



Journal of the Senate

Number 16

Thursday, April 27, 1995

CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—39:

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	

Excused: Senator Williams until 2:00 p.m.

PRAYER

The following prayer was offered by the Rev. Robert H. Walker, Jr., Pastor, First Baptist Church, Crawfordville:

"O Lord, Our Lord, how majestic is your name in all the earth!"
We bow before you humbly this hour because of who you are.
We are awed by your strength and the power of your might;
We are moved by your compassion and your love for the lowly;
We adore your mercy and grace that restores our contrite hearts;
We are inspired by your holy justice and truth so equally dispensed.
O Lord, our Lord, we place you first this morning,
that you might lead us through the day.

O Lord, our Lord, hear now our petitions and bless them with your Spirit's power. We seek forgiveness today, knowing that we cannot be blessed if we are tainted. We seek wisdom today, as we strive to govern proactively for your children's future. We seek understanding today, that we may be leaders from among your people and not from above. We seek courage today, as we will be asked to make decisions that may cause us personal pain but be for the common good. We seek integrity today, that we may stand firm in our personal convictions and hold true to our promised intent. We seek strength today, that we may hold to what is upright though the whole world pulls against us. We seek peace today, as we try to cope with the evil of this world in ways that honor you.

O Lord, our Lord, hear our prayers, guide us, move us, inspire us, restore us, that we may lead as your servants. Amen.

PLEDGE

Senate Pages, Alison Erato and Brady Proctor of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTIONS

On motion by Senator Forman, the rules were waived and—

By Senator Forman—

SR 3058—A resolution commending the osteopathic physicians of this state and recognizing April 25, 1995, as Osteopathic Medicine Day.

WHEREAS, osteopathic physicians offer health care services to more than 10 percent of the population, primarily in the area of primary care, and

WHEREAS, osteopathic physicians provide primary care services to their patients in more than 84 million patient visits in this country each year, and

WHEREAS, this state has 10 accredited osteopathic hospitals, two osteopathic medical colleges, and the fourth largest osteopathic physician population in the United States, and

WHEREAS, osteopathic manipulation of the musculoskeletal system is a viable and proven technique for many diagnoses and treatments and provides an alternative to many drug therapies, and

WHEREAS, osteopathic physicians provide comprehensive medical care, including preventive medicine, diagnoses, and the appropriate use of drugs, surgery, manipulation, and hospital referrals, NOW, THEREFORE,

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

That the Florida Senate commends osteopathic physicians of this state for their contributions to the health and welfare of the residents of this state and recognizes April 25, 1995, as Osteopathic Medicine Day.

—was introduced out of order and read by title. On motion by Senator Forman, **SR 3058** was read the second time in full and adopted.

On motion by Senator Jenne, the rules were waived and—

By Senator Jenne—

SR 3060—A resolution recognizing Covenant House Florida for ten years of service in helping over 16,000 homeless and runaway children in Florida.

WHEREAS, there are over 1 million runaway children on the streets of America each year, and

WHEREAS, the decline of the family unit is a crisis for our society, and

WHEREAS, Covenant House is a national and international program that has provided shelter and services to homeless youths for over 25 years, and

WHEREAS, each year in Broward County, thousands of teens run away or are thrown out of their homes due to physical or sexual abuse, drug or alcohol problems, financial difficulty, teen pregnancy, lack of communication, or other causes, and

WHEREAS, Covenant House Florida, a 104-bed crisis intervention center that never says "no," day or night, to a child in crisis, will celebrate ten years of service on September 28, 1995, and

WHEREAS, Covenant House Florida shelters up to 104 youths each day, mainly from Broward County, at its residential center and provides continuing aftercare to another 60 youths daily at its Community Services Center in downtown Ft. Lauderdale, and

WHEREAS, Covenant House meets the basic needs of troubled youths and provides nourishing food, a hot shower, clean clothing, and a safe place to sleep, and

WHEREAS, Covenant House offers comprehensive services, including street outreach, family reunification, drug and alcohol prevention and treatment, individual and group counseling, pastoral ministry, teen parent education, full-time school and GED classes, a runaway prevention project, vocational/independent living assistance, employment assistance, transitional housing and aftercare, and other supportive services, and

WHEREAS, Covenant House Florida will continue to provide needy youths the opportunity to create a healthy, fulfilling, and meaningful life as an alternative to a dead-end life on the street, NOW, THEREFORE,

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

That the Florida Senate recognizes and commends Covenant House Florida for the ten years of service and shelter it has provided to the homeless and runaway children of Florida.

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

—was introduced out of order and read by title. On motion by Senator Jenne, **SR 3060** was read the second time in full and adopted.

On motion by Senator Weinstein, the rules were waived and—

By Senators Weinstein, Grant, Jenne, Silver, Thomas, Wexler, Dantzer, Casas, Sullivan, Beard, Forman, Meadows, Kirkpatrick, Williams, Diaz-Balart, Turner, Brown-Waite, Kurth, Myers, Rossin, Harris, Johnson, Ostalkiewicz, Harden and Latvala—

SR 3062—A resolution encouraging the observance of the Days of Remembrance of the Victims of the Holocaust and Yom Hashoah.

WHEREAS, the year 1995 marks the fiftieth anniversary of the victories of the United States Armed Forces and the Allies over the German National Socialists regime, ending the war in Europe during World War II, and

WHEREAS, this great military victory brought the liberation of the Nazi concentration camps and the end of the Holocaust, during which Nazi Germany conducted the planned, systematic annihilation of European Jews and other groups, and

WHEREAS, the war-hardened United States soldiers not only liberated the Nazi concentration camps, but also extended their tender compassion and generosity to those few survivors of these camps, and

WHEREAS, Americans recognize that each individual citizen is responsible for eternal vigilance against all tyranny and for speaking out against such tyranny, and

WHEREAS, in 1994 the Florida Legislature mandated that the history of the Holocaust be taught in public schools, in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and nurturing and protecting democratic values and institutions, and

WHEREAS, under federal law, the United States Holocaust Memorial Museum designated April 23, 1995, through April 30, 1995, as the Days of Remembrance of the Victims of the Holocaust and April 27, 1995, as the international Day of Remembrance, known as Yom Hashoah, NOW, THEREFORE,

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

That the Florida Senate encourages the citizens of the state to observe the Days of Remembrance of the Victims of the Holocaust, and Yom Hashoah, in memory of the victims and survivors of the Holocaust, and their liberators.

—was introduced out of order and read by title. On motion by Senator Weinstein, **SR 3062** was read the second time in full and adopted.

On motion by Senator Forman, the rules were waived and—

By Senators Forman, Scott, Jenne, Weinstein, Meadows and Wexler—

SR 3056—A resolution recognizing Jo M. Wright for her outstanding contributions to the Florida Association of Realtors, to Broward County, and to the people of this state.

WHEREAS, Jo M. Wright has for 30 years been an active member of the Florida Association of Realtors, the state's largest professional trade association, which was founded in 1916 to advocate, through its auspices, private property rights and the freedom of Florida residents to own and use real property, and

WHEREAS, Jo M. Wright developed the nation's first political-candidate interview process and endorsement of candidates by realtors, a system that is still used today, and

WHEREAS, Jo M. Wright participated in the development of the realtors' key-contact system and became the nation's first key contact, with assignment to Representative Herb Burke of Florida, and

WHEREAS, Jo M. Wright participated in the development of the Real Estate Political Education Committee (REPAC), which later became the Realtors' Political Action Committee (RPAC), one of the nation's leading political action committees, of which she is a life member, and

WHEREAS, Jo M. Wright has participated since its inception 25 years ago in the Florida Association of Realtors' yearly Legislative Day program that brings to Tallahassee a contingent of real estate professionals to discuss issues vital to the preservation of private property rights and the right to own, use, and transfer real property on behalf of all residents of the state, and

WHEREAS, Jo M. Wright embodies the finest spirit and tradition of professional trade associations and the professionalism of the real estate industry in Florida, having been named the Fort Lauderdale Realtor of the Year in 1976 and the Florida Realtor of the Year in 1985, and

WHEREAS, Jo M. Wright has been an active community leader in the First Presbyterian Church in Fort Lauderdale; has chaired the State Women's Council of Realtors; and has served for 14 years on the Broward County Building and Zoning Committee, for 6 years on the Local Government Task Force and Ambassadors for the Greater Fort Lauderdale Chamber of Commerce, and on many other government-appointed committees, and

WHEREAS, Jo M. Wright has been able to balance business and family, raising six children and owning her own real estate business since 1965, and

WHEREAS, she was appointed by the Truman Administration to serve as a 1950 delegate to the White House Conference on Children and Youth, and

WHEREAS, Jo M. Wright has been politically active, on the national, state, and local levels, for over 40 years and lives by the motto, "The business of business is politics. If your business is not involved in politics, you'll soon be out of business," NOW, THEREFORE,

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

That the Florida Senate recognizes and honors Jo M. Wright for her many outstanding contributions to the Florida Association of Realtors, to Broward County, and to the people of the State of Florida.

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

—was introduced out of order and read by title. On motion by Senator Forman, **SR 3056** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Forman introduced the following guests who were seated in the gallery: Jo M. Wright; her daughter, Dana Davis; her granddaughter, Marissa Davis; her sons, Joe, Harry and Frank Millsaps; and her daughters-in-law, Pam and Mitzie.

On motion by Senator Grant, by two-thirds vote **SR 2968** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Grant—

SR 2968—A resolution commending Lee Roy Selmon for his outstanding accomplishments in academics, athletics, and business.

WHEREAS, Lee Roy Selmon, one of the most decorated collegiate and professional football players in recent history, and a successful banker following his retirement from professional football, joined the University of South Florida athletic department as associate director in July 1993, overseeing all external affairs, including marketing and promotions, broadcasting, corporate partnerships, sports information, and football fund-raising, and

WHEREAS, Lee Roy Selmon concentrated on academics at the University of Oklahoma, while achieving success as an athlete, winning the Outland and Lombardi trophies and graduating as a GTE Academic All-American, and was inducted into the GTE Academic All-America Hall of Fame in 1994, and

WHEREAS, Lee Roy Selmon compiled a distinguished record during his nine seasons as a defensive end with the Tampa Bay Buccaneers, was selected for the Pro Bowl six times and chosen All-Pro four times, was selected as NFL Defensive Player of the Year in 1979, was inducted into the NFL Hall of Fame in January 1995, and is the only Buccaneer honored by having his jersey number retired, and

WHEREAS, Lee Roy Selmon began a successful career in banking in 1978, while playing for the Buccaneers, and progressed to the position of vice-president for marketing and public relations with Barnett Banks in Tampa prior to joining the University of South Florida athletic department, and

WHEREAS, Lee Roy Selmon has always been highly community conscious and unselfishly gives his time to the United Negro College Fund, Children's Cancer Center, Ronald McDonald House, All Children's Hospital, Easter Seals, Special Olympics, and other charitable causes in the Tampa Bay area, NOW, THEREFORE,

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

That the Florida Senate commends Lee Roy Selmon for his outstanding accomplishments in academics, athletics, and business.

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

—was taken up out of order and read the second time in full. On motion by Senator Grant, **SR 2968** was adopted.

SPECIAL GUESTS

Senator Grant introduced the following guests who were seated in the chamber: Lee Roy Selmon and former Senator Betty Castor, President of the University of South Florida.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Jennings, by two-thirds vote **SB 2350** was withdrawn from the Committee on Rules and Calendar; **SB 2250**, **SB 1748** and **CS for SB 1036** were withdrawn from the Committee on Commerce and Economic Opportunities; **SB 1820**, **SB 706** and **CS for SB's 1352** and **2178** were withdrawn from the Committee on Judiciary; **SB 1010** and **CS for SB 120** were withdrawn from the Committee on Governmental Reform and Oversight; **CS for SB 1040**, **SB 2604** and **CS for SB 1044** were withdrawn from the Committee on Community Affairs; and **SB 2314** and **CS for SB 2582** were withdrawn from the Committee on Criminal Justice.

On motion by Senator McKay, by two-thirds vote **SB 2700** was withdrawn from the committees of reference and further consideration.

On motion by Senator Jennings, by two-thirds vote **CS for SB 1610** was withdrawn from the Committee on Health Care; **CS for SB 1714** was withdrawn from the Committee on Commerce and Economic Opportunities; **SB 2662** was withdrawn from the Committee on Community Affairs; **SB 2414** was withdrawn from the Committee on Judiciary; and **SB 660** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means; and referred to the Committees on Judiciary; and Ways and Means.

MOTIONS

On motions by Senator Jennings, the rules were waived and **SB 160**, **SB 296**, **CS for SB 510**, **SB 864**, **SB 906**, **SB 970**, **CS for SB 978**, **SB 994**, **SB 1378**, **SB 1508**, **SB 1726**, **SB 1802**, **CS for SB 2330**, **SB 2458**, **CS for SB 2646**, **HB 239**, **HB 1387**, **HB 2209** and **HB 2371**, which passed April 26, were ordered immediately certified to the House.

On motion by Senator Jennings, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Monday, May 1.

SPECIAL ORDER

CS for SB 172—A bill to be entitled An act relating to sentencing; amending s. 921.0012, F.S.; providing for additional specified crimes to be included in the offense severity ranking chart of the sentencing guidelines; amending s. 921.0014, F.S.; revising the sentence points assessed under the sentencing guidelines worksheet; providing for certain prior felony offenses to be included in computing an offender's sentence; providing that prior capital felonies be included in computing an offender's sentence; providing an effective date.

—was read the second time by title.

Senators Burt and Silver offered the following amendment which was moved by Senator Burt and adopted:

Amendment 1 (with Title Amendment)—On page 27, between lines 27 and 28, insert:

Section 3. This act may be cited as the "Officer Evelyn Gort Career Criminal Act."

Section 4. Career criminals; definition; penalties.—

(1) A person who commits a crime on or after July 1, 1995, is a career criminal if that person:

(a) Is convicted of:

1. Burglary, as defined in section 810.02, Florida Statutes; robbery, as defined in section 812.13, Florida Statutes; or any other forcible felony, as defined in section 776.08, Florida Statutes; or

2. A felony violation of any provision of chapter 790, Florida Statutes, involving the use or possession of a firearm;

(b) Has been convicted as an adult three or more times previously for forcible felonies that were committed in this state, or in any other state, the District of Columbia, the United States, or any possession or territory thereof, or any foreign jurisdiction; and

(c) Has been incarcerated in a state prison or a federal prison.

(2) In order to be counted as a prior forcible felony for the purposes of this section, each of the prior forcible felonies must have resulted in a conviction sentenced separately prior to the current offense and sentenced separately from any other forcible felony conviction that is to be counted as a prior forcible felony.

(3) When the court finds that the defendant is a career criminal, it shall impose sentence according to this section. If the offense of which the person is convicted:

(a) Is a life felony or a felony of the first degree, the person shall be sentenced to life imprisonment and is not eligible for early release by control release or emergency control release pursuant to section 947.146, Florida Statutes, or by parole pursuant to section 947.16, Florida Statutes.

(b) Is a felony of the second degree, the person shall be sentenced to a minimum mandatory term of 30 years imprisonment and is not eligible for early release by control release or emergency control release pursuant to section 947.146, Florida Statutes, or by parole pursuant to section 947.16, Florida Statutes.

(c) Is a felony of the third degree, the person shall be sentenced to a minimum mandatory term of 10 years' imprisonment and is not eligible for early release by control release or emergency control release pursuant to section 947.146, Florida Statutes, or by parole pursuant to section 947.16, Florida Statutes.

(4) This section is in lieu of, and not an alternative to, section 775.084, Florida Statutes. If a person meets the definition of a career criminal, he must be sentenced under this section and may not be sentenced under section 775.084, Florida Statutes, or any other sentencing provision of the Florida Statutes unless such other provision provides for a minimum mandatory term of life imprisonment without possibility or eligibility for early release by control release or emergency control release pursuant to section 947.146, Florida Statutes, or by parole pursuant to section 947.16, Florida Statutes.

(5) The felony for which a person is to be sentenced must have been committed within 10 years after the later of:

(a) The date of any prior felony conviction or finding of guilt irrespective of adjudication;

(b) The date of release from any form of incarceration for a prior felony committed in this state, or in any other state, the District of Columbia, the United States, or any possession or territory thereof, or any foreign jurisdiction; or

(c) The date of release from any form of supervised or conditional release provided by Florida law.

(6) A sentence imposed under this section is not subject to section 921.001, Florida Statutes. A prisoner whose sentence is imposed under this section is not eligible for gain-time pursuant to section 944.275(4)(c), (d), or (e), Florida Statutes, except that for each full 3-month period in which a prisoner whose sentence is imposed under this section works diligently, participates in training, uses time constructively, or otherwise engages in positive activities, and is not convicted of any violation of the rules or regulations of the department as outlined in section 944.28(2), Florida Statutes, the Department of Corrections may grant up to 15 days of incentive gain-time, which shall be credited during the first part of the month following the 3-month period in accordance with department rules. However, a person sentenced under this section may not serve less than 85 percent of his sentence, and early release by control release, emergency control release, or parole, except for pardon or executive clemency, is expressly prohibited.

(7) This section does not preclude the imposition of the death penalty for conviction of a capital felony.

(8)(a) Notwithstanding any other law, a person who is sentenced under this section may be released before the expiration of his sentence, subject to conditions determined by the Parole Commission, if:

1. A federal court orders the state to reduce the prison population at a state correctional facility;

2. The release of inmates from the facility subject to the reduction order is the only means of reducing the population and other alternatives are not available, including, but not limited to, transferring inmates to another facility or temporarily lodging inmates in a county facility;

3. The Governor certifies to the Cabinet that the conditions specified in subparagraphs 1. and 2. have been met and that an emergency exists;

4. The Governor recommends to the Cabinet the early release of a person sentenced under this section and specifies the crime for which he was sentenced, the length of time that remains to be served under his sentence or combined sentences as of the date of the recommendation, the nature of each prior conviction, and the sentence imposed for each prior conviction; and

5. The Governor and Cabinet, by majority vote, determine that the person is suitable for early release and authorizes the person's release to the supervision of the Department of Corrections, except that the length of supervision may not exceed the maximum period for which the person has been sentenced.

(b) The Parole Commission is authorized to apply the procedures in section 947.141(1)-(3), Florida Statutes, to any releasee under this subsection to determine whether the releasee has violated the terms and conditions of his release under this section, and to effect revocation of his release for this violation.

(c) Whenever release under this subsection is revoked pursuant to the procedures in section 947.141(1)-(3), Florida Statutes, and the releasee is returned to prison, the releasee, by reason of his misconduct, may be deemed to have forfeited all gain-time or commutation of time for good conduct, as provided for by law, earned up to the date of his release. This paragraph does not deprive the prisoner of his right to gain-time or commutation of time for good conduct, as provided by law, from the date on which he is returned to prison.

Section 5. Section 790.23, Florida Statutes, 1994 Supplement, is amended to read:

790.23 Felons and delinquents; possession of firearms or electric weapons or devices unlawful; *minimum term of imprisonment.*—

(1) It is unlawful for any person to own or to have in his or her care, custody, possession, or control any firearm or electric weapon or device, or to carry a concealed weapon, including a tear gas gun or chemical weapon or device, if that person has been:

(a) Convicted of a felony or found to have committed a delinquent act that would be a felony if committed by an adult in the courts of this state;

(b) Convicted of or found to have committed a crime against the United States which is designated as a felony;

(c) Found to have committed a delinquent act in another state, territory, or country that would be a felony if committed by an adult and which was punishable by imprisonment for a term exceeding 1 year; or

(d) Found guilty of an offense that is a felony in another state, territory, or country and which was punishable by imprisonment for a term exceeding 1 year.

(2) This section shall not apply to a person convicted of a felony whose civil rights and firearm authority have been restored, or to a person found to have committed a delinquent act that would be a felony if committed by an adult with respect to which the jurisdiction of the court pursuant to chapter 39 has expired.

(3) Any person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) *A person who is convicted of violating subsection (1), which offense was committed on or after July 1, 1995, and who has been convicted three or more times previously for forcible felonies as defined in s. 776.08, whether the previous convictions or adjudications were as an adult or as a juvenile, shall be sentenced to a minimum mandatory term of 15 years' imprisonment and is not eligible for early release by control release or emergency control release pursuant to s. 947.146 or by parole pursuant to s. 947.16. However, a person who would be sentenced to a longer term of imprisonment pursuant to section 2 of this act must be sentenced under that section and not under this subsection. In order to be counted as a prior forcible felony for the purposes of this subsection, all of the prior forcible felonies must have resulted in either a conviction as an adult which was sentenced separately, or in an adjudication as a juvenile which was entered separately, prior to the current offense and sentenced or adjudicated separately from any other forcible felony conviction or adjudication that is to be counted as a prior forcible felony.*

(5)(a) Notwithstanding any other law, a person who is sentenced under this section may be released before the expiration of his sentence, subject to conditions determined by the Parole Commission, if:

1. A federal court orders the state to reduce the prison population at a state correctional facility;

2. The release of inmates from the facility subject to the reduction order is the only means of reducing the population and other alternatives are not available, including, but not limited to, transferring inmates to another facility or temporarily lodging inmates in a county facility;

3. The Governor certifies to the Cabinet that the conditions specified in subparagraphs 1. and 2. have been met and that an emergency exists;

4. The Governor recommends to the Cabinet the early release of a person sentenced under this section and specifies the crime for which he was sentenced, the length of time that remains to be served under his sentence or combined sentences as of the date of the recommendation, the nature of each prior conviction, and the sentence imposed for each prior conviction; and

5. The Governor and Cabinet, by majority vote, determine that the person is suitable for early release and authorizes the person's release to the supervision of the Department of Corrections, except that the length of supervision may not exceed the maximum period for which the person has been sentenced.

(b) The Parole Commission is authorized to apply procedures in section 947.141(1)-(3), Florida Statutes, to any releasee under this subsection to determine whether the releasee has violated the terms and conditions of his release under this subsection, and to effect revocation of his release for this violation.

(c) Whenever release under this subsection is revoked pursuant to the procedures in section 947.141(1)-(3), Florida Statutes, and the releasee is returned to prison, the releasee, by reason of his misconduct, may be deemed to have forfeited all gain-time or commutation of time for good conduct, as provided for by law, earned up to the date of his release. This paragraph does not deprive the prisoner of his right to gain-time or commutation of time for good conduct, as provided by law, from the date on which he is returned to prison.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 12, after the semicolon (;) insert: creating the "Officer Evelyn Gort Career Criminal Act"; providing for minimum mandatory terms of imprisonment for "career criminals," as defined; providing a limitation on the period during which an offense is considered a prior offense for purposes of sentencing a person as a career criminal; authorizing the award of certain gain-time for a person sentenced as a career criminal; providing that the requirements for sentencing career criminals do not preclude imposing the death penalty in capital cases; providing for the early release of a person sentenced as a career criminal if the Governor certifies that an emergency exists and the Governor and Cabinet determine that the person is suitable for early release; providing for the revocation of early release; amending s. 790.23, F.S.; providing a minimum mandatory term of imprisonment for certain persons convicted of unlawful possession of firearms, electric weapons or devices, or other weapons; providing applicability; providing for the early release of a person convicted of unlawful possession of firearms or other weapons if the Governor certifies that an emergency exists and the Governor and Cabinet determine that the person is suitable for early release; providing for the revocation of early release;

Senator Jenne moved the following amendment which failed:

Amendment 2 (with Title Amendment)—On page 27, between lines 27 and 28, insert:

Section 3. Sections 921.001, 921.0011, 921.0012, 921.0013, 921.0014, 921.0015, and 921.0016, Florida Statutes, 1994 Supplement, are repealed effective July 1, 2000.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 12, after the semicolon (;) insert: repealing s. 921.001, F.S., relating to sentencing guidelines; repealing s. 921.0011, F.S., relating to definitions; repealing s. 921.0012, F.S., relating to sentencing guidelines offense levels; repealing s. 921.0013, F.S., relating to sentencing guidelines for certain felony offenses; repealing s. 921.0014, F.S., relating to sentencing guidelines worksheets and scoresheets; repealing s. 921.0015, F.S., relating to adopting and amending sentencing guidelines; repealing s. 921.0016, F.S., relating to recommended sentences and aggravating and mitigating circumstances;

On motions by Senator Burt, by two-thirds vote **CS for SB 172** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

The Senate resumed consideration of—

SB 2—A bill to be entitled An act relating to elections; creating s. 99.132, F.S.; limiting the reasons for which a person who has qualified for nomination or election to office may withdraw his candidacy; prescribing the procedure for withdrawal; amending s. 100.111, F.S.; prohibiting a political party from designating as a substitute nominee any person who qualified as a candidate for any office to be filled at the ensuing general election; providing an effective date.

—with pending **Amendment 1** by the Committee on Executive Business, Ethics and Elections which had been considered April 26.

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

Amendment 1A (with Title Amendment)—On page 3, strike line 23 and insert:

Section 2. Section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(1) Each political party of the state shall be represented by a state executive committee. County executive committees and other committees may be established in accordance with the rules of the state executive committee. A political party may provide for the selection of its national committee and its state and county executive committees in such manner as it deems proper. Unless otherwise provided by party rule, the county executive committee of each political party shall consist of at least two members, a man and a woman, from each precinct, who shall be called the precinct committeeman and committeewoman. For counties divided into 40 or more precincts, the state executive committee may adopt a district unit of representation for such county executive committees. Upon adoption of a district unit of representation, the state executive committee shall request the supervisor of elections of that county, with approval of the board of county commissioners, to provide for election districts as nearly equal in number of registered voters as possible. Each county committeeman or committeewoman shall be a resident of the precinct from which he or she is elected.

(2) The state executive committee of a political party may by resolution provide a method of election of national committeemen and national committeewomen and of nomination of presidential electors, if such party is entitled to a place on the ballot as otherwise provided for presidential electors, and may provide also for the election of delegates and alternates to national conventions.

(3) The state executive committee of each political party shall file with the Department of State the names and addresses of its chairman, vice chairman, secretary, treasurer, and members and shall file a copy of its constitution, bylaws, and rules and regulations with the Department of State. Each county executive committee shall file with the state executive committee and with the supervisor of elections the names and addresses of its officers and members.

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the first primary election in each year a presidential election is held. The terms shall commence on the first day of the month following each presidential general election; but the names of candidates for political party offices shall not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections not earlier than noon of the 57th day, or later than noon of the 53rd day, preceding the first primary election. The outgoing chairman of each county executive committee shall, within 30 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers. The chairman of each state executive committee shall, within 60 days after the committee members take office, hold an organizational meeting of all newly elected members for the purpose of electing officers.

(5) In the event no county committeeman or committeewoman is elected, or a vacancy occurs from any other cause in any county executive committee, the county chairman shall call a meeting of the county executive committee by due notice to all members, and the vacancy shall be filled by a majority vote of those present at a meeting at which a quorum is present. Such vacancy shall be filled by a qualified member of the political party residing in the district where the vacancy occurred and for the unexpired portion of the term.

(6)(a)1. In addition to the members provided for in subsection (1), each county executive committee shall include all members of the Legislature who are residents of the county and members of their respective political party and who shall be known as at-large committeemen and committeewomen.

2. Each state executive committee shall include, as at-large committeemen and committeewomen, all members of the United States Congress representing the State of Florida who are members of the political party, all statewide elected officials who are members of the party, and the President of the Senate or the Minority Leader in the Senate, and the Speaker of the House of Representatives or the Minority Leader in the House of Representatives, whichever is a member of the political party, and 20 members of the Legislature who are members of the political party. Ten of the legislators shall be appointed with the concurrence of the state chairman of the respective party, as follows: five to be appointed

by the President of the Senate; five by the Minority Leader in the Senate; five by the Speaker of the House of Representatives; and five by the Minority Leader in the House.

3. *When a political party allows any member of the state executive committee to have more than one vote per person, other than by proxy, in a matter coming before the state executive committee, the 20 members of the Legislature appointed under subparagraph 2. shall not be appointed to the state executive committee and the following elected officials who are members of that political party shall be appointed and shall have the following votes:*

a. *Governor: a number equal to 15 percent of votes cast by state executive committeemen and committeewomen;*

b. *Lieutenant Governor: a number equal to 5 percent of the votes cast by state executive committeemen and committeewomen;*

c. *Each member of the United States Senate representing the state: a number equal to 10 percent of the votes cast by state executive committeemen and committeewomen;*

d. *Secretary of State: a number equal to 5 percent of the votes cast by state executive committeemen and committeewomen;*

e. *Attorney General: a number equal to 5 percent of the votes cast by state executive committeemen and committeewomen;*

f. *Comptroller: a number equal to 5 percent of the votes cast by state executive committeemen and committeewomen;*

g. *Treasurer: a number equal to 5 percent of the votes cast by state executive committeemen and committeewomen;*

h. *Commissioner of Agriculture: a number equal to 5 percent of the votes cast by state executive committeemen and committeewomen;*

i. *Commissioner of Education: a number equal to 5 percent of the votes cast by state executive committeemen and committeewomen;*

j. *President of the Senate: a number equal to 10 percent of the votes cast by state executive committeemen and committeewomen;*

k. *Minority leader of the Senate: a number equal to 10 percent of the votes cast by state executive committeemen and committeewomen;*

l. *Speaker of the House of Representatives: a number equal to 10 percent of the votes cast by state executive committeemen and committeewomen;*

m. *Minority leader of the House of Representatives: a number equal to 10 percent of the votes cast by state executive committeemen and committeewomen; and*

n. *Each member of the United States House of Representatives representing the state: a number equal to 1 percent of the votes cast by state executive committeemen and committeewomen.*

4.a. *The governing body of each state executive committee as defined by party rule shall include as at-large committeemen and committeewomen all statewide elected officials who are members of such political party; up to four members of the United States Congress representing the state of Florida who are members of such political party and who shall be appointed by the state chairman on the basis of geographic representation; the permanent presiding officer selected by the members of each house of the Legislature who are members of such political party; and the minority leader selected by the members of each house of the Legislature who are members of such political party.*

b. *All members of the governing body shall have one vote per person.*

(7) *Members of the state executive committee or governing body may vote by proxy. ~~Each at-large committeeman or committeewoman shall be entitled to a single vote; however, any such at-large committeemen and committeewomen holding another voting position on a committee shall be entitled to only one vote.~~*

(8)(b) *The conducting of official business in connection with one's public office constitutes ~~shall constitute~~ good and sufficient reason for failure to attend county or state executive committee meetings or a meeting of the governing body.*

Section 3. This act shall take effect January 1, 1996, except that this section and section 2 shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 4, strike all of lines 12-20 and insert: An act relating to elections; amending s. 100.111, F.S.; prohibiting persons who have qualified as a candidate for public office from qualifying as a candidate to fill a vacancy in nomination for any other office to be filled at that same general election; providing an exception for candidates for Lieutenant Governor; amending s. 103.091, F.S.; revising the membership of the state executive committee that represents a political party; providing for voting under specified circumstances by certain state officers who are members of the state executive committee; providing effective dates.

Amendment 1 as amended was adopted.

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

Yeas—39 Nays—None

On motion by Senator Latvala, by two-thirds vote **HB 2283** was withdrawn from the Committee on Executive Business, Ethics and Elections.

On motion by Senator Latvala, the rules were waived and—

HB 2283—A bill to be entitled An act relating to solicitation of voters at polling places; amending s. 102.031, F.S.; expanding the zone within which the solicitation of voters at polling places is prohibited; removing exceptions; providing an effective date.

—a companion measure, was substituted for **SB 742** and read the second time by title.

Senators Weinstein, Forman, Silver, Wexler, Casas and Gutman offered the following amendment which was moved by Senator Weinstein and adopted:

Amendment 1—On page 3, between lines 20 and 21, insert:

3. *Notwithstanding the foregoing solicitation may be conducted within 50 feet of the entrance to the polling place from a designated area when the polling room is on the premises of a multi-unit residential complex.*

On motions by Senator Latvala, by two-thirds vote **HB 2283** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36 Nays—1

SB 1870—A bill to be entitled An act relating to education; providing intent; requiring the Department of Education to review, report, and make recommendations on laws relating to the operation, functions, and duties of the Department of Education and the school districts; repealing chs. 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, F.S., and Parts I and II of ch. 411, F.S., relating to The Florida School Code and the Florida Early Prevention, Early Assistance, and Early Childhood Act; providing an effective date.

—was read the second time by title. On motions by Senator McKay, by two-thirds vote **SB 1870** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37 Nays—1

SB 2428—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; providing for a college-ready high school diploma; amending s. 236.081, F.S.; providing for postsecondary feedback adjustment in the Florida Education Finance Program; amending s. 240.117, F.S.; requiring that the common placement test be administered to students in a specified grade; providing for test scores to be considered in community college student enrollment; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendments which were moved by Senator Sullivan and adopted:

Amendment 1—On page 1, line 24, after “who” insert: *have completed the 24 required academic credits and*

Amendment 2—On page 1, line 29, strike “*must repeat that subtest*” and insert: *may repeat that subtest prior to graduation*

Senator Sullivan moved the following amendment which was adopted:

Amendment 3—On page 3, line 12, strike “*request*” and insert: *require*

On motions by Senator Sullivan, by two-thirds vote **SB 2428** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for SB 1902—A bill to be entitled An act relating to public school funding; amending s. 236.081, F.S.; revising provisions relating to computation of the basic amount to be allocated to each school district for operation of schools; providing for an extended-school-year program; providing an effective date.

—was read the second time by title. On motions by Senator Sullivan, by two-thirds vote **CS for SB 1902** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motion by Senator Latvala, by two-thirds vote **HB 1311** was withdrawn from the Committee on Education.

On motion by Senator Latvala—

HB 1311—A bill to be entitled An act relating to education; amending ss. 230.23 and 230.33, F.S., relating to duties of district school boards and school superintendents; revising provisions relating to reappointment of personnel and nominations therefor; providing an effective date.

—a companion measure, was substituted for **SB 1398** and read the second time by title. On motions by Senator Latvala, by two-thirds vote **HB 1311** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 1360—A bill to be entitled An act relating to school advisory councils; amending s. 229.58, F.S.; requiring that a majority of the members of a school’s advisory council not be employed at the school; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Brown-Waite and adopted:

Amendment 1—On page 2, line 31, strike “July” and insert: October

Senator Johnson moved the following amendment which was adopted:

Amendment 2 (with Title Amendment)—On page 1, line 9, insert:

Section 1. School flexibility.—

(1) To promote comprehensive restructuring to implement Blueprint 2000, the Legislature finds that some schools may be prepared to implement new and innovative education programs, organizational structures, practices, and strategies not heretofore contemplated or allowed by existing statutes governing public education. The purpose of this section is to establish such an opportunity and to set guidelines and accountability for such flexibility.

(2) A special exemption may be granted by the Commissioner of Education, after consultation with the President of the Senate and the Speaker of the House of Representatives. It is a temporary exemption to statutes not currently included in section 229.592(6), Florida Statutes, which exemption will allow a school to implement a restructuring of school programs for the purpose of implementing a school improvement plan.

(3) Each exemption shall be granted for a period not to exceed 3 years and may be renewed for a like period upon application and approval according to this section.

(4) All guarantees must remain entitled to all allocated funds as appropriated through the Florida Education Finance Program and the Public Education Capital Outlay and Debt Service Trust Fund.

(5) Statutes eligible for this special exemption include chapters 228 through 237, and 239, Florida Statutes, which may impede the restructuring of schools to meet the goals of Blueprint 2000.

(6) All school districts and developmental research schools are eligible to apply for special exemptions. Approval must be based upon:

(a) Agreement to the request by the school advisory council of each affected school. Before agreeing to the request, the school advisory council must consult with the teachers of the school to determine the teachers’ views on exemptions that are necessary to obtain flexibility in the classroom.

(b) A commitment to fully implement Blueprint 2000.

(c) Agreement by the district collective-bargaining agent in cases in which the request affects the terms of an existing collective-bargaining agreement.

(d) The commissioner’s finding that the special Blueprint 2000 exemption will not compromise the health and safety of students or employees, the equitable treatment of all parties, or the fiscal accountability for public funds.

(e) The commissioner’s finding that the exemption is necessary to implement an individual school improvement plan and has a reasonable likelihood of success.

(7) An application for a special exemption must:

(a) Specify each statute to be waived.

(b) Explain why the special Blueprint 2000 exemption is needed to significantly restructure a school program, practice, organizational structure, or strategy to implement a school improvement plan.

(c) Specify the innovative approaches and technology to be used and describe how they will further the school’s ability to meet the goals of Blueprint 2000.

(d) Specify the methods and measurements to be used to determine the outcomes and evaluate the effectiveness of the new approach.

(e) Specify the methods to be used to communicate to other schools and districts the Blueprint 2000 practices implemented by the requesting district and appropriate schools.

(f) If appropriate for the statute involved, describe measures to be taken to ensure the protection of the health and safety of students or employees, the equitable treatment of all parties, or the fiscal accountability for public funds entrusted to the school board.

(g) If appropriate, include the agreement with the collective-bargaining agent.

(h) If appropriate, specify the high-school graduation requirements.

(8) Notwithstanding the provisions of chapter 120, Florida Statutes, and for the purpose of implementing this section, the Commissioner of Education may waive rules of the State Board of Education which are adopted to implement statutes for which a special exemption has been granted.

(9) The commissioner shall report annually to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor on the number and types of special exemptions granted and the effectiveness of the restructuring efforts implemented as a result of the special exemptions as reported by the school boards receiving the exemptions.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, strike line 2 and insert: An act relating to education; authorizing a special exemption from statutes for school districts

and developmental research schools; providing purpose and criteria necessary for approval of exemptions; providing requirements for application; providing for waiver of related rules; requiring an annual report;

On motions by Senator Brown-Waite, by two-thirds vote **SB 1360** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—38 Nays—None

SENATOR BURT PRESIDING

On motion by Senator Turner, by two-thirds vote **CS for HB 129** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Turner—

CS for HB 129—A bill to be entitled An act relating to education; amending s. 232.2462, F.S.; providing student requirements relating to the awarding of credits for full-year courses; amending s. 232.2463, F.S.; revising provisions related to the high school grading system; providing an effective date.

—a companion measure, was substituted for **SB 1494** and read the second time by title. On motions by Senator Turner, by two-thirds vote **CS for HB 129** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36 Nays—None

MOTION

On motion by Senator Jennings, the rules were waived and time of recess was extended until final action on **SB 1442**.

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

HB 2047—A bill to be entitled An act relating to school bus requirements; amending s. 234.02, F.S.; providing exceptions to a requirement that students be transported only in school buses; amending s. 316.615, F.S.; providing certain exemptions from school bus inspection requirements to specified organizations; providing an effective date.

—a companion measure, was substituted for **SB 1442** and by two-thirds vote read the second time by title. On motions by Senator McKay, by two-thirds vote **HB 2047** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36 Nays—None

THE PRESIDENT PRESIDING

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 27, 1995: **CS for SB 172, SB 2, SB 742, SB 1870, SB 2428, CS for SB 1902, SB 1398, SB 1360, SB 1494, SB 1442, SB 1952, SB 848, SB 1438, CS for SB 2598, CS for SB 1942, SB 2462, SB 42, SB 878, SB 880, SB 882, SB 1636, SB 516, SB 2360, CS for SB 232, SB 674, CS for SB 2090, CS for SB 2810, CS for SB 728, CS for SB 56, SB 682, CS for SB 2164, SB 1512, SB 126, SB 792, SB 46, SB 1016, SB 1664, SB 1944, CS for SB 2214, SB 1032, SB 2756, SB 2204, CS for SB 778**

Respectfully submitted,
Toni Jennings, Chairman

The Committee on Judiciary recommends a committee substitute for the following: Senate Bills 2540 and 2682

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

The Committee on Community Affairs recommends a committee substitute for the following: Senate Bills 1872 and 844

The bills with committee substitute attached were referred to the Committee on Criminal Justice under the original reference.

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: Senate Joint Resolutions 784 and 1730

The bills with committee substitute attached were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: **SB 2912**

The Committee on Judiciary recommends committee substitutes for the following: **SB 80, SB 830, SB 986, SB 988, SB 990, SB 1354, SB 1412, SB 1520, SB 2318, SB 2436**

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

The Committee on Community Affairs recommends a committee substitute for the following: **SB 1034**

The bill with committee substitute attached was placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

SR 3056 was introduced out of order and adopted this day.

SR 3058 was introduced out of order and adopted this day.

SR 3060 was introduced out of order and adopted this day.

SR 3062 was introduced out of order and adopted this day.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary and Senator Forman—

CS for SB 80—A bill to be entitled An act relating to Broward County; providing for the relief of Nicholas Maracic; providing an appropriation to compensate him for injuries sustained as a result of the negligence of Broward County; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senators Bronson, Burt, Grant and Kirkpatrick—

CS for SJR's 784 and 1730—A joint resolution proposing an amendment to Section 5 of Article XI of the State Constitution relating to approval of constitutional amendments.

By the Committee on Judiciary and Senator Grant—

CS for SB 830—A bill to be entitled An act relating to the City of Fort Lauderdale; providing for the relief of Tyler G. Fontaine; providing an appropriation to compensate him for losses suffered and other damages sustained as a result of the negligence of the City of Fort Lauderdale; providing an effective date.

By the Committee on Judiciary and Senator Jones—

CS for SB 986—A bill to be entitled An act for the relief of Raul Egvaras; providing an appropriation to compensate him for severe and permanent orthopedic and neurological injuries sustained due to the negligence of the Department of Natural Resources; providing an effective date.

By the Committee on Judiciary and Senator Jones—

CS for SB 988—A bill to be entitled An act for the relief of Darcy Cogan; providing an appropriation to compensate her for injuries sustained due to the negligence of the State of Florida, Department of Environmental Protection, formerly the Department of Natural Resources; providing an effective date.

By the Committee on Judiciary and Senator Jones—

CS for SB 990—A bill to be entitled An act for the relief of Jean Sadowski; providing an appropriation to compensate her for losses suffered and other damages sustained as a result of the negligence of the Department of General Services; providing an effective date.

By the Committee on Community Affairs and Senator Burt—

CS for SB 1034—A bill to be entitled An act relating to local government; amending s. 125.56, F.S.; revising provisions relating to adoption of a building code by a county; including amendment of a code; revising activities to which a code applies; revising notice requirements; amending s. 125.66, F.S.; revising provisions relating to adoption of ordinances by counties; revising notice requirements for the regular enactment procedure; revising the effective date; revising application of the emergency enactment procedure and requirements with respect thereto; specifying the procedures and requirements, including notice and hearing requirements, for enactment of ordinances and resolutions that change the actual list of permitted, conditional, or prohibited uses within a zoning category or change the actual zoning map designation of a parcel; providing a limitation on certain challenges to an ordinance's or resolution's validity and providing requirements with respect thereto; specifying that notice procedures are minimum requirements; validating the procedures used for certain county and municipal ordinances and resolutions; amending s. 255.20, F.S.; revising an exemption from requirements relating to public construction projects; revising the notice requirement for a finding by a local government that it is in the public's best interest to use its own services, employees, and equipment; amending s. 166.041, F.S.; revising provisions relating to adoption of ordinances by municipalities; revising the types of ordinances and resolutions that cannot be adopted as an emergency ordinance or resolution; specifying the procedures and requirements, including notice and hearing requirements, for adoption of ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category or change the actual zoning map designation of a parcel; providing a limitation on certain challenges to an ordinance's or resolution's validity and providing requirements with respect thereto; specifying that notice procedures are minimum requirements; amending s. 163.3164, F.S.; revising the definition of "public notice" under the Local Government Comprehensive Planning and Land Development Regulation Act; specifying that notice procedures are minimum requirements; amending ss. 163.3171 and 163.3174, F.S.; removing references to "due" public notice in provisions relating to joint exercise of powers under the act and local planning agency hearings on plans; amending s. 163.3181, F.S.; revising notice requirements relating to a local government's decision regarding a publicly financed capital improvement project; amending s. 163.3184, F.S.; revising notice and hearing requirements for public hearings on proposed comprehensive plans or plan amendments; amending s. 163.3187, F.S.; revising notice requirements for plan amendments directly related to small scale developments; deleting authority of the state land planning agency to establish alternative public notice procedures for such amendments; amending ss. 163.346 and 341.347, F.S., to conform; repealing s. 255.22(3)-(5), F.S., relating to the reconveyance of certain lands; providing an effective date.

By the Committee on Judiciary and Senator Meadows—

CS for SB 1354—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Rolando Rodriguez, a minor; providing an appropriation to compensate him for injuries suffered as a result of the negligence of the Palm Beach County Sheriff's Department; providing an effective date.

By the Committee on Judiciary and Senator Casas—

CS for SB 1412—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Edgar Groh; providing an appropriation to compensate him for damages sustained as a result of a motor vehicle accident with a Metropolitan Dade County police vehicle; providing an effective date.

By the Committee on Judiciary and Senator Turner—

CS for SB 1520—A bill to be entitled An act relating to the North Broward Hospital District; providing for the relief of Christopher Bruno, a minor, by and through his mother and legal guardian, Rosalie Bruno; providing an appropriation to compensate them for injuries sustained by Christopher Bruno as a result of the negligence of the North Broward Hospital District, d.b.a. Broward General Medical Center; providing an effective date.

By the Committee on Community Affairs and Senators McKay and Crist—

CS for SB's 1872 and 844—A bill to be entitled An act relating to corrections; creating the "Prisoner Reimbursement Act of 1995"; providing definitions; providing guidelines and procedures for reimbursements by a prisoner in a state correctional institution, county detention facility, or municipal detention facility for specified expenses incurred by the state, county, or municipality; prescribing powers and duties of the Department of Corrections and governing bodies of counties and municipalities relating to civil actions for prisoner reimbursement; providing for credit or payment of the reimbursement moneys to specified funds; providing an effective date.

By the Committee on Judiciary and Senator Bankhead—

CS for SB 2318—A bill to be entitled An act for the relief of Kevin Hoyle and Laura Hoyle, his wife; providing an appropriation to compensate them for injuries sustained as a result of the negligence of the University of Florida; providing an effective date.

By the Committee on Judiciary and Senator Thomas—

CS for SB 2436—A bill to be entitled An act for the relief of William L. Shirley and Esther S. Shirley; providing appropriations to compensate them for injuries sustained by William L. Shirley as a result of the negligence of the Department of Transportation and the Department of Highway Safety and Motor Vehicles; providing an effective date.

By the Committee on Judiciary and Senators Grant and Latvala—

CS for SB's 2540 and 2682—A bill to be entitled An act relating to courts; validating certain assessments ordered by a judge pursuant to local ordinance or order against a defendant in a criminal proceeding or a noncriminal traffic proceeding, to be deposited into a local court improvement fund or account; providing for expiration of the act; providing an effective date.

By the Committee on Community Affairs and Senator Dantzler—

CS for SB 2912—A bill to be entitled An act relating to real property; creating the Florida Real Property Protection Act; providing legislative intent; providing remedies for real property owners whose property

has been inordinately burdened by governmental action; providing definitions; providing requirements for a property owner who seeks compensation; requiring the governmental entity to provide notice of the claim; authorizing certain settlement offers; requiring that the governmental entity and property owner file a court action if a settlement agreement contravenes the application of state law; providing for judicial review, notwithstanding the availability of administrative remedies; authorizing the property owner to file a claim of compensation upon rejection of a settlement offer; requiring the court to determine the percentage of responsibility for an inordinate burden imposed by multiple governmental entities; providing for a jury to determine the amount of compensation to the property owner; providing for costs and attorney fees; providing that the right for which compensation is paid is a transferrable development right; providing exceptions; providing application of the act; creating the Florida Land Use and Environmental Dispute Resolution Act; providing definitions; providing procedures that a property owner may take when the property owner believes that a development order has inordinately burdened use of the property; providing for a special master to conduct a hearing on the request for relief; specifying parties that may participate in the proceeding; authorizing the special master to subpoena witnesses; providing notice requirements; providing for the conduct of the hearing; requiring the special master to file a recommendation; providing for a governmental entity to accept, modify, or reject the recommendation; requiring governmental entities to adopt rules; providing for construction of the act; providing application; amending s. 163.3181, F.S.; providing for mediation or other dispute resolution upon denial by a local government of an owner's request for an amendment to a comprehensive plan; amending s. 163.3184, F.S.; providing for mediation or other dispute resolution upon issuance of a notice by the state land planning agency that a comprehensive plan or plan amendment is not in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act; providing an effective date.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State SB 588, which became law without his signature on April 27, 1995.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable James A. Scott, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2047 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Carlton and others—

HB 2047—A bill to be entitled An act relating to school bus requirements; amending s. 234.02, F.S.; providing exceptions to a requirement that students be transported only in school buses; amending s. 316.615, F.S.; providing certain exemptions from school bus inspection requirements to specified organizations; providing an effective date.

(Substituted for **SB 1442** on the Special Order Calendar this day.)

ROLL CALLS ON SENATE BILLS

SB 2

Yeas—39

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	

Nays—None

CS for SB 172

Yeas—39

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	

Nays—None

SB 1360

Yeas—38

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Harris	Meadows	
Dantzler	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Holzendorf

SB 1870

Yeas—37

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	
Crist	Harris	Meadows	
Dantzler	Horne	Myers	

Nays—1

Holzendorf

CS for SB 1902

Yeas—37

Mr. President	Diaz-Balart	Jenne	Rossin
Bankhead	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Bronson	Forman	Jones	Thomas
Brown-Waite	Grant	Kirkpatrick	Turner
Burt	Gutman	Kurth	Weinstein
Casas	Harden	Latvala	Wexler
Childers	Hargrett	McKay	
Crist	Harris	Meadows	
Dantzler	Horne	Myers	

Nays—1

Ostalkiewicz

Vote after roll call:

Nay—Holzendorf

SB 2428

Yeas—39

Mr. President	Diaz-Balart	Horne	Myers
Bankhead	Dudley	Jenne	Ostalkiewicz
Beard	Dyer	Jennings	Rossin
Bronson	Forman	Johnson	Silver
Brown-Waite	Grant	Jones	Sullivan
Burt	Gutman	Kirkpatrick	Thomas
Casas	Harden	Kurth	Turner
Childers	Hargrett	Latvala	Weinstein
Crist	Harris	McKay	Wexler
Dantzler	Holzendorf	Meadows	

Nays—None

ROLL CALLS ON HOUSE BILLS

CS for HB 129

Yeas—36

Bankhead	Dudley	Jenne	Myers
Beard	Dyer	Jennings	Ostalkiewicz
Bronson	Forman	Johnson	Rossin
Burt	Grant	Jones	Silver
Casas	Gutman	Kirkpatrick	Sullivan
Childers	Harden	Kurth	Thomas
Crist	Hargrett	Latvala	Turner
Dantzler	Harris	McKay	Weinstein
Diaz-Balart	Horne	Meadows	Wexler

Nays—None

Vote after roll call:

Yea—Holzendorf

HB 1311

Yeas—38

Mr. President	Diaz-Balart	Jenne	Ostalkiewicz
Bankhead	Dudley	Jennings	Rossin
Beard	Dyer	Johnson	Silver
Bronson	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Thomas
Burt	Gutman	Kurth	Turner
Casas	Harden	Latvala	Weinstein
Childers	Hargrett	McKay	Wexler
Crist	Harris	Meadows	
Dantzler	Horne	Myers	

Nays—None

Vote after roll call:

Yea—Holzendorf

HB 2047

Yeas—36

Bankhead	Dudley	Jenne	Myers
Beard	Dyer	Jennings	Ostalkiewicz
Bronson	Forman	Johnson	Rossin
Brown-Waite	Grant	Jones	Silver
Casas	Gutman	Kirkpatrick	Sullivan
Childers	Harden	Kurth	Thomas
Crist	Hargrett	Latvala	Turner
Dantzler	Harris	McKay	Weinstein
Diaz-Balart	Horne	Meadows	Wexler

Nays—None

Vote after roll call:

Yea—Holzendorf

HB 2283

Yeas—36

Mr. President	Dantzler	Jenne	Myers
Bankhead	Diaz-Balart	Jennings	Ostalkiewicz
Beard	Dudley	Johnson	Rossin
Bronson	Dyer	Jones	Silver
Brown-Waite	Forman	Kirkpatrick	Sullivan
Burt	Grant	Kurth	Thomas
Casas	Harden	Latvala	Turner
Childers	Hargrett	McKay	Weinstein
Crist	Harris	Meadows	Wexler

Nays—1

Holzendorf

Vote after roll call:

Yea—Gutman

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 26 was corrected and approved.

CO-SPONSORS

Senator Turner—SB 516

RECESS

On motion by Senator Jennings, the Senate recessed at 12:07 p.m. for the purpose of holding committee meetings and conducting other Senate business until 1:00 p.m., Monday, May 1.