



Journal of the Senate

Number 5

Tuesday, April 12, 1983

BILL ACTION SUMMARY

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- H 304 Substituted for SB 78, Passed
- H 406 Substituted for SB 356, Passed
- H 410 Substituted for SB 163, Passed
- H 445 Substituted for SB 162, Passed
- H 650 Substituted for SB 49, Passed
- S 22 Read third time
- S 25 Passed as amended
- S 47 Passed as amended
- S 49 Iden./Sim. House Bill substituted
- S 68 C/S passed
- S 78 Iden./Sim. House Bill substituted
- S 108 Passed
- S 125 Passed as amended
- S 128 Passed
- S 129 Passed as amended
- S 162 Iden./Sim. House Bill substituted
- S 163 Iden./Sim. House Bill substituted
- S 203 Passed as amended
- S 210 Passed
- S 254 Passed
- S 265 Passed as amended
- S 325 Passed as amended
- S 356 Iden./Sim. House Bill substituted
- S 584 Adopted
- S 611 Passed as amended

The Senate was called to order by the President at 10:00 a.m. A quorum present—38:

Mr. President	Gersten	Kirkpatrick	Plummer
Barron	Girardeau	Langley	Rehm
Beard	Gordon	Malchon	Scott
Castor	Grizzle	Mann	Stuart
Childers, D.	Hair	Margolis	Thomas
Childers, W. D.	Henderson	Maxwell	Thurman
Crawford	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnston	Neal	

Excused: Senators Johnston and Neal from 10:30 a.m. until 11:45 a.m., Senator Grant until 11:00 a.m.; Senator Carlucci

Prayer by the Rev. Terry R. Dyer, Pastor, First Presbyterian Church, Quincy:

O Lord our God: we acknowledge that you know the plans which you have for us and the power to make them happen; but we also know that you have called us to be the instruments of your peace, to be your eyes and ears, your hands and feet, your very mouthpiece. Thank you for our legislators and executives, who have been elected to serve a public trust, beyond personal gain and glory. Grant them your wisdom and insight as they lead us and enable us to truly be a nation with liberty, justice and freedom for all. And help us as citizens of this state and nation to follow their leadership, to trust them to do that which is pleasing in your sight and beneficial for all humanity. We know that there are no simple solutions to complex problems and major issues which face them in this legislative session, so we pray for your intervention and guidance in order that we would help your will to be done and your kingdom to come. Amen.

The Senate pledged allegiance to the flag of the United States of America.

REPORTS OF COMMITTEES

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 285

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

The Committee on Economic, Community and Consumer Affairs recommends that the Senate confirm the appointment made by the Governor of Fred Roche, Tallahassee, Secretary of Professional Regulation to serve at the pleasure of the Governor.

The Committee on Natural Resources and Conservation recommends that the Senate confirm the appointment made by the Governor of Victoria J. Tschinkel, Tallahassee, Secretary of Environmental Regulation to serve at the pleasure of the Governor.

The appointments contained in the foregoing reports were referred to the Committee on Executive Business under the original reference.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, by two-thirds vote SB 269 and SJR 270 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Margolis, by two-thirds vote SB 149 was withdrawn from the committees of reference and indefinitely postponed.

Senator Stuart moved that SB 156 be referred to Appropriations as the second committee of reference and Rules and Calendar as the third committee of reference. The motion was adopted by two-thirds vote.

On motions by Senator Johnston, the rules were waived and by two-thirds vote Senate Bills 219, 220, 611 and 7 were withdrawn from the Committee on Appropriations.

On motion by Senator Kirkpatrick, by two-thirds vote SB 380 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Barron, by two-thirds vote SB 611 was placed first on the special order calendar.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

Appointments Subject to Confirmation by the Senate:

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

<i>Office and Appointment</i>	<i>For Term Ending</i>
Historic Pensacola Preservation Board of Trustees Mitchell, Ronald H., Pensacola	9/13/86
North Central Florida Regional Planning Council, Region Three Blount, Sandra Y., Gainesville	10/1/85
Treasure Coast Regional Planning Council, Region Ten Hendry, Archie A., III, Stuart	10/1/85

[Referred to the Committee on Executive Business.]

SPECIAL ORDER

SB 611—A bill to be entitled An act relating to school district finances; amending s. 237.151, Florida Statutes, 1982 Supplement; changing the times when certain loans may be made; providing an effective date.

—was read the second time by title.

Senators Maxwell and Castor offered the following amendment which was moved by Senator Maxwell and adopted:

Amendment 1—On page 1, line 15, strike “, in accordance with the official budget of the district, or a budget, approved by the school board, prepared preliminary to the tentative budget required by this chapter,”

On motion by Senator Castor, by two-thirds vote SB 611 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Frank	Langley	Plummer
Barron	Gordon	Malchon	Rehm
Beard	Grizzle	Mann	Scott
Castor	Hair	Margolis	Stuart
Childers, D.	Henderson	Maxwell	Thomas
Childers, W. D.	Jenne	McPherson	Thurman
Crawford	Jennings	Meek	Vogt
Dunn	Johnston	Myers	Weinstein
Fox	Kirkpatrick	Neal	

Nays—None

Vote after roll call:

Yea—Gersten, Girardeau, Grant, Hill

On motion by Senator Castor, the rules were waived and SB 611 after being engrossed was ordered immediately certified to the House.

SB 108—A bill to be entitled An act relating to pharmaceutical service plan corporations; creating s. 637.172, Florida Statutes; providing definitions; amending s. 637.171, Florida Statutes; authorizing the formation of a corporation to operate a pharmaceutical service plan; providing clarifying language; amending s. 637.181, Florida Statutes; providing for composition of directors of plan; amending s. 637.191, Florida Statutes; providing clarifying language; amending s. 637.201, Florida Statutes; providing for expiration and renewal of certificates of authority; providing for amount of working capital; amending ss. 637.211, 637.221, 637.231, 637.241, 637.251, 637.271, Florida Statutes; providing clarifying and conforming language; creating s. 637.275, Florida Statutes; providing grounds for suspension and revocation of certificate of authority; creating s. 637.276, Florida Statutes; providing for notice, effect, and publication of suspension order; creating s. 637.277, Florida Statutes; providing for duration of suspension; providing for reinstatement; creating s. 637.278, Florida Statutes; providing for administrative fine in lieu of suspension or revocation of certificate of authority; amending ss. 637.291, 637.301, Florida Statutes; providing conforming language; providing a \$12 registration fee for sales representatives; creating s. 637.302, Florida Statutes; providing grounds for compulsory refusal, suspension, or revocation of registration; creating s. 637.303, Florida Statutes; providing grounds for discretionary refusal, suspension, or revocation of registration; creating s. 637.304, Florida Statutes; providing for duration of suspension or revocation of registration; creating s. 637.305, Florida Statutes; providing for administrative fine in lieu of suspension, revocation, or refusal of registration; creating s. 637.314, Florida Statutes; providing that the department’s examination and investigation records are confidential and not subject to ch. 119; creating s. 637.315, Florida Statutes; providing for application of unfair insurance trade practices act; amending s. 637.321, Florida Statutes; providing for conforming language; creating s. 637.325, Florida Statutes; providing for adoption of rules; reviving and readopting part II of chapter 637, Florida Statutes, as amended, notwithstanding the Regulatory Sunset Act; repealing s. 637.261, Florida Statutes, relating to review of disputes; repealing s. 637.281, Florida Statutes, relating to revocation of license; repealing s. 637.311, Florida Statutes, relating to preexisting pharmaceutical service plan corporations; providing for legislative review; providing an effective date.

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

Yeas—32

Mr. President	Crawford	Girardeau	Henderson
Beard	Dunn	Gordon	Hill
Castor	Fox	Grizzle	Jenne
Childers, W. D.	Frank	Hair	Jennings

Johnston	Maxwell	Plummer	Thomas
Langley	McPherson	Rehm	Thurman
Mann	Myers	Scott	Vogt
Margolis	Neal	Stuart	Weinstein

Nays—None

Vote after roll call:

Yea—D. Childers, Gersten, Grant, Hill, Malchon, Meek

SB 125—A bill to be entitled An act relating to optometric service plan corporations; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, ss. 637.011-637.061, Florida Statutes; creating s. 637.001, Florida Statutes; providing definitions; amending s. 637.011, Florida Statutes; providing clarifying language; amending s. 637.021, Florida Statutes; providing for composition of directors of plan; amending s. 637.031, Florida Statutes; providing clarifying language; amending s. 637.041, Florida Statutes; providing for expiration of certificate of authority; providing for amount of working capital; amending ss. 637.051, 637.061, 637.071, 637.081, 637.091, 637.111, Florida Statutes; providing clarifying and conforming language; creating s. 637.115, Florida Statutes; providing grounds for suspension or revocation of certificate of authority; creating s. 637.116, Florida Statutes; providing for notice, effect, and publication of suspension; creating s. 637.117, Florida Statutes; providing for duration of suspension; creating s. 637.118, Florida Statutes; providing for administrative fine in lieu of suspension or revocation of certificate of authority; amending ss. 637.131, 637.141, Florida Statutes; providing conforming language; creating s. 637.143, Florida Statutes; providing grounds for compulsory refusal, suspension, or revocation of registration; creating s. 637.144, Florida Statutes; providing grounds for discretionary refusal, suspension, or revocation of registration; creating s. 637.145, Florida Statutes; providing for duration of suspension or revocation; creating s. 637.146, Florida Statutes; providing for administrative fine in lieu of suspension, revocation, or refusal of registration; creating s. 637.147, Florida Statutes; providing for confidentiality of investigatory records; creating s. 637.152, Florida Statutes; providing for application of unfair insurance trade practices act; amending s. 637.161, Florida Statutes; providing for conforming language; creating s. 637.165, Florida Statutes; providing for adoption of rules; allowing to stand repealed under the Regulatory Sunset Act ss. 637.101, 637.121, 637.151, Florida Statutes, relating to review of dispute, revocation of license, and preexisting service plan corporations; providing for legislative review; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendments which were moved by Senator Thomas and adopted:

Amendment 1—On page 21, line 17, strike “637.065” and insert: 637.165

Amendment 2—On page 21, line 11, strike “637.061” and insert: 637.161

Amendment 3—In title, on page 1, line 5, strike “637.061” and insert: 637.161

On motion by Senator Thomas, by two-thirds vote SB 125 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Jennings	Myers
Barron	Gersten	Johnston	Neal
Beard	Girardeau	Langley	Plummer
Castor	Gordon	Malchon	Rehm
Childers, D.	Grizzle	Mann	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crawford	Henderson	Maxwell	Thurman
Dunn	Hill	McPherson	Vogt
Fox	Jenne	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten, Grant, Scott

SB 128—A bill to be entitled An act relating to elevators; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, chapter 399, Florida Statutes, relating to regulation of elevators; amending ss. 399.01-399.03, 399.045, 399.05, 399.061, 399.07, 399.10, 399.11, 399.13, 509.211(3), 823.12, Florida Statutes; amending ss. 399.035, 624.605(1)(m), Florida Statutes, 1982 Supplement; providing definitions; specifying applicability; specifying powers and duties of the Division of Hotels and Restaurants of the Department of Business Regulation; requiring reports; providing confidentiality; providing penalties; requiring compliance with a safety code; providing for accessibility to handicapped persons; providing for issuance of certificates of competency; requiring specified persons to hold certificates of competency; providing for fees; prohibiting false representation as a certificate holder; providing penalties; providing for issuance of construction permits; providing for fees; requiring inspections; providing for state elevator inspectors; providing penalties for noncompliance; providing for issuance and suspension of certificates of operation; providing for fees; providing for issuance of temporary operation permits; providing for fees; prohibiting the use of an elevator without a certificate of operation; specifying violations and penalties; authorizing the division to delegate its authority to local governments; deleting obsolete language; prohibiting smoking in elevators; providing penalties; allowing to stand repealed under the Regulatory Sunset Act ss. 399.04, 399.046, 399.047, 399.048, Florida Statutes, relating to appointment of inspectors and fees for, suspension and revocation of, and false representations concerning, certificates of competency; providing for legislative review; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 128 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gersten	Johnston	Neal
Barron	Girardeau	Langley	Plummer
Beard	Gordon	Malchon	Rehm
Castor	Grizzle	Mann	Scott
Childers, D.	Hair	Margolis	Stuart
Childers, W. D.	Henderson	Maxwell	Thomas
Crawford	Hill	McPherson	Thurman
Fox	Jenne	Meek	Vogt
Frank	Jennings	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Grant

SB 129—A bill to be entitled An act relating to mortgage guaranty insurance; revising, reviving, and readopting, notwithstanding the Regulatory Sunset Act, chapter 635, Florida Statutes, relating to mortgage guaranty insurance; amending ss. 635.011, 635.021, 635.031, 635.041, 635.051, 635.061, 635.071, 635.081, Florida Statutes; clarifying the definition of contingency reserve; specifying authority to transact mortgage guaranty insurance; clarifying provisions relating to additional limitations; providing for a contingency reserve; providing for licensing of insurance agents; specifying the applicability of the premium cost; providing for rate filings; providing for administration and enforcement; creating ss. 635.042, 635.091, Florida Statutes; specifying limitations on outstanding liability; providing for the application of certain provisions of the Insurance Code; providing for legislative review; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendments which were moved by Senator Thomas and adopted:

Amendment 1—On page 2, strike all of line 17 and insert:

(3) "Department" means the Florida Department of Insurance.

Amendment 2—On page 3, strike all of line 21 and insert:

Subject to the department's approval of the insurance department of the insurers state of domicile and upon 30 days prior notice to the Florida Department of Insurance, the

On motion by Senator Thomas, by two-thirds vote SB 129 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gersten	Johnston	Neal
Barron	Girardeau	Langley	Plummer
Beard	Gordon	Malchon	Rehm
Castor	Grizzle	Mann	Scott
Childers, D.	Hair	Margolis	Stuart
Childers, W. D.	Henderson	Maxwell	Thomas
Crawford	Hill	McPherson	Thurman
Fox	Jenne	Meek	Vogt
Frank	Jennings	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Grant

SB 49—A bill to be entitled An act relating to unemployment compensation; amending ss. 443.036(17)(n), (31)(b), 443.091(3)(b), 443.111(2)(a), Florida Statutes, 1982 Supplement; redefining "employment" and "wages" to expand certain exclusions; restricting conditions under which benefits may be based on service in an educational institution; providing that the weekly benefit amount be rounded downward; providing a retroactive effective date.

—was read the second time by title.

Senator Fox moved the following amendments which were adopted:

Amendment 1—On page 9, between lines 3 and 4, insert:

(3) WEEKLY BENEFIT FOR UNEMPLOYMENT.—

(b) *Partial*.—Each eligible individual who is partially unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit less that part of the wages (if any) payable to him with respect to such week which is in excess of \$5. Such benefits, if not a multiple of \$1, shall be rounded downward to the nearest full dollar amount ~~computed to the next higher multiple of \$1.~~

(4) DURATION OF BENEFITS.—

(a)1. Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to the product of his weekly benefit amount and one-half the number of weeks in his base period in which he was paid wages for insured work; however, such total amount of benefits, if not a multiple of \$1, shall be rounded downward to the nearest full dollar amount ~~off to the next higher multiple of \$1.~~

2. For the purposes of this subsection, wages shall be counted as "wages for insured work" for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employing unit by whom such wages were paid has satisfied the conditions of this chapter with respect to becoming an employer.

Amendment 2—On page 8, strike lines 21 and 22 and insert:

Section 3. Paragraph (a) of subsection (2), paragraph (b) of subsection (3), and paragraph (a) of subsection (4) of section 443.111, Florida Statutes, 1982 Supplement, are amended to

Amendment 3—In title, on page 1, line 4, after "(a)," insert: (3)(b), (4)(a),

Pending further consideration of SB 49, as amended, on motion by Senator Fox, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed HB 650 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce—

HB 650—A bill to be entitled An act relating to unemployment compensation; amending s. 443.036(17)(n) and (31)(b), Florida Statutes, 1982 Supplement, extending an exclusion from "employment" and changing the exclusion from "wages"; amending s. 443.091(3)(b), Florida Statutes, 1982 Supplement, restricting conditions under which benefits can be based upon services in an institution of higher education; amending s.

443.111(2)(a), (3)(b), and (4)(a), Florida Statutes, 1982 Supplement, providing that the weekly benefit amount shall be rounded downward to the nearest full dollar amount; providing an effective date and providing a retroactive effective date.

—was read the first time by title. On motions by Senator Fox, the rules were waived and by two-thirds vote the bill was placed on the special order calendar.

SPECIAL ORDER, continued

On motion by Senator Fox, by two-thirds vote HB 650, a companion measure, was substituted for SB 49. On motions by Senator Fox, by two-thirds vote HB 650 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gersten	Langley	Rehm
Barron	Girardeau	Malchon	Scott
Beard	Gordon	Mann	Stuart
Castor	Grizzle	Margolis	Thomas
Childers, D.	Hair	Maxwell	Thurman
Childers, W. D.	Henderson	McPherson	Vogt
Crawford	Hill	Meek	Weinstein
Dunn	Jenne	Myers	
Fox	Jennings	Neal	
Frank	Johnston	Plummer	

Nays—None

Vote after roll call:

Yea—Grant

SB 49 was laid on the table.

By the Committee on Economic, Community and Consumer Affairs—

CS for SB 68—A bill to be entitled An act relating to plumbing contractors; amending s. 489.105(3)(m), Florida Statutes, 1982 Supplement; defining “plumbing contractor”; specifying activities that a plumbing contractor may engage in without any additional local license, certificate, or registration; providing an effective date.

—was read the first time by title and SB 68 was laid on the table.

On motions by Senator Stuart, by two-thirds vote CS for SB 68 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gersten	Kirkpatrick	Rehm
Barron	Girardeau	Langley	Scott
Beard	Gordon	Malchon	Stuart
Castor	Grizzle	Mann	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Henderson	McPherson	Vogt
Crawford	Hill	Meek	Weinstein
Dunn	Jenne	Myers	
Fox	Jennings	Neal	
Frank	Johnston	Plummer	

Nays—None

Vote after roll call:

Yea—Grant

SB 47—A bill to be entitled An act relating to guardians; amending s. 744.309(1)(b), Florida Statutes; providing that a judge is not prohibited from acting as a guardian when he has maintained a close family relationship to the ward; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil recommended the following amendment which was moved by Senator Johnston and adopted:

Amendment 1—On page 1, line 19, after the word “family” insert: , and serves without compensation

On motion by Senator Johnston, by two-thirds vote SB 47 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Jennings	Myers
Barron	Gersten	Johnston	Neal
Beard	Girardeau	Kirkpatrick	Plummer
Castor	Gordon	Langley	Rehm
Childers, D.	Grizzle	Malchon	Scott
Childers, W. D.	Hair	Mann	Thomas
Crawford	Henderson	Margolis	Thurman
Dunn	Hill	McPherson	Vogt
Fox	Jenne	Meek	Weinstein

Nays—None

Vote after roll call:

Yea—Grant, Stuart

SB 325—A bill to be entitled An act relating to jurors; amending s. 40.013(4), Florida Statutes, requiring certain parents to be excused from jury service upon request; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil recommended the following amendment which was moved by Senator Rehm and adopted:

Amendment 1—On page 1, strike all of lines 13 and 14 and insert:

(4) Expectant mothers and a parent ~~mothers who is are~~ not employed full time and who has custody of a child ~~with children~~ under 6 ~~15~~ years of age, upon

On motion by Senator Rehm, by two-thirds vote SB 325 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gersten	Kirkpatrick	Rehm
Barron	Girardeau	Langley	Scott
Beard	Gordon	Malchon	Stuart
Castor	Grizzle	Mann	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Henderson	Maxwell	Vogt
Crawford	Hill	McPherson	Weinstein
Dunn	Jenne	Meek	
Fox	Jennings	Myers	
Frank	Johnston	Plummer	

Nays—None

Vote after roll call:

Yea—Grant

Consideration of Senate Bills 163, 162 and 356 was deferred.

SB 25—A bill to be entitled An act relating to farm labor registration; amending ss. 450.28(2), 450.30, 450.31, 450.32(1), 450.33, 450.35, 450.36, 450.37, Florida Statutes; transferring powers and duties under the farm labor registration law from the Farm Labor and Rural Manpower Section of the Bureau of Rural Manpower Services of the Division of Employment Security of the Department of Labor and Employment Security to the Division of Employment Security; deleting obsolete language relating to motor vehicle inspections; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendments which were moved by Senator Thomas and adopted:

Amendment 1—On page 5, lines 6-14, strike all of said lines and insert:

(9) Produce evidence to the ~~division administrator of the Farm Labor and Rural Manpower Section~~ that each vehicle he uses for the transportation of employees complies with the requirements and specifications established in the State Uniform Traffic Control, Chapter 316, Section 316.620 et. seq., Florida Statutes, or Public Law 93-518 as amended by

~~Public Law 97-470 meeting Department of Transportation requirements has been inspected in accordance with the provisions of the safety equipment inspection law of Florida and has been found to comply with the standards and requirements thereof or, in lieu thereof, bears a valid inspection sticker showing that the vehicle has passed the inspection in the state in which the vehicle is registered.~~

Amendment 2—In title, on page 1, lines 11 and 12, strike “deleting obsolete” and insert: amending

On motion by Senator Thomas, by two-thirds vote SB 25 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Frank	Jennings	Myers
Barron	Gersten	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Rehm
Castor	Gordon	Langley	Scott
Childers, D.	Grizzle	Malchon	Thomas
Childers, W. D.	Hair	Mann	Thurman
Crawford	Henderson	Margolis	Vogt
Dunn	Hill	Maxwell	Weinstein
Fox	Jenne	Meek	

Nays—None

Vote after roll call:

Yea—Grant, McPherson, Stuart

SB 78—A bill to be entitled An act relating to agricultural products; amending ss. 604.19, 604.20, 604.21(1), (2), (8), Florida Statutes; providing that dealers in agricultural products may furnish a certificate of deposit in lieu of bond as a condition of licensure; providing that annual or continuous bond or certificate may be required; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1—On page 5, line 14, after the words “Section 4.” strike remainder of line and insert:

For the purpose of this act, the term “certificate of deposit” means a certificate of deposit at any recognized financial institution doing business in the United States.

Section 5. This act shall take effect October 1, 1983.

Pending further consideration of SB 78, as amended, on motion by Senator Kirkpatrick, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 304 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Agriculture and Representative Morgan—

HB 304—A bill to be entitled An act relating to agricultural products; amending ss. 604.19, 604.20, and 604.21(1), (2), and (8), Florida Statutes; providing that dealers in agricultural products may furnish a certificate of deposit in lieu of bond as a condition of licensure; providing that annual or continuous bond or certificate may be required; providing an effective date.

—was read the first time by title. On motions by Senator Kirkpatrick, the rules were waived and by two-thirds vote the bill was placed on the special order calendar.

SPECIAL ORDER, continued

On motion by Senator Kirkpatrick, by two-thirds vote HB 304, a companion measure, was substituted for SB 78. On motions by Senator Kirkpatrick, by two-thirds vote HB 304 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gersten	Johnston	Rehm
Barron	Girardeau	Kirkpatrick	Stuart
Beard	Gordon	Langley	Thomas
Castor	Grizzle	Malchon	Thurman
Childers, D.	Hair	Margolis	Vogt
Childers, W. D.	Henderson	McPherson	Weinstein
Crawford	Hill	Meek	
Dunn	Jenne	Myers	
Frank	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Grant

SB 78 was laid on the table.

SB 265—A bill to be entitled An act relating to public officers and employees; amending s. 111.011(2)(b), Florida Statutes, and s. 112.313(9)(b), Florida Statutes, 1982 Supplement; providing that the statement of contributions received by elected local officers and the disclosure of specified interests by officers and employees of, and candidates for office in, political subdivisions, shall be filed with the supervisor of elections; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Castor and adopted:

Amendment 1—On page 2, between lines 30 and 31, insert:

(12) EXEMPTION.—The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(a) Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.

(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

1. The official or his spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;

2. The official or his spouse or child has in no way used or attempted to use his influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Department of State, if he is a state officer or employee, or with the supervisor of elections clerk of the circuit court of the county in which the agency has its principal office, if he is an officer or employee of a political subdivision, disclosing his interest, or his spouse's or child's interest, and the nature of the intended business.

Amendment 2—On page 1, line 27, after (9) insert: and paragraph (b) of subsection (12)

Amendment 3—In title, on page 1, line 4, after (b) insert: and (12)(b)

On motion by Senator Castor, by two-thirds vote SB 265 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Castor	Crawford	Frank
Barron	Childers, D.	Dunn	Gersten
Beard	Childers, W. D.	Fox	Girardeau

Gordon	Johnston	McPherson	Thomas
Grizzle	Kirkpatrick	Meek	Thurman
Hair	Langley	Myers	Vogt
Henderson	Malchon	Plummer	Weinstein
Hill	Mann	Rehm	
Jenne	Margolis	Scott	
Jennings	Maxwell	Stuart	

Nays—None

Vote after roll call:

Yea—Grant

SB 203—A bill to be entitled An act relating to law enforcement and correctional officers; creating s. 925.095, Florida Statutes, authorizing law enforcement and correctional officers to administer oaths in connection with their official duties; providing that making a material false statement to such officers is a felony; providing penalties; providing an effective date.

—was read the second time by title.

Senators Barron and Malchon offered the following amendment which was moved by Senator Barron and adopted:

Amendment 1—On page 1, line 22, strike “felony of the third degree” and insert: misdemeanor of the first degree

Senators Langley and Weinstein offered the following amendment which was moved by Senator Langley and adopted:

Amendment 2—On page 1, line 19, after the word “oaths” insert: in connection with the taking of a sworn statement during a criminal investigation

On motion by Senator Malchon, by two-thirds vote SB 203 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gersten	Johnston	Myers
Barron	Girardeau	Kirkpatrick	Plummer
Castor	Gordon	Langley	Rehm
Childers, D.	Grizzle	Malchon	Scott
Childers, W. D.	Hair	Mann	Stuart
Crawford	Henderson	Margolis	Thomas
Dunn	Hill	Maxwell	Thurman
Fox	Jenne	McPherson	Vogt
Frank	Jennings	Meek	Weinstein

Nays—1

Beard

Vote after roll call:

Yea—Grant

Yea to Nay—Meek, Thurman

On motion by Senator Fox, consideration of SB 186 was deferred.

Special Guest

Senator Dunn introduced Bill France, Chairman of the Board, Daytona International Speedway Corporation. The President appointed Senators Meek, Stuart, Vogt and Dunn to escort Mr. France to the rostrum.

On motions by Senator Dunn, by two-thirds vote SR 584 was withdrawn from the Committee on Rules and Calendar, and by two-thirds vote placed next on the special order calendar.

SR 584—A resolution honoring the Daytona International Speedway for 25 years of contributions to tourism and economic development in the State of Florida through its accomplishments in motorsports competition.

—was read the second time in full. On motion by Senator Dunn, SR 584 was adopted. The vote on adoption was:

Yeas—39

Mr. President	Frank	Johnston	Neal
Barron	Gersten	Kirkpatrick	Plummer
Beard	Girardeau	Langley	Rehm
Carlucci	Gordon	Malchon	Scott
Castor	Grant	Mann	Stuart
Childers, D.	Grizzle	Margolis	Thomas
Childers, W. D.	Hair	Maxwell	Thurman
Crawford	Henderson	McPherson	Vogt
Dunn	Hill	Meek	Weinstein
Fox	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Jenne

All Senators were recorded as co-introducers of SR 584.

Mr. France expressed his appreciation for the resolution.

SB 254—A bill to be entitled An act relating to weapons and firearms reports; repealing s. 790.08(7), Florida Statutes, relating to reports to the Department of Law Enforcement of disposal of weapons and firearms by the sheriff; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote SB 254 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gersten	Johnston	Plummer
Barron	Girardeau	Kirkpatrick	Scott
Beard	Gordon	Langley	Stuart
Castor	Grant	Malchon	Thomas
Childers, D.	Grizzle	Mann	Thurman
Childers, W. D.	Hair	Margolis	Vogt
Crawford	Henderson	Maxwell	Weinstein
Dunn	Hill	McPherson	
Fox	Jenne	Meek	
Frank	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Rehm

SB 210—A bill to be entitled An act relating to disposal of property seized as evidence for criminal proceedings; amending s. 925.06(1), Florida Statutes; providing for disposal of unclaimed personal property seized as evidence; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote SB 210 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gersten	Johnston	Myers
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Langley	Rehm
Castor	Grant	Malchon	Scott
Childers, D.	Grizzle	Mann	Stuart
Crawford	Hair	Margolis	Thomas
Dunn	Henderson	Maxwell	Thurman
Fox	Hill	McPherson	Vogt
Frank	Jennings	Meek	Weinstein

Nays—None

SB 22—A bill to be entitled An act relating to campaign financing; amending s. 106.1405, Florida Statutes; prohibiting a candidate from using campaign funds to pay himself a salary or to defray personal living expenses for himself or his family prior to qualifying for office; providing an effective date.

—was read the second time by title.

Senators Maxwell, Grizzle, Jennings, Langley, Henderson, Rehm and Myers offered the following amendment which was moved by Senator Maxwell:

Amendment 1—On page 1, strike all of lines 12-29 and insert:

Section 1. Section 106.011, Florida Statutes, is amended to read:

106.011 Definitions.—As used in this chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(4) "Expenditure" means a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a campaign savings account or certificate of deposit, or gift or money or anything of value made for the purpose of influencing the results of an election. However, "expenditure" does not include a purchase, payment, distribution, loan, advance, or gift or money or anything of value made for the purpose of influencing the results of an election when made by an organization, in existence prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing such organization's newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.

Notwithstanding the foregoing meanings of "expenditure" the word shall not be construed to include a salary from the campaign account for said candidate or use of funds on deposit in a campaign account to defray normal living expenses for himself or his family.

Section 2. Section 106.1405, Florida Statutes, use of campaign funds by candidates, is hereby repealed.

(Renumber subsequent section.)

Senators Langley and Jennings offered the following amendment to Amendment 1 which was moved by Senator Langley and failed:

Amendment 1A—On page 1, line 19, after "family." insert: *Provided, however, if the candidate files an oath in accordance with s. 99.095, Florida Statutes, he shall be able to use campaign funds to defray personal expenses.*

Amendment 1 was withdrawn.

On motion by Senator Vogt, by two-thirds vote SB 22 was read the third time by title.

On motion by Senator Vogt, further consideration of SB 22 was deferred.

On motion by Senator Kirkpatrick, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed HB 410 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 410—A bill to be entitled An act relating to food; amending s. 500.12(1), Florida Statutes, 1982 Supplement, relating to permits issued by the Department of Agriculture and Consumer Services for the manufacturing, processing, packing, holding and retail sale of food; amending s. 500.121(1) and (2), Florida Statutes, 1982 Supplement, relating to disciplinary procedures against a retail food store, food manufacturer, processor, packer or holder; saving ss. 500.12 and 500.121, Florida Statutes, from sunset repeal scheduled October 1, 1983; providing for review and repeal of said sections on October 1, 1993; providing an effective date.

—was read the first time by title. On motions by Senator Kirkpatrick, the rules were waived and by two-thirds vote the bill was placed on the special order calendar.

SPECIAL ORDER, continued

On motion by Senator Kirkpatrick, HB 410, a companion measure, was substituted for SB 163. On motions by Senator Kirkpatrick, by two-thirds vote HB 410 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Girardeau	Kirkpatrick	Plummer
Barron	Gordon	Langley	Rehm
Beard	Grant	Malchon	Scott
Castor	Grizzle	Mann	Stuart
Childers, D.	Hair	Margolis	Thomas
Childers, W. D.	Henderson	Maxwell	Thurman
Crawford	Hill	McPherson	Vogt
Fox	Jenne	Meek	Weinstein
Frank	Jennings	Myers	
Gersten	Johnston	Neal	

Nays—None

SB 163 was laid on the table.

On motion by Senator Kirkpatrick, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed HB 445 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 445—A bill to be entitled An act relating to the sale of leaf tobacco; amending s. 574.12(3), Florida Statutes, relating to the penalty for charging or accepting charges for amounts in excess of those determined by the Department of Agriculture and Consumer Services for auction fees, weighing and handling, and sale commissions; repealing ss. 574.101, 574.11, and 574.13(2), Florida Statutes, relating to certification of nonuse of prohibited pesticides and relating to admissability as evidence of the certificate of the Commissioner of Agriculture; saving chapter 574, Florida Statutes, from sunset repeal scheduled October 1, 1983; providing for review and repeal of said chapter on October 1, 1993; providing an effective date.

—was read the first time by title. On motions by Senator Kirkpatrick, the rules were waived and by two-thirds vote the bill was placed on the special order calendar.

SPECIAL ORDER, continued

On motion by Senator Kirkpatrick, HB 445, a companion measure, was substituted for SB 162. On motions by Senator Kirkpatrick, by two-thirds vote HB 445 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Girardeau	Kirkpatrick	Plummer
Barron	Gordon	Langley	Rehm
Beard	Grant	Malchon	Stuart
Castor	Grizzle	Mann	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Henderson	Maxwell	Vogt
Crawford	Hill	McPherson	Weinstein
Fox	Jenne	Meek	
Frank	Jennings	Myers	
Gersten	Johnston	Neal	

Nays—None

SB 162 was laid on the table.

On motion by Senator Kirkpatrick, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 406 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 406—A bill to be entitled An act relating to livestock markets; reviving and readopting sections 534.47-534.53, Florida Statutes, notwithstanding the Regulatory Sunset Act; amending section 534.49, Florida Statutes; requiring markets to collect for livestock sold on the day of the sale from packers, providing an exception; requiring collection for livestock sold by a livestock market to registered dealers, producers or farmers be made before the close of the next business day following the date of the sale; providing an effective date.

—was read the first time by title. On motions by Senator Kirkpatrick, the rules were waived and by two-thirds vote the bill was placed on the special order calendar.

SPECIAL ORDER, continued

On motion by Senator Kirkpatrick, HB 406, a companion measure, was substituted for SB 356. On motions by Senator Kirkpatrick, by two-thirds vote HB 406 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Girardeau	Kirkpatrick	Plummer
Barron	Gordon	Langley	Rehm
Beard	Grant	Malchon	Stuart
Castor	Grizzle	Mann	Thomas
Childers, D.	Hair	Margolis	Thurman
Childers, W. D.	Henderson	Maxwell	Vogt
Crawford	Hill	McPherson	Weinstein
Fox	Jenne	Meek	
Frank	Jennings	Myers	
Gersten	Johnston	Neal	

Nays—None

SB 356 was laid on the table.

On motion by Senator Hill, the rules were waived and all bills passed this day after being engrossed were ordered immediately certified to the House.

On motion by Senator D. Childers, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator D. Childers, the rules were waived and by two-thirds vote SB 370 was withdrawn from the Committee on Health and Rehabilitative Services.

On motions by Senator Thomas, by two-thirds vote SB 454 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Thomas, the meeting of the Committee on Commerce scheduled for Monday, April 18, was cancelled and rescheduled for Tuesday, April 19, 2:00 p.m. until 5:00 p.m.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 11, 8 and 6 were corrected and approved.

The Journal of April 5 was corrected and approved as follows:

Page 11, column 2, strike line 25 and insert: By Senator Stuart

Page 23, column 2, from bottom, strike lines 11 and 12 and insert: —was referred to the Committees on Agriculture; Corrections, Probation and Parole; and Appropriations.

Page 27, column 1, strike lines 14 and 15 and insert: —was referred to the Committees on Judiciary-Criminal; Corrections, Probation and Parole; and Appropriations.

Page 28, column 1, strike last line and insert: Commerce.

CO-INTRODUCERS

Senators Castor, Henderson and Meek—SB 189; Senator Gersten—SB 266; Senator Jenne—SB 435; Senator Stuart—SB 619; Senators Mann and Maxwell—SB 650

Senator Barron moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Tuesday, April 19, at 9:00 a.m. or upon call of the President. The motion was adopted.

Pursuant to the motion by Senator Barron, the Senate recessed at 12:00 noon to reconvene at 9:00 a.m., April 19, or upon call of the President.