



Journal of the Senate

Number 12

Tuesday, May 1, 1984

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

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

Excused: Senator Kirkpatrick; Senator Hill, May 1 and April 30

Prayer by Rabbi Herb Tobin:

Our Father in Heaven, we give thanks to you for bringing us together in these chambers to take wise counsel together. As the Psalmist tells us, how good it is for brothers to sit together. Give us the wisdom to deliberate together and learn to live with each other in a society where justice and peace are the watchwords. Give special thanks for the Holocaust Memorial Resolution being introduced into this body today. The horror of the Holocaust will never take place if we dedicate ourselves to the spirit of freedom, justice and compassion for all in society. We ask your help, O Lord, for the strength and wisdom that the heinous crimes of the Holocaust never happen again. Let us remind ourselves continually of the words of scripture that liberty and freedom be proclaimed throughout the land, and let us dedicate ourselves to those tasks. Amen.

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

Votes Recorded

Senator Crawford was recorded as voting yea on the following measures which were considered April 25: Senate Bills 731, 616, 723, 609, 837, 619 and CS for HB 693

Senator Hair was recorded as voting yea on the following measures which were considered April 25: Senate Bills 528, 574, 576, 578, 618, 299, 758, 759, 815, 848, 119, 730, 358, 878, 731, 732, 580, 325, 220, 635, 616, 723, 609, 837, 619, 743, 561, 474, 1104, 1106, CS for SB 61, CS for SB 91, CS for SB 544, CS for CS for SB's 140 and 237; House Bills 190, 264, 378, 575, 906, 665, 641, 939, 904, 907, 213, 246, 116, 75, CS for HB 447, CS for HB 61, CS for HB 693, HCR 1207

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 1, 1984: SB 57, SB 160, SB 185, SB 531, SB 466, SB 600, CS for SB 599, SB 764, SB 846, SB 597, CS for SB 172, SB 158, CS for SB 52, CS for SB's 135 and 335, SB 615, SB 401, CS for SB 125, CS for SB 81, CS for SB 347, CS for SB 319, SB 354, CS for SB 692, SB 556, SB 478, SB 404, SB 360, SB 346, SB 284, CS for SB 274, SB 183, SB 362, SB 402

Respectfully submitted,
Dempsey J. Barron, Chairman

The Special Master for claims recommends the following pass: SB 1101

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

The Committee on Appropriations recommends the following pass: SB 44 with 2 amendments, SB 102 with 4 amendments, SB 108, CS for SB 223 with 3 amendments, SB 446, CS for SB 490, CS for SB 579, HB 585 with 1 amendment, SB 639 with 2 amendments, SB 818 with 5 amendments

The Committee on Finance, Taxation and Claims recommends the following pass: SB 359

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

The Committee on Economic, Community and Consumer Affairs recommends a committee substitute for the following: SB 952

The Committee on Education recommends a committee substitute for the following: SB 836

The Committee on Transportation recommends committee substitutes for the following: Senate Bills 26 and 260, SB 383, SB 569, Senate Bills 387 and 1047

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

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: Senate Bills 1040 and 788

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

The Committee on Judiciary-Civil recommends a committee substitute for the following: SB 343

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

The Committee on Economic, Community and Consumer Affairs recommends committee substitutes for the following: SB 461, SB 463

The bills with committee substitutes attached were referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.

The Committee on Appropriations recommends a committee substitute for the following: SB 1029

The Committee on Judiciary-Civil recommends a committee substitute for the following: SJR 94

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

The Committee on Appropriations recommends committee substitutes for the following: SB 29, CS for SB 86, SB 109

The Committee on Economic, Community and Consumer Affairs recommends committee substitutes for the following: SB 650, SB 177, SB 754

The Committee on Judiciary-Civil recommends a committee substitute for the following: CS for SB 424

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

Bill Referred to Subcommittee

April 26, 1984

The following has been referred to Appropriations Subcommittee A, a standing subcommittee composed of Senators Neal, Chairman, Beard, Grizzle, Scott and Mann which will report to the full committee within 37 days: SB 373

REQUESTS FOR EXTENSION OF TIME

April 27, 1984

The Committee on Commerce requests an extension of 15 days for consideration of the following: Senate Bills 5, 8, 34, 42, 47, 48, 49, 51, 64, 83, 96, 217, 261, 279, 370, 385, 398, 417, 472, 479, 510, 536, 537, 567, 573, 581, 593, 617, 627, 663, 668, 682, 685, 687, 689, 708, 728, 932, 933, 970, 971; House Bill 274

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following: Senate Bills 928, 945, 951, 962, 964, 965, 973, 982, 998; House Bills 538, 1008, 1014, 1056

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: SB 649

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: Senate Bills 195, 210, 248, 283, 438, 565, 608, 633, 651, 921, 931; House Bills 10, 297, 329, 537

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following: Senate Bills 17, 20, 21, 58, 69, 75, 95, 107, 112, 120, 122, 139, 157, 165, 182, 206, 244, 255, 259, 273, 286, 287, 290, 305, 308, 313, 322, 331, 416, 420, 434, 435, 443, 462, 475, 499, 509, 535, 541, 570, 592, 598, 603, 625, 637, 638, 678, 680, 684, 722, 748, 828, 850, 865, 866, 890, 891, 892, 913, 918, 941, 955, 974, 990, 1017; House Bills 139, 278, 324, 380, 391, 428, 488, 618, 619, 966

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: Senate Bills 41, 50, 55, 92, 93, 111, 204, 225, 262, 275, 293, 363, 453, 694, 705, 715, 963, 967, 984, 989; House Bill 296

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Neal—

SB 1105—A bill to be entitled An act relating to Manatee County; providing for the creation of the Manatee County Airport Authority; providing definitions; providing that the membership shall consist of the Board of County Commissioners of Manatee County; authorizing the use of other resources of county government by the Authority; defining powers; authorizing certain bonding powers; providing for contracts for borrowing of money; providing for trust agreements or resolutions; providing for bonds and legal investments; providing for action by resolution; providing for contributions of certain political subdivisions; providing for remedies; providing for refunding bonds; providing definition as an additional method; providing severability; providing for liberal construction; providing that inconsistent laws shall be declared inapplicable; providing for a tax exemption; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 1106 was introduced and adopted April 25.

By Senator Weinstein—

SR 1107—A resolution urging the people of Florida to join in commemorating the Holocaust.

—was referred to the Committee on Rules and Calendar.

By Senator Weinstein—

SR 1108—A resolution commending the MATHCOUNTS competition sponsors and state champions.

—was referred to the Committee on Rules and Calendar.

By Senator Henderson—

SR 1109—A resolution commending the 1983 Sarasota Little League baseball team.

—was referred to the Committee on Rules and Calendar.

By Senator Peterson—

SR 1110—A resolution commending David K. Stabler, Sr., for his outstanding contributions to the state in the field of horticulture.

—was referred to the Committee on Rules and Calendar.

By Senator Neal—

SB 1111—A bill to be entitled An act relating to the Trailer Estates Fire Control District, Manatee County; amending s. 8, chapter 63-1587, Laws of Florida; expanding the purposes for which such district's funds may be spent; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Transportation and Senators Myers and Henderson—

CS for SB's 26 and 260—A bill to be entitled An act relating to vehicle safety equipment; creating part II of chapter 325, F.S., consisting of ss. 325.41-325.57, F.S.; providing definitions; providing for an annual motor vehicle inspection program; providing for the local inspection of exhaust emissions; providing time limits for the inspection of new and newly registered motor vehicles; providing for qualification of and agreement with contractors; providing for self-inspection by qualified persons; providing for certificates of inspection; providing that inspections do not constitute a warranty of mechanical condition; providing that the Department of Highway Safety and Motor Vehicles shall issue rules; providing that certain records must be maintained; providing for repair procedures with respect to defective vehicles; providing procedures with respect to motor vehicles involved in accidents or otherwise damaged; prohibiting the issuance of false inspection certificates; providing penalties; prohibiting forged certificates; providing a penalty; providing for the days and hours of operation of inspection stations; providing for recognition of inspection certificates issued by other entities; providing fees; providing for the training of inspectors; providing for funding; providing an effective date.

By the Committee on Appropriations and Senator Henderson—

CS for SB 29—A bill to be entitled An act relating to used oil recycling; providing definitions; prohibiting specified acts with respect to used oil; providing for a public education program; providing for the registration of certain used oil transporters and facilities; providing for registration fees; providing for annual reports; providing for enforcement; providing civil penalties; providing an appropriation; repealing s. 526.01(2), F.S., relating to labeling of containers of previously used lubricants; providing an effective date.

By the Committees on Appropriations and Commerce and Senator McPherson—

CS for CS for SB 86—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.15, F.S.; providing circumstances under which a license may be placed solely in the name of the operator; granting the Division of Alcoholic Beverages and Tobacco discretion to allow corporations to hold alcoholic beverage licenses despite certain criminal convictions if certain conditions are met; creating s. 561.181, F.S.; providing for issuance of temporary initial licenses to applicants for alcoholic beverage licenses; amending s. 561.19, F.S.; providing for an application filing fee for initial application for a quota beverage license; amending s. 561.321, F.S.; providing for cash only purchases of alcoholic beverages by certain vendors; providing for issuance of temporary license to applicants for change of location; amending s. 561.422, F.S.; authorizing beverage purchases by specified civic organizations; amending s. 561.65, F.S.; providing for the sale of a foreclosed license by the clerk of the circuit court rather than the Division of Alcoholic Beverages and Tobacco; changing the time for payment by the bidder; authorizing distributors to purchase licenses at foreclosure sales; providing an effective date.

By the Committee on Judiciary-Civil and Senator Fox—

CS for SJR 94—A joint resolution proposing an amendment to Section 11, Article V of the State Constitution, relating to judicial nominating commissions.

By the Committee on Appropriations and Senator Thurman—

CS for SB 109—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending ss. 581.031, 581.141, 581.212, and 586.09, F.S., providing for deposit of certain moneys received by the department into the Plant Industry Trust Fund; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senators Thomas, Henderson, Beard, Fox and Dunn—

CS for SB 177—A bill to be entitled An act relating to the regulation of foresters; stating legislative purpose; providing definitions; providing for powers, duties, membership, appointment, terms of office, organization, and meetings for the Board of Foresters; authorizing the board to set fees; providing for examinations; providing for licensure; providing for issuance of a certificate of registration, or license; providing for biennial renewal of licenses; authorizing issuance of temporary licenses; providing for reciprocity; providing exemptions; providing for revocation or suspension of licenses; prescribing violations; providing penalties; amending s. 20.30, F.S.; establishing the Board of Foresters within the Department of Professional Regulation, Division of Professions; providing for future repeal; providing an effective date.

By the Committee on Judiciary-Civil and Senators Frank and Malchon—

CS for SB 343—A bill to be entitled An act relating to life-prolonging procedures; providing intent and definitions; providing a procedure for declarations by competent adults that life-prolonging procedures may be withheld or withdrawn; providing a form; providing for revocations; providing a procedure in absence of a declaration; providing for patient transfers; providing immunity from liability; prohibiting destruction, concealment, or forging of declarations or revocations; providing penalties; providing for the effect of the act; providing for the effect of declarations on insurance matters; exempting under certain circumstances patients who are pregnant; preserving existing rights; providing an effective date.

By the Committee on Transportation and Senators Margolis and Grizzle—

CS for SB 383—A bill to be entitled An act relating to motor vehicles; amending s. 316.610, F.S.; providing for inspection of vehicles; creating s. 316.612, F.S.; providing for inspection of vehicles damaged in accidents; amending s. 316.615, F.S.; requiring certain equipment and inspection of school buses; amending s. 316.620, F.S.; providing for inspection of vehicles transporting migrant farm workers; amending s. 319.22, F.S.; requiring the inspection of certain used vehicles before transferring title; creating s. 319.236, F.S., requiring the inspection of certain vehicles before applying for a title or registration; amending s. 322.27, F.S.; providing points for failing to have vehicle inspected; creating part II of ch. 325, F.S., consisting of ss. 325.34-325.49; providing definitions; providing standards for motor vehicle inspection; providing for issuance, suspension, and revocation of motor vehicle inspection station licenses; providing for repair of defective vehicles; providing standards for privately operated motor vehicle inspection stations; providing for hours of operation; providing for limitation of liability; prohibiting certain acts and providing penalties; providing for rules; establishing fees; providing for the collection and deposit of fees; providing for budgeting; providing for self-inspection; providing for inspection of for-hire vehicles; providing for supervision; providing penalties for tampering with inspection equipment; providing an effective date.

By the Committee on Transportation and Senators W. D. Childers, Castor, Thurman, Margolis and Johnston—

CS for SB's 387 and 1047—A bill to be entitled An act relating to transportation services; reviving and readopting ch. 427, F.S., relating to transportation services for the transportation disadvantaged, notwithstanding its scheduled repeal; providing for future repeal and legislative review; providing a retroactive effective date.

By the Committees on Judiciary-Civil and Judiciary-Criminal and Senator Jenne—

CS for CS for SB 424—A bill to be entitled An act relating to the Florida RICO Act; amending s. 895.05, F.S.; authorizing ex parte proceeding to file RICO lien notice against real property in certain circumstances; providing for discharge of the lien; amending s. 895.06, F.S.; authorizing the investigative agency to apply ex parte for a court order directing that the person or entity subpoenaed not disclose the existence of the subpoena to any other person or entity for 90 days; authorizing an extension of time for good cause shown by the investigative agency; providing for contempt of court for violation of the court order; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senator Jenne—

CS for SB 461—A bill to be entitled An act relating to municipal police officers' retirement trust funds; amending s. 185.01, F.S., providing legislative intent; amending s. 185.02, F.S., relating to definitions; amending s. 185.03, F.S., relating to the creation of trust funds; amending s. 185.05, F.S., revising provisions relative to the board of trustees of the municipal police officers' retirement trust fund; amending s. 185.06, F.S., relating to the powers of the board of trustees; amending s. 185.07, F.S., revising member contributions and prohibiting municipalities from reducing member contributions to the municipal police officers' retirement trust fund to less than 1 percent of salary; amending s. 185.08, F.S., relating to the excise tax on casualty insurance premiums; amending s. 185.10, F.S., relating to the responsibilities of the Insurance Commissioner and Treasurer; amending s. 185.11, F.S., relating to the deposit of funds; amending s. 185.12, F.S., relating to excise tax credits; amending s. 185.14, F.S., prohibiting municipalities from reducing member contributions to less than 1 percent of salary; amending s. 185.16, F.S., revising criteria with respect to retirement; amending s. 185.161, F.S., prohibiting police officers from changing retirement options under certain circumstances; amending s. 185.18, F.S., revising disability retirement criteria; amending s. 185.21, F.S., relating to death prior to retirement; amending s. 185.221, F.S., relating to reports required to be filed with the Department of Insurance; amending s. 185.24, F.S., relating to annual appropriations; amending s. 185.29, F.S., relating to the city attorney representing the board; amending s. 185.30, F.S., relating to the deposit of funds and securities of the municipal police officers' retirement trust fund; amending s. 185.31, F.S., providing for the independence of boards and municipalities; amending s. 185.34, F.S., relating to disability in the line of duty; amending s. 185.35, F.S., relating to municipal pension plans for policemen; amending s. 185.37, F.S., providing for the termination of funds; creating s. 185.38, F.S., providing for transfers to other state retirement systems; creating s. 185.39, F.S., relating to the applicability of the act; creating s. 185.40, F.S., providing for costs and attorney's fees; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senator Jenne—

CS for SB 463—A bill to be entitled An act relating to municipal firefighters' pension trust funds; amending s. 175.021, F.S., providing legislative intent; amending s. 175.032, F.S., providing a definition; amending s. 175.061, F.S., revising the composition and powers of the board of trustees of the municipal firefighters' pension trust fund; amending s. 175.071, F.S., relating to investment powers of the board of trustees; amending s. 175.091, F.S., prohibiting municipalities from reducing member contributions to less than 1 percent of salary; amending s. 175.101, F.S., relating to the excise tax on property insurance premiums; amending s. 175.121, F.S., requiring annual compliance with chapter 175, F.S., in order for a municipality to receive certain tax funds; amending s. 175.131, F.S., relating to the deposit of funds received by a municipality with respect to the pension fund; amending s. 175.141, F.S., relating to excise tax credits; creating s. 175.152, F.S., providing for contributions; amending s. 175.162, F.S., revising criteria for retirement; amending s. 175.171, F.S., prohibiting firefighters from changing a retirement option after a certain date; amending s. 175.191, F.S., relating to disability retirement; amending s. 175.201, F.S., revising provisions with respect to death prior to retirement; amending s. 175.261, F.S., requiring certain financial reports with respect to municipal firefighters' pension trust funds; amending s. 175.291, F.S., relating to legal counsel for the board of trustees; amending s. 175.301, F.S., relating to the depository for retirement funds; amending s. 175.311, F.S., providing for the independence of boards and municipalities; amending s. 175.351, F.S., relating to municipalities which have their own pension plans for firefighters; amending s. 175.361, F.S., providing for the termination of certain funds; creating s. 175.371, F.S., providing criteria with respect to transfers to another state retirement system; creating s. 175.381, F.S., relating to the applicability of the act; creating s. 175.391, F.S., providing for costs and attorney's fees; providing an effective date.

By the Committee on Transportation and Senator Rehm—

CS for SB 569—A bill to be entitled An act relating to rights-of-way acquisition by the Department of Transportation; amending s. 127.01, F.S.; specifying powers of the counties to acquire property by eminent domain; amending s. 337.27, F.S.; specifying powers of the department to acquire property and rights by eminent domain and purposes therefor; providing that when land and property falls within a designated trans-

portation corridor the department may acquire it prior to preparation or completion of specific plans; providing that the acquisition of land and property for future transportation needs is a public purpose; providing a definition and conditions for such acquisition; providing that the department may acquire an entire lot, block, or tract of land in certain instances; providing that the value of the property to be acquired is the value on the date that the project scope is known in the market; authorizing the department to enter upon property under certain conditions and for specified purposes; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senator Vogt—

CS for SB 650—A bill to be entitled An act relating to construction contracting; amending s. 489.107, F.S.; expanding the membership of the Construction Industry Licensing Board; amending s. 489.119, F.S.; increasing the time period for mailing corrected application information to the Department of Professional Regulation with respect to construction contracting; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs and Senators Langley, Neal, Peterson, Myers, Mann, Henderson, Rehm, Jennings, Grizzle, Thurman, Castor, Vogt, Grant, Crawford, Beard, Kirkpatrick, Jenne, Gordon, Frank, Dunn, Weinstein, Stuart, and D. Childers—

CS for SB 754—A bill to be entitled An act relating to mobile homes; creating chapter 720, F.S., the "Florida Mobile Home Act"; providing rights with respect to mobile home tenancies and mobile home associations; providing for injunctive relief; creating provisions with respect to mobile home park restrictions, sale of mobile home parks and park owners' obligations, mobile home rental agreements, eviction proceedings and mobile home subdivisions; providing for regulation by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business Regulation; providing for an annual fee to be paid by mobile home park owners; providing for certain disclosure with respect to contracts for the rental of a mobile home lot; restricting certain types of advertising; amending s. 20.16, F.S., redesignating the Division of Florida Land Sales and Condominiums as the Division of Florida Land Sales, Condominiums, and Mobile Homes; directing the Statutory Revision Division of the Joint Legislative Management Committee to make appropriate changes in the Florida Statutes; amending s. 73.072, F.S., correcting a statutory cross-reference; repealing s. 83.750, F.S., relating to the short title of the "Florida Mobile Home Landlord and Tenant Act"; repealing s. 83.751, F.S., relating to the application of the act; repealing s. 83.752, F.S., relating to definitions; repealing s. 83.753, F.S., relating to rental agreements as an obligation of good faith; repealing s. 83.754, F.S., relating to unconscionable lot rental agreements; repealing s. 83.755, F.S., relating to prohibited or unenforceable provisions in mobile home lot rental agreements; repealing s. 83.756, F.S., relating to attorney's fees; repealing s. 83.757, F.S., relating to the mobile home park owner's access to mobile home and mobile home lot; amending s. 83.758, F.S., relating to the obligation of mobile home and mobile home park owners; repealing s. 83.759, F.S., relating to the grounds for eviction from a mobile home park and proceedings with respect thereto; repealing s. 83.7594, F.S., relating to the termination of a lease agreement; repealing s. 83.7597, F.S., relating to the removal of a mobile home owner; repealing s. 83.760, F.S., relating to the mobile home lease; repealing s. 83.7605, F.S., relating to the content of a mobile home park lease with respect to zoning; repealing s. 83.761, F.S., relating to civil remedies; repealing s. 83.762, F.S., relating to disclosure; repealing s. 83.763, F.S., relating to defenses to an action for rent or possession; repealing s. 83.764, F.S., relating to fees and rules; repealing s. 83.765, F.S., relating to restrictions on the disposal of a mobile home; repealing s. 83.795, F.S., relating to the right of mobile home owners to peaceably assemble; repealing s. 83.796, F.S., relating to the right of a mobile home owner to invite public officers or candidates for public office to the park; repealing s. 83.797, F.S., relating to injunctive relief; providing effective dates.

By the Committee on Education and Senators Gordon, Neal, Kirkpatrick, Peterson, Mann, Grant, Vogt, Hair, Johnston, Thomas, Castor and Jennings—

CS for SB 836—A bill to be entitled An act relating to public schools; amending s. 231.532, F.S.; creating district quality school incentives programs; specifying the school as the unit for increasing student performance; authorizing the Quality Instruction Incentives Council to review and approve program plans; specifying program standards; deleting provisions for individual personnel incentives; providing a funds distribution procedure; requiring a procedure for selecting award winning schools; providing an effective date.

By the Committee on Economic, Community and Consumer Affairs —

CS for SB 952—A bill to be entitled An act relating to the Florida Small Cities Community Development Block Grant program; amending s. 290.044, F.S.; providing for process to determine recommended distribution of funds among program categories; postponing establishment of distribution of funds for 1985 federal fiscal year; amending s. 290.046, F.S.; allowing local governments to submit an application in the housing or the neighborhood and commercial revitalization program category; requiring the Department of Commerce to develop a procedure by which to distribute funds three times annually; deleting prohibition against an applicant being denied funding solely on the basis of past performance; amending s. 290.047, F.S.; exempting the economic development program category from certain procedures to eliminate population bias; allowing the use of such procedures under certain circumstances; providing an effective date.

By the Committee on Appropriations and Senator Johnston—

CS for SB 1029—A bill to be entitled An act relating to trust funds; requiring an annual report from the Comptroller to the Legislature; providing procedures for legislative review of trust funds; abolishing trust funds of various agencies of state government on specified dates; requiring legislative budget request to include certain schedules; amending s. 216.031, F.S.; requiring the head of each state agency to submit certain information regarding certain trust funds; providing for legislative review of certain charges and fees; providing an effective date.

By the Committee on Natural Resources and Conservation and Senator Carlucci—

CS for SB's 1040 and 788—A bill to be entitled An act relating to water resources; amending s. 373.106, F.S.; correcting a reference; amending s. 373.333, F.S.; transferring authority to issue orders regarding wells to the water management districts; amending s. 373.044, F.S.; providing that water management district personnel rules shall be made available to the public as specified; amending s. 373.0693, F.S.; specifying the official headquarters of basin board members; creating s. 373.0698, F.S.; providing that ss. 373.0693-373.0697, F.S., govern the creation and operation of basin boards; amending s. 373.079, F.S.; specifying the official headquarters of the water management district governing board members; providing for the delegation of certain board powers to the executive director; specifying authorized use of charter aircraft; amending s. 373.085, F.S.; providing restrictions on the use of works or land of a water district; providing for certain public access to the ocean; amending s. 373.109, F.S.; amending the conditions for establishing permit application fees; allowing denial of a permit for failure to pay such fees; amending s. 373.129, F.S.; allowing specified entities to maintain legal actions for certain costs and attorney's fees and for civil penalties; providing for the deposit of such penalties into a trust fund as specified; amending s. 373.246, F.S.; modifying the procedures and conditions for declaration of a water shortage or emergency; repealing ss. 5, 6, 7(2), 8, and 9, chapter 61-691, Laws of Florida, relating to the creation of the Southwest Florida Water Management District; providing for employment of internal auditors; amending s. 373.423, F.S.; deleting annual dam inspection requirement; providing an effective date.

On motion by Senator Weinstein, by two-thirds vote SR 1108 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Weinstein—

SR 1108—A resolution commending the MATHCOUNTS competition sponsors and state champions.

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

Yeas—36

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

Nays—None

The President introduced the following guests: David Nations, Pine View School, Sarasota; Jeff Cornwell, Howell L. Watkins School, Palm Beach Gardens; Richard Davis, Stanton College Preparatory School, Jacksonville; Mrs. Carol Newman, coach of first place team, Coral Springs; and Dick Gassett, chairman, Mathcounts Committee, Ormand Beach. The President invited Senator Weinstein and guests to the rostrum where they were presented a copy of the resolution.

On motion by Senator Crawford, by two-thirds vote SR 1110 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Crawford—

SR 1110—A resolution commending David K. Stabler, Sr., for his outstanding contributions to the state in the field of horticulture.

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

Yeas—33

| | | | |
|-----------------|-----------|-----------|-----------|
| Mr. President | Fox | Langley | Scott |
| Beard | Frank | Malchon | Stuart |
| Carlucci | Girardeau | Mann | Thomas |
| Castor | Gordon | Margolis | Thurman |
| Childers, D. | Grant | McPherson | Vogt |
| Childers, W. D. | Grizzle | Myers | Weinstein |
| Crawford | Hair | Neal | |
| Deratany | Jennings | Plummer | |
| Dunn | Johnston | Rehm | |

Nays—None

Vote after roll call:

Yea—Jenne

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Henderson, the rules were waived and the Committee on Governmental Operations was granted permission to consider SB 633 on May 2.

On motion by Senator Beard, the rules were waived and by two-thirds vote SB 767 was also referred to the Committee on Transportation.

On motion by Senator Margolis, the rules were waived and by two-thirds vote SB 303 was withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Johnston, by two-thirds vote Senate Bills 286, 565 and 617 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Grizzle, the rules were waived and HB 116 was ordered immediately certified to the House.

On motion by Senator Johnston, SB 329 was referred to the Committee on Finance, Taxation and Claims as the first committee of reference.

On motion by Senator Johnston, the rules were waived and by two-thirds vote Senate Bills 279 and 847 were also referred to the Committee on Appropriations.

On motions by Senator Johnston, the rules were waived and by two-thirds vote Senate Bills 4, 207, 439, 459, 502, 551, 594 and CS for SB 519 were withdrawn from the Committee on Appropriations.

Senator Scott moved that the Senate reconsider the vote by which SB 561 passed on April 25.

The motion was placed on the calendar for consideration May 2.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 28, 129 and CS for SB 151 which became law April 25; and Senate Bills 118, 124, 179 and CS for SB 105 which became law April 26.

The following Executive Order was filed with the Secretary:

EXECUTIVE ORDER NUMBER 84-93

(Executive Order of Suspension)

WHEREAS, JOHN H. KEANE is presently serving as the duly elected Public Defender for the Sixteenth Judicial Circuit, Monroe County, Florida, and

WHEREAS, on April 13, 1984, the Grand Jury for Monroe County, Florida, returned an indictment charging JOHN H. KEANE with fifteen counts of grand theft and one count of unlawful compensation, and

WHEREAS, it is in the best interest of the citizens of the State of Florida that JOHN H. KEANE be suspended from the public office that he now holds, upon the constitutional grounds hereinafter set forth;

NOW, THEREFORE, I, BOB GRAHAM, Governor of Florida, do hereby find, determine, and for the purposes of Section 112.41, Florida Statutes, allege as follows:

A. JOHN H. KEANE is, and at all times material hereto was, the duly elected Public Defender for the Sixteenth Judicial Circuit, Monroe County, Florida, pursuant to Article V, Section 18, Florida Constitution.

B. The office of Public Defender is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached indictment alleges that JOHN H. KEANE did commit acts in violation of Florida law, and these allegations are hereby incorporated by reference as if fully set forth in this Executive Order.

D. The facts alleged herein constitute the offenses of malfeasance, misfeasance, neglect of duty, incompetence, and/or commission of a felony as such offenses are used in Article IV, Section 7, Florida Constitution.

E. The interest of the citizens of the State of Florida can best be served by the immediate suspension of JOHN H. KEANE from the public office which he now holds.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is hereby promulgated, effective immediately:

Section 1.

JOHN H. KEANE is hereby suspended from the public office which he now holds, to-wit: Public Defender for the Sixteenth Judicial Circuit, Monroe County, Florida.

Section 2.

JOHN H. KEANE is hereby prohibited from performing any official act, duty, or function of public office, from receiving any pay or allowance, and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further executive order, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 19th day of April, 1984.

Bob Graham
GOVERNOR

ATTEST:
GEORGE FIRESTONE
SECRETARY OF STATE

(Copy of indictment was filed in the office of the Secretary of the Senate.)

[Referred to the Committee on Executive Business.]

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:

Office and Appointment

| | <i>For Term Ending</i> |
|--|-------------------------------|
| Board of Trustees, Lake City Community College, Member Dopson, Veda F., Macclenny | 5/31/87 |
| State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools, Member Pace, Joseph S., Hollywood | 7/1/86 |
| Sumter County Recreation and Water Conservation and Control Authority, Member Graham, Thomas William, Webster | 12/1/87 |
| North Central Florida Regional Planning Council, Region Three, Members Broughton, James A., Mayo Durrance, Jack, Gainesville Hood, Helen H., Gainesville | 10/1/86 10/1/86 10/1/86 |
| East Central Florida Regional Planning Council, Region Six, Member Crotty, Marilyn E., Altamonte Springs | 10/1/86 |
| Southwest Florida Regional Planning Council, Region Nine, Member Hole, Stanley W., Naples | 10/1/86 |

[Referred to the Committee on Executive Business.]

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 SB 85 and SB 80.

Allen Morris, Clerk

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 555.

Allen Morris, Clerk

The bills contained in the foregoing messages were ordered enrolled.

First Reading

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 132, HB 191, HB 317, HB 1050, HB 178, HB 1151, HB 698 and HB 258 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Tourism and Economic Development and Representative Upchurch—

CS for HB 132—A bill to be entitled An act relating to the Historic St. Augustine Preservation Board of Trustees; creating s. 266.08, F.S.; defining a direct support organization; permitting a board approved direct-support organization to raise funds, request and receive grants, receive, hold, invest, and administer property, and to make expenditures to or for the board; authorizing use of property, facilities, and personal services of the board by such organization; providing requirements and restrictions; requiring an annual audit to be reviewed by the Auditor General and the board; providing for review and repeal; providing an effective date.

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

By the Committee on Corrections, Probation and Parole—

HB 191—A bill to be entitled An act relating to the state correctional system; amending ss. 944.35 and 944.36, F.S., substantially revising provisions relating to the use of force against inmates by employees of the Department of Corrections; providing criminal penalties for battery or cruel or inhuman treatment against inmates; requiring reports of use of physical force; requiring employees to report instances of unlawful abuse; providing penalties; deleting criminal liability for negligence in permit-

ting prisoners to escape; requiring certain training; repealing s. 944.34, F.S., to conform to the act; providing an effective date.

—was referred to the Committee on Corrections, Probation and Parole.

By the Committee on Veterans Affairs and Representative L. R. Hawkins and others—

HB 317—A bill to be entitled An act relating to veterans' guardianship; amending chapters 293 and 294, F.S., reorganizing and transferring provisions relating to veterans' guardianship to chapter 744, F.S., relating to guardianship; providing scope of the act and definitions; changing procedures for the appointment of guardians; authorizing dependents of wards to petition for support from the guardian; exempting benefits from claims of creditors; increasing certain fees; amending s. 394.467, F.S., transferring to the "Florida Mental Health Act" provisions relating to commitment of veterans; amending s. 694.14, F.S., to correct a cross-reference; creating s. 192.123, F.S., requiring certain ad valorem tax related notification to guardians; repealing ss. 293.04, 293.19, and 294.01, F.S., to remove restrictions upon the number of wards for whom a guardian may act and provisions which limit court costs for small estates; directing that part VIII of chapter 744, F.S., be created; providing an effective date.

—was referred to the Committee on Judiciary-Civil.

By the Committee on Finance and Taxation—

HB 1050—A bill to be entitled An act relating to bonds; amending s. 215.68, F.S.; providing interest rates applicable to state bonds and bonds issued on behalf of state agencies; revising procedures for award to lowest bidder; amending s. 215.70, F.S.; requiring the State Board of Administration to monitor certain debt service accounts; amending s. 215.73, F.S.; revising provisions relating to approval of bonds by the board; amending s. 215.76, F.S.; specifying duties of state agencies regarding compliance with the Internal Revenue Code; amending s. 215.82, F.S.; providing that certain bonds may be validated as determined by the Division of Bond Finance; amending s. 215.83, F.S.; providing for construction of resolutions authorizing bond issuance and other proceedings; amending s. 215.84, F.S.; correcting terminology; providing certain reimbursement procedures when state funds must be appropriated to pay principal and/or interest on bonds issued on behalf of local governments or authorities; providing an effective date.

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

By Representative M. E. Hawkins—

HB 178—A bill to be entitled An act relating to school personnel; amending s. 231.40, F.S., adjusting the filing time requirement for a written certificate of absence; authorizing, through collective bargaining, changes in employee sick leave benefits with respect to a sick leave pool; amending s. 231.41, F.S., conforming provisions; providing an effective date.

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

By the Committee on Judiciary and Representative Silver and others—

HB 1151—A bill to be entitled An act relating to real estate time-sharing; amending s. 721.05, F.S., redefining the terms "completion of construction," "developer," and "escrow agent" with respect to real estate time-sharing plans; amending s. 721.07, F.S., relating to approved amendments to public offering statements; amending s. 721.08, F.S., relating to escrow accounts; amending s. 721.13, F.S., relating to management of time-share plans; amending s. 721.30, F.S., relating to the application of certain provisions of law to time-share developers; providing an effective date.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Judiciary-Civil.

By Representative Richmond—

HB 698—A bill to be entitled An act relating to alcoholic beverages; amending s. 568.01, F.S., and creating s. 567.131 relating to the alcoholic content of intoxicating liquors in counties where such beverages are prohibited; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Wetherell—

HB 258—A bill to be entitled An act relating to statewide grand juries; amending s. 905.34, F.S., expanding the jurisdiction of the statewide grand jury; amending s. 905.37, F.S.; specifying fees to be paid to members of the statewide grand jury; providing an effective date.

—was referred to the Committees on Judiciary-Civil and Appropriations.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 238, HB 1150, HB 540 and CS for HB 261 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Cosgrove—

CS for HB 238—A bill to be entitled An act relating to child support; amending s. 409.2564, F.S., providing criteria for the Department of Health and Rehabilitative Services to undertake actions for determination of paternity and obligations of support; amending s. 409.2572, F.S., providing standing for the department to collect certain child support payments; providing that a noncooperating parent may be dropped as a party to certain proceedings; amending s. 409.2574, F.S., relating to income deductions; providing for the continuation of income deductions when the affected party changes employers; amending s. 409.2577, F.S., relating to the parent locator service; requiring employers to make certain information available to the department; amending s. 742.011, F.S., providing for suits to establish paternity of minor children; amending s. 742.041, F.S., providing uniform support guidelines in each judicial circuit; amending s. 742.10, F.S., providing for the establishment of paternity; creating s. 742.12, F.S., providing for scientific testing to determine paternity; creating s. 742.15, F.S., providing for temporary support pending trial; providing an effective date.

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

By the Committee on Natural Resources and Representative Murphy—

HB 1150—A bill to be entitled An act relating to energy conservation; repealing s. 366.85, F.S., which specifies responsibilities of the Division of Consumer Services of the Department of Agriculture and Consumer Services with respect to implementation of the "Florida Energy Efficiency and Conservation Act"; providing an effective date.

—was referred to the Committee on Economic, Community and Consumer Affairs.

By Representatives Simon and Abrams—

HB 540—A bill to be entitled An act relating to the grand jury; amending s. 905.01, F.S., authorizing the chief judge of a circuit court to replace grand jurors under certain circumstances; providing that only the chief judge may dispense with the grand jury; authorizing the chief judge in certain circuits to convene two contemporaneous grand juries; providing restrictions; providing an effective date.

—was referred to the Committees on Judiciary-Civil and Judiciary-Criminal.

By the Committee on Higher Education and Representative Tobiassen and others—

CS for HB 261—A bill to be entitled An act relating to postsecondary education; amending s. 240.533, F.S., relating to women's intercollegiate athletics, to provide for distribution of state funds with respect thereto; providing an effective date.

—was referred to the Committees on Education and Appropriations.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed as amended by the required Constitutional three-fifths vote of the membership of the House and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Sanderson—

HJR 11—A joint resolution proposing an amendment to Section 5 of Article II of the State Constitution relating to salaries of county officers.

—was referred to the Committees on Economic, Community and Consumer Affairs; and Rules and Calendar.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed with amendments—

SB 138—A bill to be entitled An act relating to sexual battery; amending s. 794.011, F.S.; clarifying references to the age of the victim; providing penalties; tolling the statute of limitations in specified circumstances; creating s. 794.023, F.S.; providing findings and intent; providing enhanced penalties for acts of sexual battery committed by more than one person; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On pages 1-5 strike everything after the enacting clause and insert:

Section 1. Section 794.023, Florida Statutes, is created to read:

794.023 Multiple perpetrators; enhanced penalties.—

(1) The Legislature finds that an act of sexual battery, when committed by more than one person, presents great danger to the public and is especially offensive to civilized society. It is therefore the intent of the Legislature to provide enhanced penalties for acts of sexual battery committed by more than one person.

(2) The penalty for a violation of s. 794.011 shall be increased as provided in this subsection if, in the course of the defendant's offense, another person committed an act of sexual battery on the same victim.

(a) A felony of the second degree shall be punishable as if it were a felony of the first degree.

(b) A felony of the first degree shall be punishable as if it were a life felony.

(c) This subsection does not apply to life felonies or capital felonies.

Section 2. Subsections (2), (3), (4), and (5) of section 794.011, Florida Statutes, are amended to read:

794.011 Sexual battery.—

(2) A person 18 years of age or older who commits sexual battery upon, or injures the sexual organs of, a person ~~less than 12~~ ~~11~~ years of age ~~or younger~~ in an attempt to commit sexual battery upon said person commits a capital felony punishable as provided in ss. 775.082 and 921.141. If the offender is under the age of 18, that person shall be guilty of a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who commits sexual battery upon a person ~~12 years of age or older over the age of 11 years~~, without that person's consent, and in the process thereof uses or threatens to use a deadly weapon or uses actual physical force likely to cause serious personal injury shall be guilty of a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who commits sexual battery upon a person ~~12 years of age or older over the age of 11 years~~, without that person's consent, under any of the following circumstances shall be guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) When the victim is physically helpless to resist.

(b) When the offender coerces the victim to submit by threatening to use force or violence likely to cause serious personal injury on the victim, and the victim reasonably believes that the offender has the present ability to execute these threats.

(c) When the offender coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim reasonably believes that the offender has the ability to execute these threats in the future. "Retaliation," as used in this section, includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.

(d) When the offender, without the prior knowledge or consent of the victim, administers or has knowledge of someone else administering to the victim any narcotic, anesthetic, or other intoxicating substance which mentally or physically incapacitates the victim.

~~(e) When the victim is older than 11 but less than 18 years of age and the offender is in a position of familial, custodial, or official authority over the victim and uses this authority to coerce the victim to submit.~~

~~(f) When the victim is mentally defective and the offender has reason to believe this or has actual knowledge of this fact.~~

(5) A person who commits sexual battery upon a person over the age of 11 years, when the victim is mentally defective and the offender knew or should have known of the victim's condition shall be guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. It shall not be a defense to a prosecution under this subsection that the victim consented to the sexual battery by the defendant.

~~(6)~~(5) A person who commits sexual battery upon a person 12 years of age or older over the age of 11 years, without that person's consent, and in the process thereof uses physical force and violence not likely to cause serious personal injury shall be guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Section 794.012, Florida Statutes, is created to read:

794.012 Prohibited acts; persons in familial or custodial authority; penalties.—

(1) For purposes of this section, "sexual activity" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, or masturbation.

(2) Any person who stands in position of familial or custodial authority to a child over 11 but less than 18 and who:

(a) Solicits that child for sexual activity shall be guilty of a felony of the first degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Engages in sexual activity with that child shall be guilty of a felony of the first degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) The willingness or consent of the child shall not be a defense in these circumstances.

Section 4. Section 794.05, Florida Statutes, is amended to read:

794.05 Unlawful carnal intercourse with ~~unmarried person under 18 years.—~~

(1) Any person who has unlawful carnal intercourse with any other ~~unmarried person not his or her spouse, of previous chaste character,~~ who at the time of such intercourse is under the age of 15 ~~18~~ years, shall be guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. It shall be a defense to such offense if the defendant establishes by a preponderance of the evidence that at the time of the offense he or she was less than 3 years older than the victim.

(2) Any person who has unlawful carnal intercourse with any other person not his or her spouse, of previous chaste character, who at the time of such intercourse is 15 years of age or older but not more than 18 years of age shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084. It shall be a defense to such offense if the defendant establishes by a preponderance of the evidence that at the time of the offense he or she was less than 3 years older than the victim. It shall not be a defense to a prosecution under this subsection that the prosecuting witness was not of previous chaste character at the time of the act when the lack of previous chaste character in the prosecuting witness was caused solely by previous intercourse between the defendant and the prosecuting witness. ~~It shall not be a defense to a prosecution under this section that the prosecuting witness was not of previous chaste character at the time of the act when the lack of previous chaste character in the prosecuting witness was caused solely by previous intercourse between the defendant and the prosecuting witness.~~

Section 5. This act shall take effect October 1, 1984.

Amendment 2—On page 1 in the title, lines 1-27, strike all of said lines and insert:

A bill to be entitled An act relating to sexual battery; creating s. 794.023, F.S.; providing findings and intent; providing enhanced penalties for acts of sexual battery committed by more than one person; amending s. 794.011, F.S.; clarifying references to the age of the victim; providing penalties; and creating s. 794.012, F.S., providing that persons who stand in familial or custodial authority to a child over 11 years of age but under age 18 and who solicit the child for sexual activity shall be guilty of a first degree felony, and who engage in sexual activity with the child shall be guilty of a first degree felony; amending s. 794.05, F.S., prohibiting unlawful carnal intercourse with minors; providing penalties; removing certain previous chaste character requirements; providing an effective date.

On motions by Senator Crawford, the Senate refused to concur in the House amendments and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 1 and 2, reconsidered passage, further amended and passed as further amended—

SB 164—A bill to be entitled An act relating to unemployment compensation; amending sections 2 and 3 of chapter 82-23, Laws of Florida; extending the temporary period during which general payment of benefits by mail and reporting by mail to certify for payment of benefits are authorized; amending s. 443.141, F.S., modifying provisions requiring the Division of Unemployment Compensation to notify employers regarding the filing of certain reports to delete the requirement that such notice be sent by registered or certified mail; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 3 to Amendment 1—On page 1, line 30, strike all of said line and insert: (c) Sick leave benefits for mandatory leave.

Amendment 4 to Amendment 2—On page 1 in the title, lines 4 and 5, strike "sick pay" and insert: sick leave benefits for mandatory leave

On motions by Senator Fox, the Senate refused to concur in the House amendments and the House was requested to recede and in the event the House refused to recede a conference committee was requested. The action of the Senate was certified to the House.

SPECIAL ORDER

On motions by Senator Vogt, the rules were waived and by two-thirds vote HB 125 was withdrawn from the Committees on Economic, Community and Consumer Affairs and Judiciary-Civil.

On motion by Senator Vogt—

HB 125—A bill to be entitled An act relating to mechanics' liens; amending s. 713.135, F.S.; providing that certain information be included on applications for building permits; providing an effective date.

—a companion measure, was substituted for SB 57 and read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 125 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 57 was laid on the table.

Consideration of SB 160 was deferred.

SB 185—A bill to be entitled An act relating to liquid petroleum gas; amending s. 527.02, F.S.; requiring individual licenses for certain operations; requiring examination fees and compliance with certain laws and rules; amending s. 527.03, F.S.; establishing a delinquency fee for late renewal of licenses; amending s. 527.04, F.S.; requiring an insurance affidavit before issuance of a license; amending s. 527.065, F.S.; requiring department approval of location and department inspection of the installation of certain bulk containers; amending s. 527.11, F.S.; exempting certain dealers from minimum storage requirements; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendment which was adopted:

Amendment 1—In title, on page 1, line 10, strike "527.065" and insert: 527.0605

On motion by Senator Margolis, by two-thirds vote SB 185 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 | Johnston | Plummer |
| Beard | Gersten | Langley | Rehm |
| Carlucci | Girardeau | Malchon | Scott |
| Castor | Gordon | Mann | Stuart |
| Childers, D. | Grant | Margolis | Thomas |
| Childers, W. D. | Grizzle | McPherson | Thurman |
| Crawford | Hair | Meek | Vogt |
| Dunn | Jenne | Myers | Weinstein |
| Fox | Jennings | Neal | |

Nays—None

Vote after roll call:

Yea—Deratany

Senator Mann presiding

SB 531—A bill to be entitled An act relating to insurance; amending s. 626.342, F.S., specifying that the provisions prohibiting insurers and agents from furnishing certain supplies to unlicensed persons shall not apply to surplus lines insurance; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator Hair and adopted:

Amendment 1—On page 2, strike all of lines 4 and 5 and insert:

(3) *This section shall not apply to the placing of surplus lines business under the provisions of ss. 626.913 - 626.937.*

On motion by Senator Hair, by two-thirds vote SB 531 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|-----------|-----------|-----------|
| Beard | Gersten | Johnston | Rehm |
| Castor | Girardeau | Langley | Scott |
| Childers, D. | Gordon | Malchon | Stuart |
| Childers, W. D. | Grant | Mann | Thomas |
| Crawford | Grizzle | Margolis | Thurman |
| Deratany | Hair | McPherson | Vogt |
| Dunn | Henderson | Meek | Weinstein |
| Fox | Jenne | Myers | |
| Frank | Jennings | Plummer | |

Nays—None

SB 466—A bill to be entitled An act relating to the Florida Credit Union Guaranty Corporation, Inc.; amending s. 657.258, Florida Statutes; deleting the provision authorizing the corporation in its discretion to refund to a withdrawing member under certain conditions an amount not to exceed 90 percent of the member's investment in the corporation; providing that annual and special assessments shall be considered a payment by the member credit union into the loss reserve maintained by the cor-

poration; requiring the corporation to refund to a withdrawing member which has ceased to operate under a valid certificate of organization the member's investment in the corporation and the amount of the member's interest in the loss reserve; providing conditions; providing that if assets of the corporation fall below 0.5 percent of the total aggregate guaranteed shares and member deposit, the corporation may reduce the investment of each member proportionately and the amount shall be transferred from membership fees to the loss reserve and shall be considered as payment of a special assessment; requiring the corporation to maintain a loss reserve; providing for credits to the loss reserve; providing for certain charges against the reserve; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote SB 466 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

| | | | |
|-----------------|-----------|-----------|-----------|
| Mr. President | Fox | Jenne | Neal |
| Beard | Frank | Jennings | Rehm |
| Carlucci | Gersten | Johnston | Scott |
| Castor | Girardeau | Langley | Stuart |
| Childers, D. | Gordon | Malchon | Thomas |
| Childers, W. D. | Grant | Mann | Thurman |
| Crawford | Grizzle | Margolis | Vogt |
| Deratany | Hair | McPherson | Weinstein |
| Dunn | Henderson | Myers | |

Nays—None

SB 600—A bill to be entitled An act relating to dogracing; amending s. 550.0831, F.S., authorizing additional dogracing days for certain permit holders; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator W. D. Childers and adopted:

Amendment 1—On page 1, line 28, after "proceedings" insert: *or except by transfer of shares of stock to family members without payment of consideration,*

On motion by Senator W. D. Childers, by two-thirds vote SB 600 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

| | | | |
|-----------------|-----------|-----------|-----------|
| Beard | Frank | Jenne | Meek |
| Carlucci | Gersten | Jennings | Myers |
| Castor | Girardeau | Johnston | Neal |
| Childers, D. | Gordon | Langley | Rehm |
| Childers, W. D. | Grant | Malchon | Thomas |
| Deratany | Grizzle | Mann | Thurman |
| Dunn | Hair | Margolis | Vogt |
| Fox | Henderson | McPherson | Weinstein |

Nays—1

Mr. President

On motion by Senator McPherson, the rules were waived and SB 600 after being engrossed was ordered immediately certified to the House.

CS for SB 599—A bill to be entitled An act relating to pari-mutuel wagering; amending ss. 550.08, 550.291, 550.37, F.S.; increasing the length of the harness racing season; amending s. 550.16, F.S.; increasing the commission of a harness racing permit holder for certain specified purposes; amending s. 550.162, F.S.; allowing dogracing permit holders to withhold specified amounts for certain purposes on all exotic wagering; amending s. 551.09, F.S.; allowing jai alai permit holders to withhold specified amounts for certain purposes on all exotic wagering; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote CS for SB 599 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

| | | | |
|-----------------|-----------|-----------|-----------|
| Beard | Frank | Jennings | Neal |
| Carlucci | Gersten | Johnston | Plummer |
| Castor | Girardeau | Langley | Rehm |
| Childers, D. | Gordon | Malchon | Scott |
| Childers, W. D. | Grant | Mann | Thomas |
| Crawford | Grizzle | Margolis | Thurman |
| Deratany | Hair | McPherson | Vogt |
| Dunn | Henderson | Meek | Weinstein |
| Fox | Jenne | Myers | |

Nays—1

Mr. President

Vote after roll call:

Yea—Stuart

On motion by Senator McPherson, the rules were waived and CS for SB 599 was ordered immediately certified to the House.

SB 764—A bill to be entitled An act relating to taxation; amending s. 196.031, F.S.; removing the 5-year residency requirement for certain homestead tax exemptions; removing certain language declared unconstitutional; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 764 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 846—A bill to be entitled An act relating to tax on the severance of phosphate; amending s. 211.30, F.S., and repealing subsection (12) thereof and amending s. 211.3103, F.S.; revising the method for calculating said tax; revising the date by which certain information must be supplied to affected producers; providing an effective date.

—was read the second time by title.

On motion by Senator Grant, further consideration of SB 846 was deferred until 11:43 a.m.

SB 597—A bill to be entitled An act relating to assessments of taxes; amending s. 72.011, F.S.; providing that certain assessments need not be filed with the agency clerk in order to become final; amending s. 120.52, F.S.; providing that assessments by the Department of Revenue will become final as provided in rules and statutes governing the assessment and collection of taxes; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Henderson and adopted:

Amendment 1—On page 2, line 5, after the period (.) strike the words "the person designated by" and insert: An agency decision shall be final when reduced to writing and filed with the person designated by

On motion by Senator Henderson, by two-thirds vote SB 597 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

| | | | |
|--------------|-----------------|----------|-------|
| Beard | Childers, W. D. | Deratany | Fox |
| Childers, D. | Crawford | Dunn | Frank |

| | | | |
|-----------|-----------|----------|-----------|
| Gersten | Henderson | Mann | Rehm |
| Girardeau | Jenne | Margolis | Stuart |
| Gordon | Jennings | Meek | Thurman |
| Grant | Johnston | Myers | Vogt |
| Grizzle | Langley | Neal | Weinstein |
| Hair | Malchon | Plummer | |

Nays—None

Vote after roll call:

Yea—Carlucci, McPherson, Thomas

The President presiding

CS for SB 172—A bill to be entitled An act relating to the sales tax; amending s. 212.05, F.S.; providing criteria for computing the sales tax on occasional or isolated sales of certain motor vehicles; requiring the Department of Revenue to adopt certain rules; providing penalties; providing an effective date.

—was read the second time by title.

Senators Margolis and D. Childers offered the following amendment which was moved by Senator Margolis and adopted:

Amendment 1—On page 2, strike all of lines 11-20 and insert: *which is less than 80 percent of the average loan price for the specific model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit, signed by each party, or other substantial proof stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. For purposes of this subsubparagraph,*

On motion by Senator Margolis, by two-thirds vote CS for SB 172 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 | Fox | Jenne | Myers |
| Beard | Frank | Jennings | Neal |
| Carlucci | Gersten | Johnston | Plummer |
| Castor | Girardeau | Langley | Rehm |
| Childers, D. | Gordon | Malchon | Stuart |
| Childers, W. D. | Grant | Mann | Thomas |
| Crawford | Grizzle | Margolis | Thurman |
| Deratany | Hair | McPherson | Vogt |
| Dunn | Henderson | Meek | Weinstein |

Nays—None

On motions by Senator Langley, the rules were waived and by two-thirds vote HB 488 was withdrawn from the Committees on Judiciary-Civil and Finance, Taxation and Claims.

On motion by Senator Langley—

HB 488—A bill to be entitled An act relating to the liability of public officers, employees, and agents; amending s. 768.28, F.S., specifically including public defender offices within the statutory definition of state agencies, and specifically including public defenders and their employees and agents within certain exemption from personal liability for acts or omissions in the course of their duties; providing an effective date.

—a companion measure, was substituted for SB 158 and read the second time by title. On motion by Senator Langley, by two-thirds vote HB 488 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

| | | | |
|-----------------|-----------|-----------|----------|
| Mr. President | Crawford | Gordon | Jennings |
| Beard | Deratany | Grant | Johnston |
| Carlucci | Dunn | Grizzle | Langley |
| Castor | Frank | Hair | Malchon |
| Childers, D. | Gersten | Henderson | Margolis |
| Childers, W. D. | Girardeau | Jenne | Meek |

| | | |
|-------|--------|-----------|
| Myers | Scott | Thurman |
| Neal | Stuart | Vogt |
| Rehm | Thomas | Weinstein |

Nays—None

Vote after roll call:

Yea—Fox, Mann

SB 158 was laid on the table.

CS for SB 52—A bill to be entitled An act relating to juveniles; creating s. 39.115, F.S.; requiring suspension of a child's driving privilege if the child is found to have committed specified offenses; providing procedures for such suspension; providing that an out-of-state conviction is considered as a previous conviction; providing an effective date.

—was read the second time by title. On motion by Senator Langley, by two-thirds vote CS for SB 52 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

CS for SB's 135 and 335—A bill to be entitled An act relating to golf carts; amending s. 316.212, F.S.; providing that golf carts may operate on portions of the state highway system under certain conditions; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote CS for SB's 135 and 335 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

| | | | |
|-----------------|-----------|-----------|-----------|
| Mr. President | Fox | Johnston | Rehm |
| Beard | Frank | Langley | Stuart |
| Carlucci | Gersten | Malchon | Thomas |
| Castor | Girardeau | Mann | Thurman |
| Childers, D. | Gordon | Margolis | Vogt |
| Childers, W. D. | Grant | McPherson | Weinstein |
| Crawford | Grizzle | Meek | |
| Deratany | Hair | Myers | |
| Dunn | Jennings | Neal | |

Nays—1

Plummer

Vote after roll call:

Yea—Jenne

On motions by Senator Scott, the rules were waived and by two-thirds vote HB 428 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Scott—

HB 428—A bill to be entitled An act relating to adoption; creating s. 63.085, F.S., and amending s. 63.092, F.S.; requiring certain disclosure by intermediaries to persons seeking to adopt a child; providing an effective date.

—a companion measure, was substituted for SB 615 and read the second time by title.

Senator Scott moved the following amendments which were adopted:

Amendment 1—On page 1, line 24, after the period (.), insert: *Consent for adoption executed pursuant to s. 63.082 is binding from the time of valid execution of consent unless it is shown that the consent was obtained by fraud or duress.*

Amendment 2—On page 1, strike all of lines 25-27 and insert:

(c) Pursuant to s. 63.182, for a period of 1 year from the entry of a judgment of adoption, any irregularity or procedural defect in the proceedings may be the subject of an appeal contesting the validity of the judgment.

On motion by Senator Scott, by two-thirds vote HB 428 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 615 was laid on the table.

On motions by Senator Hair, the rules were waived and by two-thirds vote HB 1144 was withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Hair—

HB 1144—A bill to be entitled An act relating to fiduciaries; amending s. 689.071, F.S., providing for the liability of trustees with respect to certain land trusts; amending s. 737.402, F.S., authorizing certain trustees to invest in money market mutual funds, mutual funds, and common trust funds; amending s. 744.341, F.S., authorizing the court to direct that the guardian take possession of less than all of the ward's property in a guardianship case; amending s. 744.444, F.S., authorizing the guardian of a ward to invest certain funds in money market mutual funds; providing an effective date.

—a companion measure, was substituted for SB 401 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 1144 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

| | | | |
|-----------------|---------|-----------|-----------|
| Mr. President | Dunn | Jenne | Plummer |
| Beard | Fox | Jennings | Rehm |
| Carlucci | Frank | Johnston | Scott |
| Castor | Gersten | Langley | Stuart |
| Childers, D. | Gordon | Malchon | Thomas |
| Childers, W. D. | Grant | McPherson | Thurman |
| Crawford | Grizzle | Meek | Vogt |
| Deratany | Hair | Neal | Weinstein |

Nays—None

SB 401 was laid on the table.

Consideration of CS for SB 125 was deferred.

CS for SB 81—A bill to be entitled An act relating to vessels; amending s. 327.01, F.S.; providing a short title; amending s. 327.02, F.S.; providing definitions; amending s. 327.03, F.S.; providing duties of the Department of Natural Resources; amending ss. 327.10, 327.12, 327.13, 327.14, 327.16, 327.17, 327.18, 327.19, 327.21, 327.24, 327.28, 327.11, 327.22, 327.23, 327.25, F.S.; providing procedures for registering and numbering vessels; providing for classifying vessels; amending ss. 328.01, 328.03, 328.05, 328.07, 328.09, 328.11, 328.13, 328.15, 328.17, F.S.; providing procedures for acquiring a certificate of title of a vessel; providing requirements and penalties regarding certificates of title; providing for notice of liens on vessels; providing for nonjudicial sale of vessels; creating s. 328.20, F.S.; providing for disposition of revenues; repealing s. 327.15, F.S., relating to exemptions from the numbering requirement; providing an effective date.

—was read the second time by title.

Senator McPherson moved the following amendments which were adopted:

Amendment 1—On page 13, strike all of lines 23-31 and insert:

327.22 Regulation of vessels boats by municipalities or counties.—

(1) Nothing in this chapter shall be construed to prohibit any municipality or county that expends money for the patrol, regulation, and maintenance of any lakes, rivers, or waters and for other boating-related activities in such municipality or county from regulating such vessels boats resident in such municipalities or counties and charging a license fee therefor. Any county, and the municipalities located therein, may jointly regulate vessels.

(2) Counties may impose an annual registration fee on vessels operated or stored in their jurisdiction. This fee shall be 50 percent of the applicable state registration fee. However, the first \$1 of every registration imposed hereunder shall be remitted to the state for deposit in the Motorboat Revolving Trust Fund for expenditure solely on activities related to the preservation of manatees. All other moneys received from such fee shall be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities of such municipality or county. Municipalities imposing a registration fee prior to April 1, 1984 may continue to levy such fee, notwithstanding the provisions of this section.

Amendment 2—In title, on page 1, line 11, after “classifying vessels;” insert: providing circumstances for municipal or county regulation of vessels; providing for collection, deposit, and use of fees;

On motion by Senator McPherson, by two-thirds vote CS for SB 81 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 | Fox | Jenne | Myers |
| Beard | Frank | Jennings | Neal |
| Carlucci | Gersten | Johnston | Plummer |
| Castor | Girardeau | Langley | Rehm |
| Childers, D. | Gordon | Malchon | Stuart |
| Childers, W. D. | Grant | Mann | Thomas |
| Crawford | Grizzle | Margolis | Vogt |
| Deratany | Hair | McPherson | Weinstein |
| Dunn | Henderson | Meek | |

Nays—None

CS for SB 347—A bill to be entitled An act relating to state lands; amending s. 253.04, F.S.; expanding the powers of the Board of Trustees of the Internal Improvement Trust Fund with respect to the protection of state lands and state products thereof; providing a fine; providing liability for damage to state lands and products thereof; providing for disposition of revenues from fines and damages; providing an effective date.

—was read the second time by title.

Senator Jenne moved the following amendments which were adopted:

Amendment 1—On page 2, line 15, after the period insert: *Judgment for the amount of damages determined by the board may be entered in any court having jurisdiction thereof and may be enforced as any other judgment.*

Amendment 2—In title, on page 1, line 9, after the semicolon insert: *providing for enforcement of judgments of the board;*

On motion by Senator Jenne, by two-thirds vote CS for SB 347 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 | Fox | Johnston | Rehm |
| Barron | Frank | Langley | Scott |
| Beard | Gersten | Malchon | Stuart |
| Carlucci | Girardeau | Mann | Thomas |
| Castor | Grant | Margolis | Thurman |
| Childers, D. | Grizzle | McPherson | Vogt |
| Childers, W. D. | Hair | Meek | Weinstein |
| Crawford | Henderson | Myers | |
| Deratany | Jenne | Neal | |
| Dunn | Jennings | Plummer | |

Nays—None

Vote after roll call:

Yea—Gordon

CS for SB 319—A bill to be entitled An act relating to vessels; amending s. 860.20, F.S.; providing that certain outboard motors offered for sale in the state have the serial number of the motor permanently affixed thereto; authorizing the Department of Natural Resources to make certain rules; repealing s. 328.07(7), F.S., relating to the numbering of vessels under federal law; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote CS for SB 319 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

| | | | |
|-----------------|-----------|-----------|-----------|
| Mr. President | Dunn | Jenne | Neal |
| Barron | Frank | Jennings | Plummer |
| Beard | Gersten | Johnston | Scott |
| Carlucci | Girardeau | Langley | Stuart |
| Castor | Gordon | Malchon | Thomas |
| Childers, D. | Grant | Mann | Thurman |
| Childers, W. D. | Grizzle | Margolis | Vogt |
| Crawford | Hair | McPherson | Weinstein |
| Deratany | Henderson | Myers | |

Nays—None

Vote after roll call:

Yea—Fox

On motion by Senator Barron, by two-thirds vote SB 354 was placed first on the special order calendar for Wednesday, May 2.

Senator Stuart presiding

CS for SB 692—A bill to be entitled An act relating to water and sewer systems; amending s. 367.051, F.S.; providing for consideration of consistency with the local comprehensive plan in issuance of a certificate for a water or sewer system; providing an effective date.

—was read the second time by title. On motion by Senator Grizzle, by two-thirds vote CS for SB 692 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

| | | | |
|-----------------|-----------|-----------|-----------|
| Barron | Dunn | Henderson | Myers |
| Beard | Fox | Jenne | Neal |
| Carlucci | Frank | Jennings | Plummer |
| Castor | Gersten | Johnston | Rehm |
| Childers, D. | Girardeau | Langley | Stuart |
| Childers, W. D. | Grant | Malchon | Vogt |
| Crawford | Grizzle | Margolis | Weinstein |
| Deratany | Hair | McPherson | |

Nays—None

Vote after roll call:

Yea—Mann, Thomas, Thurman

CS for SB 125—A bill to be entitled An act relating to judgments; amending s. 55.10, F.S.; prescribing the type of security to which a judgment lien on property may be transferred; prescribing the manner of such transfer; amending s. 55.141, F.S.; providing for satisfaction of judgments; prescribing duties of clerk and judge; prescribing service charges; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 1, between lines 12 and 13, insert:

Section 1. Section 55.05, Florida Statutes, is amended to read:

55.05 Judgments; power of attorney to confess invalid—All powers of attorney for confessing or suffering judgment to pass by default or otherwise, and all general releases of error, heretofore made or to be made

hereafter by any person whatsoever within or without this state, before such action brought, shall be absolutely null and void.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 55.05, F.S.; deleting current provision with respect to confessions of judgment made outside this state;

On motion by Senator Langley, by two-thirds vote CS for 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—31

| | | | |
|-----------------|-----------|----------|-----------|
| Barron | Fox | Jennings | Plummer |
| Beard | Frank | Johnston | Rehm |
| Carlucci | Gersten | Langley | Stuart |
| Castor | Girardeau | Malchon | Thomas |
| Childers, D. | Grant | Mann | Thurman |
| Childers, W. D. | Grizzle | Margolis | Vogt |
| Crawford | Hair | Myers | Weinstein |
| Dunn | Jenne | Neal | |

Nays—None

Vote after roll call:

Yea—Gordon

SB 556—A bill to be entitled An act relating to the acceptance by the Department of Law Enforcement of fingerprints of certain persons; creating s. 624.34, F.S.; authorizing the Department of Law Enforcement to exchange criminal history records with the Department of Insurance; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, between lines 2 and 3, insert:

(3) The provisions of this section do not apply to the licensing of general lines agents and solicitors, life insurance agents, health insurance agents, and insurance adjusters as provided for under Chapter 626.

On motion by Senator Hair, by two-thirds vote SB 556 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

| | | | |
|-----------------|-----------|-----------|-----------|
| Beard | Frank | Jennings | Neal |
| Carlucci | Gersten | Johnston | Plummer |
| Castor | Girardeau | Langley | Rehm |
| Childers, D. | Gordon | Malchon | Stuart |
| Childers, W. D. | Grant | Mann | Thomas |
| Crawford | Grizzle | Margolis | Thurman |
| Deratany | Hair | McPherson | Vogt |
| Dunn | Henderson | Meek | Weinstein |
| Fox | Jenne | Myers | |

Nays—None

SB 478—A bill to be entitled An act relating to the Department of General Services; amending ss. 20.22, 281.02-281.09, F.S.; renaming the Division of Security; 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 Henderson and adopted:

Amendment 1—On page 1, line 28, strike "Security" and insert: *Security*

Amendment 2—On page 2, lines 27 and 29, on page 3, lines 3 and 6, and on page 4, lines 14, 17 and 21, strike "security" and insert: *security*

Amendment 3—On page 3, line 22, strike "Security" and insert: *Safety and Crime Prevention Security*

On motion by Senator Henderson, by two-thirds vote SB 478 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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|-----------------|-----------|-----------|-----------|
| Beard | Frank | Jennings | Rehm |
| Carlucci | Gersten | Johnston | Scott |
| Castor | Girardeau | Langley | Stuart |
| Childers, D. | Gordon | Margolis | Thomas |
| Childers, W. D. | Grant | McPherson | Thurman |
| Crawford | Grizzle | Myers | Vogt |
| Deratany | Hair | Neal | Weinstein |
| Dunn | Henderson | Plummer | |

Nays—None

Vote after roll call:

Yea—Jenne, Malchon

SB 404—A bill to be entitled An act relating to sexual battery; amending s. 794.011, F.S., and creating s. 794.012, F.S., providing that persons who stand in familial, custodial, or official authority to a child over 11 years of age but under age 18 and who solicit the child for sexual activity shall be guilty of a third degree felony, and who engage in sexual activity with the child shall be guilty of a first degree felony; providing an effective date.

—was read the second time by title.

Senator Castor moved the following amendment which was adopted:

Amendment 1—On page 3, between lines 5 and 6, insert:

Section 3. Section 794.013, Florida Statutes, is created to read:

794.013 Duty to report.—

(1) Any person, other than a victim, who observes the commission of a sexual battery or an attempted sexual battery shall immediately notify the sheriff of the county where the act occurred or the police department of the municipality where the act occurred of the facts surrounding the sexual battery or attempted sexual battery. Any person who violates this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who makes a report of a sexual battery or attempted sexual battery pursuant to subsection (1) is immune from any civil or criminal liability arising out of the report or arising out of participation in any judicial proceeding connected with such report.

(Renumber subsequent section.)

On motion by Senator Langley, the Senate reconsidered the vote by which Amendment 1 was adopted. Further consideration of SB 404 was deferred.

SB 360—A bill to be entitled An act relating to probation and community control; amending s. 948.01, F.S.; providing that circuit courts shall place defendants on probation under the supervision of the Department of Corrections; amending s. 948.03, F.S.; providing terms and conditions of probation or community control; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole recommended the following amendments which were moved by Senator Hair and adopted:

Amendment 1—On page 1, line 17, strike "circuit"

Amendment 2—On page 1, line 31, after "circuit" insert: *court was the court of original jurisdiction and the circuit*

Amendment 3—On page 2, lines 20-22, strike "or a community residential facility under the jurisdiction of the Department of Health and Rehabilitative Services"

On motion by Senator Hair, by two-thirds vote SB 360 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

| | | | |
|----------|-----------------|----------|---------|
| Barron | Castor | Crawford | Fox |
| Beard | Childers, D. | Deratany | Frank |
| Carlucci | Childers, W. D. | Dunn | Gersten |

| | | | |
|-----------|----------|-----------|-----------|
| Girardeau | Jennings | McPherson | Scott |
| Grant | Johnston | Meek | Stuart |
| Grizzle | Langley | Myers | Thomas |
| Hair | Malchon | Neal | Thurman |
| Henderson | Mann | Plummer | Vogt |
| Jenne | Margolis | Rehm | Weinstein |

Nays—None

Vote after roll call:

Yea—Gordon

SB 160—A bill to be entitled An act relating to unemployment compensation; amending s. 443.091, F.S.; providing conditions requiring retroactive payment of benefits; restricting conditions under which benefits can be based on services in an educational institution; amending s. 443.131, F.S.; increasing the maximum contribution rate; amending s. 443.201, F.S.; providing for timely payment of interest; providing an effective date; providing a retroactive effective date where required.

—was read the second time by title.

Senator Fox moved the following amendments which were adopted:

Amendment 1—On page 1, strike everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (3) of section 443.091, Florida Statutes, 1982 Supplement, as amended by chapter 83-10, Laws of Florida, is amended, and paragraph (d) is added to said subsection, to read:

443.091 Benefit eligibility conditions.—

(3) Benefits based on service in employment defined in s. 443.036(17)(b) and (c) shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter, except that:

(b) Benefits shall not be based on services in any other capacity for an educational institution, or an institution of higher education as defined in s. 443.036(22), to any individual for any week which commences during a period between 2 successive academic years or terms if such individual performs such services in the first of the academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of the academic years or terms, *except that, if compensation is denied to any individual under this paragraph and such individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of this paragraph.*

(d) *Benefits shall not be payable on the basis of services in any such capacities as specified in paragraphs (a), (b), and (c) to any individual who performed such services in an educational institution while in the employ of a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.*

Section 2. Paragraphs (a) and (b) of subsection (2) and paragraphs (c) and (e) of subsection (3) of section 443.131, Florida Statutes, as amended by chapter 83-285, Laws of Florida, are amended to read:

443.131 Contributions.—

(2) **RATES.**—Each employer is required to pay contributions equal to the following percentages of wages paid by him with respect to employment:

(a) Each employer whose employment record has been chargeable with benefit payments for less than 8 1/2 calendar quarters shall pay contributions at the ~~initial rate of 1 percent with respect to wages paid on or after January 1, 1972, and at the rate of 2.7 percent with respect to wages paid on or after January 1, 1978, except that no employer whose tax rate is the 1 percent initial rate shall have such rate increased without having the tax rate computed as provided in paragraph (3)(b).~~

(b) Each employer whose employment record has been chargeable with benefit payments for at least 8 1/2 calendar quarters shall pay contributions at the rate of 5.4 2/7 percent, except as otherwise determined by experience rating provisions of this chapter. For the purposes of this sec-

tion the total wages on which contributions have been paid by a single employer or his predecessor to an individual in any state within a single calendar year shall be counted to determine whether more remuneration than constitutes "wages" as defined in s. 443.036(31) has been paid to such individual by such employer or his predecessor in 1 calendar year.

(3) **CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.**—

(c) The standard rate of contributions payable by each employer shall be 5.4 2/7 percent.

(e)1. Variations from the standard rate of contributions shall be assigned with respect to each calendar year to employers eligible therefor. In determining the contribution rate, varying from the standard rate to be assigned each employer, adjustment factors provided for in sub-subparagraphs a.-c. will be added to the benefit ratio. This addition will be accomplished in two steps by adding a variable adjustment factor and a final adjustment factor as defined below. The sum of these adjustment factors provided for in sub-subparagraphs a.-c. will first be algebraically summed. The sum of these adjustment factors will then be divided by a gross benefit ratio to be determined as follows: Total benefit payments for the previous 3 calendar years charged to employers eligible to be assigned a contribution rate different from the standard rate minus excess payments for the same period divided by taxable payroll entering into the computation of individual benefit ratios for the current calendar year. The ratio of the sum of the adjustment factors provided for in sub-subparagraphs a.-c. to the gross benefit ratio will be multiplied by each individual benefit ratio below the maximum tax rate to obtain variable adjustment factors; except that in any instance in which the sum of an employer's individual benefit ratio and variable adjustment factor exceeds the maximum tax rate, the variable adjustment factor will be reduced so that the sum equals the maximum tax rate. The variable adjustment factor of each such employer will be multiplied by his taxable payroll entering into the computation of his benefit ratio. The sum of these products will be divided by the taxable payroll of such employers that entered into the computation of their benefit ratios. The resulting ratio will be subtracted from the sum of the adjustment factors provided for in sub-subparagraphs a.-c. to obtain the final adjustment factor. The variable adjustment factors and the final adjustment factor will be computed to five decimal places and rounded to the fourth decimal place. This final adjustment factor will be added to the variable adjustment factor and benefit ratio of each employer and the sum rounded to three decimal places to obtain each employer's contribution rate; however, at no time shall an employer's contribution rate be rounded to less than 0.1 percent.

a. An adjustment factor for noncharge benefits will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the amount of benefit payments noncharged in the 3 preceding calendar years by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate. The taxable payroll of such employers will be the taxable payrolls for the 3 years ending September 30 of the preceding calendar year that had been reported to the division by December 31 of the same calendar year. Noncharge benefits for the purpose of this section shall be defined as benefit payments to an individual which were paid from the Unemployment Compensation Trust Fund but which were not charged to the unemployment record of any employer.

b. An excess payments adjustment factor will be computed to the fifth decimal place, and rounded to the fourth decimal place, by dividing the total excess payments during the 3 preceding calendar years by the taxable payroll of employers eligible to be considered for assignment of a contribution rate different from the standard rate that have a benefit ratio for the current year less than the maximum contribution rate. The taxable payroll of such employers will be the same as used in computing the noncharge adjustment factor as described in sub-subparagraph a. "Excess payments" for the purpose of this section shall be defined as the amount of benefit payments charged to the employment record of an employer during the 3 preceding calendar years less the product of the maximum contribution rate and his taxable payroll for the 3 years ending September 30 of the preceding calendar year that had been reported to the division by December 31 of the same calendar year. Total excess payments shall be defined as the sum of the individual employer excess payments for those employers that were eligible to be considered for assignment of a contribution rate different from the standard rate.

c. If the balance in the Unemployment Compensation Trust Fund as of December 31 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 4 percent of the taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of that calendar year, a positive adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of December 31 of such preceding calendar year and the sum of 5 percent of the total taxable payrolls for that year. Such adjustment factor will remain in effect in subsequent years until a balance in the Unemployment Compensation Trust Fund as of December 31 of the year immediately preceding the effective date of such contribution rate equals or exceeds 4 percent of the taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of that calendar year. If the balance in the Unemployment Compensation Trust Fund as of December 31 of the year immediately preceding the effective date of such contribution rate exceeds 5 percent of the taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of that calendar year, a negative adjustment factor will be computed. Such adjustment factor shall be computed annually to the fifth decimal place, and rounded to the fourth decimal place, by dividing the sum of the total taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of such calendar year into a sum equal to one-fourth of the difference between the amount in the fund as of December 31 of such preceding calendar year and 5 percent of the total taxable payrolls of such year. Such adjustment factor will remain in effect in subsequent years until the balance in the Unemployment Compensation Trust Fund as of December 31 of the year immediately preceding the effective date of such contribution rate is less than 5 percent but more than 4 percent of the taxable payrolls for the year ending September 30 of the preceding calendar year as reported to the division by December 31 of that calendar year.

d. The maximum contribution rate that can be assigned to any employer shall be 5.4 4-5 percent, except those employers participating in an approved short-time compensation plan in which case the maximum shall be 1 percent above the current maximum contribution rate, with respect to any calendar year in which short-time compensation benefits are in the employer's employment record.

2. In the event of the transfer of employment records to an employing unit pursuant to paragraph (g) which, prior to such transfer, was an "employer," the division shall recompute a benefit ratio for the successor employer on the basis of the combined employment records and reassign an appropriate contribution rate to such successor employer as of the beginning of the calendar quarter immediately following the effective date of such transfer of employment records.

Section 3. Section 443.201, Florida Statutes, is amended to read:

443.201 Unemployment Compensation Trust Fund to be sole source of benefits; nonliability of state.—

(1) The Unemployment Compensation Trust Fund established by this chapter shall be the sole and exclusive source for the payment of benefits payable hereunder, and such benefits shall be deemed to be due and payable only to the extent that contributions, with increments thereon, actually collected and credited to the fund and not otherwise appropriated or allocated, are available therefor. The state undertakes the administration of such fund without any liability on the part of the state beyond the amount of moneys received from the said Bureau of Employment Security or other federal agency.

(2) *Any interest required to be paid on advances under Title XII of the Social Security Act shall be paid in a timely manner and shall not be paid, directly or indirectly, by an equivalent reduction in state unemployment taxes or otherwise, from amounts in the Unemployment Compensation Trust Fund.*

Section 4. This act shall take effect upon becoming a law, except that sections 1 and 3 of this act shall operate retroactively to April 1, 1984, and section 2 of this act shall take effect January 1, 1985.

Amendment 2—On page 9, strike lines 10-16 and insert: Section 4. Sections 2 and 3 of chapter 82-23, Laws of Florida, are amended to read:

Section 2. In order to provide that the amendments enacted by section 1 of this act shall be operative for a temporary period only, subsection (1) of section 443.111, Florida Statutes, is reenacted, effective October 1, 1986 1984, to read:

443.111 Payment of benefits.—

(1) **MANNER OF PAYMENT.**—Benefits shall be payable from the fund. All benefits shall be paid through claims offices in accordance with such rules as the division may prescribe. However, each claimant shall report in person to a claims office to certify for benefits which are paid and shall continue to report at least biweekly to receive unemployment benefits and to attest to the fact that he is able and available for work, has not refused suitable work, and is seeking work, and, if he has worked, to report earnings from such work, except in a case in which he has returned to work, in which case the last benefits check can be mailed on request of the claimant. The mailing of unemployment benefits to a claimant is specifically prohibited, except as provided in this subsection and in cases of interstate claims and checks claimants do not pick up on a designated day from the claims office. In accordance with rules promulgated under chapter 120, the division shall prescribe the criteria and procedures for mailing checks to claimants who fail to pick them up on the designated day from the claims office. Nothing in this subsection shall be construed to prohibit the division from instituting experimental and limited projects whereby claims checks are mailed; however, the division shall not implement such projects on a statewide basis until a report has been made to the Legislature and the Legislature has approved such implementation.

Section 3. Section 1 of this act shall take effect July 1, 1982, and shall expire October 1, 1986 1984.

Section 5. Subsection (1) of section 443.111, Florida Statutes, 1982 Supplement, as amended by section 1 of chapter 82-23, Laws of Florida, reads:

443.111 Payment of benefits.—

(1) **MANNER OF PAYMENT.**—Benefits shall be payable from the fund. Benefits shall be paid through claims offices or by mail in accordance with such rules as the division may prescribe. However, each claimant shall report in person to a claims office or by mail to certify for benefits which are paid and shall continue to report at least biweekly to receive unemployment benefits and to attest to the fact that he is able and available for work, has not refused suitable work, and is seeking work and, if he has worked, to report earnings from such work.

Section 6. Paragraph (a) of subsection (2) of section 443.141, Florida Statutes, is amended to read:

443.141 Collection of contributions.—

(2) **REPORTS, CONTRIBUTIONS, APPEALS.**—

(a) **Failure to make reports and pay contributions.**—If any employing unit determined by the division to be an employer subject to the provisions of this chapter fails to make and file any report as and when required by the terms and provisions of this chapter or by any rule of the division, for the purpose of determining the amount of contributions due by such employer under this chapter, or if any such report which has been filed is deemed by the division to be incorrect or insufficient, and such employer, after having been given written notice by ~~registered or certified mail~~ by the division to file such report, or a corrected or sufficient report, as the case may be, shall fail to file such report within 15 days after the date of the mailing of such notice, the division may:

1. Determine the amount of contributions due from such employer on the basis of such information as may be readily available to it, which determination shall be deemed to be prima facie correct;

2. Assess such employer with the amount of contributions so determined; and

3. Immediately give written notice by registered or certified mail to such employer of such determination and assessment including penalties as provided in this chapter, if any, added and assessed, demanding payment of same together with interest as herein provided on the amount of contributions from the date when same were due and payable.

Such determination and assessment shall be final at the expiration of 15 days from the date of the mailing of such written notice thereof demanding payment unless such employer shall have filed with the division a

written protest and petition for hearing specifying the objections thereto. Upon receipt of such petition within the 15 days allowed, the division shall fix the time and place for a hearing and shall notify the petitioner thereof. The division by rule may appoint special deputies with full power to hold hearings hereunder and to submit their findings together with a transcript of the proceedings before them and their recommendations to the division for its final decision and determination. Special deputies shall be subject to the prohibition on ex parte communications as provided in s. 120.66. At any hearing held before the division or its special deputy, as herein provided, evidence may be offered to support such determination and assessment or to prove that it is incorrect. However, at such hearing, the petitioner shall be required to show wherein that it is incorrect or else file full and complete corrected reports. Evidence may also be submitted at such hearing to rebut the determination by the division that the petitioner is an employer under the provisions of this chapter; and, upon evidence taken before it or upon the transcript submitted to it with the findings and recommendation of its special deputy, the division may set aside its determination that the petitioner is an employer under the provisions of this chapter or may reaffirm such determination. The amounts assessed pursuant to a final determination by the division hereunder together with interest and penalties shall be paid within 15 days after notice of such final decision and assessment and demand for payment thereof by the division shall have been mailed to such employer, unless judicial review is instituted in a case of status determination. Amounts due when the status of the employer is in dispute shall be payable within 15 days of the entry of an order by the court affirming such determination. However, any determination by the division that an employing unit is not an employer under the provisions of this chapter shall not affect the benefit rights of any individual as determined by an appeals referee or the commission, under the provisions of this chapter, unless such individual shall have been made a party to the proceedings before the division, or unless such determination of the commission or appeals referee shall not have become final or the employing unit and the division shall not have been made parties to the proceedings before the appeals referee or the commission.

Section 7. This act shall take effect upon becoming a law, except that sections 4, 5, and 6 shall take effect July 1, 1984 and except that the amendment to section 443.091(3) contained in section 1 of this act and the amendment to section 443.201 contained in section 3 of this act shall operate retroactively to April 1, 1984, and the amendment to sections 443.131(2)(a) and (b) and 443.131(3)(c) and (e) contained in section 2 of this act shall take effect January 1, 1985.

Senator Fox moved the following amendment:

Amendment 3—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to unemployment compensation; amending s. 443.091, F.S., relating to benefit eligibility conditions, to entitle certain employees of educational institutions to retroactive payment of benefits under certain circumstances and to declare ineligible certain governmental employees performing services in educational institutions; amending s. 443.131, F.S., increasing employer contributions to the Unemployment Compensation Trust Fund, removing obsolete text, and otherwise modifying the formula for determining employer contributions due; amending s. 443.201, F.S., requiring payment of certain interest owed the Federal Government in a timely manner and proscribing use of the Unemployment Compensation Trust Fund directly or indirectly therefor; providing for retroactive application; providing effective dates.

Further consideration of SB 160 was deferred.

On motions by Senator Barron, the rules were waived and by two-thirds vote SB 963 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Barron, the rules were waived and by two-thirds vote HB 655 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motion by Senator Barron, the rules were waived and by two-thirds vote SB 204 was also referred to the Committee on Finance, Taxation and Claims.

The President presiding

RECOGNITION OF HOLOCAUST EDUCATION WEEK

The program was opened with the following prayer by Rabbi Sol Solomon Schiff, Director of Chaplaincy, Greater Miami Jewish Federation and Executive Vice President, Rabbinical Association of Greater Miami:

Heavenly Father, we invoke thy blessings and divine guidance upon the members of this Senate as they gather to perform the sacred tasks of government. Help them to discharge their responsibilities with honor and courage. Grant unto them those qualities which will enable them to legislate for the entire State of Florida, with partiality to none, but with compassion to all. Inspire them to do what is right, rather than what is expedient; to consider tomorrow, as well as today. Guide them in just paths and give them the wisdom to recognize truth and justice and the firm resolve to be guided by them in all their deliberations.

Today we observe Holocaust Memorial Day in which we remember the six million Jews and millions of others who were slaughtered in the most barbaric age in human history. Imbue us with a commitment to teach and to remind. To teach that bigotry and hatred enabled the Holocaust to flourish. Through keeping that memory alive, we will insure that this terrible tragedy will never happen again. Mankind will finally join in a spirit of mutual love and concern and fulfill the prophecy of Micah: "And they shall beat their swords into plowshares and their spears into pruning hooks; nation shall not take up sword against nation; neither shall they learn war anymore. All of thy children will thus become the rightful beneficiary of justice and peace." Amen.

On motion by Senator Weinstein, by two-thirds vote SR 1107 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Weinstein—

SR 1107—A resolution urging the people of Florida to join in commemorating the Holocaust.

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

Yeas—38

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

Nays—None

On motion by Senator Henderson, the following remarks were published in the Journal:

Senator Weinstein: Mr. President and Senators, this week is observed as a special week throughout our nation and in those parts of the world where freedom and human dignity are valued, and where the lessons of history are remembered.

We are commemorating Holocaust Education Week and observing the Days of Remembrance of victims of the Holocaust.

Within the lifetime of many of us, here was enormous tragedy, unparalleled in recorded history. It's poignant for me because, as the sponsor of this resolution, I was not alive during that period of history. I was born after the Second World War.

But the reality of it really came to me a few years ago when a relative of mine decided to travel throughout Europe—this was somebody from the Midwest—and try to go back and trace our family's history and learn the grandparents and great-grandparents and relatives as far back as they could go.

They were able to go back about eight generations, but as they brought those generations forward, there were huge gaps. As they studied they found these names; thousand of names that were related to me and possibly other people in the chamber today and around this state and this

country. It became apparent the enormity of the tremendous genocide that occurred; not only to the Jews, but to many other people throughout Europe.

I think it is important for us, therefore, to remember what happened because the lessons of history can repeat themselves if we are not vigilant to remember these things. Because we must learn from history, we must now realize that we have to talk about what happened and plan how never again to allow anything like that to occur in this world.

Some of us in this chamber and many of us throughout this state and this country lost thousands and thousands of relatives. It's really hard to understand the enormity of the situation.

Some people lost their entire families in the Holocaust. When you think about the six million Jews who were killed and you bring it down to the terms of all those relatives and you multiply it thousands and thousands of times, you can realize the enormity of this situation.

I'm afraid that the situation in the world today with totalitarian regimes is always ripe for something like that to happen again, so I think it's incumbent upon us to remember those days and to commemorate the people who perished in the Holocaust and to warn the world that the United States will never permit anything like that to happen again.

Senator Gordon: I just want to say a word or two for those of us who lived during the time of the Holocaust. I was twenty-two years old then and many, many times I've been forced in my mind simply to examine where I was and what I did or what I felt and what I believed during those times. It is really remarkable, when you think back, that we took so little notice and we took so little action, specifically related to the concentration camps, even though we served in the Army and successfully fought there.

I know of no relatives who were killed there. My parents were born in this country and my grandparents came here a hundred years ago but, as I look back at the lesson that I drew, I see that my own personal commitment to the civil rights movement in this country came directly from my observation and feeling about the Holocaust; that it was important and absolutely necessary as a requirement of being human that one not draw invidious distinctions about people based on their religion, based on their color, based on their sex, based on wherever they come from. And that has been a commitment of mine since I got out of the Army in 1946; and a struggle that goes on today.

It's a lesson that we can all learn. It's a lesson that we had placed in front of us last week, as a matter of fact. And I would hope that the lesson we drew—which is the lesson that my good friend from the 25th drew himself in retrospect—is that the time has long passed when we can take any public kind of position that denigrates people on the basis of their sex or their religion or their race.

And I don't think that we can afford to make excuses that other people do it or that somebody else did it or anything else. We just have to wipe that away. And it's very important that it be wiped away; that we not get ourselves into the kind of thinking that can bring about significant kind of destruction.

I suppose many of you saw that movie on the nuclear holocaust, "The Day After," and saw the discussion afterward in which one of the participants was the chairman of the United States Commission on Holocaust, Elie Wiesel, the author. Some of you, perhaps, are familiar with his work. He said a very interesting thing which I think we could all contemplate. He said, "the nuclear bombs and nuclear war makes everyone a Jew," and what he meant by that was that those of us who are Jewish and who know our history know that at every point in history—as a matter of fact, we say that in our prayers at Passover, at our seder in our homes—that in every generation someone has risen up against us. We look back in Jewish history, not just the Holocaust, but the inquisition in Spain, the destruction of Jewish communities in France and Germany during the Crusades and you can go back over history all across Europe, across Asia, and find that kind of uncertainty which now all of us live under.

It doesn't make any difference whether you are Jewish or not. We all live under the uncertainty that somebody is going to push the red button or somebody is not going to be there to pick up the red telephone and that is the end of all of us. So, I would urge you to think of a lesson that you can learn—that we can't afford to divide people. If we're going to live in this world and reduce that uncertainty, we have to find a way not to separate people and not to hate people. We've got to have some kind of common humanity and appreciate it if we're going to survive on this planet.

So that's a lesson and it's an opportunity. The opportunity is that we're all alive and we're all here today and we all have an effect on the lives of a lot of people.

I would like to close with a prayer that's recited on joyous occasions and represents really our opportunity. It's an old Aramaic prayer which in English is, "Blessed art thou, O Lord, our God, King of the Universe who has kept us and who has preserved us and enabled us to reach this day."

That's the opportunity. It's today and we can move forward.

Senator Frank: Mr. President, I hesitate to say anything after those beautiful comments of Senator Gordon, but several years ago, my husband and I went to Europe. He had served in World War II. He had served with the occupation troops in the Army in the Dachau region. We went back there to look at the place; to see what it was like and how it had been preserved.

I don't think anything moved me as much as walking through that place. I can still remember the feeling. It was a rainy day; a cold, rainy day. I saw an oven and pallets that put the bodies in those ovens and thought about the hundreds of people who walked through there, it could not help but move you. The shed they had set up outside where people lived in filth and squalor was so compressed. They had one set up as a mock reminder.

And there was a gorgeous sculpture, a metal sculpture, beautiful and yet, horrible, because it had bodies entwined—one on top of another—and standing free from one another, and yet altogether. You got the feeling of what it was like there.

When my husband was there, he said the people said to him all the time, "we didn't know about it." Well, let me say to you, there is no way that the people in the City of Dachau could not have known what was going on there. The city was close, the smell must have been horrendous.

It carries a message to us—that we can never say we don't know what's happening to people we are affecting here in the Senate. We can't say we don't know that there are people who go to get medical care in the hospitals who are turned away because they don't have any money. We can't say that we know that people are not receiving equal salary, because they happen to be women. We know it, but the question is what are we going to do about it?

It is good to remember Holocaust.

The President requested Senator Weinstein to escort the following guests to the rostrum: Elaine Bloom, Governmental Affairs Director of the Florida Association of Jewish Federations; Jules Arkin, representing the Florida Association of Jewish Federations; Paul Orlan, South Broward Jewish Federation, a survivor of the Holocaust; Martin Lipnack, Ft. Lauderdale; Ina Gross, Gainesville; Murray Schwartz, Orlando; Ben Bush, Pinellas County; Maxine Schwartz, Miami; Bruno Liner, Tallahassee; and Rabbi Sol Solomon Schiff, Miami.

The President presented Mr. Arkin who introduced Mr. Orlan. Mr. Orlan addressed the Senate as follows:

Mr. President: Senators, we're honored to have Paul Orlan, a survivor of the Holocaust, who would like to say a few words to you.

Mr. Orlan: Thank you, Senator. Last week was my thirty-ninth birthday. It was 39 years ago last week that I was liberated in Dachau, the camp that you have heard about, by the Forty-fifth Division Oklahoma National Guard Thunderbirds. I had an aunt that lived in the United States, in Pennsylvania, and I remembered her address. I found a piece of paper and I wrote her name and address on it; and a short note on another piece of paper and gave it to a G.I. He lost the letter, but not the address, and this he wrote to her, "This creature, man or a woman, 10 or 8 years old, has given me your address and so one of your relatives is alive."

This is the way we looked when we were liberated, thirty-nine years ago. Then we look at today, and many of us are coming, more of us are settling here in Florida. Great opportunity we have received here in the United States and the wonderful life we have here in Florida, but we remember. We remember and we are bothered, and especially we are bothered with some voices that are arising now denying that the Holocaust has ever happened. We are bothered when I am interviewed, personally, by a reporter of a major Florida paper, and when I show a

number that's branded on my arm that was given to me in Auschwitz when I was all of sixteen, and I say to her, "You know what that is, and is it important" and she says, "No".

I'm here representing the survivors of Florida to thank you for all you are doing for us, but to beg of you, do not allow those events to be forgotten, and the way to do it is by education. The young must be educated.

There is one thing that somebody said here, and I sort of don't feel the same way about it. About the people—whether they knew or not what was going on in Dachau and whether they carry a guilt because they knew—they don't. They knew. But none of you knows what it means to live in a police state. If they would have opened their mouth, any of them, their homes would have been destroyed, they would have ended up in Dachau with everybody else. The key is not to allow it to start, but stop the beginning, because once it is there, not one of us will be able to do a thing about it.

I am here representing the Holocaust survivors, begging of you, do not allow this thing to start, and do it by education, and to thank you from the bottom of my heart for all you are doing for us. Thank you.

Senator Langley moved that the Senate reconsider the vote by which SB 723 passed on April 25.

The motion was placed on the calendar for consideration May 2.

CORRECTION AND APPROVAL OF JOURNAL

The Journals of April 27 and 25 were corrected and approved.

CO-INTRODUCERS

Senator Carlucci—SB 345; Senators McPherson, Jenne and Beard—SB 438; Senators Henderson and Kirkpatrick—SB 550; Senator McPherson—SB 600 and 825; Senators Thomas and Stuart—SB 719; Senator Kirkpatrick—SB 953

ADJOURNMENT

On motion by Senator Barron, the Senate adjourned at 12:00 noon to reconvene at 9:00 a.m., Wednesday, May 2.