



# Journal of the Senate

Number 7—Regular Session

Thursday, March 28, 1996

## CALL TO ORDER

The Senate was called to order by the President at 9 30 a m A quorum present—40

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
Dantzier	Holzendorf	Meadows	Williams

## PRAYER

The following prayer was offered by Father Michael Tugwell, Rector, Co-Cathedral of St. Thomas More, Tallahassee:

Almighty God, we thank you for this new day and the opportunities and blessings it will bring us You have fashioned the world with your hands and created human nature to care for and tend your handiwork Before you, we and all our institutions, our government and its offices are bound by human limits and possess a fragile power. Therefore, we are in need of you.

We give thanks for the gifts of this state's native people, for the vision and aspirations of its leaders, and for the people of many regions who have found here a home and who cherish its resources.

Give us today the light and strength of your spirit, that the proceedings of this arm of government may be guided by your hand Make their vision clear and their will strong with values that show a profound respect for the gift of life in all its forms and an underlying appreciation of the dignity of each human person who inhabits this great state.

As they focus on the work before them today, may your good spirit guide them to pursue truth, justice and integrity in all they do Do not allow them to be misled by ignorance or corrupted by fear or favor. Rather, assist them to be good stewards of the responsibility of leadership placed upon their shoulders by the great people of this state

Finally, Lord, may they be able, when all is said and done, to proudly give their children a better Florida because of the work done in this chamber today We ask this favor trusting in your love and care for us as we serve one another. Amen.

## PLEDGE

Senate Pages, Mark Andrews of Sebring and John McMullen of Tampa, led the Senate in the pledge of allegiance to the flag of the United States of America

## CONSIDERATION OF RESOLUTIONS

On motion by Senator Thomas, by two-thirds vote **SR 270** was withdrawn from the Committee on Rules and Calendar

On motion by Senator Thomas—

**SR 270**—A resolution commending Dr Norman Thagard for his outstanding achievements in space exploration

WHEREAS, Dr Norman E Thagard, born and raised in Florida, is one of NASA's best-known astronauts, and

WHEREAS, while a graduate student at Florida State University during 1971 and 1972, Dr. Thagard worked for the Florida Legislature's Division of Statutory Revision, where coworkers predicted a great future for him, and

WHEREAS, since his selection as an astronaut by NASA in 1978, he has flown on five space flights, helping to deploy various research and exploratory spacecraft and participating in numerous scientific experiments, and holds the United States record for time spent in orbit at 140 days, and

WHEREAS, most recently, in March 1995, he became the first American to be launched into space on board a Russian spacecraft, which successfully docked with the Russian space station Mir, and spent nearly four months aboard Mir conducting biomedical studies and helping prepare for future space activities, and

WHEREAS, Dr. Thagard's pioneering accomplishments in this country's space exploration program have captured the imagination of his fellow Floridians and earned their respect and admiration, NOW, THEREFORE,

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

That the Senate of the State of Florida hereby commends Dr Norman Thagard for his outstanding accomplishments in the United States space exploration program.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Dr Norman Thagard 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 Thomas, **SR 270** was adopted

## SPECIAL GUEST

Senator Thomas introduced Dr Norman Thagard who was present in the chamber and upon request of the President, escorted him to the rostrum where he was presented a copy of the resolution

Dr Thagard presented the Senate with a photograph of the Russian space station Mir, taken from the U S space shuttle Atlantis upon separation from Mir on July 5, 1995

On motion by Senator Bronson—

By Senator Bronson—

**SR 3004**—A resolution recognizing the Seminole Indian Tribe as a natural resource of and contributor to the State of Florida

WHEREAS, the Seminole Indians are descendants of the earliest known indians in Florida, and

WHEREAS, the Seminoles, along with the Creek, Miccosukee, and Muscogee Indian tribes were the earliest custodians of the natural beauty and environment of our state, and

WHEREAS, the Seminole Indians are themselves an important natural resource of the state as well as the original protectors of Florida's other natural resources, and

WHEREAS, the Seminole Tribe of Florida has been instrumental in development of the agricultural industry of this state, and

WHEREAS, the Seminole Indians were the original cowboys of Florida—over 200 years before the European settlers arrived, and

WHEREAS, the Seminole people have long been an inspirational symbol of pride, tenacity, and determination, and

WHEREAS, the Seminole Indians have a proud heritage as one of the most industrious and affluent tribes of North America, NOW, THEREFORE,

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

That the Seminole Indian Tribe is recognized as an outstanding natural resource of our State of Florida and an important contributor to its health, wealth, and welfare.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Seminole Indian Tribe of Florida, as a tangible token of the Senate's appreciation, recognition, and respect.

—was introduced out of order and read by title. On motion by Senator Bronson, **SR 3004** was read the second time in full and adopted

#### SPECIAL GUESTS

Senator Bronson introduced the following guests who were present in the chamber: Paul Bowers, Board of Directors Representative, Big Cypress Reservation; Richard Bowers, Chairman of the Cattle Committee, Big Cypress Reservation; Stephen Bowers, Liaison, Governor's Council on Indian Affairs, Seminole Tribe of Florida; Stanlo Johns, Reservation Coordinator, Brighton Reservation, Cowhunter Great Florida Cattle Drive 1995; Billy Joe Johns, Cattle Foreman, Brighton Reservation, Cowhunter Great Florida Cattle Drive 1995; Todd Johns, Brighton Reservation Cattle Operation, Cowhunter Great Florida Cattle Drive 1995, Roger Smith, Board of Directors Representative, Brighton Reservation.

Upon request of the President, Senators Bronson and Jenne escorted the guests to the rostrum where they were presented a copy of the resolution.

On motion by Senator Jones—

By Senator Jones—

**SR 2990**—A resolution recognizing March 28th as "Enough is Enough Day" in the public schools in Florida and encouraging the students, teachers, and staff to participate in activities that promote and encourage a nonviolent school environment.

WHEREAS, for the 1994 academic year, the Florida School Discipline Study reported that there were 289,492 incidents of crime and violence by students in the public schools, the vast majority of which were reports of disorderly conduct and incidents of fighting, and

WHEREAS, the study also reported that there were 4 homicides, 351 cases of sexual battery, 383 hate crimes, 488 incidents of gang-related activity, 59 drug and alcohol related incidents, and 273 incidents involving firearms or other weapons, all of which occurred in this state's public school system, and

WHEREAS, only 8 percent of the state's public school students are classified as having discipline problems and the remaining 92 percent are good and responsible students, and

WHEREAS, although students and teachers have a right to a safe and disciplined school environment that is free from violence, in 1994 students were the victims in 185,275 cases of in-school violence and faculty and staff were the victims in 81,058 such incidents, and

WHEREAS, the public schools and school districts in Florida are taking a proactive stand on violence in the public schools, and

WHEREAS, the mission of public schools is to educate students to become law-abiding and contributing members of society, and schools

and classrooms provide great opportunities for students to be educated regarding nonviolent, problem-solving behavior, and

WHEREAS, in an effort to combat violence in schools, the Dade County Public Schools initiated STOP DAY in 1993, a day to focus awareness on the alarming level of violence in schools by having all students in each school simultaneously recite a pledge of nonviolence and allowing students and teachers to educate each other by expressing solutions to the problem of violence in the schools, and

WHEREAS, the State Board of Education, in partnership with district school boards, is committed to promoting and fostering standards of nonviolent, problem-solving behavior, NOW, THEREFORE,

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

That the Florida Senate recognizes March 28th, 1996, as "Enough is Enough Day" in Florida schools and encourages district school boards and individual schools to initiate an observance of this day and promote activities that focus on the importance of nonviolence and safe schools and the inherent benefits that result when students have the opportunity to learn in a nonviolent environment.

BE IT FURTHER RESOLVED that "Enough is Enough Day" has been established and proclaimed to be observed in schools across this state annually on the 28th day of March "Enough is Enough Day" will begin at 9 45 a.m. with a pledge of nonviolence recited by students, teachers, staff, members of district school boards, and the members of the State Board of Education. The public schools are encouraged to initiate activities that enable students, teachers, and staff to focus on finding solutions to the problem of crime and violence in Florida schools.

—was introduced out of order and read by title. On motion by Senator Jones, **SR 2990** was read the second time in full and adopted.

On motion by Senator Silver, by two-thirds vote **SR 1948** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Silver—

**SR 1948**—A resolution recognizing the high level of law enforcement services in this state and proclaiming 1996 as the Year of Law Enforcement and Crime Prevention.

WHEREAS, the high level of professional law enforcement services delivered by police professionals throughout the State of Florida is worthy of special recognition, and

WHEREAS, law enforcement officers throughout the state respond to calls for service involving more than 1 million crimes per year, including more than 150,000 violent crimes, and police officials recover property valued in excess of \$500 million and arrest more than 500,000 offenders each year, and

WHEREAS, the law enforcement officers in this state stand tall among all the states in handling their duties with high integrity and professional ethics, and

WHEREAS, in the years between 1895 and 1995, 108 law enforcement officers have been killed in Dade County alone; and, in 1995, almost 870 police officers in Dade County were victims of assault while performing their duties, and

WHEREAS, the Police Officers Assistance Trust, which was established in 1989 by the Dade County Chiefs of Police to provide financial support to Dade County officers and their families who experience a catastrophic illness or injury, has, since its inception, provided more than \$1 million to officers who needed such assistance, NOW, THEREFORE,

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

That the Florida Senate praises the high level of professionalism of the law enforcement officers in this state and proclaims 1996 as the Year of Law Enforcement and Crime Prevention

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Dade County Association

of Chiefs of Police, to be shared among their membership, to the state-wide association of chiefs of police, and to the Police Officer Assistance Trust, as a 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 Silver, **SR 1948** was adopted

On motion by Senator Weinstein—

By Senator Weinstein—

**SR 2984**—A resolution recognizing April 2, 1996, as “Children’s Day”

WHEREAS, this state recognizes and celebrates children as its most valuable asset and our future hope and inspiration, and

WHEREAS, children should be allowed to pursue their ideas and dreams, and adults must take the time to listen to children and to teach them the importance of family life, education, and spiritual qualities, and

WHEREAS, many single parents must work outside the home to remain self-sufficient, and

WHEREAS, young children need a safe, caring environment in which to grow and learn while their parents are at work, and

WHEREAS, young children need developmentally appropriate activities and experiences to help them develop self-esteem and become productive citizens, and

WHEREAS, young children have the right to quality child care, and

WHEREAS, subsidized child care provides critically important benefits to children and parents who could not otherwise afford child care services, and

WHEREAS, 65,000 children will be served in subsidized child care in this state in 1996, and

WHEREAS, more than 25,789 children in this state are waiting for subsidized care in 1996, and 6,960 of them are infants and toddlers and 12,256 are preschoolers, and

WHEREAS, 6,573 children in this state are waiting for subsidized school-age care in 1996, and

WHEREAS, the celebration of a day in honor of children will emphasize to children their importance in the future of our country, NOW, THEREFORE,

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

That the Senate recognizes the importance of our young children and the need to ensure their well-being, and acknowledges that quality child care, inside or outside the home, must be an integral part of all young children’s development.

BE IT FURTHER RESOLVED that the Florida Senate recognizes April 2, 1996, as Children’s Day.

—was introduced out of order and read by title On motion by Senator Weinstein, **SR 2984** was read the second time in full and adopted

**INTRODUCTION OF FORMER SENATOR**

President Scott recognized former Senator Javier Souto, currently a Metro-Dade Commissioner, who was present in the chamber.

**SPECIAL GUEST**

Senator Gutman introduced City of Plantation Police Officer Joseph Alu who was present in the gallery Officer Alu was commended for risking his life while attempting to rescue children who were being held hostage

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Diaz-Balart, by two-thirds vote **SB 10, CS for SB 102, SB 118, CS for SB 184, SB 630, SB 792, SB 802, SB 828, CS for CS for SB 886, SB 938, CS for SB 1004, SB 2284 and SB 2334** were withdrawn from the Committee on Ways and Means

**LOCAL BILL CALENDAR**

**SB 532**—A bill to be entitled An act relating to Volusia County; declaring the referendum election held pursuant to chapter 95-498, Laws of Florida, establishing the City of Deltona to be legal and valid; providing an effective date.

—was read the second time by title On motions by Senator Burt, by two-thirds vote **SB 532** was read the third time by title, passed and immediately certified to the House The vote on passage was

Yeas—37 Nays—None

**SB 1124**—A bill to be entitled An act relating to the North Naples Fire Control and Rescue District, Collier County; amending article III of chapter 84-416, Laws of Florida; revising the boundaries of the district to include property in unincorporated Collier County; providing for a referendum approval; providing for mail ballot.

—was read the second time by title. On motions by Senator Dudley, by two-thirds vote **SB 1124** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—37 Nays—None

**SB 1134**—A bill to be entitled An act relating to Trailer Estates Park and Recreation District, Manatee County; amending chapter 69-1287, Laws of Florida, as amended; providing for the trustees’ right to reimbursement of all costs and reasonable attorney’s fees in litigation; providing an effective date

—was read the second time by title On motions by Senator McKay, by two-thirds vote **SB 1134** was read the third time by title, passed and immediately certified to the House The vote on passage was

Yeas—37 Nays—None

**SB 1162**—A bill to be entitled An act relating to the Highlands County Hospital District; repealing sections 26 and 27 of chapter 61-2232, Laws of Florida, as amended; deleting the authority of the Highlands County Hospital District to levy the tax and the provisions relating to administration of said taxes; providing an effective date

—was read the second time by title. On motions by Senator Dantzler, by two-thirds vote **SB 1162** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—37 Nays—None

**SB 1270**—A bill to be entitled An act relating to Indian River County; amending chapter 57-1410, Laws of Florida, as amended, increasing authorized filing fees for specified cases commenced in the county court to fund the Indian River County Law Library; providing an effective date

—was read the second time by title On motions by Senator Kurth, by two-thirds vote **SB 1270** was read the third time by title, passed and immediately certified to the House The vote on passage was

Yeas—37 Nays—None

**SB 1630**—A bill to be entitled An act relating to Collier County, limiting the exercise of the power of eminent domain by any municipality or county government in Collier County, in cases involving beach

parks, beach access lands, or other related beach recreational facilities; establishing requirements for the exercise of the power of eminent domain in such cases by any municipality in Collier County, providing an effective date

—was read the second time by title. On motions by Senator Dudley, by two-thirds vote **SB 1630** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—37      Nays—None

**SB 1632**—A bill to be entitled An act relating to Manatee County; amending chapter 61-2455, Laws of Florida, as amended, the Manatee County Law Library Act, to provide that the Clerk of the Circuit Court of Manatee County shall collect the sum of \$20 in each civil cause or proceeding commenced in the circuit court, and the sum of \$15 in each civil cause or proceeding commenced in county court in which the amount in issue is between \$2,500 and \$5,000, and the sum of \$20 in each civil cause commenced in county court in which the amount in issue is \$5,000 or greater, which costs or fees are in addition to costs or fees otherwise provided by law, and the whole of which additional costs or fees shall be paid into the County Law Library Fund and expended according to the Manatee County Law Library Act, providing an effective date

—was read the second time by title. On motions by Senator McKay, by two-thirds vote **SB 1632** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—37      Nays—None

**SB 1634**—A bill to be entitled An act relating to Volusia County; repealing ch 27949, Laws of Florida, 1951, relating to the West Volusia Hospital District; providing for the property, assets, records, equipment, obligations, and liabilities of the district to be transferred to the West Volusia Hospital Authority; providing an effective date.

—was read the second time by title. On motions by Senator Ostalkiewicz, by two-thirds vote **SB 1634** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—37      Nays—None

**SB 1660**—A bill to be entitled An act relating to the Manatee County Fire Prevention Code Enforcement Board and the Manatee County Fire Marshal Appeals Board; amending section 3 of chapter 85-461, Laws of Florida, as amended, providing a revised date of repeal, providing an effective date

—was read the second time by title. On motions by Senator McKay, by two-thirds vote **SB 1660** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—37      Nays—None

**SB 1738**—A bill to be entitled An act relating to Hillsborough County; repealing chapter 30820, Laws of Florida, 1955, relating to members of the board of county commissioners serving on the board of the port authority, aviation authority, or welfare board; providing an effective date

—was read the second time by title. On motions by Senator Grant, by two-thirds vote **SB 1738** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—37      Nays—None

**SB 1740**—A bill to be entitled An act relating to the Tampa Port Authority; repealing chapter 63-1399, Laws of Florida, relating to notice of specified public hearings; repealing chapter 67-1484, Laws of Florida, relating to ratification of certain port authority promotional expenditures; repealing chapter 70-720, Laws of Florida, relating to submerged

lands; repealing chapter 72-567, Laws of Florida, relating to spoil islands; repealing chapter 75-387, Laws of Florida, relating to levy and collection of taxes; providing an effective date.

—was read the second time by title. On motions by Senator Grant, by two-thirds vote **SB 1740** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—37      Nays—None

**SB 1742**—A bill to be entitled An act relating to the Hillsborough County Hospital Authority; providing that the act supersedes chapter 80-510, Laws of Florida, as amended; providing for the appointment of a governing body of the Hospital Authority; providing terms of office; providing for filling vacancies on the Hospital Authority; providing for reimbursement of necessary expenses, requiring a member of the Hospital Authority to disclose certain conflicts and refrain from voting on related matters; providing that the exercise of powers by the Hospital Authority constitutes a public purpose, providing that assets and properties of the Hospital Authority are exempt from assessments and, to the extent allowed by general law, exempt from taxation; prescribing the powers of the Hospital Authority; requiring the Hospital Authority to administer a personnel plan, providing for an employee advisory committee; providing for admissions to a facility established by the Hospital Authority; authorizing the collection of fees, providing for the Hospital Authority to be reimbursed by Hillsborough County for indigent care, authorizing the Hospital Authority to settle accounts receivable and assign its interest in accounts or judgments, prohibiting the use of ad valorem taxes to fund bonds issued to pay for parking or private office facilities of the Hospital Authority, requiring a periodic audit of the Hospital Authority; providing requirements for the audit; providing procedures for contracting for the audit; requiring the Hospital Authority to report on the recommendations contained in the audit; providing for construction of the act, providing for severability, repealing chapters 80-510, 82-299, 82-300, 84-439, 84-441, 84-450, 91-342, 92-235, and 94-411, Laws of Florida, relating to the Hillsborough County Hospital Authority, providing an effective date

—was read the second time by title. On motions by Senator Grant, by two-thirds vote **SB 1742** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37      Nays—None

**SB 1752**—A bill to be entitled An act relating to Palm Beach County, amending chapter 93-367, Laws of Florida, providing for the preservation of certain enumerated employment benefits and emoluments for employees and appointees of the Palm Beach County Sheriff's Office; providing certain duties of the sheriff; providing an effective date

—was read the second time by title. On motions by Senator Wexler, by two-thirds vote **SB 1752** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37      Nays—None

**SB 1754**—A bill to be entitled An act relating to Collier County and the Collier County Water-Sewer District; revising purchasing procedures for the Collier County Water-Sewer District, amending subsection (12) of section 5 of chapter 88-499, Laws of Florida, to require the awarding, letting, or entering into contracts for all or any part or parts of the construction of the system of the Collier County Water-Sewer District in accordance with the Collier County Purchasing Ordinance and the Collier County Purchasing Policy, amending section 16 of chapter 88-499, Laws of Florida, requiring that all contracts of the Collier County Water-Sewer District be awarded, let, or entered into in accordance with the Collier County Purchasing Ordinance and the Collier County Purchasing Policy, notwithstanding anything to the contrary in part II of chapter 153, F.S., providing an effective date

—was read the second time by title. On motions by Senator Dudley, by two-thirds vote **SB 1754** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37 Nays—None

**SB 1898**—A bill to be entitled An act relating to the North River Fire District, Manatee County; amending chapter 89-502, Laws of Florida, as amended; revising amount of commissioner compensation; revising provisions relating to election of commissioners, revising the date when newly elected commissioners shall take office, revising provisions relating to filling vacancies on board; revising provisions regarding rate increases; deleting provisions regarding City of Palmetto mayor and councilmen, deleting provisions regarding inspection requirements; providing an effective date.

—was read the second time by title. On motions by Senator McKay, by two-thirds vote **SB 1898** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—37 Nays—None

**SB 1900**—A bill to be entitled An act relating to Manatee County, amending section 15 of chapter 84-474, Laws of Florida, as amended; increasing the rates of special assessments that may be charged by the Whitfield Fire Control District, providing an effective date

—was read the second time by title. On motions by Senator McKay, by two-thirds vote **SB 1900** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—37 Nays—None

**SB 2176**—A bill to be entitled An act relating to the City of Deltona, amending s 9(1), ch. 95-498, Laws of Florida; excluding certain lands from the city's boundaries, providing an effective date

—was read the second time by title

Senator Burt moved the following amendment which was adopted

**Amendment 1**—On page 1, line 15, through page 14, line 28, delete those lines and insert

BEGIN at the intersection of the centerline of Dirksen Drive with the Southerly extension of the Westerly limited access right of way line of Interstate Highway #4 (I-4) in Section 2, Township 19 South, Range 30 East, Volusia County, Florida, according to the State Road Department of Florida Maps of State Roads in Volusia County Book 2, pages 241 through 259 inclusive (Section No 7716-401 and 7911-401, Road No 400) of the Public Records of Volusia County, Florida; run thence Northerly and Northeasterly, along the said Southerly extension of the Westerly limited access right of way line of Interstate Highway #4 and continuing Northeasterly along the Westerly limited access right of way line of said Interstate Highway #4, to its intersection with the North line of the South one-half of Government Lot 7, Section 6, Township 18 South, Range 31 East; thence Easterly, along said North line of the South one-half of Government Lot 7 and continuing Easterly, along the North lines of Lots 32, 33, 34 and 35 and the Easterly extension of the said North line of Lot 35, Yourlando Farms and Groves, according to map in Map Book 10, Pages 227 and 228. Public Records of Volusia County, Florida, to its intersection with the West line of Government Lot 5, Section 5, Township 18 South, Range 31 East; thence Northerly along the said West line of Government Lot 5, to the Northwest corner of said Government Lot 5; thence Easterly, along the North line of said Government Lot 5, to the Northeast corner of said Government Lot 5, thence Southerly, along the East line of said Government Lot 5, to a point in the North line of the South one-half of Government Lot 6, Section 5, Township 18 South, Range 31 East; thence Easterly, along the said North line of the South one-half of Government Lot 6, to a point that is 590 32 feet West of the Northeast corner of the South one-half of said Government Lot 6; thence South and parallel with the East line of said Government Lot 6, a distance of 590 32 feet to a point; thence Easterly and parallel with the said North line of the South one-half of Government Lot 6, a distance of 590 32 feet, to the East line of said Government Lot 6; thence Southerly, along the said East line of Government Lot 6 and continuing Southerly along the East line of Government Lot 11 of said Section 5, to the

Northwest corner of the South one-half of Government Lot 10, Section 5, Township 18 South, Range 31 East; thence Easterly, along the North line of the South one-half of said Government Lot 10, to the Northeast corner of said South one-half of Government Lot 10, thence Southerly, along the East line of said Government Lot 10, to its intersection with the North line of Section 8, Township 18 South, Range 31 East, thence Easterly, along the North line of said Section 8 and continuing Easterly along the North line of Section 9, Township 18 South, Range 31 East, to the Northeast corner of said Section 9, also being the Southwest corner of Section 3, Township 18 South, Range 31 East; thence Northerly, along the West line of said Section 3, to the Northwest corner of said Section 3, thence Easterly, along the North line of said Section 3, to the Northwest corner of Section 2, Township 18 South, Range 31 East; thence N 89°36'12" E, along the North line of said Section 2, a distance of 1286.58 feet; thence S 18°04'03" E, a distance of 121 76 feet, thence N 71°55'57" E, a distance of 565.59 feet; thence S 18°04'03" E, a distance of 830 12 feet; thence N 75°34'27" E, a distance of 300 feet; thence N 03°10'05" W, a distance of 663 33 feet, to the North line of said Section 2, thence Easterly, along the North line of said Section 2, to the Southwest corner of Section 34, Township 17 South, Range 31 East, also being a point in the North line of said Section 2; thence S 88°26'06" E, along the said North line of Section 2, a distance of 627.19 feet, thence S 00°13'53" E, a distance of 414.59 feet; thence N 78°31'21" E, a distance of 403 28 feet; thence N 00°13'53" W, a distance 323 53 feet, to the North line of said Section 2, thence Easterly, along the North lines of Section 2 and 1, Township 18 South, Range 31 East, to the Northeast corner of said Section 1; thence S 00°12'28" E, along the East line of said Section 1, to the Northeast corner of Government Lot 8 of said Section 1; thence continue S 00°12'28" E, a distance of 460 22 feet; thence S 55°27'39" W, a distance of 662.32 feet; thence S 39°14'08" E, a distance of 265.71 feet; thence N 58°22'13" E, a distance of 444 85 feet, to a point on the East line of said Section 1, thence S 00°12'28" E, along said East line, a distance of 759.68 feet; thence S 72°14'32" W, a distance of 210 83 feet; thence S 89°41'24" W, a distance of 1721 50 feet; thence S 11°05'50" E, a distance of 1017 99 feet, thence N 89°41'24" E, a distance of 1730 21 feet, to a point on the East line of said Section 1; thence S 00°12'28" E, along said East line, to the Southeast corner of said Section 1, also being the Northeast corner of Section 12, Township 18 South, Range 31 East, thence N 89°31'05" W, along the North line of said Section 12, a distance of 1248.93 feet, thence S 00°07'24" E, a distance of 797 37 feet, thence N 89°52'36" E, a distance of 1245.15 feet, to the East line of said Section 12, thence S 00°08'52" W, along said East line, a distance of 2611 97 feet, thence S 89°52'36" W, a distance of 1074 34 feet; thence S 08°16'29" E, a distance of 391 00 feet; thence S 76°51'40" W, a distance of 914 89 feet; thence S 32°37'28" E, a distance of 315 60 feet, to a point of curvature of a curve concave Southwesterly having a radius of 310 feet, thence Southerly along the arc of said curve through a central angle of 17°37'11" for an arc distance of 95 33 feet, to the point of tangency; thence S 15°00'17" E, a distance of 299 26 feet, thence N 74°59'43" E, a distance of 725 96 feet; thence N 08°16'29" W, a distance of 175 79 feet; thence N 89°52'36" E, a distance of 944 87 feet, to the East line of said Section 12; thence S 00°08'52" W, along said East line of Section 12, a distance of 1016 90 feet, to the Southeast corner of said Section 12, also being the Northeast corner of Section 13, Township 18 South, Range 31 East, thence S 89°44'52" W, along the North line of said Section 13, a distance of 421 73 feet, thence S 00°20'32" W, a distance of 838 86 feet; thence S 63°12'21" W, a distance of 528 50 feet; thence S 15°15'33" E, a distance of 104 00 feet, to the point of curvature of a curve concave Northeasterly, having a radius of 685 feet, thence Southerly, along the arc of said curve, through a central angle of 13°32'11", for an arc distance of 161 83 feet, to a point of tangency, thence S 28°47'44" E, a distance of 386.35 feet, to the point of curvature of a curve concave Southwesterly, having a radius of 1030 feet, thence Southerly, along the arc of said curve, through a central angle of 05°32'40", for an arc distance of 99 67 feet, to a point of tangency; thence S 23°15'04" E, for a distance of 332 54 feet, to a point of curvature of a curve concave Northeasterly, having a radius of 250 feet, thence Southerly, along the arc of said curve, through a central angle of 20°02'40" for an arc distance of 87 46 feet, to a point of tangency; thence S 43°17'44" E, a distance of 228 02 feet, to a point of curvature of a curve concave Northerly, having a radius of 37 feet; thence Northeasterly, along the arc of said curve, through a central angle of 96°26'50", for an arc distance of 62.28 feet, to a point, thence S

49°44'34" E, a distance of 30.00 feet; thence S 37°58'44" W, a distance of 130.00 feet; thence S 26°41'22" E, a distance of 304.11 feet, to the South line of the NE 1/4 of said Section 13; thence S 89°44'52" E, along said South line, a distance of 161.78 feet, to the Southeast corner of the NE 1/4 of said Section 13; thence Southerly along the East line of said Section 13 and continuing Southerly along the East lines of Sections 24 and 25, Township 18 South, Range 31 East, to the Southeast corner of said Section 25, thence Easterly, along the North line of Section 31, Township 18 South, Range 32 East, to the Northeast corner of said Section 31; thence Southerly, along the East line of said Section 31, to its intersection with the Northwest-erly right of way line of State Road 415; thence Southwesterly, along said Northwesterly right of way line of State Road 415, to its inter-section with the South line of said Section 31; thence Westerly, along the South line of said Section 31, to the Southwest corner of said Section 31, thence Southerly, along the East line of Section 1, Township 19 South, Range 31 East, to the Southeast corner of said Section 1; thence Westerly, along the South line of said Section 1, to the Southeast corner of the SW 1/4 of said Section 1, thence Northerly, along the East line of said SW 1/4 of Section 1, to its intersection with the North line of the South 187.97 feet of said SW 1/4 of Section 1; thence Westerly, along said North line, to its inter-section with the West line of the East 210 feet of said SW 1/4 of Section 1; thence Southerly, along said Westerly line, to its intersec-tion with the South line of said SW 1/4 of Section 1; thence Westerly, along said South line, to its intersection with the West line of the East 752.7 feet of the said SW 1/4 of Section 1; thence Northerly, along said West line, to its intersection with the South line of the North 2481.62 feet of said SW 1/4 of Section 1; thence Westerly, along said South line, to its intersection with the West line of the East 1002.7 feet of said SW 1/4 of Section 1; thence Southerly, along said West line, to its intersection with the South line of said SW 1/4 of Section 1; thence Westerly, along said South line, to the South-west corner of Section 1; thence Southerly, along the East line of Section 11, Township 19 South, Range 31 East, to the Southeast corner of said Section 11; thence Westerly, along the South line of said Section 11, to its intersection with the West line of the East one-half of said Section 11; thence Northerly, along said West line of the East one-half of said Section 11, to its intersection with the South line of the North one-half of said Section 11; thence Westerly, along said South line of the North one-half of Section 11, to the West line of the East one-half of the NW 1/4 of said Section 11, thence Northerly along said West line of the East one-half of the NW 1/4 of said Section 11, to the North line of the South one-half of the NE 1/4 of the NW 1/4 of said Section 11; also being the North line of Deltona Lakes, Unit #63, according to map in Map Book 28, pages 100 through 105, Public Records of Volusia County, Florida; thence Easterly, along said North line of the South one-half of the NE 1/4 of the NW 1/4 of Section 11, to the West line of the East one-half of said Section 11; thence Southerly, along said West line of the East one-half of Section 11, to the North line of the SW 1/4 of the NE 1/4 of said Section 11; thence Easterly, along the said North line of the SW 1/4 of the NE 1/4 of Section 11, to the Southwest corner of the NE 1/4 of the NE 1/4 of said Section 11, also being the Southwest corner of Deltona Lakes, Unit #60, according to map in Map Book 28, pages 92 and 93, Public Records of Volusia County, Florida; thence Northerly, along the West line of said NE 1/4 of the NE 1/4 of Section 11, to the South line of Section 2, Township 19 South, Range 31 East; thence continue Northerly along the West line of the East one-half of the SE 1/4 of said Section 2, to the South line of the NE 1/4 of the SW 1/4 of the SE 1/4 of said Section 2; thence Westerly, along said South line of the NE 1/4 of the SW 1/4 of the SE 1/4 of Section 2, to the West line of the NE 1/4 of the SW 1/4 of the SE 1/4 of said Section 2; thence Northerly, along said West line, to the North line of the NE 1/4 of the SW 1/4 of the SE 1/4 of said Section 2; thence Easterly, along said North line, to the West line of the East one-half of the SE 1/4 of said Section 2, thence Northerly, along said West line, to the South line of the NE 1/4 of said Section 2, thence Westerly, along said South line, to the Southwest corner of the NE 1/4 of said Section 2; thence Northerly, along the West line of the NE 1/4 of said Section 2, a distance of 1490 feet to a point that is 100 feet Southerly of the South line of the NE 1/4 of the NW 1/4 of said Section 2; thence Westerly and parallel with said South line of the NE 1/4 of the NW 1/4, a distance of 100 feet; thence Northerly and parallel with the West line of said NE 1/4 of Section 2, a distance of 100 feet, to the South line of the NE 1/4 of the NW 1/4 of said Section 2; thence Westerly, along said South line of the NE 1/4 of the NW 1/4 of Section 2, to the West line of the NE 1/4 of the NW 1/4 of said

Section 2; thence Northerly, along said West line of the NE 1/4 of the NW 1/4 of Section 2, to the South line of Section 35, Township 18 South, Range 31 East; thence Westerly, along said South line of Section 35, to the Southeast corner of Section 34, Township 18 South, Range 31 East; thence Westerly, along the South line of said Section 34, to the Southwest corner of the SW 1/4 of the SE 1/4 of the SE 1/4 of said Section 34; thence Northerly, along the West line of said SW 1/4 of the SE 1/4 of the SE 1/4 of Section 34, to the Northwest corner of the said SW 1/4 of the SE 1/4 of the SE 1/4 of Section 34; thence Westerly, along the South line of the NE 1/4 of the SW 1/4 of the SE 1/4 of said Section 34, to the Northeast corner of the SW 1/4 of the SW 1/4 of the SE 1/4 of said Section 34; thence Southerly, along the East line of the said SW 1/4 of the SW 1/4 of the SE 1/4 of Section 34, to the South line of said Section 34; thence Westerly, along the said South line of Section 34, to the Southeast corner of the SW 1/4 of the SW 1/4 of said Section 34, being also the Northeast corner of the NW 1/4 of the NW 1/4 of Section 3, Township 19 South, Range 31 East; thence Southerly, along the East line of said NW 1/4 of the NW 1/4 of Section 3, to the Southeast corner thereof; thence Westerly, along the South line of said NW 1/4 of the NW 1/4 of Section 3, to the Southwest corner of said NW 1/4 of the NW 1/4 of Section 3, also being a point on the East line of Section 4, Township 19 South, Range 31 East; thence Southerly, along said East line of Section 4, to the Southeast corner of the NE 1/4 of said Section 4; thence Westerly, along the South line of said NE 1/4 of Section 4, to the Southeast corner of the West one-half of the NE 1/4 of Section 4; thence Northerly, along the East line of the West one-half of the NE 1/4 of said Section 4, a distance of 100 feet; thence Westerly and parallel with the South line of the NE 1/4 of said section 4, to the West line of the NE 1/4 of said Section 4; thence Southerly, along said West line, a distance of 100 feet, to the South-west corner of the said NE 1/4 of Section 4, thence Westerly, along the South line of the NW 1/4 of said Section 4, to the Southwest corner of the SE 1/4 of the NW 1/4 of said Section 4; thence Northerly, along the West line of said SE 1/4 of the NW 1/4 of Section 4, to the Northwest corner of said SE 1/4 of NW 1/4 of Section 4; thence Easterly, along the North line of the said SE 1/4 of the NW 1/4 of Section 4, to the Northeast corner of said SE 1/4 of NW 1/4 of Section 4; thence Northerly, along the West line of the NE 1/4 of said Section 4, to the North line of said Section 4; thence Westerly, along the said North line of Section 4 and continuing Westerly along the North line of Section 5, Township 19 South, Range 31 East, to the Northeast corner of the NW 1/4 of said Section 5, thence Southerly, along the East line of the NW 1/4 of said Section 5, to the Northwest corner of the NW 1/4 of the SE 1/4 of said Section 5; thence Easterly, along the North line of the said NW 1/4 of the SE 1/4 of Section 5, to the Northeast corner of said NW 1/4 of SE 1/4 of Section 5; thence Southerly, along the East line of the West one-half of the SE 1/4 of said Section 5, to the Southerly right of way line of Braddock Road, thence Westerly, along said Southerly right of way line of Braddock Road, to its intersection with the Southerly extension of the West-erly right of way line of Hartwood Street, Deltona Lakes Unit #51, according to map in Map Book 28, pages 51 and 52, Public Records of Volusia County, Florida; thence Northerly, along said Southerly extension and continuing Northerly along the said Westerly right of way line, to the Northeast corner of Lot 7, Block 1723, Replat of Tract "A" Deltona Lakes, Unit #51, according to map in Map Book 28, page 123, Public Records of Volusia County, Florida; thence Westerly, along the North line of said Lot 7, to the Northwest corner of said Lot 7; thence Southerly, along the West line of said Lot 7 and continuing Southerly along the Southerly extension thereof, to its intersection with the Southerly right of way line of Braddock Road, thence Westerly, along said Southerly right of way line, to its inter-section with the Easterly line of Lot 17, Plat of the Assessor's Subdi- vision of the SW 1/4 of Section 5, Township 19 South, Range 31 East, according to map in Map Book 3, page 64, Public Records of Volusia County, Florida; thence Northerly, along said Easterly line and the Northerly extension thereof and continuing Northerly along the Easterly line of Lot 8 of said Assessor's Subdivision, to a point in the North line of the SW 1/4 of said Section 5, Township 19 South, Range 31 East; thence Westerly, along said North line, to the North-west corner of said SW 1/4 of Section 5; thence Northerly, along the East line of Section 6, Township 19 South, Range 31 East, to the Southerly right of way line of Doyle Road; thence Westerly, along said right of way line, to the Westerly right of way line of Braddock Road (Magnolia Oak Drive, as shown on Magnolia Oak Subdivision, according to map in Map Book 31, page 147, Public Records of Volusia County, Florida); thence Southerly, along said Westerly

right of way line of Braddock Road, to the North line of Lot 10, Magnolia Oak Subdivision, according to map in Map Book 31, page 147, Public Records of Volusia County, Florida; thence Westerly, along said North line of Lot 10, to the Northwest corner of said Lot 10, thence Southerly, along the West line of said Lot 10 and continuing Southerly along the West line of Lot 9 of said Magnolia Oak Subdivision, and its Southerly extension thereof, to its intersection with the centerline of the Florida East Coast Railroad right of way, thence Southeasterly, along the said centerline of the Florida East Coast Railroad right of way, to its intersection with the East line of Section 6, Township 19 South, Range 31 East; thence Southerly, along said East line of Section 6, to its intersection with the Southeasterly line of Lot 52, Assessor's Subdivision of Section 6, Township 19 South, Range 31 East, Enterprise, according to map in Map Book 3, page 146, Public Records of Volusia County, Florida, thence Southwestly, along the said Southeasterly line of Lot 52, to its intersection with the mean high water line of Lake Monroe; thence Northwestly, along said mean high water line of Lake Monroe, to its intersection with the Westerly line of Lot 39, of said Assessor's Subdivision (Map Book 3, page 146); thence Northeasterly, along said Westerly line of Lot 39, to its intersection with the centerline of the Florida East Coast Railroad right of way; thence Northwestly, along said centerline of the Florida East Coast Railroad right of way, to its intersection with the West line of the Northeast 1/4 of said Section 6; thence Northerly, along said West line of the Northeast 1/4 of Section 6 and continuing Northerly along the West line of the Southeast 1/4 of Section 31, Township 18 South, Range 31 East, to the Northwest corner of Tract "M", Deltona Lakes Unit #20, according to map in Map Book 27, pages 1 through 6, Public Records of Volusia County, Florida, thence Westerly, along the Southerly line of Lot 2, Block 587 of said Deltona Lakes Unit #20, and continuing Westerly along the Southerly line of Tract "N", of said Deltona Lakes, Unit #20, to the Southeast corner of Lot 5, Plat of Noah Robbins Homestead, according to map in Map Book 2, page 3, Public Records of Volusia County, Florida; thence Northerly along the East lines of Lots 5, 4 and 2 of said Plat of Noah Robbins Homestead, to the Northeast corner of said Lot 2; thence Westerly, along the North Line of said Lot 2, to the Northwest corner of said Lot 2, being also a point on the Easterly boundary of a drainage retention area, of said Deltona Lakes, Unit #20; thence S 00°04'49" E, along said Easterly boundary of the drainage retention area, to the Southeast corner of said drainage retention area; thence S 89°55'11" W, along the South line of said drainage retention area, a distance of 100.00 feet, to the Southwest corner of said drainage retention area; thence N 00°04'49" W, a distance of 110.00 feet; thence N 40°59'02" W, a distance of 94 96 feet to a point, said point being a point on a curve concave Southeasterly and having a radius of 440.00 feet; thence Southwestly, along the arc of said curve, through a central angle of 20°30'11" for an arc distance of 157 45 feet to a point of reverse curve concave Northwestly and having a radius of 1160 00 feet; thence Southwestly, along the arc of said curve, through a central angle of 60°59'20" for an arc distance of 1234 77 feet to a point of tangency; thence S 89°33'18" W, a distance of 25.00 feet; thence N 00°14'16" W, a distance of 125.00 feet to a point of intersection with the Southerly right of way line of Anderson Drive, said Deltona Lakes Unit #20; thence Southwestly, along the said Southerly right of way line of Anderson Drive, to the Westerly right of way line of Cloverleaf Boulevard, thence Northerly, along said Westerly right of way line of Cloverleaf Boulevard, to the Southeasterly corner of Lot 20, Block 610, said Deltona Lakes, Unit #20; thence Westerly, along the Southerly line of said Lot 20, to the Southwest corner of said Lot 20, also being the Southwest corner of Block 610; thence Northerly, along the West line of said Block 610, to the Northwest corner of Lot 1, of said Block 610, thence Easterly, along the North line of said Lot 1, to its intersection with the Westerly right of way line of Cloverleaf Boulevard; thence Northerly, along said Westerly right of way line of Cloverleaf Boulevard, to its intersection with the Southeast corner of Tract "L", Deltona Lakes, Unit #22, according to map in Map Book 27, pages 11 through 15, Public Records of Volusia County, Florida, thence Westerly, along the Southerly line of said Tract "L", to the Southeast of corner of Tract "K", Deltona Lakes Unit #22, a Replat of Tract "K", according to map in Map Book 31, page 5, Public Records of Volusia County, Florida; thence continuing Westerly, along the Southerly line of said Tract "K", to the Northeast corner of Lot 9, Block 624, of said Deltona Lakes Unit #22 (Map Book 27, pages 11 through 15); thence Southerly, along the Easterly line of said Block 624, to the Southeast corner of said Block 624; thence Westerly, along the Southerly lines of said Block 624

and a portion of Block 626, of said Deltona Lakes Unit #22, to its intersection with the Easterly line of Lot 10 of said Block 626; thence Southerly, along the Easterly line of Lots 10 through 16 inclusive, of said Block 626 and continuing Southerly along the Southerly extension of the East line of said Block 626, to the Southerly right of way line of Kinlock Street, thence Westerly, along said Southerly right of way line of Kinlock Street, to the Westerly right of way line of Dan River Avenue, thence Northerly, along said Westerly right of way line of Dan River Avenue, to the Southerly right of way line of Doln Street; thence Westerly, along said Southerly right of way line of Doln Street, to the Easterly right of way line of Whitemarsh Avenue, thence Southerly, along said Easterly right of way line of Whitemarsh Avenue, to the Northerly right of way line of Camden Street; thence Easterly, along said Northerly right of way line of Camden Street and the Easterly extension thereof, to the Easterly line of Map of North Enterprise, according to map in Deed Book "O", page 465 Public Records of Volusia County, Florida; thence Southerly along said Easterly line of Map of North Enterprise, to the Southeast corner of said Map of North Enterprise; thence Westerly, along the Southerly line of said Map of North Enterprise, to the Southeast corner of Block 28, said Map of North Enterprise; thence Northerly, along the Easterly line of said Block 28, to the Northeast corner thereof; thence Westerly, along the North line of said Block 28 and the Westerly extension thereof, to the Northeast corner of Block 27 of said Map of North Enterprise, thence Northerly, along the East lines and their Northerly extensions thereof, of Blocks 26, 25, 24, 23, 22, 21, 20 and 19 of said Map of North Enterprise, to the Northeast corner of said Block 19, also being a point in the Southerly line of Block 630, Deltona Lakes Unit #22 (Map Book 27, pages 11 through 15); thence Westerly, along the said Southerly line of Block 630, and continuing Westerly along the Southerly lines of Tract "Q" and Lot 3, Block 631, Deltona Lakes Unit #22, to a point in the Easterly line of Tract "C", Deltona Lakes Unit #22; thence Southerly, along said Easterly line of Tract "C", to its intersection with the Northerly right of way line of Curo Street; thence Easterly, along said Northerly right of way line, to the Easterly right of way line of Pepperwood Avenue, thence Southerly, along said Easterly right of way line, to the Southerly right of way line of Caribbean Street; thence Westerly, along said Southerly right of way line, to the Easterly right of way line of Belltower Avenue, thence Southerly, along said Easterly right of way line of said Belltower Avenue, to the Northeast corner of the NW 1/4 of the NW 1/4 of Section 1, Township 19 South, Range 30 East; thence continuing Southerly, along the Easterly right of way line of Belltower Avenue and continuing Southerly, along the East line of the NW 1/4 of the NW 1/4 of said Section 1, to its intersection with the centerline of DeBary Avenue; thence Northwestly, along said centerline of DeBary Avenue, until DeBary Avenue becomes Dirksen Drive and continuing Westerly along the centerline of Dirksen Drive to the POINT OF BEGINNING.

The corporate boundaries of the city do not include the following parcels: 8036-03-01-0010; 8036-03-10-0070, 7134-00-00-0023; 8101-00-00-0010; 8101-00-00-0160; 8102-00-00-0057; 8102-00-00-0058; 8112-02-00-0130; 8112-02-00-0170; 8112-02-00-0180; 8112-02-00-0190; 8112-02-00-0200; 8112-02-00-0280; 8112-02-00-0290; 8112-02-00-0320; 8112-02-00-0330; 9101-00-00-0092; 9101-00-00-0240; 9105-03-00-0080; 9105-03-00-0090; 9105-03-00-0091; 9105-03-00-0100; 9105-03-00-0170; 9105-03-00-0190; 9105-03-00-0230; 9105-03-00-0240; 9105-03-00-0260; 9105-03-00-0290; 9105-03-00-0300; 9105-07-01-0070; 9106-01-00-0492; 9106-01-00-0493; 9106-01-00-0494; 9106-01-00-0495; 9106-05-00-0010; 9106-05-00-0020; 9106-05-00-0030; 9106-05-00-0040; 9106-05-00-0050; 9106-05-00-0060; 9106-05-00-0070; 9106-05-00-0080; 9106-05-00-0090; 9106-05-00-0100

Section 1 This act shall take effect upon becoming a law

On motions by Senator Burt, by two-thirds vote SB 2176 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—37 Nays—None

SB 2904—A bill to be entitled An act relating to the City of Tampa, Hillsborough County, amending ss 3, 7, ch 23559, Laws of Florida, 1945, as amended; prescribing conditions under which certain municipal employees may become members of Division A of the city's General Employees' Retirement Plan; amending s. 16, ch. 23559, Laws of Florida,

as amended, revising the formula for determining the retirement benefit of certain employees who become reemployed after retirement; repealing all laws in conflict herewith; providing for severability; providing an effective date.

— was read the second time by title. On motions by Senator Grant, by two-thirds vote **SB 2804** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—37      Nays—None

**SB 2806**—A bill to be entitled An act relating to the City of Tampa, repealing chapter 65-2306, Laws of Florida, relating to the conveyance of land; providing an effective date

— was read the second time by title. On motions by Senator Grant, by two-thirds vote **SB 2806** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—37      Nays—None

**SB 2808**—A bill to be entitled An act relating to the Hillsborough County Aviation Authority; amending ss 2.05, 2.06(a), 3.08(a) and (b), 4.08(a) and (b) of chapter 83-424, Laws of Florida, increasing the threshold amount for certain contracts beyond which the Authority must provide notice and advertise before accepting bids and awarding the contract, providing an effective date

— was read the second time by title. On motions by Senator Grant, by two-thirds vote **SB 2808** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37      Nays—None

**SB 2862**—A bill to be entitled An act relating to the City of Tampa and the Tampa Port Authority; amending chapter 67-2116, Laws of Florida, relating to the regulation of watercraft; deleting obsolete references, providing an effective date

— was read the second time by title. On motions by Senator Grant, by two-thirds vote **SB 2862** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37      Nays—None

**SB 2920**—A bill to be entitled An act relating to the Homosassa Special Water District, Citrus County; amending chapter 59-1177, Laws of Florida, as amended; revising the special assessment procedure of the district; providing an effective date

— was read the second time by title. On motions by Senator Williams, by two-thirds vote **SB 2920** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37      Nays—None

### SPECIAL ORDER CALENDAR

**SB 974**—A bill to be entitled An act relating to the judicial nominating commissions, amending s 43.29, F.S., repealing the requirement that members of racial or ethnic minority groups and women be appointed to the commissions; requiring the consideration of the racial, ethnic, and gender diversity in appointing members to the commissions; requiring the commissions to consider the diversity of races, ethnic groups, and genders of judges in considering recommending persons for appointment as a judge; providing an effective date

— was read the second time by title. On motions by Senator Dudley, by two-thirds vote **SB 974** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37      Nays—None

**SB 1722**—A bill to be entitled An act relating to the Florida Arts Council; amending s 265.285, F.S., requiring an affirmative vote of all council members present at a meeting for official action; removing the requirement that the council meet at the request of a majority of its members; providing an effective date

— was read the second time by title. On motions by Senator Harris, by two-thirds vote **SB 1722** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—39      Nays—None

Consideration of **SB 48** was deferred

On motion by Senator Dudley, by two-thirds vote **CS for HB 51** was withdrawn from the Committee on Judiciary.

On motion by Senator Dudley—

**CS for HB 51**—A bill to be entitled An act relating to the “Florida Residential Landlord and Tenant Act”, amending s. 83.49, F.S.; providing that licensed real estate brokers may disburse security deposits and deposit money without complying with s. 475.25(1)(d), F.S., amending s. 83.62, F.S., providing that at the time the sheriff executes a writ of possession or any time thereafter the landlord may remove personal property found on the premises, amending s. 83.67, F.S., limiting liability for the landlord with respect to certain items mentioned in the rental agreement, providing an effective date.

— a companion measure, was substituted for **SB 462** and read the second time by title.

Senator Dudley moved the following amendment which was adopted

**Amendment 1**—On page 1, lines 23-30, delete those lines and insert:

(d) Compliance with this ~~section subsection~~ by an individual or business entity authorized to conduct business in this state, including Florida-licensed real estate brokers and salespersons, shall constitute compliance with all other relevant Florida Statutes pertaining to security deposits held pursuant to a rental agreement or other landlord-tenant relationship. Enforcement personnel shall look solely to this ~~section subsection~~ to determine compliance. This ~~section subsection~~ prevails

On motions by Senator Dudley, by two-thirds vote **CS for HB 51** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39      Nays—None

### SENATOR CHILDERS PRESIDING

**SB 254**—A bill to be entitled An act relating to the Florida Transportation Commission, reenacting and amending s 334.045, F.S.; providing for performance and productivity standards for evaluating the Department of Transportation; repealing s. 118(12), ch. 90-136, Laws of Florida, abrogating the repeal of s 334.045, F.S.; providing an effective date

— was read the second time by title. On motions by Senator Beard, by two-thirds vote **SB 254** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—37      Nays—None

**SB 256**—A bill to be entitled An act relating to restitution in juvenile proceedings, amending s. 39.054, F.S.; authorizing a court to order payment of restitution by income deduction and prescribing procedures with respect hereto; providing an effective date.

— was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Bankhead and adopted:

**Amendment 1**—On page 1, line 29, and on page 1, line 30, delete the word “*cosignor’s*” and insert. *cosigner’s*

On motions by Senator Bankhead, by two-thirds vote **SB 256** 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—37 Nays—None

On motion by Senator Burt, by two-thirds vote **HB 59** was withdrawn from the Committee on Transportation

On motion by Senator Burt—

**HB 59**—A bill to be entitled An act relating to transportation facilities designations; designating the bridge that will replace North Bridge in New Smyrna Beach as “George Musson Memorial Bridge”; designating a portion of State Road 26 and State Road 20 from Gainesville to the Alachua/Putnam County line as the “Sid Martin Memorial Highway”, directing the Department of Transportation to erect suitable markers, providing an effective date

—a companion measure, was substituted for **CS for SB 18** and read the second time by title On motions by Senator Burt, by two-thirds vote **HB 59** was read the third time by title, passed and immediately certified to the House The vote on passage was:

Yeas—39 Nays—None

**SB 26**—A bill to be entitled An act relating to road designations; designating a portion of West 20th Avenue in the City of Hialeah as “Pal-Med Avenue”, directing the Department of Transportation to erect suitable markers, providing an effective date.

—was read the second time by title.

Senator Casas moved the following amendment which was adopted

**Amendment 1 (with title amendment)**—On page 1, between lines 16 and 17, insert

Section 2 (1) Northwest 103rd Street from North West 77th Avenue to Okeechobee Road is designated “Billy Kemp Boulevard”

(2) The Department of Transportation is directed to erect suitable markers designating “Billy Kemp Boulevard” as described in subsection (1)

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 4, after the semicolon (;) insert: designating a portion of Northwest 103rd Street as “Billy Kemp Boulevard”;

Senator Gutman moved the following amendment which was adopted:

**Amendment 2 (with title amendment)**—On page 1, line 10, insert

Section 1 That portion of State Road 968, or Flagler Street, which lies between 14th Avenue Southwest and 16th Avenue Southwest in the City of Miami, is designated as Maestro Luis Casas Romero Way

Section 2. The Department of Transportation is directed to erect appropriate markers bearing the designation made by section 1 of this act

(Renumber subsequent sections )

And the title is amended as follows:

On page 1, line 2, after the semicolon (;) insert: designating a portion of State Road 968 as the Maestro Luis Casas Romero Way;

On motions by Senator Casas, by two-thirds vote **SB 26** 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

**SB 134**—A bill to be entitled An act relating to road designations, designating a portion of State Road 112 in Dade County as the Dewey Knight, Jr., Memorial Highway; providing an effective date

—was read the second time by title On motions by Senator Turner, by two-thirds vote **SB 134** was read the third time by title, passed and immediately certified to the House The vote on passage was

Yeas—39 Nays—None

**CS for SB 198**—A bill to be entitled An act relating to the designation of state buildings, designating the Education and Exhibition Center at the Florida Museum of Natural History at the University of Florida as “Powell Hall”, designating a new College of Architecture and Fine Arts multipurpose building at the University of Florida as “The Baughman Center”, designating the College of Architecture, School of Building Construction building at the University of Florida as “M E Rinker, Sr Hall”, authorizing the University of Florida to erect appropriate markers, providing an effective date

—was read the second time by title On motions by Senator Kirkpatrick, by two-thirds vote **CS for SB 198** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38 Nays—None

**SB 292**—A bill to be entitled An act relating to road designations; designating State Road 54 in Pasco County as the “Purple Heart Highway”; directing erection of suitable markers; providing an effective date.

—was read the second time by title

Senator Latvala moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 1, lines 15 and 16, delete those lines and insert:

Section 2 (1) State Road 710 within Palm Beach County is hereby designated as the “Purple Heart Highway”

(2) The Department of Transportation is directed to erect suitable markers designating the “Purple Heart Highway” in Palm Beach County as described in subsection (1).

Section 3 (1) U S Highway 192 within Brevard County is hereby designated as the “Purple Heart Highway.”

(2) The Department of Transportation is directed to erect suitable markers designating the “Purple Heart Highway” in Brevard County as described in subsection (1).

Section 4 This act shall take effect upon becoming a law  
And the title is amended as follows

On page 1, line 4, after the semicolon (;) insert: designating State Road 710 in Palm Beach County as the “Purple Heart Highway”; designating U.S. Highway 192 in Brevard County as the “Purple Heart Highway”;

On motions by Senator Latvala, by two-thirds vote **SB 292** 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 306**—A bill to be entitled An act relating to designations, designating the University of Central Florida baseball field as “Jay Bergman Field”; naming the new residence hall for New College students on the Sarasota Campus of the University of South Florida the “Dallas and Elizabeth Dort Residence Hall”; naming the new marine biology research center for New College students on the Sarasota Campus of the University of South Florida the “Rhoda and Jack Pritzker

Marine Biology Research Center"; directing the Board of Regents of the Division of Universities of the Department of Education to erect suitable markers, providing an effective date

—was read the second time by title. On motions by Senator Dyer, by two-thirds vote **CS for SB 306** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—39      Nays—None

Consideration of **SB 760** was deferred

**SB 808**—A bill to be entitled An act relating to road designations; redesignating a portion of State Road 690 currently designated as the St Petersburg Beach Causeway as "Corey Causeway"; directing the Department of Transportation to erect suitable markers, repealing chapter 63-931, Laws of Florida, relating to the designation of the St Petersburg Beach Causeway; providing an effective date.

—was read the second time by title

The Committee on Transportation recommended the following amendment which was moved by Senator Beard and adopted:

**Amendment 1 (with title amendment)**—On page 1, lines 14-16, delete those lines and insert:

Section 1. (1) That portion of State Road 693 presently known and designated as the St Petersburg Beach Causeway which extends from State Road 699, Blvd Pass Road to Mathews Road, is hereby redesignated as "Corey Causeway"

And the title is amended as follows.

On page 1, line 3, delete the number "690", and insert 693

Senator Sullivan offered the following amendment which was moved by Senator Williams and adopted:

**Amendment 2 (with title amendment)**—On page 1, between lines 20 and 21, insert.

Section 3. (1) That portion of State Road 145 from Madison, Florida, to the Withlacoochee River is designated as the "Colin P. Kelly Highway"

(2) The Department of Transportation shall erect suitable markers bearing the designation made in subsection (1)

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 9, after the semicolon (;) insert: designating State Road 145 from Madison, Florida, to the Withlacoochee River as the "Colin P. Kelly Highway"; providing for the erection of markers;

Senators Thomas and Childers offered the following amendment which was moved by Senator Sullivan and adopted

**Amendment 3 (with title amendment)**—On page 1, between lines 20 and 21, insert

(3) That the bridge across the Apalachicola River opposite Blountstown, between Calhoun County and Liberty County Florida, is designated as the "Trammell Bridge"

(4) The Department of Transportation shall erect suitable markers bearing the designations made by this act.

And the title is amended as follows

On page 1, lines 1-2, delete those lines and insert: A bill to be entitled An act relating to public works designations; designating State Road 145 from Madison, Florida, to the Withlacoochee River as the "Colin P. Kelly Highway"; providing for the erection of markers, designating the bridge across the Apalachicola River opposite Blountstown, between Calhoun County and Liberty County, Florida, as the "Trammell Bridge"; providing for the erection of markers;

WHEREAS, Representative John D. Trammell of Calhoun County served the people of Calhoun County with distinction in the House of Representatives for many years, and

WHEREAS, Representative Trammell was the Sponsor of House Bill 1171 which was enacted into law in 1933 and authorized the building of a Toll Bridge across the Apalachicola River between Calhoun and Liberty Counties, NOW, THEREFORE,

On motions by Senator Sullivan, by two-thirds vote **SB 808** 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

Consideration of **SB 832** was deferred.

**SB 1126**—A bill to be entitled An act relating to building designations; naming the State Department of Transportation District 7 office complex in Hillsborough County the "Malcolm E. Beard Transportation Complex"; providing for the erection of suitable markers; providing an effective date.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendment which was moved by Senator Grant and adopted:

**Amendment 1**—In title, on page 2, line 4, before the comma (,) insert , during which he is serving as President Pro Tempore of the Senate

On motions by Senator Grant, by two-thirds vote **SB 1126** 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

## MOTION

On motion by Senator Grant, the following remarks were ordered spread upon the Journal

**Senator Grant:** This bill would designate the Department of Transportation District 7 office building in Tampa as the "Malcolm E. Beard Transportation Complex". We think this is fitting. The Hillsborough Delegation unanimously supported this bill and asked that it be filed on behalf of all of us. I think that everyone in this Senate recognizes the contribution that Malcolm Beard has made.

He had a distinguished career in law enforcement. When most people would have been ready to retire and enjoy spending time hunting in the woods, Malcolm Beard decided that he would begin a second career as a legislator. He has served since 1978—first in the House and in the Senate since 1980.

He made a great contribution in the area of criminal justice in his prior career as constable and sheriff of Hillsborough County.

He has become the person we look to and have looked to on transportation matters. He has chaired the Committee on Transportation in this Senate for a number of years. He knows the Department of Transportation inside out. When those of us in the Tampa Bay area realized that we desperately needed another Department of Transportation district in this state because we were in a district that ran all the way down to Lake Okeechobee, it was Malcolm Beard who had the power, tenacity and the persuasion to bring that about.

We are building the complex in the neighborhood of the University of South Florida because it was Malcolm Beard who recognized that we had a tremendous amount of brain power in the area of transportation at the University. We have it there because Malcolm Beard got involved in higher education to make sure that the University of South Florida is and continues to be one of our premier educational institutions in the area of transportation education. He was smart enough to realize that if we were going to have a new district and build a new complex, that we

**Senator Jennings:** I did not know this was going to be "Malcolm Beard Day", even though we have the naming bill, but I think it is appropriate. I have served with Malcolm for a very long time. He actually holds a two or three month seniority on me in the Senate. He came ahead of time, after a special election. Malcolm came to the House after I did, so we have served together a long time. Most of that time I served on the Transportation Committee with Malcolm Beard.

Many of the naming issues come through transportation because we are naming roads. I learned from Malcolm Beard that the most important question to ask when we had a naming issue was, "Are they dead or alive?" Senator Beard always felt very strongly that we should not name anything after someone who is still alive because they would still have the opportunity to, perhaps, make mistakes in life, and we might not want something named after them while they were still alive. Today, as we name this building that Senator Grant was talking about, for Malcolm, we know full well that nothing will ever happen that will make us not proud of Malcolm Beard and what he does. The example he has set and followed his entire life is one that we all should follow. If we follow that kind of example, hopefully, we will be as well thought of as Malcolm Beard when we come to the end of the road.

We wish you were not leaving us Malcolm, but we are glad you are leaving in good health and that you and Mary Ellen will have the opportunity to do some of the things that you have not had the opportunity or time to do.

Malcolm is one of those Senators that pays attention to duty. He goes to all the meetings, promptly. He meets with his constituents. He does all the things that some of us get a little slack about doing from time to time. He truly embodies what they were talking about when they discussed the epitome of a Florida State Senator. I am proud that I have been able to serve with him in this body.

**Senator Johnson:** Thank you, Mr. President. I will be very brief. I want to say thank you to Senator Malcolm Beard. As a fairly new Senator, I think the best thing I can say about you is you are a gracious gentleman and a true statesman.

**Senator Bronson:** Speaking from the freshman side of the Senate, I have known Senator Beard by name and reputation from his days as sheriff through our Sheriff, K O. Murphy. In our once small town of Kissimmee, the reputation of Sheriff Beard was very strong. Last year, my first year as a Senator, I looked to Senator Beard for advice. It was when I was trying to procure a little money out of DOT for aquatic weeds, Senator Beard looked at me and said my bill on aquatic weeds he just had to pull back into transportation, and he did not think it would ever see the floor. He smiled at me and told me he liked my style. I respected Senator Beard for protecting the turf of DOT and appreciated the fact that he told me up front. We found another way to do the job, and I thank him for his help.

**Senator Kirkpatrick:** I also rise to thank my good friend, Malcolm Beard, for his leadership and what he has meant to me over the years that I have been in the legislature.

The most important thing I can say to you, Malcolm, is that you remind me a lot of my daddy. He was a man that stood on principle. He was a man that always told you what he thought and when he told you something you never had to worry about him backing up. It has always meant a lot to me that in times we agreed and the times we disagreed, you always made sure that I understood which side you were on, why you were there, and that I could always count on you. Friendship is something that is very important to us because we are kind of coupled up here in this little room and it seems that at times the whole world is against us. The closest thing we have to a family is the relationship we have with each other, and I am really proud to be part of your family.

**Senator Dantzer:** I was not going to speak, but now I feel compelled to. I want to say just a few things. Malcolm Beard knows who he is. A lot of us go through life and we are not real sure who we are. Malcolm knows and, in my view, he stands tall. He is the kind of person we should all strive to be. He does not have any choice but to do what is right because that is the way he is made. The world and my generation would be better off if there were more people like him. I appreciate the chance I have had to serve with him, and I am proud to call him my friend.

**Senator Crist:** Senators, it is a privilege for me to have the opportunity to address Senator Beard. I can remember when I was first elected as a freshman in 1993. You've all had this experience. I'm sure, that different issues come up from time to time and there are certain people that you go to for their advice and their counsel. Senator Beard has been that person to me.

When tough issues came along I knew I could always count on Senator Beard to be straight with me, to be forthright, to be honest; and that he had tremendous wisdom that I was able to draw upon. And he was always kind enough to give me the time to do that. For that I will forever be grateful, Senator.

In addition, I think there is something about Senator Beard that we all can learn a lot from. Without a doubt he is a man of grace and I think that is something we all need to have a lot more of; not only in this process but in this world. A little more grace and graciousness would go a long way toward helping us solve a lot of the problems that we have to deal with in Florida, and Senator Beard exemplifies that extremely well.

Right after I was elected we had a meeting of our Republican senators and Senator Beard referred to me as his little brother. I guess he could probably be my father by age but I don't have any brothers. I am blessed to have three wonderful sisters, but if I had an older brother I would be honored to have it be Senator Beard. That was a real compliment to me when you used that term, Senator Beard, and I appreciated it. I will conclude by saying that Senator Beard is without a doubt a gentleman and that he is a tremendous public servant, but I think the highest compliment you can pay any human being is to say that they are a friend. Senator Beard has been a true friend to every member of this Senate and a great friend to the state of Florida. We love you, Senator Beard, and we will miss you. Thank you.

**Senator Sullivan:** I, too, would like to thank Senator Beard for his kindness and consideration and direction. We are suite mates and he has been my mentor and has helped me with a number of issues and I appreciate that.

Senator Beard, you are a very gracious person who has dedicated himself to public service. This is one of the small things that I believe the people of the State of Florida owe you for all your long time of service. I would like to take this opportunity to also personally thank you very much.

**Senator Grant:** Senator Beard, we are delighted to honor you here today as you have honored us with your service.

I feel a particular closeness to Malcolm Beard because I succeeded him in the House. When he came to the Senate, I was elected to fill his office in the House and I want to tell you that gave me a high standard to achieve. We appreciate you.

## THE PRESIDENT PRESIDING

**President Scott:** When I spoke previously, I neglected to mention that my President Pro-Tem has just been invaluable, not only in the work he does, but also in the moral support. Just knowing he is there; as Senator Jennings and I have discussed, just knowing that Malcolm is always there is great. Malcolm, would you like to address the Senate?

**Senator Beard:** Mr. President, just briefly, I want to thank all of you. This has been super nice with all those wonderful words. I just hope my wife, who is in Tampa, was listening in. I've been trying to impress her for forty-eight years.

I don't think anyone is worthy of all these nice words and I don't think anyone is worthy of this honor, and certainly not me. All the things we have accomplished in this area of transportation took a lot of people. One person can't do anything in this Senate or in this Legislature. It takes a lot of help. You even have to be prepared for two or three vetoes on some of the things you try to do. But together we accomplished good things and I had a lot of help with whatever I contributed and I want to thank all of you so very, very much. Thank you very much.

**SB 1156**—A bill to be entitled An act relating to road designations, designating U.S. Highway 19 from Pasco County north through Wakulla

ought to do it adjacent to the university so the university could help the department and the department could be a resource for internship and training for those students who study public transportation

It is fitting that we do this. We are all aware of the fact that Malcolm Beard has announced his retirement from politics so that he can spend time with his grandchildren and enjoy the avocations that he has

We are going to miss him. Nobody will ever be better than Malcolm Beard in the area of transportation.

More importantly, Malcolm Beard represents a work ethic and a standard of morality that is typified by his generation, but not of the newer generation. He has reminded us from time to time that we need not do what is politically correct. If we simply do what is right, we usually won't make a whole lot of mistakes.

Malcolm Beard came to the legislature a year before I came. He has been here for eighteen years. I have relied upon him as not only a resource of knowledge but also as a great friend.

For those of you who are members of the Republican Party and have been able to sit in our caucus meetings where we have helped determine policy; it has been the quiet, calm, assuring voice of Malcolm Beard that has brought peace to sometimes chaos. He has helped us to see what to do and to make sure that we do it right.

**President Scott:** This bill symbolizes something very important to me and many members of the Senate, and that is my personal friendship with Malcolm Beard and Mary Ellen, his wife.

When Malcolm came to the Senate, his reputation had preceded him. He might be the only person in history who was elected unopposed for about fifteen years as sheriff, then unopposed for the House of Representatives and unopposed for the Senate. All of us would like to take some lessons on how to do that.

One thing I can remember about him is that if he told you in 1983 that he would do a certain thing, or that he was going to be with you on something, ten years later if the issue came up again, you didn't have to check back with him. His word is his bond. His character is above reproach.

He, Senators Jennings, Childers and I have served with a lot of people in this Senate. I would defy anyone to go back for all the years he has served in this Senate and find any Senator who wouldn't have the best things to say about his character, his integrity and about his loyalty as a friend.

**Senator Forman:** When I was elected to the Florida Senate in 1988, President Crawford gave me my first assignment as Vice-Chairman of the Transportation Committee. There I met Senator Malcolm Beard who was chairman at the time. Senator Beard reminisced with me about when he was sheriff of Hillsborough County. He told me that he had a key to every home in Hillsborough County. I said, "Senator, how did you do that?" He picked up his foot and said, "Size 12." That personifies Senator Malcolm Beard.

That year we had the transportation package which we were debating on the floor; we were negotiating with the House. I carried Senator Beard's briefcase and he was seventy-one at the time and I could barely keep up with him. The man, even today, has boundless energy.

When you look at Malcolm Beard's life, he is one of the rare breed of politicians that really doesn't exist anymore. He says what's on his mind and he does what he thinks is right.

Before I got to the Senate in 1987, Senator Beard changed parties. I'm sorry he left the Democratic Party, but he didn't do it because it was fashionable. He did it because in his mind it was the right thing to do.

In 1992, he broke the three-month deadlock over reapportionment when he crossed the aisle and voted with Senator Thomas' plan. A lot of people in the Republican Party didn't like that, but he did it because it was good for Florida.

That is what Malcolm Beard is all about. He is for real. There are not too many politicians in any facet of government that you can really say that about.

**Senator Hargrett:** Mr. President, I'm sure this bill will pass unanimously. It's not my intent to convince you that it's a meritorious issue. I just want to point out for the record what a great impact Senator Malcolm Beard has had on this State as far as its transportation.

When you work in the area of transportation, it takes at least seven to ten years before you can see the product of your work. I always refer to transportation as, "economic development, long-term." I think we all recognize that Florida will have a long-range, prosperous picture because of the vision and foresight of Senator Malcolm Beard. He has helped make the Department of Transportation a premier agency in this State. He has helped to shape that department.

I've worked with Senator Beard over the years and he is a man with great vision. When you point to things in this state that work well, you will see Senator Beard's handprints all over them; such things as the Center for Urban Transportation.

Many of you, in your local communities, are solving transportation problems daily. Your local governments are using that resource at the University of South Florida. That is one of the visions Senator Beard brought to this legislature and to the State of Florida. It is working well. It's a role model for other states in the nation. The State of Florida Transportation Commission is an agency that works well. It advises the department. It makes Florida's transportation planning process a role model for the nation.

Years ago when the Department of Transportation crashed and burned and had to be rewritten, it was Senator Beard, who was chairman of the Senate Transportation Committee, who helped shape the Department of Transportation; to transform it from a road-building agency to truly a transportation agency. That helped to bring Florida into a modern era.

I just wanted to make these comments so that we can appreciate, not only the work that he does for us on a daily basis, but as we look forward and into the future of Florida, and at modern Florida, we will know that many of the things which are happening today were put into practice ten years ago by then Senator Malcolm Beard. Florida owes him a great debt of gratitude. Thank you, Mr. President.

**Senator Childers:** A brief remark from the Chair. I think it is appropriate that something regarding transportation and relative to travel be named after Malcolm Beard because he is a first rate, number one, traveler. I went to the Far East on a two week trip with him one time. We visited five, maybe six, countries. He knows how to travel as well as he knows how to legislate. So, I think this is most appropriate.

**Senator Silver:** I had the distinct privilege of serving with Senator Beard in the House. All the qualities that have been suggested here today; he possessed down there. The one quality, I think, we all recognize in Senator Beard is that he gets right to the issue. We probably could cut our session in half if everyone followed Senator Beard's example and would get to the issue right away and make it clear, distinct and easy to understand.

I appreciate his work on criminal justice issues; guiding us in that particular principle because of his background as a sheriff. And, he has taken such an interest in the children; in the prevention aspect, as well as the punishment side of it.

Senator, on behalf of the entire Dade delegation, we want to tell you how great you have been to South Florida. You have been fair to us. Everytime we have asked you to consider something, you have done it. So, for all of us in Dade County, we say thank you very much for a job well done.

**Senator Diaz-Balart:** Mr. President, I am going to try to follow Senator Beard's lead and be very, very brief. I had the opportunity to chair the Transportation Committee a couple of years ago. If there are some tough shoes to fill, it is this man's. I have incredible respect and admiration for his knowledge, and for his punctuality, which is something we all know about. There is nobody who has done more for the infrastructure of this state and, therefore, the economy of this state than Senator Beard.

It was a privilege to be able to try to emulate you in transportation. It is an honor to serve with you on this floor. Thank you, sir.

County as the "Nature Coast Trail"; providing for the erection of markers; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Williams and adopted.

**Amendment 1 (with title amendment)**—On page 1, line 11, delete that line and insert. Pasco County and Hernando County line north to the northern city limit of Perry, Florida, is designated as the

And the title is amended as follows.

On page 1, line 4, delete that line and insert and Hernando County line north to the northern city limits of Perry, Florida, as the "Nature

On motions by Senator Williams, by two-thirds vote **SB 1156** 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—37      Nays—None

On motion by Senator Grant, by two-thirds vote **HB 355** was withdrawn from the Committee on Transportation

On motion by Senator Grant—

**HB 355**—A bill to be entitled An act relating to designations, designating the Cross Town Expressway in Hillsborough County as the Lee Roy Selmon Expressway, providing for the erection of markers, providing an effective date

—a companion measure, was substituted for **SB 1248** and read the second time by title. On motions by Senator Grant, by two-thirds vote **HB 355** was read the third time by title, passed and immediately certified to the House. The vote on passage was

Yeas—39      Nays—None

**SB 524**—A bill to be entitled An act relating to financial affairs of local governments; amending s 11 45, F.S., revising definitions; requiring audit reports of additional entities; requiring the Auditor General to notify the Governor and Legislative Auditing Committee when a local governmental entity is in a state of financial emergency; providing goals and objectives for the local government financial reporting system, amending s. 112 63, F.S.; providing that the requirements of this section are supplemental to other specified requirements, amending s 129 01, F.S.; clarifying county revenues derived from a special district for budget purposes; amending s. 129 02, F.S., clarifying which special districts are included with the county capital-improvements budget; amending s 129 06, F.S.; clarifying which special districts are included in the county budget process, amending requirements for accounting procedures; amending s 166 241, F.S., providing that municipalities may consider carry-over funds when making appropriations, amending ss 175 261, 185 221, F.S.; providing a cross-reference; providing that the respective requirements of these sections are supplemental to other specified requirements, amending s. 189 4035, F.S., revising the distribution of the official list of special districts, amending s 189 4085, F.S.; deleting the requirement that special districts submit certain bond information to the Department of Community Affairs; amending s 189 412, F.S.; revising duties of the Special District Information Program of the Department of Community Affairs, amending s. 189.418, F.S.; revising the implementing and reporting requirements applicable to a special district, amending s 189 419, F.S., requiring special districts to submit additional reports and providing for legal action to be taken and fines to be assessed against special districts for noncompliance, amending s. 189 427, F.S., providing for fines for failure to remit fees, amending s 215.322, F.S., relating to acceptance of credit cards by state agencies, units of local government, and the judicial branch, defining the term "unit of local government", amending s 218 31, F.S., amending definitions of terms relating to local governmental financial management and reporting, amending s 218 32, F.S.; revising financial reporting requirements for local governmental entities, creating s 218 321, F.S., providing for the preparation of financial statements by local governmental entities; amending s 218 33, F.S., relating to uniform fiscal years and

accounting practices, conforming terminology; amending s. 218 335, F.S., providing for local governmental entities to charge interest; amending s. 218 34, F.S.; providing that special districts may consider carry-over funds when making special district appropriations, amending s 218 37, F.S., revising and providing duties of the Division of Bond Finance, amending s 218 38, F.S.; revising the information required relating to bond issues; amending s 218 501, F.S., revising the purpose of the Local Government Financial Emergency Act; amending s 218 502, F.S.; defining the term "local governmental entity", amending s 218 503, F.S.; revising procedures for determining and handling financial emergencies of a local governmental entity, amending s 218.504, F.S., relating to cessation of state action, conforming terminology; authorizing the Department of Transportation to collect program data from counties and municipalities, 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 Meadows and adopted

**Amendment 1**—On page 10, line 12, through page 13, line 16, delete those lines and insert

7 f. At the conclusion of the audit field work, the independent certified public accountant shall discuss with the head of each *local governmental entity county agency and the chair of the board of county commissioners* or the chair's designee or with the chair of the district school board or the chair's designee, as appropriate, all of the auditor's comments *that pertaining to that agency which will be included in the audit report containing the auditor's comments for the areas within their responsibility*. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his or her office

8 m. The officer's written statement of explanation or rebuttal concerning the auditor's comments, including corrective action to be taken, *must shall* be filed with the governing body of the *local governmental entity or district school board county and with the Auditor General* within 30 days after the delivery of the financial audit report.

n. ~~Each district school board or expressway and bridge authority that elects to utilize an independent audit shall select an auditor by using the same selection procedure as outlined under sub-subparagraphs b-k. The district school board or expressway and bridge authority selection committee shall be set by policy of that respective district school board or expressway and bridge authority. The district school board reports shall be presented to the superintendent of schools and the chair of the school board in that district and filed with the district school board and the Auditor General in conformity with sub-subparagraphs l and m, and expressway and bridge authority reports shall be presented to the chair of the expressway and bridge authority and the Auditor General.~~

9 e. The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of all local governmental entity audits. ~~The Such~~ rules must include, but are not limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Government Financial Emergency and Accountability Act, chapter 79-183, Laws of Florida.

~~The procedures under sub-subparagraphs a-k do not apply to audit agreements or contracts entered into before July 1, 1983.~~

10 f. Any local governmental entity or district school board financial audit report required under subparagraph 4 *and the officer's written statement of explanation or rebuttal concerning the auditor's comments, including corrective action to be taken, must shall* be submitted to the Auditor General within ~~45 30~~ days after *delivery of the audit report to the local governmental entity or district school board completion of the audit* but no later than 12 months after the end of the fiscal year of the ~~governmental entity and district school board~~. If the Auditor General does not receive the financial audit report within *the prescribed such* period, he or she *must shall* notify the Legislative Auditing Committee that *the such* governmental entity has not complied with this subparagraph. Following notification of failure to submit the required audit report or items required by rule adopted by the Auditor General, a hearing *must shall* be scheduled by the committee for the purpose of receiving testimony addressing the failure of local governmental entities to comply with the reporting requirements of this section. After the hearing,

the committee shall determine which local governmental entities will be subjected to further state action. If it finds that one or more local governmental entities should be subjected to further state action, the committee shall:

a. In the case of a local governmental entity, request the Department of Revenue and the Department of Banking and Finance to withhold any funds payable to such governmental entity until the required financial audit is received by the Auditor General

b. In the case of a special district, notify the Department of Community Affairs that the special district has failed to provide the required audits. Upon receipt of notification, the Department of Community Affairs shall proceed pursuant to ss. 189.421 and 189.422.

11.a.6- The Auditor General, in consultation with the Board of Accountancy, shall review all audit reports submitted by local governmental entities audits made pursuant to subparagraph 9 this paragraph by an independent certified public accountant. The Auditor General shall request any significant items that were omitted in violation of a rule adopted by the Auditor General. The items must be provided within 45 days after the date of the request. If the Auditor General does not receive the requested items, he shall notify the Joint Legislative Auditing Committee.

b. The Auditor General shall notify the Governor and the Joint Legislative Auditing Committee of any audit report reviewed by the Auditor General which contains a statement that the local governmental entity is in a state of financial emergency as provided in s. 218.503.

12.7. In conducting a performance audit of any agency,

On motions by Senator Meadows, by two-thirds vote SB 524 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

SB 100—A bill to be entitled An act relating to local governments; creating s. 28.244, F.S.; requiring clerks of the circuit courts to refund overpayment of amounts paid for the clerks' services under certain circumstances; amending s. 28.2401, F.S.; expanding the use of service charges, amending s. 274.02, F.S.; redefining the term "property" for purposes of recordkeeping and inventory by local governmental units; providing an effective date.

—was read the second time by title

The Committee on Judiciary recommended the following amendment which was moved by Senator Latvala and failed.

Amendment 1 (with title amendment)—On page 1, line 17, after the word "court" insert: or a filing officer of another office where records are filed

And the title is amended as follows:

On page 1, line 4, after the word "courts" insert: and other officers with whom records are filed

Senator Latvala moved the following amendment which was adopted

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 28.244, Florida Statutes, is created to read:

28.244 Refunds —A clerk of the circuit court or a filing officer of another office where records are filed who receives payment for services provided and thereafter determines that an overpayment has occurred shall refund to the person who made the payment the amount of any overpayment that exceeds \$5. If the amount of the overpayment is \$5 or less, the clerk of the circuit court or a filing officer of another office where records are filed is not required to refund the amount of the overpayment unless the person who made the overpayment makes a written request.

Section 2. Subsection (3) of section 28.2401, Florida Statutes, is amended to read:

28.2401 Service charges in probate matters.—

(3) Service charges in excess of those fixed in this section may be imposed by the governing authority of the county by ordinance, or by special or local law, to provide and maintain facilities, including a law library, to provide and maintain equipment; or to provide or maintain a legal aid program. Service charges other than those fixed in this section shall be governed by s. 28.24. An additional service charge of \$2.50 on petitions seeking summary administration, family administration, formal administration, ancillary administration, guardianship, curatorship, and conservatorship shall be paid to the clerk for deposit into the Court Education Trust Fund.

Section 3. Subsection (1) of section 28.241, Florida Statutes, is amended to read

28.241 Filing charges for trial and appellate proceedings.—

(1) The party instituting any civil action, suit, or proceeding in the circuit court shall pay to the clerk of that court a service charge of \$40 in all cases in which there are not more than five defendants and an additional service charge of \$2 for each defendant in excess of five. An additional service charge of \$10 shall be paid by the party seeking each severance that is granted. An additional service charge of \$35 shall be paid to the clerk for all proceedings of garnishment, attachment, replevin, and distress. An additional service charge of \$8 shall be paid to the clerk for each civil action filed, \$7 of such charge to be remitted by the clerk to the State Treasurer for deposit into the General Revenue Fund unallocated. An additional charge of \$2.50 shall be paid to the clerk for each civil action brought in circuit or county court, to be deposited into the Court Education Trust Fund; the moneys collected shall be forwarded by the clerk to the Supreme Court monthly for deposit in the fund. Service charges in excess of those herein fixed may be imposed by the governing authority of the county by ordinance or by special or local law; and such excess shall be expended as provided by such ordinance or any special or local law, now or hereafter in force, to provide and maintain in providing and maintaining facilities, including a law library, for the use of the courts of the county wherein the service charges are collected, to provide and maintain equipment; or for a legal aid program in such county. In addition, the county is authorized to impose, by ordinance or by special or local law, a fee of up to \$10 for each civil action filed, contingent upon the county matching these funds from county general revenue, for payment of the costs associated with public guardianships. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties shall be paid by the party at whose instance service is made. That part of the within fixed or allowable service charges which is not by local or special law applied to the special purposes shall constitute the total service charges of the clerk of such court for all services performed by him or her in civil actions, suits, or proceedings. The sum of all service charges and fees permitted under this subsection may not exceed \$200.

Section 4. Subsection (1) of section 34.041, Florida Statutes, is amended to read:

34.041 Service charges and costs —

(1) Upon the institution of any civil action or proceeding in county court, the plaintiff, when filing an action or proceeding, shall pay the following service charges:

- (a) For all claims less than \$100. . . . . \$10.00.
(b) For all claims of \$100 or more but not more than \$2,500 . . . . . 25.00.
(c) For all claims of more than \$2,500 . . . . . 40.00.
(d) In addition, for all proceedings of garnishment, attachment, replevin, and distress . . . . . 35.00.
(e) For removal of tenant action . . . . . 35.00.

Postal charges incurred by the clerk of the county court in making service by mail on defendants or other parties shall be paid by the party at whose instance service is made. Except as provided herein, service charges for performing duties of the clerk relating to the county court shall be as provided in ss. 28.24 and 28.241. Service charges in excess of those herein fixed may be imposed by the governing authority of the

county by ordinance or by special or local law, and such excess shall be expended as provided by such ordinance or any special or local law now or hereafter in force ~~to provide and maintain~~ ~~in providing and maintain-~~ ~~ing~~ facilities, including a law library, for the use of the county court in the county in which the charge is collected; ~~to provide and maintain equipment;~~ or for a legal aid program. All filing fees shall be retained as fee income of the office of the clerk of circuit court. The sum of all service charges and fees permitted under this subsection may not exceed \$200

Section 5 Section 274.02, Florida Statutes, is amended to read:

274.02 Record and inventory of certain property —

(1) The word "property" as used in this section means fixtures and other tangible personal property of a nonconsumable nature the value of which is \$750 ~~\$500~~ or more and the normal expected life of which is 1 year or more.

(2) Each item of property which it is practicable to identify by marking shall be marked in the manner required by the Auditor General. Each governmental unit shall maintain an adequate record of its property, which record shall contain such information as shall be required by the Auditor General. Each governmental unit shall take an inventory of its property in the custody of a custodian whenever there is a change in such custodian. A complete physical inventory of all property shall be taken annually, and the date inventoried shall be entered on the property record. The inventory shall be compared with the property record, and all discrepancies shall be traced and reconciled.

Section 6. Section 274.05, Florida Statutes, is amended to read:

274.05 Surplus property.—A governmental unit shall have discretion to classify as surplus any of its property, which property is not otherwise lawfully disposed of, that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. Within the reasonable exercise of its discretion and having consideration for the best interests of the county or district, the value and condition of property classified as surplus, and the probability of such property's being desired by the prospective bidder to whom offered, the governmental unit first shall offer surplus property to other governmental units in the county or district for sale or donation or shall have the discretion to offer the property to private nonprofit agencies as defined in s. 273.01(3) by sale or donation; and, second, if no acceptable bid is received within a reasonable time, shall offer such property to such other governmental units or private nonprofit agencies as shall be determined by the governmental units on the basis of the foregoing criteria. Such offer shall disclose the value and condition of the property. The best bid shall be accepted by the governmental unit offering such surplus property. The cost of transferring the property shall be paid by the governmental unit that made the successful bid or the private nonprofit agency purchasing or receiving the donation of the surplus property.

Section 7. Section 274.06, Florida Statutes, is amended to read:

274.06 Alternative procedure —Having consideration for the best interests of the county or district, a governmental unit's property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function, which property is not otherwise lawfully disposed of, may be disposed of for value to any person, or may be disposed of for value without bids to the state, to any governmental unit, or to any political subdivision as defined in s. 1.01, or if the property is without commercial value it may be donated, destroyed, or abandoned. The determination of property to be disposed of by a governmental unit pursuant to this section instead of pursuant to other provisions of law shall be at the election of such governmental unit in the reasonable exercise of its discretion. Property, the value of which the governmental unit estimates to be under \$5,000, ~~may be disposed of in the most efficient and cost effective means as determined by the governmental unit~~ ~~shall be sold only to the highest responsible bidder after a request for at least three bids, or by public auction.~~ Any sale of property the value of which the governmental unit estimates to be \$5,000 or more shall be sold only to the highest responsible bidder, or by public auction, after publication of notice not less than 1 week nor more than 2 weeks prior to sale in a newspaper having a general circulation in the county or district in which is located the official office of the governmental unit, and in additional newspapers if in the judgment of the governmental unit the best interests of the county or district will better be served by the additional notices; provided that nothing herein contained shall be construed to

require the sheriff of a county to advertise the sale of miscellaneous contraband of an estimated value of less than \$5,000.

Section 8. Subsection (3) of section 25.384, Florida Statutes, is amended to read:

25.384 Court Education Trust Fund.—

(3) The trust fund shall be funded with moneys generated from fees assessed pursuant to ~~ss. 28.241(1) and 28.2401(3).~~

Section 9. This act shall take effect October 1, 1996

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to local governments; creating s. 28.244, F.S., requiring clerks of the circuit courts and other officers with whom records are filed to refund overpayment of amounts paid for services under certain circumstances; amending ss. 28.2401, 28.241, and 34.041, F.S.; expanding the use of service charges; amending s. 274.02, F.S.; redefining the term "property" for purposes of recordkeeping and inventory by local governmental units; amending s. 25.384, F.S.; clarifying a cross-reference to certain service charges deposited in the Court Education Trust Fund; amending ss. 274.05 and 274.06, F.S.; revising provisions relating to disposal of surplus property by a governmental unit; providing an effective date

On motions by Senator Latvala, by two-thirds vote **SB 100** 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—37 Nays—1

**SB 668**—A bill to be entitled An act relating to public records exemptions, removing public records exemptions that were repealed under former s. 119.14, F.S.; repealing s. 213.30(3), F.S., relating to the identities of persons who provide information to the Department of Revenue; amending s. 232.2468, F.S., relating to dropout and graduation information regarding Florida students; amending s. 239.505, F.S., relating to student records and juvenile justice records; amending s. 288.1168, F.S., relating to records of the professional golf hall of fame, amending s. 384.25, F.S., relating to HIV test-result records; amending s. 483.619, F.S., relating to patients' records, amending s. 775.0877, F.S., relating to inmates' HIV test results.

—was read the second time by title.

Senator Harden moved the following amendment:

**Amendment 1 (with title amendment)**—On page 4, line 29, insert:

Section 8. Section 286.011, Florida Statutes, is amended to read.

286.011 Public meetings and records; public inspection; criminal and civil penalties.—

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the State Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings

(2) *Notwithstanding any other provision of law to the contrary, any board or commission meeting described in subsection (1) which is authorized by general law to be closed must be tape-recorded or videotaped. No portion of any closed meeting may be off the record. The tape recording or videotape, made after July 1, 1996, is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The exemption in this subsection is not subject to the Open Government Sunset Review Act of 1995. Pursuant to a public records request, the tape recording or videotape must be fully transcribed at the expense of the board or commission. A copy of the transcript must be filed with the records custodian of the board or commission. Notwithstanding any*

other provision of law to the contrary, the transcript must be made available to the requestor within a reasonable time, with only those portions of the transcript redacted which directly and expressly reveal information that the board or commission must keep confidential or exempt pursuant to a public records exemption. The cost of providing a transcript shall be in accordance with s. 119.07. This subsection does not apply to meetings closed by a general law that requires a court reporter to fully transcribe his or her notes of the closed meeting and to file the transcription with the records custodian of the agency conducting the closed meeting and, at a time certain, to make the transcription publicly available. No greater closure of records is permitted under this subsection than was previously permitted under the applicable provisions of general law.

(3)(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(4)(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5)(4) Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.

(6)(5) Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and such order is affirmed, the court shall assess a reasonable attorney's fee for the appeal against such board, commission, agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission, provided, that in any case where the agency board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission.

(7)(6) All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(8)(7) Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.

(9)(8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority

of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met:

(a) The entity's attorney shall advise the entity at a public meeting that he or she desires advice concerning the litigation.

(b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

(c) The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.

(d) The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.

(e) The transcript shall be made part of the public record upon conclusion of the litigation.

Section 9. The Legislature finds that there is a public necessity in protecting the confidentiality of the recording of a lawfully closed meeting. To otherwise make available the tape or video recording of an exempt meeting could defeat the purpose of the public meetings exemption. Meetings subject to chapter 286, Florida Statutes, are sometimes closed because sensitive, personal information regarding individuals, such as medical information, is discussed. In other instances, meetings are closed in order to protect trade secrets or proprietary information, the release of which would injure the affected entity in the marketplace. Meetings are also closed in order to allow a governmental entity to efficiently administer a program, which administration would be significantly impaired without the exemption. Accordingly, since it is a public necessity that certain specific meetings be closed, it is equally a public necessity that any tape or video recording of such a meeting also be closed and exempt from public disclosure.

Section 10. This act shall take effect July 1, 1996.

And the title is amended as follows.

On page 1, line 18, before the period ( ) insert ; amending s. 286.011, F.S., requiring a recording of closed meetings, requiring a transcript of the record upon request; providing a public records exemption; providing exceptions, specifying fees for a transcript, providing a statement of public necessity; providing an effective date.

On motion by Senator Harden, further consideration of **SB 668** with pending **Amendment 1** was deferred.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, March 28, 1996: SB 974, SB 1722, SB 48, SB 462, SB 254, SB 256, CS for SB 18, SB 26, SB 134, CS for SB 198, SB 292, CS for SB 306, SB 760, SB 808, SB 832, SB 1126, SB 1156, SB 1248, SB 524, SB 100, SB 668, SB 472, SB 322, SB 194, SB 260, CS for SB 548, CS for SB 926, SB 1200, SB 1154, SB 996.

Respectfully submitted,  
Tom Jennings, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Local Bill Calendar for Thursday, March 28, 1996: SB 532, SB 1124, SB 1134, SB 1162, SB 1270, SB 1630, SB 1632, SB 1634,

SB 1660, SB 1738, SB 1740, SB 1742, SB 1752, SB 1754, SB 1898, SB 1900, SB 2176, SB 2804, SB 2806, SB 2808, SB 2862, SB 2920

Respectfully submitted,  
*Toni Jennings, Chairman*

The Committee on Community Affairs recommends the following pass: SB 1096 with 1 amendment, SB 1816, SB 1920

The Committee on Criminal Justice recommends the following pass: SB 986 with 2 amendments

The Committee on Transportation recommends the following pass: SB 2550

**The bills contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.**

The Committee on Criminal Justice recommends the following pass: SB 726, SB 1108 with 3 amendments

**The bills were referred to the Committee on Health and Rehabilitative Services under the original reference.**

The Committee on Banking and Insurance recommends the following pass: SB 1868 with 1 amendment

The Committee on Community Affairs recommends the following pass: CS for Senate Bills 930 and 686 with 1 amendment, SB 2334 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 1012, SB 1316

The Committee on Executive Business, Ethics and Elections recommends the following pass: SB 2284 with 8 amendments, SB 2466 with 1 amendment

The Committee on Transportation recommends the following pass: SB 662, SB 2370

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

The Committee on Criminal Justice recommends the following pass: SB 1020, SB 2436 with 1 amendment

The Committee on Transportation recommends the following pass: SB 2566 with 1 amendment

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 788

**The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.**

The Committee on Transportation recommends a committee substitute for the following: SB 2524

**The bill with committee substitute attached was referred to the Committee on Governmental Reform and Oversight under the original reference.**

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: Senate Bills 12 and 406

The Committee on Criminal Justice recommends a committee substitute for the following: SB 716

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 680, SB 1908, SB 2232

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

The Committee on Criminal Justice recommends committee substitutes for the following: SB 132, SB 494, SB 536, CS for SB 884, SB 1074, SB 1950

The Committee on Higher Education recommends committee substitutes for the following: SB 1298, SB 2254

**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 190

The Committee on Criminal Justice recommends a committee substitute for the following: Senate Bills 1638 and 2304

The Committee on Higher Education recommends a committee substitute for the following: SB 1692

The Committee on Judiciary recommends committee substitutes for the following: SB 1272, SB 1322, SB 1848

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

## INTRODUCTION AND REFERENCE OF BILLS

### FIRST READING

By Senator Myers—

**SB 2938**—A bill to be entitled An act relating to human immunodeficiency virus, creating s. 240.75, F.S.; requiring all postsecondary educational institutions to create AIDS awareness programs, amending s. 381.0035, F.S., clarifying reference to agencies responsible for licensing or certifying certain health care facilities, expanding the scope of educational instruction requirements, amending s. 381.0039, F.S., including the Department of Corrections and the Agency for Health Care Administration in an interagency AIDS education oversight agreement; requiring establishment of an interagency committee to develop a curriculum for AIDS education programs, amending s. 381.004, F.S.; providing a specific exception from HIV test confidentiality requirements for the sharing of HIV/test results for certain persons directly involved in the care of certain developmentally disabled persons; requiring the Department of Health and Rehabilitative Services to include certain elements in its HIV counseling and testing model protocol, amending s. 384.25, F.S., requiring mandatory name reporting of HIV-positive patients; specifying the nature of the reporting, requiring certain information to be included in rules; providing legislative findings and intent regarding HIV testing of pregnant women, directing the Agency for Health Care Administration to develop practice parameters relating to HIV testing of pregnant women and treatment of HIV-positive pregnant women, amending s. 455.2224, F.S., requiring professional boards to incorporate the recommendations of the State Health Officer with respect to HIV and hepatitis B infection; amending s. 455.2226, F.S.; requiring certain AIDS education courses to include information on protocols and procedures, amending s. 627.429, F.S., prohibiting insurers from disclosing whether a person has refused testing, been tested, or refused to release test results for HIV; providing exceptions, amending s. 760.50, F.S.; clarifying provisions relating to discrimination on the basis of HIV infection, revising provisions with respect to pursuit of remedies for violations; creating s. 944.6025, F.S.; directing the Department of Corrections to test certain inmates for HIV and inform the Department of Health

and Rehabilitative Services of certain medical information, providing an effective date.

—was referred to the Committees on Health Care; Criminal Justice; and Ways and Means.

By Senators Beard and Forman—

**SB 2940**—A bill to be entitled An act relating to highway safety; amending s. 322.292, F.S.; creating the DUI and Drug/Alcohol Traffic Education Commission, providing for membership; providing for members' terms of office and reimbursement for per diem and travel expenses, providing for meetings, appointment of an executive director, commission autonomy, and development of a budget; reassigning duties from the Department of Highway Safety and Motor Vehicles to the commission; deleting obsolete references to ch. 396, F.S., which was repealed by s. 48 of ch. 93-39, Laws of Florida, providing additional duties of the commission, requiring annual reports; providing for a traffic-law and substance-abuse education course, to be approved and monitored by the commission, requiring the course curriculum to include specified subject matter; requiring the commission to contract for an independent evaluation of the effectiveness of the course; providing for fees, providing for rulemaking, requiring financial audits, amending s. 322.293, F.S.; providing for the transfer from the department to the commission of the DUI Programs Coordination Trust Fund and of the Drivers' Education Trust Fund; restricting the uses of the Drivers' Education Trust Fund; providing for an assessment to be collected, in conjunction with the traffic-law and substance-abuse education course, and deposited into the Drivers' Education Trust Fund; providing additional uses for moneys in the trust funds; amending s. 318.1451, F.S.; deleting cross-references to s. 322.095, F.S., which is repealed by this act; amending ss. 322.271, 322.291, F.S.; conforming those sections to the changes made by this act; repealing s. 322.095, F.S., relating to a traffic law and substance abuse education program for driver's license applicants, which the department is to approve and contract for; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

By Senator Brown-Waite—

**SB 2942**—A bill to be entitled An act relating to emergency medical care; amending s. 641.19, F.S.; defining the term "emergency services and care," as used in part I of ch. 641, F.S.; amending s. 641.47, F.S.; defining the terms "emergency medical condition" and "emergency services and care," as used in part III of ch. 647, F.S., creating s. 641.513, F.S.; establishing requirements for a health maintenance organization's provision of emergency services and care as a covered service; providing applicability; providing reimbursement guidelines in specified circumstances; amending s. 409.901, F.S., defining the terms "emergency medical condition" and "emergency services and care," as used in ss. 409.901-409.920, F.S.; creating s. 409.9123, F.S.; establishing requirements for a hospital's provision of emergency services and care as a covered service; providing applicability; providing reimbursement guidelines in specified circumstances; providing that the definitions of terms which are provided in this act, and the provisions of s. 641.513, F.S., which is created by this act, apply to parts VI and VII of ch. 627, F.S., amending s. 395.1041, F.S.; providing that a hospital may request and collect certain information from a patient, as specified; providing an effective date.

—was referred to the Committees on Health Care; and Ways and Means.

By Senator Horne—

**SB 2944**—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 18615, Laws of Florida, 1937, as amended; amending authorized investments, requiring an investment plan for the Police and Fire Pension Fund; providing an effective date

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Horne—

**SB 2946**—A bill to be entitled An act relating to the City of Jacksonville; amending section 22.04 of chapter 92-341, Laws of Florida, as amended, being the charter of the City of Jacksonville; amending authorized investments; requiring investment plan for the police and fire pension fund, providing an effective date

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

**SB 2948**—A bill to be entitled An act relating to drug-free workplace program requirements; amending s. 440.102, F.S., amending definitions; allowing employers to conduct onsite initial drug testing of employees; providing requirements and procedures for conducting such tests and for reporting and preserving the results; providing an effective date

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means

By Senator Rossin—

**SB 2950**—A bill to be entitled An act relating to transportation; creating s. 316.658, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to accept credit cards, money orders, or any other medium of payment for any fine or civil penalty; authorizing the department to assess a surcharge; authorizing the department to collect and distribute fines and penalties on behalf of the county courts; creating s. 318.201, F.S.; authorizing the department to accept credit cards, money orders, or any other medium of payment for any fine or civil penalty; authorizing the department to assess a surcharge; authorizing the department to collect and distribute fines and penalties on behalf of the county courts; amending s. 320.05, F.S.; authorizing the department to accept credit cards, money orders, or any other medium of payment for any fee, fine, civil penalty, or tax; authorizing the department to assess a surcharge; amending s. 321.23, F.S.; deleting obsolete provisions; authorizing the department to accept credit cards, money orders, or any other medium of payment for any fee, fine, civil penalty, or tax, authorizing the department to assess a surcharge, amending s. 322.20, F.S., authorizing the department to accept credit cards, money orders, or any other medium of payment for any fee, fine, civil penalty, or tax; authorizing the department to assess a surcharge; amending s. 318.39, F.S.; authorizing an additional use of funds in the Highway Safety Operating Trust Fund; providing an effective date

—was referred to the Committees on Transportation; Governmental Reform and Oversight, and Ways and Means.

By Senator Beard—

**SB 2952**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.075, F.S.; clarifying language with respect to the prohibition against right turns at certain stop lights; amending s. 316.193, F.S., providing that certain testimony and evidence in an administrative proceeding is inadmissible in a criminal proceeding with respect to driving under the influence; amending s. 316.212, F.S., providing requirements for the designation of a city or county road for use by golf carts; amending s. 316.2125, F.S.; conforming to the act, amending s. 318.15, F.S.; clarifying provisions relating to failure to comply with certain civil penalties; conforming a cross-reference, amending s. 319.14, F.S.; providing definitions; providing reference to automobiles assembled from parts, combined automobiles, kit cars, replicas, and glider kits with respect to the requirement that the certificate of title indicate the nature of the motor vehicle titled;

amending s 319.21, F.S.; requiring a manufacturer's statement of origin for each stage of motor vehicle construction when the vehicle is built in two or more stages; amending s 319.225, F.S.; conforming a cross-reference; amending s 319.23, F.S., revising provisions relating to certificate of title; amending s. 319.28, F.S.; providing that in the case of repossession, a mobile home is exempt from registration when the dwelling is not transferred or titled for occupancy; amending s. 320.01, F.S.; revising definitions, amending s. 320.05, F.S.; including reference to vessels along with motor vehicles with respect to lists and searches; providing for electronic digitizing of records; amending s. 320.055, F.S.; revising registration periods; amending s. 320.06, F.S.; providing for the issuance of cab cards along with annual license plates for vehicles with an apportioned registration, amending s. 320.061, F.S.; providing that it is unlawful to alter a motor vehicle registration certificate; amending s. 320.065, F.S., deleting obsolete provisions relating to the registration of certain rental trailers for hire; amending s. 320.0657, F.S.; conforming cross-references; creating s. 320.0659, F.S.; providing for the permanent registration of trailers for hire and semitrailers, amending s. 320.0706, F.S.; correcting weight references with respect to the display of license plates on trucks; amending s. 320.08, F.S.; revising provisions relating to license taxes; amending s. 320.0815, F.S.; conforming cross-references; repealing s. 320.13(4), F.S., relating to certain dealer license plates; amending s. 320.131, F.S., providing for temporary tags for use by licensed dealers; amending s. 320.18, F.S.; exempting repossessed mobile homes from registration under certain circumstances, amending s. 322.051, F.S.; providing for identification card applications in a format designated by the department; amending s. 322.08, F.S.; providing for driver's license applications in a format designated by the department; amending s. 322.13, F.S.; amending provisions relating to the department's authority to designate instructors of driver's education courses in public or private secondary schools as driver's license examiners; creating s. 322.131, F.S.; authorizing the department to contract with tax collectors for specified driver's license services, amending s. 322.56, F.S.; amending provisions relating to contracts for administering the written and driving skills portions of the examination; amending s. 322.245, F.S.; providing for the effective date of certain driver's license suspensions; amending s. 322.28, F.S., providing for the effective date of suspensions or revocations; amending s. 327.03, F.S.; clarifying the duties of the department concerning the administration of vessel registration and titling laws; amending s. 327.04, F.S.; providing for rules; amending s. 327.10, F.S.; revising provisions relating to the operation of registered vessels; providing for required information on the bill of sale, amending s. 327.11, F.S., providing for required information on the application for vessel registration; revising requirements with respect to the required decal on a vessel; amending s. 327.15, F.S.; revising provisions relating to vessel registration numbers; amending s. 327.16, F.S.; revising provisions relating to reciprocity of nonresident or alien vessels; amending s. 327.17, F.S., revising provisions relating to registration of vessels by military personnel; amending s. 327.23, F.S.; deleting reference to the date of expiration of certain temporary registrations; amending s. 327.53, F.S.; conforming a cross-reference; amending s. 327.73, F.S.; providing for additional noncriminal infractions; amending s. 328.01, F.S.; providing for certain information to accompany the application for title; directing the department to retain the evidence of title which is presented by the applicant and upon which the title is issued; requiring notice of certain liens; amending provisions relating to civil liability by certain owners; amending s. 328.03, F.S., amending provisions relating to certificates of title; amending s. 328.11, F.S.; providing for lost titles; directing the department to implement a system to verify that the title application is signed by an authorized person; amending s. 328.13, F.S.; requiring the statement of origin be in English or accompanied by an English translation; amending s. 328.15, F.S., providing for the date of the filing of a notice of a lien on a vessel; providing who may place a lien on a vessel; creating s. 328.16, F.S., providing for the issuance of duplicate certificates of title; providing for delivery, liens, and encumbrances; creating s. 328.21, F.S.; providing for transfer without delivery of a certificate of title; providing for violations; providing penalties; amending s. 901.15, F.S.; providing for arrests by law enforcement officers without a warrant for violations of chapter 316, F.S., under certain circumstances; providing effective dates

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

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Commerce and Economic Opportunities; and Senators Dyer, Grant, Johnson, Weinstein, Rossin, Forman, Latvala, Silver, Jones, Kurth and Brown-Waite—

**CS for SB's 12 and 406**—A bill to be entitled An act relating to Medicaid third-party liability; amending s. 409.910, F.S., clarifying legislative intent as to certain amendments enacted by ch. 94-251, Laws of Florida; providing definitions, recognizing remedial intent of ch. 94-251, Laws of Florida; providing an effective date.

By the Committee on Criminal Justice and Senators Meadows, Johnson, Wexler, Turner and Weinstein—

**CS for SB 132**—A bill to be entitled An act relating to weapons and firearms offenses; amending s. 790.115, F.S.; prohibiting the possession or discharge of a weapon or firearm on the grounds or facilities of a school district's administrative offices; providing that penalties apply during school hours or during the time of a sanctioned school activity; providing that a person may carry a firearm in a case to a postsecondary school having a firearms-training range; providing for penalties, providing an effective date.

By the Committee on Community Affairs and Senators Johnson and Hargrett—

**CS for SB 190**—A bill to be entitled An act relating to hazardous waste facility siting; repealing ss. 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892, and 403.7893, F.S., relating to the Statewide Multipurpose Hazardous Waste Facility Siting Act, amending s. 403.706, F.S., to conform; amending s. 403.7895, F.S., relating to the burning of hazardous waste generated offsite; providing an effective date.

By the Committee on Criminal Justice and Senators Latvala, Thomas, Harris, Silver and Sullivan—

**CS for SB 494**—A bill to be entitled An act relating to correctional work programs; amending s. 946.502, F.S., conforming cross-references to changes made by the act; amending s. 946.5025, F.S.; allowing the corporation authorized to operate correctional work programs to enter into a contract with an operator of a private correctional facility; amending s. 946.503, F.S.; redefining the term "inmate" to include a prisoner incarcerated within a county, municipal, or private correctional facility; defining the term "private correctional facility"; amending s. 946.504, F.S.; deleting obsolete provisions; deleting a requirement that rent paid by the corporation be deposited into the Correctional Programs Trust Fund; amending s. 946.506, F.S.; conforming cross-references to changes made by the act; amending s. 946.509, F.S., authorizing the corporation to secure private insurance coverage, requiring that the corporation provide the Division of Risk Management of the Department of Insurance with documentation of such coverage; amending s. 946.515, F.S.; authorizing the corporation to furnish goods or services to additional specified entities, prohibiting the corporation from breeding or selling live tropical fish; amending s. 946.516, F.S.; deleting certain requirements of the corporation for reports and audits; requiring the corporation to follow specified principles of accounting; amending s. 946.518, F.S.; deleting a provision allowing craft items made by prisoners to be sold in the institutional canteen or commissary, creating s. 946.25, F.S.; allowing craft items made by prisoners to be sold in the institutional canteen or commissary; repealing s. 946.24, F.S., relating to the sale of tags to the Jaycees, repealing s. 946.507, F.S., relating to funds appropriated to the corporation, providing an effective date.

By the Committee on Criminal Justice and Senators Johnson and Harris—

**CS for SB 536**—A bill to be entitled An act relating to assault and battery creating s. 784.081, F.S.; providing enhanced penalties for assault or aggravated assault or battery or aggravated battery upon employees of nonpublic schools, elected and appointed officials and employees of district school boards, state universities, and other entities in the state system of public education; amending s. 921.0012, F.S., relating to the offense severity ranking chart; providing conforming provisions; repealing s. 231.06, F.S., relating to assault or battery upon school employees, providing an effective date

By the Committee on Health and Rehabilitative Services; and Senator Johnson—

**CS for SB 680**—A bill to be entitled An act relating to child welfare; amending s. 39.4051, F.S., relating to special procedures in dependency cases when identity or location of parent is unknown, and reenacting s. 39.01(27), F.S., relating to the definition of “diligent search,” and s. 39.462(1)(a), F.S., relating to process and service in proceedings to terminate parental rights, to incorporate said amendment in references; providing for notice by publication under certain circumstances, creating s. 39.4052, F.S.; requiring written notice to identified adult relatives of a child taken into care; creating s. 39.4053, F.S.; prescribing duties of the department and guidelines relating to due diligence in the identification and notification of parents, relatives, and custodians of a child in departmental custody; defining “next of kin”; providing for implementation of a pilot project with respect to mandatory mediation in proceedings to terminate parental rights; requiring reports to the Legislature; authorizing the court to refer the parties to such mediation; providing for implementation of a pilot project on dependent child custody and foster care; requiring reports to the Legislature; providing an effective date.

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

**CS for SB 716**—A bill to be entitled An act relating to civil actions; amending s. 776.085, F.S., relating to the defense in a civil action for damages that the injury that is the subject of the action was sustained during the commission or attempted commission of a forcible felony; providing for the loss of privileges by a losing party who is incarcerated and for the payment of attorney’s fees by the losing party when a party prevails based on the defense, providing an effective date.

By the Committee on Community Affairs and Senators Brown-Waite, Casas, Latvala, Turner, Bankhead, Grant, Dudley and Wexler—

**CS for SB 788**—A bill to be entitled An act relating to veterans’ preference in employment; transferring and renumbering s. 295.15, F.S., relating to legislative intent, amending s. 295.07, F.S.; providing that a veteran must have served at least 1 day in the theater of combat during a wartime period to qualify for veterans’ preference; providing for rules; amending s. 295.08, F.S., revising provisions with respect to positions for which a numerically based selection process is used, removing a monetary limitation with respect to certain classes of positions; amending s. 295.085, F.S., revising provisions with respect to positions for which a numerically based selection process is not used; deleting provisions for rules, amending s. 295.101, F.S., revising provisions with respect to the expiration of employment preference; amending s. 295.11, F.S.; revising provisions with respect to investigative findings; deleting reference to the Department of Management Services; amending s. 295.14, F.S.; revising provisions with respect to penalties; repealing s. 295.151, F.S., relating to the application of chapter 78-372, Laws of Florida, with respect to point preference to certain persons in applying for employment; creating s. 295.155, F.S.; providing that military retirement on the basis of longevity does not disqualify a person from veterans’ employment preference; providing an effective date

By the Committees on Criminal Justice and Transportation and Senator Burt—

**CS for CS for SB 884**—A bill to be entitled An act relating to driver’s licenses; amending s. 322.32, F.S.; deleting reference to possession of fictitious or fraudulently altered driver’s license, knowingly permitting another to use his or her driver’s license, using another’s driver’s license, and permitting unlawful use of a driver’s license, amending s. 322.212, F.S.; providing that it is unlawful for any person knowingly to possess any instrument in the similitude of a driver license issued by the Department of Highway Safety and Motor Vehicles or of any other state or jurisdiction which issues licenses recognized in this state for the operation of a motor vehicle, or any identification card issued by the department or of another state or jurisdiction, unless possession by such person has been duly authorized by the department; providing penalties; providing it is unlawful to allow another to use a driver’s license or identification card or to use another’s driver’s license; amending s. 831.29, F.S.; adding identification cards, amending s. 921.0012, F.S., to conform, providing an effective date.

By the Committee on Criminal Justice and Senator Burt—

**CS for SB 1074**—A bill to be entitled An act relating to computer pornography, amending s. 16.56, F.S., authorizing the Office of Statewide Prosecution within the Department of Legal Affairs to investigate and prosecute specified computer pornography and child-exploitation offenses and other related offense; amending s. 847.0135, F.S., providing definitions; providing that it is a third-degree felony to transmit or take certain other actions that convey, or to authorize a person to transmit or take certain actions that convey, information about a minor for the purpose of committing certain illicit acts upon the minor, providing that it is a third-degree felony to seduce, solicit, lure, or entice a minor in order to commit, facilitate, encourage, or solicit the commission of, certain illicit acts upon the minor, providing that it is a third-degree felony to seduce, solicit, entice, or lure a minor to participate in certain illicit acts; providing that it is a third-degree felony to seduce, solicit, entice, or lure any person to commit, facilitate, or encourage the commission of certain illicit acts upon a minor, providing that it is a third-degree felony to transmit pornography, by means of a computer, to a minor or to authorize such an act, providing that it is a third-degree felony to transmit child pornography by means of a computer to any person; providing that it is a first-degree misdemeanor for an owner or operator of a computer service to knowingly permit certain acts of computer pornography or child-exploitation; authorizing the court to impose a fine for such offense, providing that a person who resides in this state or another state is subject to prosecution for engaging in conduct upon a person who resides in this state; providing that it is no defense to prosecution that any stratagem or deception, including use of an undercover operative or law enforcement officer, was employed, providing an effective date

By the Committee on Judiciary and Senators McKay, Williams, Johnson, Forman, Harden, Grant, Dantzler, Myers, Casas, Harris, Meadows, Ostalkiewicz and Thomas—

**CS for SB 1272**—A bill to be entitled An act relating to parental visitation; creating the “Visitation Rights Enforcement Act of 1996”, providing legislative intent and public policy; amending s. 61.046, F.S., including the term “primary residential parent” within the definition of “custodial parent”, amending s. 61.052, F.S., authorizing the court, during any period of continuance with respect to dissolution of marriage, to make certain appropriate orders for visitation, amending s. 61.13, F.S., requiring the court to award the noncustodial parent or grandparent extra visitation when a custodial parent refuses to honor a noncustodial parent’s or grandparent’s visitation rights without proper cause, providing for additional remedies which the court may consider when a custodial parent refuses to honor visitation rights; amending s. 61.16, F.S.; prohibiting the award of attorney’s fees, suit money, and costs to certain parties; providing an effective date

By the Committee on Higher Education and Senator Johnson—

**CS for SB 1298**—A bill to be entitled An act relating to community colleges; creating s. 240.383, F.S.; establishing the State Community College System Facility Enhancement Challenge Grant Program to aid community colleges in building high priority instructional capital facilities; providing for deposit of funds; requiring a capital facilities matching account within the direct-support organization of each community college to provide matching funds from private contributions, providing for matching appropriations, providing eligibility requirements; providing guidelines; providing for disbursement of unexpended funds, providing for naming of facilities; providing an effective date.

By the Committee on Judiciary and Senators McKay, Williams, Johnson, Forman, Harden, Grant, Myers, Dantzler, Casas, Harris, Meadows, Ostalkiewicz and Thomas—

**CS for SB 1322**—A bill to be entitled An act relating to child custody, amending s. 61.052, F.S., requiring the court, upon request, to make appropriate orders for visitation of the minor child during any period of continuance, amending ss. 44.1011, 61.046, 61.13, 61.183, 61.21, 61.401, F.S., replacing the term “shared parental responsibility” with the term “shared custody,” and the term “sole parental responsibility” with the term “sole custody”; providing for the right of a parent who has shared custody to have the opportunity to care for the child in certain circumstances, requiring parties to a dissolution of marriage which involves a minor child to sign a written statement that they have read the relevant statutes; providing that the financial burden of promoting frequent and continuing contact with the child under shared custody may be placed upon a parent who moves outside the court’s jurisdiction; providing an effective date

By the Committee on Criminal Justice and Senators Dantzler and Silver—

**CS for SB’s 1638 and 2304**—A bill to be entitled An act relating to burglary, amending s. 810.011, F.S.; defining “curtilage” with respect to chapter 810, relating to burglary and trespass, to include ground and buildings immediately surrounding a structure or dwelling; reenacting s. 810.011(1) and (2), F.S., relating to the definitions of “structure” and “dwelling” with respect to chapter 810, and reenacting s. 810.02(1), F.S., defining “burglary,” to incorporate said amendment in references; specifying applicability; providing an effective date

By the Committee on Higher Education and Senators Ostalkiewicz and Grant—

**CS for SB 1692**—A bill to be entitled An act relating to nonpublic postsecondary institutions; amending s. 246.011, F.S.; declaring the intent of the Legislature to establish a religious exemption from licensing; amending s. 246.041, F.S.; authorizing the State Board of Independent Colleges and Universities to contract with educational agencies, amending s. 246.081, F.S.; deleting the requirement of authorization to operate; amending s. 246.083, F.S.; deleting requirements for an authorization to operate; establishing the requirements for a religious exemption from licensing by the board; providing guidelines for religious nonpublic colleges to qualify for an exemption; amending s. 246.085, F.S.; conforming provisions, amending s. 246.095, F.S., requiring maintenance of records of previous education and training, amending s. 246.101, F.S.; authorizing waiver of fees; conforming language; repealing s. 246.021(2), (7), and (10), relating to definitions of the terms “authorization,” “ecclesiastical program or major,” and “religious institution,” providing an effective date

By the Committee on Judiciary and Senator Dudley—

**CS for SB 1848**—A bill to be entitled An act relating to liens, amending s. 713.05, F.S.; providing, with respect to persons in privity, for liens for money owed for labor, services, or materials furnished to improve public property under certain circumstances, amending s. 713.06, F.S., providing, with respect to persons not in privity, for liens owed for labor,

services, or materials furnished to improve public property, under certain circumstances, amending s. 713.08, F.S.; providing additional information that must be included on a claim for lien, amending s. 713.10, F.S.; revising provisions governing the extent of liens on leased property, providing for the interest of the lessor with respect to certain improvements; amending s. 713.135, F.S., revising provisions relating to the notice of commencement and applicability of lien, requiring counties and municipalities to submit affidavits to the Advisory Council on Intergovernmental Relations with respect to building permits; amending s. 713.18, F.S.; revising provisions relating to the manner of serving notices and other instruments, amending s. 713.13, F.S.; providing for additional information on notice of commencement; amending s. 713.20, F.S., providing the forms for waiver and release of lien upon progress or final payment, providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Rossin—

**CS for SB 1908**—A bill to be entitled An act relating to foster care, amending s. 402.181, F.S.; increasing the maximum amount the Department of Legal Affairs is authorized to pay in individual claims relating to foster care from the State Institutions Claims Fund without legislative approval; providing for interagency cooperation to streamline the claims process, amending s. 409.175, F.S.; providing a definition; providing an additional ground for denial, suspension, or revocation of the license of a family foster home, residential child-caring agency, or child-placing agency; providing procedure and burden of proof for an administrative review of such actions; amending ss. 943.0585, 943.059, F.S., conforming cross-references; directing the Department of Health and Rehabilitative Services to establish a pilot program to provide additional benefits to children in foster care through cooperation with private corporations, directs the department to encourage establishment of tax-exempt corporations for certain purposes, providing effective dates

By the Committee on Criminal Justice and Senator Silver—

**CS for SB 1950**—A bill to be entitled An act relating to victim assistance; amending s. 960.001, F.S., relating to guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems; requiring the Department of Juvenile Justice to develop and implement guidelines for notifying victims and witnesses of the release of certain defendants, providing conforming references with respect to the juvenile justice system, providing an effective date.

By the Committee on Health and Rehabilitative Services, and Senator McKay—

**CS for SB 2232**—A bill to be entitled An act relating to foster care; amending s. 409.1671, F.S.; providing for privatization of foster care and related services, providing for contracts between the Department of Health and Rehabilitative Services and community-based agencies to provide specified care and services, providing guidelines; requiring the department to establish a quality-assurance program for the privatization of services; requiring the department to submit an annual report to the Legislature and Governor; requiring the department to establish and operate a comprehensive system to measure and report annually the effectiveness of the services that have been privatized, providing for licensure of community-based agencies by the department; providing for issuance to such licensed agencies of a Medicaid provider number, establishing model programs; providing for reports to the department; providing an effective date

By the Committee on Higher Education and Senator Turner—

**CS for SB 2254**—A bill to be entitled An act relating to postsecondary education; amending s. 239.105, F.S.; providing that supplemental vocational courses may include parent education courses; amending ss. 239.117 and 240.35, F.S.; authorizing the use of financial aid fees for payment of child care; deleting restrictions on the use of capital improvement fees for child care centers; providing for the use of activity and service fees for child care centers; providing an effective date

ROLL CALLS ON SENATE BILLS

SB 26

Yeas—38

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	Williams
Dantzler	Holzendorf	Myers	
Diaz-Balart	Horne	Ostalkiewicz	

Nays—None

SB 100

Yeas—37

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

Nays—1

Dudley

SB 134

Yeas—39

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	Williams
Diaz-Balart	Horne	Myers	

Nays—None

CS for SB 198

Yeas—38

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	Wexler
Crist	Harris	McKay	Williams
Dantzler	Holzendorf	Meadows	
Diaz-Balart	Horne	Myers	

Nays—None

SB 254

Yeas—37

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

Nays—None

SB 256

Yeas—37

Bankhead	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	Williams
Dantzler	Holzendorf	Myers	
Diaz-Balart	Horne	Ostalkiewicz	
Dudley	Jenne	Rossin	

Nays—None

Vote after roll call:

Yea—Jennings

SB 292

Yeas—39

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	Williams
Diaz-Balart	Horne	Myers	

Nays—None

CS for SB 306

Yeas—39

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	Williams
Diaz-Balart	Horne	Myers	

Nays—None

**SB 524**

Yeas—39

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

Nays—None

**SB 808**

Yeas—38

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

Nays—None

**SB 974**

Yeas—37

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

Nays—None

Vote after roll call

Yea—Latvala

**SB 1126**

Yeas—39

Mr. President	Dudley	Jenne	Ostalkiewicz
Bankhead	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	Williams
Diaz-Balart	Horne	Myers	

Nays—None

All Senators voting yea, not previously shown as sponsors, were recorded as co-sponsors of **SB 1126**

**SB 1156**

Yeas—37

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

Nays—None

**SB 1722**

Yeas—39

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

Nays—None

**ROLL CALLS ON HOUSE BILLS**

**CS for HB 51**

Yeas—39

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

Nays—None

**HB 59**

Yeas—39

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	Williams
Diaz-Balart	Horne	Myers	

Nays—None

**HB 355**

Yeas—39

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

Nays—None

**ROLL CALLS ON LOCAL BILLS**

The following roll call was taken on **SB 532, SB 1124, SB 1134, SB 1162, SB 1270, SB 1630, SB 1632, SB 1634, SB 1660, SB 1738, SB 1740, SB 1742, SB 1752, SB 1754, SB 1898, SB 1900, SB 2176, SB 2804, SB 2806, SB 2808, SB 2862** and **SB 2920** which passed this day

Yeas—37

Mr President	Dantzler	Hargrett	Kirkpatrick
Bankhead	Diaz-Balart	Harris	Kurth
Beard	Dudley	Holzendorf	McKay
Bronson	Dyer	Horne	Meadows
Burt	Forman	Jenne	Ostalkiewicz
Casas	Grant	Jennings	Rossin
Childers	Gutman	Johnson	Silver
Crist	Harden	Jones	Sullivan

Thomas  
Turner  
Weinstein  
Wexler  
Williams  
Nays—None  
Vote after roll call  
Yea—Latvala, Myers

**ENROLLING REPORTS**

SB 1324, SB 1328, SB 1330, SB 1332, SB 1334, SB 1336, SB 1338, SB 1340, SB 1342, SB 1344, SB 1346, SB 1348, SB 1350, SB 1352, SB 1354, SB 1356, SB 1358, SB 1360, SB 1362, SB 1364, SB 1366, SB 1368, SB 1370, SB 1372, SB 1374, SB 1376, SB 1378, SB 1380, SB 1382, SB 1384, SB 1386, SB 1388, SB 1390, SB 1392, SB 1394, SB 1396, SB 1398, SB 1400, SB 1402, SB 1406, SB 1408, SB 1412, SB 1414, SB 1416, SB 1418, SB 1420, SB 1422, SB 1424, SB 1426, SB 1428, SB 1430, SB 1432, SB 1434, SB 1436, SB 1438 and SB 1440 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 28, 1996.

*Joe Brown, Secretary*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of March 27 was corrected and approved

**CO-SPONSORS**

Senators Grant—SB 1692, Gutman—SB 608, SB 2698; Ostalkiewicz—SB 936; Johnson—CS for SB 162, SB 304, SB 1012, Latvala—SB 354; Meadows—SB 944, SB 2580, Turner—SB 944

**RECESS**

On motion by Senator Jennings, the Senate recessed at 11 57 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9 30 a m , Wednesday, April 3