Energy-Efficiency Rating Act; requiring the Department of Community Affairs to develop and maintain a statewide uniform energy-efficiency rating system for new and existing buildings to encourage the consideration of the energy-efficiency rating in the market and provide market rewards for energy-

efficient buildings; providing definitions and applicability; providing rating system schedules for the different classes of buildings; providing minimum requirements of the system; providing for an interest group of volunteers to advise and assist the department; providing for training and certification of raters, including a fee therefor; providing for rating disclosure and supplemental information; providing for compliance; providing an effective date.

—was referred to the Committee on Community Affairs.

By the Committee on Executive Business, Ethics and Elections—

SB 1990—A bill to be entitled An act relating to elections; amending s. 97.021; providing definitions; creating s. 99.013, F.S.; creating residency requirements for certain public officers; amending s. 99.061, F.S.; deleting provision relating to the payment of filing fees by independent candidates; amending s. 99.092, F.S.; revising methods of payment of filing fees; reducing filing fees; amending s. 99.093, F.S.; revising methods of paying municipal election assessment; amending s. 99.095, F.S.; deleting costs of signature verification; deleting provision requiring qualifying officer to supply petitions; providing maximum signature requirements; deleting minor party candidates from persons qualifying by alternative method; amending s. 99.0955, F.S.; deleting provision requiring qualifying officer to supply petitions; reducing signature requirements; removing requirement to pay filing fee; repealing s. 99.096, F.S.; relating to minor party candidates' names being placed on the ballot; amending s. 99.0965, F.S.; providing that minor party candidates may participate in primary elections; revising the method of qualifying such candidates for the ballot; amending s. 99.097, F.S.; revising signature verification requirements for minor parties; amending s. 100.051, F.S.; revising requirements for general election ballot access; amending s. 100.111, F.S.; revising procedures for minor party candidates when filling a ballot vacancy; amending s. 103.021, F.S.; deleting provision requiring qualifying officer to supply petitions; providing new minor party presidential candidate requirements; amending s. 105.031, F.S.; revising method of paying qualifying fees; amending s. 105.035, F.S.; deleting undue burden oath for judicial candidates; deleting provision requiring qualifying officer to supply petition; amending s. 106.11, F.S.; revising method of paying qualifying fees; amending s. 106.18, F.S.; revising conditions for which a candidate's name may be omitted from ballot; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

By Senator Kirkpatrick—

SB 1992—A bill to be entitled An act relating to education; amending s. 216.023, F.S.; providing an exception for filing legislative budget requests; amending s. 235.41, F.S.; providing that Commissioner of Education shall submit the capital outlay budget request for educational facilities 75 days prior to regular legislative session; providing for submitting preliminary data for developing 3-year capital outlay lists; amending s. 239.117, F.S.; providing the certain exemption from student fees does not apply to community college students; eliminating certain restrictions on fees for lifelong learning programs; providing range for matriculation fees and tuition; providing that financial aid fees be deposited in the school district fund; providing each school board may establish a separate fee for capital improvements, technology, or building equipment; authorizing a community college board of trustees to establish certain fees; amending s. 239.213, F.S.; providing for vocational preparatory instruction; amending s. 239.301, F.S.; providing that community colleges do not have to report lifelong learning expenditures unless the data is used for appropriations purposes; amending s. 240.319, F.S.; providing for certain leases, lease-purchase agreements, installment contracts for community college equipment; amending s. 240.35, F.S.; providing for college preparatory instruction fees; amending s. 240.359, F.S.; providing for apportionment of state funds to community colleges; requiring the Legislature not to consider certain student fees in apportioning funds; amending s. 240.36, F.S.; deleting a restriction on transferring monies from the state trust fund to the community college foundation; amending s. 240.367, F.S.; providing authority of board of trustees of a community college to request approval of the Executive Director of the State Community College System to negotiate a loan; amending s. 240.551, F.S.; providing that prepaid community college registration fees include student activity and service fees; repealing s. 240.138, F.S., relating to reporting of foreign gifts by universities and community colleges; repealing s. 240.311(3)(h), F.S.,

relating to establishment of an information system; repealing s. 240.335, F.S., relating to employment of community college personnel; repealing s. 240.347(2), F.S., relating to information included in community college budget requests; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Dyer—

SB 1994—A bill to be entitled An act relating to attorney services; creating s. 16.58, F.S.; creating within the Department of Legal Affairs, the Florida Legal Resource Center; providing for the duties of the center; providing for reports; amending s. 110.205, F.S.; creating additional positions within the exempt category of the Career Service System; amending s. 287.057, F.S.; revising language with respect to the procurement of specified legal services; reenacting s. 287.058(5), F.S., relating to contract documents, to incorporate the amendment to s. 287.057, F.S., in a reference thereto; amending s. 287.059, F.S.; revising language with respect to private attorney services; providing a definition; providing criteria for contracting for private attorney services; providing requirements to be used by the Attorney General with respect to the use of private attorney services; providing for rules; providing an effective date.

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

By Senator Diaz-Balart—

SB 1996—A bill to be entitled An act relating to marine resources; amending s. 370.142, F.S.; providing for the issuing of additional spiny lobster trap certificates to resolve disputes and other problems arising in the implementation of the trap certificates program; providing a date for ending the allocation of these trap certificates; providing an effective date.

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

By Senator Silver—

SB 1998—A bill to be entitled An act relating to the construction industry; amending s. 489.103, F.S.; revising exemptions to provisions regulating construction contracting; amending s. 489.105, F.S., and repealing subsection (13), relating to the definition of "mediation"; expanding the definition of "contractor" and defining "business organization," "financially responsible officer," "structural component," "arbitration," "pollutant storage tank," and "tank"; amending s. 489.109, F.S.; revising and providing fees; amending s. 489.113, F.S.; authorizing persons who are not certified or registered to perform construction work under certain supervision; revising provisions relating to subcontracting; authorizing local governments to deny or suspend building permits of contractors failing or refusing to provide proof of public liability and property damage insurance and workers' compensation insurance; revising a provision relating to a contractor acting as a prime contractor; reenacting s. 489.114, F.S., relating to evidence of workers' compensation coverage; amending s. 489.115, F.S.; revising certification and registration requirements; requiring certain continuing education; prohibiting initial registration and renewal of delinquent registration after a specified date; providing for continued renewal of certain registration; creating s. 489.116, F.S.; providing procedures for inactive and delinquent status; providing fees; providing for renewal and cancellation notices; amending s. 489.117, F.S.; revising registration requirements; prohibiting initial registration after a specified date; providing for continued renewal of certain registration and providing valid jurisdiction of such registrations; revising provisions relating to the contracting activities of specialty contractors and the reporting of licensure and disciplinary information on such contractors; authorizing certain persons holding a county contracting license to perform the same work in any other county under certain circumstances; amending s. 489.119, F.S., relating to certification or registration of business organizations and qualifying agents; revising application and licensure requirements; providing for temporary nonrenewable certificate or registration under certain circumstances; requiring the registration or certification number under certain circumstances; requiring the registration or certification number under certain circumstances; amending s. 489.1195, F.S.; providing responsibilities of business organizations with

respect to financially responsible officers of such organizations; amending s. 489.124, F.S.; providing for currency of address of record and other information; providing for service of official communication to certificateholders and registrants; amending s. 489.127, F.S.; providing penalties for repeat violations, violations committed during a state of emergency, and violations relating to pollutant storage contracting; providing for stop-work orders; revising fines and penalties; expanding enforcement duties of local code enforcement officers; amending s. 489.128, F.S.; providing for the unenforceability in equity of certain prior contracts performed by unlicensed contractors; amending s. 489.129, F.S., relating to disciplinary proceedings; providing applicability of certain provisions to business organizations; providing for the creation of a lien for fines or other costs due; providing for accrual of interest until foreclosure on the lien; prohibiting foreclosure on certain real property; providing venue; providing restrictions on persons who have had licenses revoked; providing disciplinary actions on business organizations and their officers in violation of the part; replacing mediation with binding arbitration; amending s. 489.131, F.S., relating to applicability; revising requirements for bids on public buildings projects; authorizing local governments to issue permits with specific conditions to certain contractors; prohibiting local examination of certificateholders; authorizing the Department of Professional Regulation to challenge local jurisdiction penalty recommendations; authorizing local enforcement boards to petition for summary orders against violators; prohibiting local governments from issuing initial licenses for the practice of contracting on or after a specified date; providing for continued renewal of certain licenses; revising disciplinary provisions; amending s. 489.132, F.S., relating to prohibited acts by unlicensed principals; creating ss. 489.140, 489.141, 489.142, 489.143, and 489.144, F.S.; creating the Construction Industries Recovery Fund as a separate account within the Professional Regulation Trust Fund; providing conditions for recovery from the fund; providing eligibility; providing powers of the Construction Industry Licensing Board upon notification of commencement of action; providing for payment from the fund; providing for investment of the fund; amending s. 489.511, F.S.; revising qualifications required to take the examination for certification as an electrical or alarm system contractor; amending s. 489.531, F.S.; providing local government rights and responsibilities regarding enforcement, disciplinary action, investigation, and fines relating to electrical and alarm system contractors; authorizing the department to challenge local jurisdiction penalty recommendations; creating part XII of chapter 468, F.S.; providing for regulation of building code administrators and inspectors; providing purpose, exemptions, and definitions; establishing the Florida Building Code Administrators and Inspectors Board; providing authority of the board; providing for certification of building code administrators and inspection personnel; providing for administration of the part; providing standards for certification; providing for certification by endorsement; providing for joint inspection departments and other local government arrangements; providing disciplinary proceedings; providing for application, examination, and renewal; providing fees; providing prohibitions and penalties; creating the Building Code Administrators and Inspectors Fund as a separate fund in the Professional Regulation Trust Fund; assessing a surcharge to fund the certification program and providing for collection, deposit, and distribution thereof; providing for prosecution of criminal violations; providing authority of local governments to enact more stringent requirements; providing for a study to determine whether private building inspection services should be regulated under the part; requiring a report; amending s. 20.30, F.S.; placing the Florida Building Code Administrators and Inspectors Board within the Division of Professions of the Department of Professional Regulation; amending ss. 320.8245, 376.303, 553.77, and 553.79, F.S., to conform to the provisions of the act; repealing s. 489.123, F.S., relating to reports of certified and registered contractors to local licensing boards; repealing s. 489.133, F.S., relating to pollutant storage systems specialty contractors; repealing s. 553.795, F.S., relating to voluntary certification of building code administrators and inspectors; repealing s. 8, ch. 88-331, Laws of Florida, relating to the adoption of rules providing standards for the certification of response action contractors; providing an appropriation; providing an effective date.

—was referred to the Committees on Professional Regulation; Community Affairs; Finance, Taxation and Claims; and Appropriations.

By Senator Foley—

SB 2000—A bill to be entitled An act relating to the Citrus Canker Eradication Program; amending s. 602.025, F.S.; stating legislative findings; clarifying language; directing the Auditor General to make certain audits; amending s. 602.055, F.S.; establishing a deadline for filing a release; providing for carrying forward certain funds; providing an appropriation from the Citrus Canker Eradication Trust Fund; providing for collection of due and unpaid excise taxes; providing for adjustment if moneys were not paid according to legislative intent; providing an effective date.

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Health Care—

CS for SB 158—A bill to be entitled An act relating to onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; providing legislative intent; providing definitions; specifying duties and powers of the Department of Health and Rehabilitative Services; providing conditions for the installation of onsite sewage treatment and disposal systems; renaming the Advisory Review Variance Board as the Variance Review and Advisory Committee; providing for a Research Review and Advisory Committee; specifying membership and duties; providing enforcement authority for right of entry and citations; providing a fine; providing a criminal penalty; creating s. 381.00655, F.S.; providing requirements for connection to a central sewerage system; amending s. 381.0066, F.S.; modifying fee ranges; specifying fees for certain permits; amending ss. 381.006, 381.0064, 381.0067, 489.551, 489.553, F.S.; incorporating conforming changes; providing for a rule adoption technical advisory panel; specifying membership; providing for subsequent repeal and review of ss. 381.0065(3)(j), 381.0065(4)(l), and 381.0066(2)(k), F.S., relating to onsite sewage treatment and disposal system research; repealing s. 46, ch. 83-310, Laws of Florida; abrogating the repeal of ss. 381.0065, 381.0066, F.S., under the Regulatory Sunset Act; providing an effective date.

By the Committee on Health Care—

CS for SB 164—A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.011, F.S.; providing the purpose of part I, ch. 400, F.S.; amending s. 400.021, F.S.; providing definitions; providing for regulation and licensing of nursing home facilities by the Agency for Health Care Administration; amending s. 400.022, F.S., relating to residents' rights; conforming language to changes made by the act; providing requirements for statements of residents' rights; creating s. 400.0225, F.S.; providing requirements for resident hearings on a facility's decision to discharge or transfer him; amending s. 400.023, F.S.; providing for civil enforcement of residents' rights; amending s. 400.051, F.S.; specifying facilities that are exempt from regulation under part I, ch. 400, F.S.; amending s. 400.062, F.S.; providing license fees; redesignating the Nursing Homes and Related Facilities Licensure Trust Fund as the Health Care Trust Fund; providing for audit of trust funds by the Office of Auditor General; amending s. 400.0625, F.S.; providing minimum standards for clinical laboratory test results and diagnostic X-ray results; amending s. 400.063, F.S., relating to the Resident Protection Trust Fund; conforming language to changes made by the act; amending s. 400.071, F.S.; providing licensure requirements for nursing home facilities; requiring certain information about criminal convictions of applicants and employees; amending s. 400.102, F.S.; providing circumstances under which the Agency for Health Care Administration may take disciplinary action against a licensee; amending s. 400.111, F.S.; providing requirements for license renewal; deleting requirements for applying for a license effective for 4 months or less; amending s. 400.121, F.S.; providing for fines and other administrative penalties for certain violations; amending s. 400.125, F.S.; authorizing the agency to institute injunction proceedings; amending s. 400.126, F.S.; providing for the appointment of a receiver; increasing certain limitations on expenditures by a receiver; amending s. 400.141, F.S.; providing requirements for administering nursing home facilities; authorizing the department of Health and Rehabilitative Services to inspect resident records; amending s. 400.145, F.S.; specifying persons who may be furnished copies of the record of care and

treatment of a nursing home facility resident; specifying charges for copies; amending s. 400.151, F.S.; providing contract requirements for residents of nursing home facilities; amending s. 400.162, F.S.; providing for the management and disposal of the property of nursing home facility residents; providing for certain relatives of a resident to act as guardian, trustee, or conservator for a resident; amending s. 400.165, F.S.; providing requirements for itemized billing statements; deleting a requirement that itemized bills be given to a resident's physician; amending s. 400.17, F.S.; prohibiting bribes, kickbacks, and certain solicitations on behalf of a nursing home facility; amending s. 400.176, F.S.; providing a penalty that may be imposed for paying or receiving certain rebates; deleting requirement that disciplinary action be recommended to an appropriate licensing board; amending s. 400.179, F.S.; providing requirements for the sale or transfer of ownership of a nursing home facility; providing a penalty; amending s. 400.18, F.S.; providing requirements for closing a nursing home facility; amending s. 400.19, F.S.; authorizing the Agency for Health Care Administration and ombudsman councils to enter and inspect a nursing home facility or a distinct part of a nursing home facility and certain free-standing facilities licensed under ch. 395, F.S.; authorizing verification of certain deficiency corrections without reinspection; amending s. 400.191, F.S.; providing requirements for distributing and posting inspection reports for nursing home facilities; amending s. 400.20, F.S.; requiring a nursing home facility to be operated by a licensed nursing home administrator; amending s. 400.211, F.S.; providing additional certification requirements for persons employed as nursing assistants; amending s. 400.23, F.S.; requiring fire and life safety criteria in accordance with rules and standards adopted by the State Fire Marshal; providing for evaluating and rating nursing home facilities; creating the Nursing Home Facility Advisory Committee; providing membership of the committee and duties; revising rating criteria; deleting provisions authorizing inspections and reviews to be delegated to counties or municipalities; amending s. 400.241, F.S.; prohibiting operation of a nursing home facility without a license; providing penalties; amending s. 400.25, F.S.; authorizing the agency to conduct certain educational programs; amending s. 400.29, F.S.; requiring the agency to publish an annual directory of nursing home facilities; transferring, renumbering, and amending s. 400.3221, F.S.; authorizing nursing home facilities to maintain emergency medication kits; transferring, renumbering, and amending s. 400.33, F.S.; authorizing nursing home facilities to establish geriatric outpatient clinics and provide respite care services and adult day care services; creating s. 400.801, F.S.; requiring homes for special services to be licensed by the agency; providing licensure requirements; providing penalties; creating s. 400.805, F.S.; requiring transitional living facilities to be licensed by the agency; requiring the Division of Vocational Rehabilitation of the Department of Labor and Employment Security to adopt rules governing the services provided by transitional living facilities; providing penalties; amending s. 413.614, F.S.; conforming language to changes made by the act; repealing s. 400.041, F.S., relating to categories for licensing nursing facilities; repealing s. 400.045, F.S., relating to transitional living facilities for spinal-cord-injured persons and head-injured persons; repealing ss. 400.331, 400.332, F.S., relating to the geriatric outpatient nurse clinic; reviving and readopting portions of part I, ch. 400, F.S., and s. 413.614, F.S., notwithstanding repeals scheduled under the Regulatory Sunset Act; providing an effective date.

By the Committee on Health Care—

CS for SB 166—A bill to be entitled An act relating to migrant farmworker housing; amending s. 381.008, F.S.; providing definitions; amending s. 381.0082, F.S.; incorporating technical revisions; amending s. 381.0083; deleting limitations on municipalities prohibiting the construction or operation of residential housing; amending s. 381.0084, F.S.; specifying application fees for migrant labor camp and residential migrant housing; amending s. 381.0086, F.S.; authorizing a variance process for migrant farmworker housing standards; amending s. 381.0087, F.S.; providing for enforcement; amending s. 381.0088, F.S.; authorizing right of entry for inspection of facilities; creating s. 381.0089, F.S.; providing for right of access to migrant labor camps and residential migrant housing; authorizing civil action; providing civil liability; providing rules; creating s. 381.00893, F.S.; providing for an administrative complaint process; creating s. 381.00895, F.S.; prohibiting discriminatory conduct against certain residents; creating s. 381.00896, F.S.; prohibiting discriminatory conduct with respect to housing facilities; amending s. 509.013, F.S.; providing an exclusion from regulation as a public lodging establishment; repealing s. 10 of ch. 83-249, Laws of Florida; abrogating the repeal of ss. 381.008-381.0088, F.S., relating to migrant farmworker housing, notwithstanding the repeal of those sections scheduled under the Regulatory Sunset Act; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Brown-Waite—

CS for SB 314—A bill to be entitled An act relating to political endorsements; amending s. 106.011, F.S.; defining the term “registered name”; amending s. 106.03, F.S.; revising the registration requirements of political committees; reenacting s. 106.04(2), F.S., relating to committees of continuous existence, to incorporate an amendment to s. 106.03, F.S., in a reference thereto; creating s. 106.145, F.S.; requiring the publishing in a political advertisement of the complete, legal, corporate, or registered name of political committees, committees of continuous existence, and other organizations that endorse or oppose a candidate for public office or issue appearing on a ballot; providing a civil penalty; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Dudley—

CS for SB 752—A bill to be entitled An act relating to elections; amending s. 98.081, F.S.; providing notice requirements relating to status as a qualified elector; providing that certain persons may not vote or sign a petition; amending s. 98.211, F.S.; providing exceptions to public inspection of voter registration records; prohibiting the use of voter lists for commercial purposes; providing penalties; amending s. 99.021, F.S.; prescribing required oaths; amending s. 99.061, F.S.; providing for the decertification of candidates who violate certain qualification requirements; amending ss. 99.0955, 99.096, F.S.; providing deadlines for the filing and certification of certain petitions; amending s. 99.097, F.S.; providing for the verification of certain petitions by minor parties at no charge; amending ss. 101.041, 101.62, F.S.; providing for absentee balloting by facsimile transmission; amending s. 102.031, F.S.; regulating activities around polling places; amending s. 103.021, F.S.; providing for the replacement of independent vice-presidential candidates; amending s. 105.035, F.S.; deleting an oath requirement for judicial candidates seeking to qualify by petition; amending s. 106.07, F.S.; requiring certain disclosure related to the principals of entities that make campaign contributions; providing an effective date.

By the Committee on Transportation and Senator Forman—

CS for SB 754—A bill to be entitled An act relating to vehicles; providing for creation within the Department of Highway Safety and Motor Vehicles of the Task Force on Insurance, Salvage, and Rebuilding to study problems associated with wrecked or damaged motor vehicles, recreational vehicles, and mobile homes; providing for per diem and travel expenses; providing for a report; providing for penalties against insurance, salvage, and rebuilding businesses that fail to cooperate with the task force; providing an effective date.

By the Committee on Transportation and Senator Hargrett—

CS for SB 1110—A bill to be entitled An act relating to replacement license plates; providing for the free replacement of stolen license plates, stickers, or decals; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Hargrett—

CS for SB 1114—A bill to be entitled An act relating to elections; amending s. 98.051, F.S.; authorizing voter registration on Sundays at locations other than the main office of the supervisor of elections, subject to prior notice; amending s. 98.081, F.S.; providing for immediate restoration of an elector's name to the registration books upon proof that the removal was erroneous or illegal; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Foley—

CS for SB 1164—A bill to be entitled An act relating to elections; amending s. 102.031, F.S.; expanding the area at each polling place within which solicitation of voters is prohibited on election day; providing an effective date.

By the Committee on Professional Regulation and Senator Sullivan—

CS for SB 1174—A bill to be entitled An act relating to health studios and ballroom dance studios; amending s. 501.015, F.S.; increasing the annual registration fee; repealing s. 501.015(4), F.S., which provides a separate renewal fee for each business location; providing that a change of ownership does not occur if certain conditions are met; amending s. 501.019, F.S.; authorizing the Department of Agriculture and Consumer Services to institute proceedings to recover penalties or damages; authorizing a civil penalty; repealing s. 501.143(8), F.S., which provides a criminal penalty for violating the section or any rule adopted pursuant to the section; amending s. 501.143, F.S.; clarifying the requirement for obtaining a certificate; clarifying the grounds for denial or refusal to renew a registration; clarifying the contents of a contract; clarifying the provisions relating to bonding; adding additional prohibited practices; clarifying the penalties and remedies available; creating s. 205.1969, F.S., which prohibits counties or municipalities from issuing or renewing occupational licenses for operating ballroom dance studios unless certain conditions are met; providing an effective date.

By the Committee on Health Care and Senators Foley, Siegel, Brown-Waite and Gutman—

CS for SB 1244—A bill to be entitled An act relating to sudden infant death syndrome; providing legislative findings and intent; defining the term “Sudden Infant Death Syndrome,” or “SIDS”; requiring first responders to have certain training relating to appropriate responses to sudden infant death; providing for adopting rules; requiring medical examiners to perform autopsies in certain infant deaths; requiring the Medical Examiners Commission to develop and implement a protocol for those autopsies; providing an exemption from liability; allowing such an autopsy without consent, except as specified; requiring visitation to parents or caretakers by certain county public health unit personnel; providing for training of the county public health unit personnel; creating the Sudden Infant Death Syndrome Advisory Council; providing for council membership, terms of office, meetings, and duties; requiring the State Health Office to administer and provide support staff to the council; providing for reimbursement; providing duties of the State Health Office; restricting implementation of the act; providing an appropriation; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senators Dantzler, Dyer, Brown-Waite, Jenne, Kurth and Johnson—

CS for SB 1500—A bill to be entitled An act relating to the merging of the Departments of Natural Resources and Environmental Regulation; providing a declaration of policy; creating the Department of Natural Resources and Environmental Protection; providing for the head of the department; establishing divisions within the department; transferring the Department of Natural Resources and the Department of Environmental Regulation, including the Environmental Regulation Commission and the Marine Fisheries Commission, to the new department; providing for the appointment of assistant secretaries; repealing ss. 20.25, 20.261, F.S., relating to the Department of Natural Resources and the Department of Environmental Regulation; providing an effective date.

By the Committee on Health Care and Senator Foley—

CS for SB 1506—A bill to be entitled An act relating to confidentiality of public hospital records and meetings; amending s. 119.16, F.S.; revising provisions which specify documents that are confidential; requiring hospitals to report to their governing boards periodically regarding confidential records and providing requirements with respect thereto; requiring such governing boards to maintain information relating to closed meetings; providing an effective date.

EXECUTIVE BUSINESS

The Honorable Ander Crenshaw
President, The Florida Senate

February 23, 1993

Dear President Crenshaw:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
		Pooler, Wesley R.	05/31/95
Board of Trustees of Gulf Coast Community College		Appointee: Gander, James V.	05/31/96
Board of Trustees of Lake City Community College		Appointees: Gafford, Frank M.	05/31/93
		Jones, Skipper K.	05/31/93
		Skinner, Walter H. III	05/31/95
Board of Trustees of Manatee Community College		Appointees: Branich, Gladys	05/31/96
		Perkins, Robert E.	05/31/96
Board of Trustees of Miami-Dade Community College		Appointee: Pantin, Leslie V., Jr.	05/31/93
Board of Trustees of Pensacola Junior College		Appointee: Coker, Denton R.	05/31/94
Board of Trustees of Polk Community College		Appointee: Stewart, Herbert S.	05/31/95
Board of Trustees of St. Petersburg Junior College		Appointee: Davis, Pamela Jo	05/31/95
Board of Trustees of South Florida Community College		Appointee: Goodman, Sharon T.	05/31/93
Board of Trustees of Valencia Community College		Appointee: Lackey, Jan Duke	05/31/96
Construction Industry Licensing Board		Appointees: Barge, James A.	09/30/93
		Blankenship, Michael L.	09/30/96
		Delafield, Ed	09/30/96
		McKittrick, Paul T.	09/30/96
		Nelson, Terri Johnson	09/30/96
		Watts, Robert E., Jr.	09/30/92
Board of Correctional Education		Appointee: Hernandez, Victoria	08/31/95
State of Florida Correctional Medical Authority		Appointees: Conzemius, James D.	09/30/95
		Folsom, Fain	07/01/96
		McNeal, Donald Richard	07/01/96
Board of Cosmetology		Appointees: Biggett, Earl S.	01/01/94
		Pazos, Carlos A.	01/01/96
Board of Trustees for the Florida School for the Deaf and the Blind		Appointee: Luzadder, Lynn Ann	11/07/95
Board of Dentistry		Appointees: Keller, Peter A.	02/07/96
		Williamson, Carol E.	02/07/96
Florida Elections Commission		Appointees: Buermann, Eric	12/10/95
		Carroll, Mary Fran	12/27/95
		Dunn, Edgar M., Jr.	12/10/95
		Wilson, Sandra H.	12/10/95
Electrical Contractors' Licensing Board		Appointees: Johnson, Dawn R.	12/17/95
		Small, Rae	12/17/94
		Ward, Curtis E.	12/17/95
Board of Professional Engineers		Appointee: Coby, Alvin G.	12/20/95
Board of Funeral Directors and Embalmers		Appointee: Hiers, John M.	08/01/95
Game and Fresh Water Fish Commission		Appointee: Morris, Julie K.	01/06/97
Board of Professional Geologists		Appointees: Freeland, George L.	09/30/93
Board of Accountancy			
Appointees: Davis, Shaun M.	12/26/95		
Spottswood, Andrea A.	12/26/95		
Board of Acupuncture			
Appointee: Han, C. L.	09/30/95		
Board of Architecture and Interior Design			
Appointees: Hall, Berta	10/31/95		
Laramore, Charlotte P.	10/31/96		
Young, Janice Roberts	10/31/95		
Florida Board of Auctioneers			
Appointee: Kahin, La Sharn Mercer	10/31/95		
Greater Orlando Aviation Authority			
Appointee: Miller, William, Jr.	04/16/96		
Barbers' Board			
Appointees: Pumilia, Frank J.	08/10/94		
Rodriguez, Lionel M.	06/30/96		
Florida Black Business Investment Board			
Appointee: Stith, Melvin T.	09/30/94		
Board of Building Codes and Standards			
Appointees: Browdy, Richard S.	01/21/95		
D'Andrea, Nicholas, Jr.	01/15/95		
DeBay, James L.	12/08/93		
Duffield, G. Curtis	01/30/95		
Fenwick, William K.	01/31/95		
Marshall, Suzanne Adkins	03/11/93		
Murdock, Douglas R.	01/23/95		
Schneider, Larry M.	08/11/95		
Stump, Hugh A., Jr.	04/05/93		
Watts, Jacqueline Ann	05/01/95		
Capitol Center Planning Commission			
Appointees: Dion, Elizabeth A.	09/30/95		
Murley, James F.	09/30/96		
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling			
Appointees: Connor, Olga Arazoza	09/30/96		
Landis, Charles E.	09/30/94		
Szuch, Roger B.	09/30/93		
Secretary of Community Affairs			
Appointee: Shelley, Linda Loomis		Pleasure of Governor	
State Board of Community Colleges			
Appointees: Belohlavek, John M.	09/30/96		
Benjamin, Philip	09/30/97		
Dorsey, Mable S.	09/30/97		
Hunt, Toby S.	09/30/93		
Marchman, Hal S.	09/30/95		
Board of Trustees of Chipola Junior College			
Appointee: Robinson, Josephine Roulhac	05/31/95		
Board of Trustees of Daytona Beach Community College			
Appointee: Wadsworth, Wilhelmina L.	05/31/94		
Board of Trustees of Edison Community College			
Appointee: Carlton, Gregory A.	05/31/96		
Board of Trustees of Florida Community College at Jacksonville			
Appointees: Hightower, Michael R.	05/31/95		
Kelley, Howard W., Jr.	05/31/93		

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Greene, Collace	09/30/93	Wheeler, Mark K.	02/04/96
Board of Hearing Aid Specialists Appointee: Diehl, Janet J.	07/30/95	Board of Psychological Examiners Appointees: Frank, Rose S. Lewis, Juliet A.	09/30/95 09/30/95
Health Care Board Appointees: Bozard, John W. Brickler, Alexander D. Carr, John S. del Portal, Carlos A. High, Joshua Jones, Edna C. Malchon, Jeanne Mauk, William H., Jr. Otis, Kenneth C. II Stern, Elliot J. Tidikis, Frank Vaurio, Ruth R.	09/30/95 09/30/94 09/30/93 09/30/94 09/30/95 09/30/94 09/30/93 09/30/94 09/30/94 09/30/93 09/30/94 09/30/95	Florida Real Estate Appraisal Board Appointee: Geraghty, Kelley E.	05/20/94
Florida Commission on Human Relations Appointees: Garcia, Sandra Anderson James, Keith A. Mallue, James Richman, Gerald F. Thompson, Geraldine F.	09/30/95 09/30/93 09/30/95 09/30/94 09/30/94	West Florida Regional Planning Council, Region 1 Appointees: Allen, Robert C. Breeding, Garnett M., Jr. Folta, Bethany L. McGill, Maureen L. Riley, Judith Byrne	Pleasure of Governor Pleasure of Governor Pleasure of Governor Pleasure of Governor Pleasure of Governor
Apalachee Regional Planning Council, Region 2 Appointees: Crum, Eloise M. McMillan, S. Craig Sanders, Barbara Smith, Carlton	10/01/94 10/01/94 10/01/94 10/01/94	North Central Florida Regional Planning Council, Region 3 Appointees: Clemons, Charles W., Sr. Harris, Oscar L., Jr. McPherson, Dale J. Page, Malcolm V. Riddick, Joseph F. Riherd, Paul M.	10/01/94 10/01/93 10/01/94 10/01/94 10/01/94 10/01/94
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools Appointees: Callen, Sharon R. Cronin, Maida P. Keiser, Arthur Miracola, John J. Pardue, Carolyn R.	07/01/94 07/01/93 07/01/93 07/01/94 07/01/94	Withlacoochee Regional Planning Council, Region 5 Appointees: Love, Diane D. Smith, Gordon Peek Tolle, Katherine B.	10/01/94 10/01/94 10/01/94
Board of Landscape Architecture Appointees: Baker, Ted Gomez, Julio M.	03/04/95 03/04/96	East Central Florida Regional Planning Council, Region 6 Appointees: Arthur, Allen E., Jr. Cherney, Becky J. Chotas, Elias N. Dunn, Wesley Ford, F. A., Jr. Franz, Carolyn R. Hughes, Larry E. Lehner, Charlotte W. Moehle, Charles F. Thacker, Jo O. Williams, Donald A., Sr.	10/01/94 10/01/94 10/01/93 10/01/94 10/01/94 10/01/94 10/01/93 10/01/94 10/01/94 10/01/94 10/01/94
Secretary of the Department of Management Services Appointee: Lindner, William H.	Pleasure of Governor	Central Florida Regional Planning Council, Region 7 Appointees: Bryan, Charles Clemons, Susanne H. Jones, Mary E. Roberts, Lawrence A. Waldron, Eugene E.	10/01/94 10/01/95 10/01/94 10/01/95 10/01/95
Governor's Mansion Commission Appointees: Coulter, Gray R. Douglass, William Dexter	09/30/95 09/30/96	Tampa Bay Regional Planning Council, Region 8 Appointees: Ball, Lindsay, Jr. Judson, Robert W., Jr. Nodine, William E. Romano, Barbara B. Scriven, Mary S. Stovall, Leonard D.	10/01/94 10/01/94 10/01/94 10/01/94 10/01/94 10/01/94
Marine Fisheries Commission Appointee: Geraghty, Patrick E.	08/01/95	Southwest Florida Regional Planning Council, Region 9 Appointees: Bennett, H. L. Russell, W. Kevin Suarez, Israel Thomas, Ruth McCoy	10/01/94 10/01/94 10/01/94 10/01/93
Board of Nursing Appointee: Cameron, Martha M.	08/01/93	Treasure Coast Regional Planning Council, Region 10 Appointees: Coyle, Nelia M. Flanigan, John F.	10/02/94 10/01/94
Board of Nursing Home Administrators Appointee: Goodman, Terry C.	12/13/94		
Board of Opticianry Appointees: DeLisle, Annette G. Jones, William V. Whited, Edmund A. Winterling, Joan P.	12/26/95 12/26/95 12/26/95 12/26/94		
Board of Optometry Appointee: Barber, Melvin V., Jr.	12/28/94		
Board of Osteopathic Medical Examiners Appointees: Schwemmer, Sandra Taylor, Gertrude S.	01/29/96 01/29/96		
Board of Physical Therapy Practice Appointees: Hall, Douglas C. Menge, Jewell E. W. Norman, Nancy K.	10/01/95 10/01/93 10/01/95		
Board of Podiatric Medicine Appointees: Goldstein, Murray B. Meritt, Stephen M.	01/08/96 01/08/96		
Postsecondary Education Planning Commission Appointees: Diaz, Vilma T. Mautz, Robert B.	02/04/96 02/04/96		

<i>Office and Appointment</i>	<i>For Term Ending</i>
Orvis, Lacene	10/01/94
South Florida Regional Planning Council, Region 11 Appointee: Harrison, Debra S.	10/01/94
State Retirement Commission Appointees: Coker, Donnie J. Feuerberg, Arlene Roberts, Dorothy B.	12/31/95 12/31/94 12/31/93
Board of Speech-Language Pathology and Audiology Appointee: Walker, Virginia G.	09/30/96
Alafia River Basin Board of the Southwest Florida Water Management District Appointees: Bowers, Lois C. S. Helmen, Dorothea Williford, Lynda Kay	03/01/95 03/01/95 03/01/94
Hillsborough River Basin Board of the Southwest Florida Water Management District Appointees: Gilder, Robert L. Griffin, John P. Williams, R. H.	03/01/93 03/01/94 03/01/95
Manasota Basin Board of the Southwest Florida Water Management District Appointees: Jones, Judith L. Schember, Doris M.	03/01/95 03/01/95
Northwest Hillsborough County Basin Board of the South- west Florida Water Management District Appointees: Allen, Lola F. Kaplan, Jonathan D. Meade, Donald R. Parsons, Gail Tillotson, Gwen	03/01/93 03/01/95 03/01/95 03/01/94 03/01/93
Peace River Basin Board of the Southwest Florida Water Management District Appointees: Barben, Robert H. Martensen, Lorenz T.	03/01/94 03/01/94
Pinellas-Anclote River Basin Board of the Southwest Flor- ida Water Management District Appointees: Mitchell, D. Dewey Updegraff, Ramona M. Welch, David T.	03/01/93 03/01/94 03/01/94
Withlacoochee River Basin Board of the Southwest Florida Water Management District Appointee: Popejoy, Raymond F.	03/01/95

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee respectfully advises and recommends that:

- (1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate.
- (2) Senate action on said appointments be taken prior to the adjournment of the 1993 Regular Session.
- (3) there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Crist, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee. The vote was:

Yeas—38 Nays—None

The Honorable Ander Crenshaw
President of the Senate

February 23, 1993

RE: Suspension of:

LAWRENCE T. OSTEN
Notary Public,
State of Florida

Dear Mr. President:

The Committee on Executive Business, Ethics and Elections submits this final report on the matter of the suspension of Lawrence T. Osten.

By Executive Order Number 91-159, filed with the Secretary of State on June 20, 1991, the Honorable Lawton Chiles, as Governor, suspended Lawrence T. Osten as a Notary Public, State of Florida. The term of office for Mr. Osten as a Notary Public, State of Florida was from November 24, 1987 to November 23, 1991.

Executive Order Number 91-159, with information attached, charged that Lawrence T. Osten, while holding the aforesaid office, committed criminal violations of the laws of Florida, viz: the offense of committing a lewd and lascivious act in the presence of a child under the age of sixteen years without committing the crime of sexual battery, in violation of section 800.04(2), Florida Statutes. Executive Order 91-159 further stated that the Governor determined that the action of which Mr. Osten was accused constituted a felony and that the office of Notary Public is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

Criminal prosecution of Lawrence T. Osten was commenced in the Circuit Court of the Sixth Judicial Circuit, in and for Pinellas County, Florida, (Case No. CRC-91-07220 CFANO-A), where he was charged with the violation described above, on May 24, 1991. Court records indicate that Mr. Osten, previously having been informed of the pending charges had entered a written plea of not guilty on May 22, 1991.

On October 14, 1991, Lawrence T. Osten changed his plea and entered a plea of nolo contendere to the offense of committing lewd and lascivious acts in the presence of a child under the age of sixteen years.

On October 14, 1991, the Court ordered and adjudged that the adjudication of guilt and imposition of sentence be withheld. Mr. Osten was placed on probation for a period of two years consecutive to two years community control under the supervision of the Department of Corrections and its officers. Among the conditions of probation established by the court was a prohibition of contact with children under the age of 18 years. Mr. Osten was likewise ordered to make restitution to the victim in an amount to be determined for any out of pocket expenses for counseling.

The Senate assumed jurisdiction of this matter on October 15, 1991, and this matter was referred to the Senate Committee on Executive Business, Ethics and Elections on October 16, 1991. Proceedings by this Committee were stayed, pursuant to Senate Rule 12.7(b), during the pendency of criminal prosecution in the trial court and the exhaustion of all appellate remedies. On June 11, 1992, the Florida Senate voted to waive Senate Rule 12.7(g) to insure that the Committee on Executive Business, Ethics and Elections would be allowed to continue suspension proceedings against Mr. Osten.

Based upon the investigation of this Committee, it is the finding of this Committee that:

- (1) Lawrence T. Osten was suspended from the office of Notary Public, State of Florida on June 20, 1991;
- (2) Lawrence T. Osten entered a plea of nolo contendere to the offense of committing a lewd and lascivious act in the presence of a child under the age of sixteen, in violation of Section 800.04(2), and that such act constitutes a felony under the laws of Florida;
- (3) the Senate is authorized to remove from office any suspended official for the commission of a felony, pursuant to Article IV, Section 7, Florida Constitution;
- (4) pursuant to Senate Rule 12.7(h), for purposes of Article IV, Section 7(b), Florida Constitution, the Senate may find that a suspended official has committed a felony notwithstanding that a

court has withheld adjudication of guilt upon which the suspension order is based in whole or in part;

- (5) with Mr. Osten's plea of nolo contendere on October 14, 1991 and the strict terms imposed by the court regulating the periods of community control and probation, the Senate is satisfied that a felony has occurred; and
- (6) Lawrence T. Osten has not contested his suspension on his own behalf, nor shown any cause why the Senate should not take further action to remove him from office.

In view of the foregoing, it is the recommendation of this Committee that Lawrence T. Osten be removed from the office of Notary Public, State of Florida, effective June 20, 1991.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Crist, the foregoing report on the suspension of Lawrence T. Osten, Notary Public, State of Florida was adopted and the Senate removed Lawrence T. Osten from said office effective June 20, 1991. The vote was:

Yeas—37 Nays—None

The Honorable Ander Crenshaw
President of the Senate

February 23, 1993

RE: Suspension of:

DERWARD OWENS
Member, Board of
County Commissioners,
Walton County, Florida

Dear Mr. President:

The Committee on Executive Business, Ethics and Elections submits this final report on the matter of the suspension of Derward Owens.

By Executive Order Number 87-145, filed with the Secretary of State on September 15, 1987, the Honorable Bob Martinez, as Governor, suspended Derward Owens as a member of the Board of County Commissioners of Walton County, Florida. By Executive Order Number 88-212, filed with the Secretary of State on September 28, 1988, the Honorable Bob Martinez, as Governor, issued an amended Executive Order of Suspension, suspending Derward Owens as a member of the Board of County Commissioners of Walton County, Florida. The term of office for Mr. Owens as a member of the Board of County Commissioners of Walton County, Florida was from November 18, 1986 through November 19, 1990.

Executive Order Number 87-145, with information attached, charged that Derward Owens, while holding the aforesaid office, committed criminal violations of the laws of Florida, viz: the offense of aggravated battery, in violations of section 784.045(1)(b), Florida Statutes (1987). Executive Order Number 87-145 further stated that the facts alleged constituted the offenses of malfeasance, misfeasance, and/or the commission of a felony which are grounds for suspension under Article IV, Section 7, Florida Constitution.

Criminal prosecution of Derward Owens was commenced in the Circuit Court of the First Judicial Circuit, in and for Walton County, Florida, (Case No. 87-277), where he was charged with the violation described above, on September 9, 1987. On September 10, 1987, an information was filed.

On September 22, 1987, Derward Owen entered a plea of not guilty to the offense of aggravated battery. On October 12, 1987, a trial date was set for January 25, 1988. A waiver of speedy trial was filed on January 19, 1988. A jury was selected on April 25, 1988, and the trial began on April 26, 1988. On April 27, 1988 a mistrial was declared.

On July 22, 1988, Derward Owens pled no contest to simple battery. The trial judge accepted the plea agreement and adjudication of guilt was withheld. Derward Owens was ordered to pay restitution to the victim in the amount of \$205.35 and to pay court costs in the amount of \$500.

Amended Executive Order Number 88-212, with information attached, charged that Derward Owens, while a member of the Board of County

Commissioners of Walton County, Florida, committed criminal violation of the laws of Florida, viz: two (2) counts of grand theft, in violation of section 812.014, Florida Statutes (1988); one (1) count of official misconduct, in violation of section 839.25, Florida Statutes; and one (1) count of failure to remit sales tax, in violation of section 212.15(2)(b), Florida Statutes. Amended Executive Order Number 88-212 further stated that the facts alleged constituted the offenses of misfeasance, and commission of a felony which are grounds for suspension under Article IV, Section 7, Florida Constitution.

Criminal prosecution of Derward Owens was commenced in the Circuit Court of the First Judicial Circuit, in and for Walton County, Florida, (Case No. 88-108), where he was indicted for the violations described above, on May 4, 1988. Derward Owens was arrested on May 5, 1988.

On June 24, 1988, a motion to dismiss the charges was denied and a trial date was set. On February 28, 1989, Derward Owens was found guilty as charged by jury trial. On April 3, 1989, a motion for a new trial was denied and Derward Owens was adjudicated guilty.

On April 3, 1989, a notice of appeal was filed with the District Court of Appeal of the First District and a supersedeas bond for \$5,000 was allowed. On January 31, 1992, the Appellate Court, (Case No. 91-2177), affirmed the theft convictions and reversed the official misconduct conviction, remanding for a new trial on that charge. On June 30, 1992, the State Attorney for the First Judicial Circuit filed a nolle prosequi declaring no further prosecution on the official misconduct charge.

On July 13, 1992, Derward Owens was found guilty by a jury on the offense of grand theft in the Circuit Court in and for Walton County. Derward Owens was sentenced to five (5) years probation with the first six (6) months to be spent in the county jail; he was ordered to pay restitution to the State of Florida in the amount of \$10,000 and to Walton County in the amount of \$1,153 for a total of \$11,153.22.

The Senate assumed jurisdiction of this matter (Amended Executive Order No. 88-212) on September 28, 1988, and this matter was referred to the Senate Committee on Executive Business on September 29, 1988. Proceedings by this Committee were stayed, pursuant to Senate Rule 12.7(b), during the pendency of criminal prosecution in the trial court and the exhaustion of all appellate remedies.

Based upon the investigation of this Committee, it is the finding of this Committee that:

(1) Derward Owens was suspended from the office of member of the Board of County Commissioners, Walton County, Florida, on September 28, 1988 by Amended Executive Order No. 88-212;

(2) Derward Owens was found guilty by a jury of the offense of grand theft, in violation of section 812.014, Florida Statutes (1988), and that such act constitutes a felony under the laws of Florida;

(3) With the findings of guilt on July 13, 1992, on the felony count described above, pursuant to Article VI, Section 4, Florida Constitution, Derward Owens become legally ineligible to hold public office;

(4) The Senate is authorized to remove from office any suspended official for the commission of a felony, pursuant to Article IV, Section 7, Florida Constitution;

(5) Derward Owens is deemed to have vacated his office upon conviction of a felony as defined in Article X, Section 10, Florida Constitution, pursuant to section 114.01(1)(j), Florida Statutes; and

(6) Derward Owens has not contested his suspension on his own behalf, nor shown any cause why the Senate should not take further action to remove him from office.

In view of the foregoing, it is the recommendation of this Committee that Derward Owens be removed from the office of member of the Board of County Commissioners, Walton County, Florida, effective September 28, 1988.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Crist, the foregoing report on the suspension of Derward Owens, Member, Board of County Commissioners, Walton County, Florida, was adopted and the Senate removed Derward Owens from said office effective September 28, 1988. The vote was:

Yeas—38 Nays—None

The Honorable Ander Crenshaw
President of the Senate

February 23, 1993

RE: Suspension of:
ARTHUR S. SEPPi (deceased)
Judge of Compensation Claims
State of Florida

Dear Mr. President:

The Committee on Executive Business, Ethics and Elections submits this final report on the matter of the suspension of Arthur S. Seppi.

By Executive Order Number 92-113, filed with the Secretary of State on April 29, 1992, the Honorable Lawton Chiles, as Governor, suspended Arthur S. Seppi as a Judge of Compensation Claims, State of Florida. Mr. Seppi was appointed to office on March 9, 1973.

The Committee finds that on February 17, 1992, Mr. Seppi notified the Governor of his intention to retire as a Judge of Compensation Claims effective May 31, 1992, which was accepted by the Governor. Subsequent to the April 29, 1992, suspension by the Governor, Mr. Seppi verbally changed the effective date of his retirement to May 1, 1992. Mr. Seppi died by his own hand on October 29, 1992. On February 9, 1993, the Honorable Lawton Chiles issued an Amended Executive Order of Suspension, Number 93-50, suspending Arthur S. Seppi as a Judge of Compensation Claims, State of Florida, effective May 1, 1992.

In view of the foregoing, the Committee on Executive Business, Ethics and Elections advises that no further action by the Senate is authorized or required by the Florida Constitution. The Committee recommends, therefore, that the Senate take no further action on the above-referenced matter and that this suspension case be closed.

Respectfully submitted,
Charlie Crist, Chairman

On motion by Senator Crist, the foregoing report on the suspension of Arthur S. Seppi, Judge of Compensation Claims, State of Florida was adopted without objection and the Senate took no further action.

REPORT OF THE SPECIAL MASTER

Re: Executive Order Number 90-51
and
Executive Order Number 91-248
Suspension of Travis W. Pitts
Clerk of the Circuit and County
Court
Washington County, Florida

REPORT AND RECOMMENDATION OF THE SPECIAL MASTER

Travis W. Pitts, duly elected Clerk of the Circuit and County Court of Washington County, Florida, was on February 19, 1990 suspended from office by the Honorable Bob Martinez, Executive Order Number 90-51. This suspension order was amended and modified by the Honorable Lawton Chiles, Governor, by Executive Order Number 91-248.

The orders of suspension avers that a felony Information charging Travis W. Pitts with the crime of grand theft was filed in the Circuit Court of Washington County, Florida, and that Travis W. Pitts was tried for the offense of grand theft in said circuit court and was found guilty as charged.

The order further finds that the conviction of grand theft constitutes a felony as that offense is used in Article IV, Section 7, Florida Constitution.

Honorable Gwen Margolis, President of the Senate, on the 21st day of August, 1991, appointed the undersigned B. J. Driver, as Special Master, to conduct preliminary and final hearings on the order of suspension. The Governor appointed Honorable James Russell, State Attorney, of the Sixth Judicial Circuit of Florida to represent him in the prosecution of the order of suspension. Assistant State Attorney, Bruce Bartlett acted as lead counsel for the prosecution at all hearings before Special Master. Travis W. Pitts was represented throughout the proceedings by Mr. Lorence Jon Bielby. A preliminary hearing on the order of suspension was held in Tallahassee on September 20, 1991. A full evidentiary hearing was held in Tallahassee on November 25, 1991.

Motions to dismiss were filed by Mr. Pitts. These motions were considered and denied.

CHARGE NO. 1*

The orders of suspension charges that,

"James T. Russell, especially assigned State Attorney for the Fourteenth Judicial Circuit, by Information charged that Travis W. Pitts did, knowingly and unlawfully, obtain or use or endeavor to obtain or use the property of another, to wit; money of a value of \$300 or more, with the intent to temporarily or permanently deprive Washington County of a right to the money or benefits therefrom, or with the intent to temporarily or permanently appropriate the money to his own use contrary to Chapter 812.014, Florida Statutes."

*Copies of Executive Orders Attached Hereto [omitted]

The order of suspension further charges that the facts alleged in the Information constitute a felony as is used in Article IV, Section 7, Florida Constitution.

FACTS

Travis W. Pitts was the duly elected and acting Clerk of the County and Circuit Court of Washington County, Florida, during the period from September 25, 1985 through February 8, 1989. The term of office from which he was suspended was from January 3, 1989 to January 4, 1993.

James W. Russell, especially appointed State Attorney for the Fourteenth Judicial Circuit, on February 19, 1990 filed Information No. 90-0025-CF in the Circuit Court of Washington County, Florida, charging Mr. Pitts with the offense of grand theft.

Upon his plea of not guilty the case was set for trial on July 30, 1990, and on August 3, 1990 the jury found Travis W. Pitts guilty of the offense of grand theft as charged in the Information.

Adjudication of guilt was withheld by the sentencing Judge. Mr. Pitts was sentenced to serve 4 years on probation, serve 6 months community control, to furnish 400 hours of community service and was fined \$5,000 and ordered to pay costs in the amount of \$225.

Mr. Pitts filed an appeal from the guilty verdict and sentence; however, this appeal was voluntarily dismissed by Mr. Pitts on January 3, 1991.

BACKGROUND AND FINDINGS

The financial transactions upon which the charges of grand theft were predicated were hardly disputed by Mr. Pitts at the hearing before the undersigned Special Master. It was Mr. Pitts' position that even though they may have occurred, the transactions did not constitute grand theft within the meaning of Chapter 812.014, Florida Statutes.

The Special Master finds this position to be without merit and not a defense to the charge of grand theft.

The proof showed beyond every reasonable doubt that Mr. Pitts, between September 25, 1985 through February 8, 1989 improperly converted to his own temporary use and denied to Washington County monies in the amount of \$140,800, the property of Washington County, Florida.

THEFT OF INSURANCE PREMIUMS

The facts are that in September of 1985 the Board of County Commissioners of Washington County, Florida, undertook to provide county employees with health insurance to be provided under a health policy with Administrative Systems of Tennessee, Inc.

Starting on October, 1985 and for various periods thereafter, the constitutional officers of Washington County, that is to say property appraiser, tax collector, sheriff, Board of County Commissioners, and clerk of the court, delivered or turned over to Mr. Pitts as Clerk monies to cover the premiums due from each of the aforementioned officers. Mr. Pitts received these funds in his official capacity as clerk and as the officer designated to remit the premiums to the insurance carrier. The policy was cancelled in 1988 upon failure of Mr. Pitts to remit the premiums when due.

Mr. Pitts' personal bank records show that from October, 1985 and from September, 1986 through August, 1988, Mr. Pitts deposited a total of \$117,779 of the insurance premiums and fees into his own personal bank accounts at Southeast Bank, Citizens State Bank, and the Bank of

Washington County now known as Trust Bank. These funds, which were improperly converted to Mr. Pitts' own use, were used by him to pay overdrafts at the aforementioned banks, to pay his personal credit card charges, living costs, and other related personal expenses. (1) The funds which Mr. Pitts improperly utilized for his personal expenses were in every case eventually returned to the county. However, Mr. Pitts obtained the use and benefit of and denied Washington County the use and benefit of money, the property of Washington County, for periods varying from a few days to over 100 days.

The total loss to Washington County exceeded by far \$300 which constitutes grand theft as used in the statute.

(1) See Kurash affidavit contained in Exhibit A. This affidavit was incorporated in Executive Order 91-248 and Exhibit B attached. [omitted]

THEFT OF FUNDS FROM CLERK'S ACCOUNT AND TRAVEL FUNDS

On December 15, 1988 Mr. Pitts withdrew \$4,581.02 from his fee-operating account and deposited these monies in his personal bank account at the Bank of Washington County. These funds were used to pay Mr. Pitts' personal expenses and to eliminate his overdraft bank balance. These funds were ultimately returned to the clerk's office on February 8, 1989. Mr. Pitts improperly converted money belonging to Washington County to his own use and benefit for a period of 55 days. (2)

(2) See Chart Exhibit C attached [omitted]

The records of Mr. Pitts show that on September 25, 1985, he withdrew and deposited in his own account \$3,000. This money was withdrawn for travel; however, it was never used for any travel or any other official purposes. Mr. Pitts did not return these monies to the county for 21 days. (3)

On September 15, 1986 Mr. Pitts withdrew \$2,510.00 from the Clerk's general funds and deposited them in his personal account at Citizens State Bank. This money was allegedly withdrawn from the Board of County Commissioners' general fund for travel, but only \$510.00 was actually used for travel. The \$2,000 balance was placed in Mr. Pitts' personal account and utilized to pay his personal bills and to cover an overdraft at the bank. These funds were not returned to the county for 46 days. (3)

(3) See Exhibit D attached [omitted]

The records of Mr. Pitts as Clerk reflect that on September 14, 1987, he withdrew \$3,000 from the board of county commissioners' general funds and deposited this sum in his personal account at the Southeast Bank on September 15, 1987. The claimed purpose for the withdrawal was to pay the travel expenses of the board to a meeting out of Washington County. Of the \$3,000 improperly placed in Mr. Pitts' personal account, \$610 was actually used to pay the registration fees for the board and their spouses. The balance of the \$3,000, however, was not used for travel expenses or any official purposes and were used to eliminate an overdraft bank balance and personal bills. This \$3,000 was not returned to Washington County for 108 days, thereby depriving Washington County of the use and benefit of its monies for said term. (4)

(4) See Chart Exhibit D attached [omitted]

On October 31, 1988 Mr. Pitts withdrew \$7,000 from his clerk's office fund allegedly claiming it as a travel expense. This \$7,000 was deposited in Mr. Pitts' personal account at the Bank of Washington County. These funds were not used for official purposes, but were applied to an overdrawn balance at the bank and to repay \$3,627.68 which Mr. Pitts owed the clerk's office for excess travel advances which he had taken in 1988. (5)

(5) See Chart Exhibit D attached [omitted]

On December 30, 1988 Mr. Pitts deposited \$3,440.00 in cash to his personal account at the Bank of Washington County. This \$3,440.00 came from the official collections of the clerk of circuit court and were used in part to cover Mr. Pitts' overdrawn bank balance and to pay his personal bills. These checks were not returned to the county for approximately 9 to 11 days. (6)

(6) See Kurash affidavit contained in Exhibit A [omitted]

FINDINGS

The Special Master finds that the Governor has sustained the charges upon which the order of suspension were based in that:

1. Travis W. Pitts was suspended from the office of the Clerk of the Circuit Court and County Court for Washington County, Florida, by executive extension order on February 19, 1990.

2. That Travis W. Pitts was informed against by Information filed in the Circuit Court of Washington County, Florida, for the offense of grand theft, in that he unlawfully obtained or used or endeavored to obtain the property of another, to wit, money, of a value of \$300 or more, with the intent to temporarily or permanently deprive Washington County of the right to the money or benefit, or with the intent to temporarily or permanently appropriate the money to his own use contrary to Chapter 812.04, Florida Statutes.

3. That Travis W. Pitts, on August 3, 1990, was found guilty of the crime of grand theft, a felony.

4. That the conduct described in paragraph 2 above constituted a felony under the laws of Florida. That the conduct found in paragraphs 2 and 3 above authorize suspension of an official for the commission of a felony under the provisions of Article IV, Section 7, Florida Constitution.

5. And as provided by Senate Rule 12.7(h), and under Article IV, section 7(b), Florida Constitution, the Senate is authorized to suspend Travis W. Pitts, notwithstanding that at his trial on the criminal charges, adjudication of guilt was withheld.

RECOMMENDATIONS

1. It is recommended that the Senate confirm the appointment of the undersigned B. J. Driver as Special Master in these proceedings.

2. That the Senate consider this report and recommendation in open session.

3. That the Senate affirm the Special Master denial of Travis W. Pitts' motions to dismiss.

4. That the Senate sustain the Governor's Executive Order Number 90-51 as amended by Executive Order Number 91-248 suspending Travis W. Pitts, as Clerk of the Circuit Court and County Court of Washington County, Florida, and remove Travis W. Pitts from the office of Clerk of County and Circuit Court, Washington County, Florida.

Respectfully submitted,
B. J. Driver
Special Master
for the Florida Senate
Executive Suspension
Orders 90-51 and 91-248

On motion by Senator Crist, the foregoing report on the suspension of Travis W. Pitts, Clerk of the Circuit and County Court, Washington County, Florida, was adopted and the Senate removed Travis W. Pitts from said office effective February 19, 1990. The vote was:

Yeas—39 Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable Ander Crenshaw, President

I am directed to inform the Senate that the House of Representatives has passed SB 170.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

ROLL CALLS ON SENATE BILLS

SB 34

Yeas—39

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Williams
Dantzler	Hargrett	Meadows	

Nays—None

CS for SB 138

Yeas—40

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

Nays—None

SB 140

Yeas—40

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

Nays—None

CS for SB 160

Yeas—40

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

Nays—None

CS for SB 192

Yeas—40

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

Nays—None

SB 228

Yeas—40

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

Nays—None

SB 292

Yeas—40

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

Nays—None

CS for SJR's 328, 530, 844 and 1398

Yeas—40

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

Nays—None

CS for SB's 340 and 358

Yeas—40

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

Nays—None

SB 408

Yeas—40

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

Nays—None

CS for SB 438

Yeas—40

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

Nays—None

SB 448

Yeas—39

Mr. President	Diaz-Balart	Holzendorf	Scott
Bankhead	Dudley	Jenne	Siegel
Beard	Dyer	Jennings	Silver
Boczar	Foley	Johnson	Sullivan
Brown-Waite	Forman	Jones	Thomas
Burt	Grant	Kiser	Turner
Casas	Grogan	Kurth	Weinstein
Childers	Gutman	McKay	Wexler
Crist	Harden	Meadows	Williams
Dantzler	Hargrett	Myers	

Nays—None

CS for SB 506

Yeas—40

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Brown-Waite	Forman	Jones	Sullivan
Burt	Grant	Kirkpatrick	Thomas
Casas	Grogan	Kiser	Turner
Childers	Gutman	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

Nays—None

CS for SB 512

Yeas—38

Mr. President	Diaz-Balart	Jennings	Siegel
Bankhead	Dudley	Johnson	Silver
Beard	Dyer	Jones	Sullivan
Boczar	Foley	Kirkpatrick	Thomas
Brown-Waite	Forman	Kiser	Turner
Burt	Grant	Kurth	Weinstein
Casas	Grogan	McKay	Wexler
Childers	Harden	Meadows	Williams
Crist	Holzendorf	Myers	
Dantzler	Jenne	Scott	

Nays—None

ROLL CALLS ON HOUSE BILLS

HB 265

Yeas—39

Mr. President	Diaz-Balart	Holzendorf	Scott
Bankhead	Dudley	Jenne	Siegel
Beard	Dyer	Jennings	Silver
Boczar	Foley	Johnson	Sullivan
Brown-Waite	Forman	Jones	Thomas
Burt	Grant	Kirkpatrick	Turner
Casas	Grogan	Kurth	Weinstein
Childers	Gutman	McKay	Wexler
Crist	Harden	Meadows	Williams
Dantzler	Hargrett	Myers	

Nays—None

HB 267

Yeas—39

Mr. President	Diaz-Balart	Holzendorf	Scott
Bankhead	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Grogan	Kurth	Weinstein
Childers	Gutman	McKay	Wexler
Crist	Harden	Meadows	Williams
Dantzler	Hargrett	Myers	

Nays—None

ROLL CALLS ON EXECUTIVE BUSINESS

Confirmations

Yeas—38

Mr. President	Bankhead	Beard	Boczar
---------------	----------	-------	--------

Brown-Waite	Foley	Jones	Silver
Burt	Grant	Kirkpatrick	Sullivan
Casas	Grogan	Kiser	Thomas
Childers	Harden	Kurth	Turner
Crist	Hargrett	McKay	Weinstein
Dantzler	Holzendorf	Meadows	Wexler
Diaz-Balart	Jenne	Myers	Williams
Dudley	Jennings	Scott	
Dyer	Johnson	Siegel	

Nays—None

Suspension
Lawrence T. Osten

Yeas—37

Mr. President	Diaz-Balart	Jennings	Silver
Bankhead	Dudley	Johnson	Sullivan
Beard	Dyer	Jones	Thomas
Boczar	Foley	Kirkpatrick	Turner
Brown-Waite	Forman	Kiser	Weinstein
Burt	Grant	Kurth	Wexler
Casas	Grogan	McKay	Williams
Childers	Hargrett	Meadows	
Crist	Holzendorf	Myers	
Dantzler	Jenne	Siegel	

Nays—None

Suspension
Derward Owens

Yeas—38

Mr. President	Diaz-Balart	Jennings	Siegel
Bankhead	Dudley	Johnson	Silver
Beard	Dyer	Jones	Sullivan
Boczar	Foley	Kirkpatrick	Thomas
Brown-Waite	Forman	Kiser	Turner
Burt	Grant	Kurth	Weinstein
Casas	Grogan	McKay	Wexler
Childers	Harden	Meadows	Williams
Crist	Holzendorf	Myers	
Dantzler	Jenne	Scott	

Nays—None

Vote after roll call:

Yea—Hargrett

Suspension
Travis W. Pitts

Yeas—39

Mr. President	Diaz-Balart	Jenne	Scott
Bankhead	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Thomas
Burt	Grant	Kiser	Turner
Casas	Grogan	Kurth	Weinstein
Childers	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Holzendorf	Myers	

Nays—None

VOTES RECORDED AFTER ROLL CALL

On motion by Senator Hargrett, by unanimous consent of the Senate, he was recorded as voting "yea" on the suspension of Derward Owens.

On motion by Senator Siegel, by unanimous consent of the Senate, he was recorded as voting "yea" on SB 222 which passed February 17, 1993.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of February 17 and 19 were corrected and approved.

CO-SPONSORS

Senator Jenne—CS for SB 192, SB 1828; Senator Gutman—SB 242; Senator Williams—SB 264; Senator Grogan—SB 496, SB 648; Senator Johnson—SB 496, SB 1782; Senator Kiser—SB 496, SB 1030; Senator Dudley—SB 1210; Senator Foley—SB 1602

RECESS

On motion by Senator Jennings, the Senate recessed at 10:59 a.m. for the purpose of holding committee meetings and conducting other Senate business until 9:00 a.m., Thursday, February 25.

SENATE PAGES

February 22-26

Richard Michael Blair, Tampa; Tammi Dickinson, Palm Coast; Scott Austin Fosgate, Orlando; Meghan Haller, Bunnell; Scott Bruce Harris, Hollywood; Katherine Anne Hase, New Port Richey; Jeremiah M. Hawkes, Crystal River; Kathleen Ann Hobin, Brooksville; Jane Livingston, Sarasota; Kimberly G. McArdle, Homestead; Dana Panza, Ft. Lauderdale; Mollie L. Rideout, Orlando; Elizabeth Scherer, Ft. Lauderdale; Melanie Shanks, Pensacola; Nicole Vercoe, Ft. Lauderdale; Abigail Wilson, Lynn Haven; Mark Jared Wilson, Clearwater