



Journal of the Senate

Number 15

Tuesday, May 8, 1984

The Senate was called to order by the President at 9:00 a.m. A quorum present—40:

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

Prayer by the Rev. Philip Lykes, Pastor, Southside Baptist Church, Lakeland:

Holy Father, receive our adoration and praise this glad morning for surely you have made all things beautiful and good and have given them to us as gracious gifts.

Receive our gratitude this morning for finding significant ways to remind us personally that we are not alone on planet Earth. Our God is with us.

Receive also our confession that all we, like sheep, have gone astray and we have each turned to his own way and at times have lost the way. Receive a blessing from us, for being our Father, our saviour and our provider. Receive now, our petition for the Governor of this State of Florida, for the President, the Senate and all these gathered senators and their staffs for an abundance of wisdom and honor, mercy and forgiveness, love and peace, visions and dreams for the welfare and prosperity and peace of the people of Florida, in the name of our dear Lord. Amen.

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

Votes Recorded

Senator Crawford was recorded as voting yea on SB 600 which was considered May 1.

Senator Crawford was recorded as voting yea on the following measures which were considered May 2: Senate Bills 723, 233 and CS for HB 319

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 8, 1984: SB 160, SB 846, SB 404, SB 346, SB 284, CS for SB 274, SB 183, SB 362, SB 402, CS for HB 795, SB 907, HB 585, SB 632, CS for CS for SB 60, SB 2, CS for SB 63, SB 108, HB 69

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Finance, Taxation and Claims recommends the following pass: SB 350, SB 406, SB 778 with 1 amendment, SB 882 with 1 amendment, SB 332, SB 963, SB 368, CS for SB 341, SB 376, CS for SB 876

The bills were placed on the calendar.

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1039

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

The Committee on Education recommends committee substitutes for the following: SB 265, SB 979

The Committee on Personnel, Retirement and Collective Bargaining recommends a committee substitute for the following: SB 141

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1059

The Committee on Transportation recommends committee substitutes for the following: SB 448, SB 702, SB 746

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 committee substitutes for the following: SB 803, SB 876

The bills with committee substitutes attached were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 340

The Committee on Transportation recommends a committee substitute for the following: SB 883

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

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 986

The bill with committee substitute attached was referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.

The Committee on Governmental Operations recommends a committee substitute for the following: SB 920

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

The Committee on Appropriations recommends a committee substitute for the following: CS for Senate Bills 176 and 697

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 860, Senate Bills 410 and 269

The Committee on Transportation recommends committee substitutes for the following: SB 429, SB 427

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

REQUESTS FOR EXTENSION OF TIME

May 4, 1984

The Committee on Commerce requests an extension of 15 days for consideration of the following: Senate Bills 582, 742, 752

The Committee on Economic, Community and Consumer Affairs requests an extension of 15 days for consideration of the following: Senate Bills 449, 827, 1013, 1032, 1048, 1050; House Bill 150

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following: Senate Bills 761, 796, 843, 942, 1008; House Bill 301

The Committee on Judiciary-Criminal requests an extension of 15 days for consideration of the following: Senate Bills 571, 804, 810, 812, 821, 824, 851, 857; House Bill 134

On motion by Senator Hill, the rules were waived by unanimous consent and the Senate reverted to Introduction and Reference of Bills for the purpose of introducing the following resolution out of order:

INTRODUCTION AND REFERENCE OF BILLS

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

SR 1120—A resolution honoring mothers, who have made this state and nation great through their sacrifice, love, and devotion.

—which was read the first time by title. On motion by Senator Hill, SR 1120 was read the second time in full and adopted. The vote on adoption was:

Yeas—32

Mr. President	Dunn	Henderson	Neal
Barron	Fox	Hill	Rehm
Beard	Frank	Jenne	Scott
Carlucci	Girardeau	Jennings	Stuart
Childers, D.	Gordon	Johnston	Thomas
Childers, W. D.	Grant	Langley	Thurman
Crawford	Grizzle	Malchon	Vogt
Deratany	Hair	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Gersten, Meek

On motion by Senator Barron, the rules were waived and by two-thirds vote SR 1117 was withdrawn from the Committee on Rules and Calendar.

Senator Crawford presiding

On motion by Senator Barron—

SR 1117—A resolution commending Justice James C. Adkins for his contributions to the traffic court systems of this state and nation.

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

Yeas—31

Mr. President	Dunn	Henderson	Rehm
Barron	Fox	Hill	Scott
Beard	Frank	Jennings	Stuart
Carlucci	Girardeau	Langley	Thomas
Castor	Gordon	Malchon	Thurman
Childers, W. D.	Grant	Margolis	Vogt
Crawford	Grizzle	Myers	Weinstein
Deratany	Hair	Plummer	

Nays—None

Vote after roll call:

Yea—Gersten, Meek

All Senators were recorded as co-introducers of SR 1117.

The President presiding

The President introduced the following members of the Florida Supreme Court: Chief Justice James C. Alderman, Justices Joseph A. Boyd, Jr., Raymond Erlich, Parker Lee McDonald, Ben Overton and Leander J. Shaw, Jr., and requested Senator Barron to escort Justice and Mrs. Adkins to the rostrum. Justice Adkins was presented a copy of SR 1117.

On motion by Senator Neal—

SCR 1063—A concurrent resolution commending Paul C. Wolfe.

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

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Gersten

On motion by Senator Neal—

SCR 886—A concurrent resolution honoring the New College Music Festival for its history of achievement of musical excellence and enhancement of the cultural richness and diversity of the state and acknowledging it as the Teaching and Performing Festival for the state.

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

Senator Neal moved the following amendment which was adopted:

Amendment 1—On page 1, line 29, strike "16" and insert: 21

SCR 886 as amended was read in full, adopted and certified to the House. The vote on adoption was:

Yeas—36

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

Nays—None

All Senators were recorded as co-introducers of SCR 886.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Personnel, Retirement and Collective Bargaining and Senator Crawford—

CS for SB 141—A bill to be entitled An act relating to state employee pay plans; requiring the Department of Administration to conduct a statewide study of competitive area differentials; requiring the department to report results to the Legislature; providing an effective date.

By the Committees on Appropriations; and Health and Rehabilitative Services; and Senators Thomas, D. Childers, Vogt, Beard, Girardeau, Gordon, Malchon, Fox, Frank, Meek, Myers, Henderson, Gersten, Castor, Mann, Johnston and Jenne—

CS for CS for SB's 176 and 697—A bill to be entitled An act relating to health care; creating the "Health Care Consumer Protection and Awareness Act"; providing legislative intent regarding the health care market; amending s. 110.123, F.S., relating to the state group insurance program; providing for a study; providing guidelines; providing for recommendations; creating ss. 154.32, 154.33, 154.34, and 154.35, F.S., The Public Medical Assistance Act; providing findings and intent regarding the funding of health care services for indigent persons; providing definitions; providing for quarterly assessments upon certain hospitals for deposit in the Public Medical Assistance Trust Fund (created herein); providing for disposition of funds; providing penalties for failure to pay; providing an appropriation; providing legislative intent regarding a study on the financing of indigent care; directing the Department of Health and Rehabilitative Services to expand payment for medical services to additional eligible persons by specified dates; providing for a feasibility study;

creating s. 381.025, F.S., providing legislative intent regarding long-range health service planning; amending s. 381.494, F.S., relating to the certificate-of-need requirement; modifying notice time limits and certain other time limits; modifying uses of application fees; amending s. 395.502, F.S., modifying the definition of "hospital" and adding definitions; amending s. 395.5025, F.S., modifying legislative intent regarding hospital cost containment; amending s. 395.503, F.S., decreasing membership and otherwise modifying provisions relating to the Hospital Cost Containment Board; creating the Office of Technical Assistance therein and specifying its duties; amending s. 395.504, F.S., modifying the board's powers and duties; providing additional duties; providing for annual reports; amending s. 395.507, F.S., modifying the uniform system of financial reporting; requiring hospitals to file certain information; providing for certain other reports; creating s. 395.5085, F.S., establishing a Consumer Information Network for collection and dissemination of information and holding of seminars related to the cost of hospital care; amending s. 395.509, F.S., requiring hospitals to file projected budgets; providing for review; providing for amendment; providing criteria to be considered; providing for preliminary findings; providing for objections; providing for hearings; providing for waiver of time limits; providing for automatic approval unless specified conditions apply; providing for publication of findings; providing an exemption; amending s. 395.513, F.S., modifying program accountability issues; creating s. 395.5135, F.S., providing special provisions with respect to burden of proof, representation by Public Counsel, and exemption of certain hospitals from budget review and approval; providing a timetable for review and approval of hospital budgets; amending s. 395.514, F.S., modifying penalty provisions; providing administrative penalties; providing legislative intent regarding adjustment of hospital budgets for changes in case mix; providing for appointment of a technical advisory panel; providing for a report; creating s. 395.515, F.S., providing for establishment, by hospitals and insurers, of prospective payment arrangements; providing guidelines; amending s. 409.266, F.S., relating to Medicaid eligibility; creating s. 627.920, F.S.; requiring health insurers to provide certain information as to policies of health insurance and to physician charges; requiring the Department of Insurance to publish a consumer's guide to health insurance; providing guidelines; providing for a report to the Legislature; providing for future review and repeal; transferring the Hospital Cost Containment Board from the Department of Insurance to the Office of the Governor; providing for continued applicability of rules; providing for severability; providing an effective date.

By the Committee on Judiciary-Civil and Senators Hair, Fox, Jenne, Langley and Gersten—

CS for SB 255—A bill to be entitled An act relating to child support enforcement; amending s. 409.2571, F.S., and creating s. 409.2573, F.S., requiring service of certain process by the sheriff in certain actions under the child support enforcement program; authorizing certain reimbursement to the sheriff for such services; providing an effective date.

By the Committee on Education and Senator Gersten—

CS for SB 265—A bill to be entitled An act relating to education; creating s. 240.535, F.S.; creating the South Florida School for the Performing and Visual Arts; providing for the administration and governance of the school; providing an effective date.

By the Committee on Natural Resources and Conservation and Senators McPherson, Mann, Neal and Grizzle—

CS for SB 340—A bill to be entitled An act relating to state lands; amending s. 95.031, F.S.; lengthening the statute of limitations period for certain causes of action relating to state lands; providing for adequate funding to the Department of Natural Resources for a state lands title inventory; providing an effective date.

By the Committee on Natural Resources and Conservation and Senators Jenne and Myers—

CS for SB's 410 and 269—A bill to be entitled An act relating to waterways development; amending s. 374.77, F.S.; providing that the directors of waterway special taxing districts shall receive per diem and traveling expenses for their duties; creating s. 374.781, F.S.; providing for the authority of the districts to address impacts of waterway development projects; repealing chapter 12026, Laws of Florida, 1927, as amended, relating to the Florida Inland Navigation District, and providing for review pursuant to s. 11.611, Florida Statutes; limiting certain Florida Inland Navigation District contracts; providing an effective date.

By the Committee on Transportation and Senator Hill—

CS for SB 427—A bill to be entitled An act relating to trains; amending s. 351.03, F.S.; requiring the emission of an audible warning with respect to trains approaching within a certain distance of public at-grade crossings; providing exceptions; providing that liability provisions of law are not nullified; amending s. 318.18, F.S.; increasing the penalty for moving violations relating to train signals; providing an effective date.

By the Committee on Transportation and Senator Hill—

CS for SB 429—A bill to be entitled An act relating to motorcycle riders; amending s. 316.211, F.S.; prohibiting persons under 21 years of age from operating a motorcycle without protective headgear; authorizing the Department of Highway Safety and Motor Vehicles to approve or disapprove certain headgear; requiring passengers on a motorcycle to wear protective headgear; providing for printed statements; providing for the effect of failure to wear protective headgear with respect to court cases; providing for annual injury and death reports to the Legislature; providing for mandatory accident and health insurance; amending s. 322.03, F.S.; requiring a drivers' license authorization for the operation of a motorcycle; amending s. 322.12, F.S., relating to driver's license examinations; providing an effective date.

By the Committee on Transportation and Senator D. Childers—

CS for SB 448—A bill to be entitled An act relating to ultralight vehicles and operators; creating s. 330.42, F.S.; defining the term "ultralight;" providing for the registration of ultralight pilots and instructors; providing for the registration of ultralights; providing operational conditions for ultralights; providing for future review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

By the Committee on Judiciary-Civil and Senator Scott—

CS for SB 598—A bill to be entitled An act relating to counterfeit trademarks; amending s. 506.09, F.S., expanding civil remedies against persons who manufacture, use, display, or sell counterfeit labels, trademarks, etc.; providing for seizure and destruction of goods bearing counterfeit trademarks; providing liability for wrongful seizure; providing an effective date.

By the Committee on Transportation and Senator Stuart—

CS for SB 702—A bill to be entitled An act relating to motor vehicle salvage; creating ss. 320.901-320.913, F.S., requiring registration with the Department of Highway Safety and Motor Vehicles of dealers engaged in the business of buying and selling salvage motor vehicles and their parts; requiring proof of responsibility for such registration; providing an application and renewal fee; creating the Florida Advisory Council to the Department of Highway Safety and Motor Vehicles; providing for type of business that may be conducted under such registration; requiring maintenance of certain records to assist law enforcement officials; providing for suspension or revocation of such registration; requiring buyers at salvage pools or salvage disposal sales to obtain a buyer's identification card; providing qualifications for such buyers; prohibits sales by insurance companies to nonregistered dealers; providing a penalty for violations of the act; providing for repeal and review in accordance with the Regulatory Sunset Act and the Sundown Act; providing an effective date.

By the Committee on Transportation and Senators Stuart, Vogt and Jennings—

CS for SB 746—A bill to be entitled An act relating to the Department of Transportation; authorizing the department to covenant to complete a revenue producing project for the Orlando-Orange County expressway system; providing certain conditions; providing an effective date.

By the Committee on Natural Resources and Conservation and Senators Crawford, Mann, Kirkpatrick, McPherson, Grizzle and Henderson—

CS for SB 803—A bill to be entitled An act relating to land reclamation and acquisition; amending s. 378.031, F.S.; providing legislative intent; creating ss. 378.032-378.038, F.S.; providing definitions; creating the Nonmandatory Land Reclamation Committee; providing application procedures; providing powers and duties of the Department of Natural Resources; providing responsibilities and duties of the Comptroller; providing rulemaking authority; amending s. 211.3103, F.S.; providing for continuation of the excise tax collected on the severance of phosphate rock; amending s. 253.023, F.S.; increasing the limitation on the amount

of money which may be credited to the Conservation and Recreation Lands Trust Fund; providing for repeal and review pursuant to the Sun-down Act, s. 11.611, F.S.; providing an effective date.

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

CS for SB 860—A bill to be entitled An act relating to land and water management; amending s. 380.06, F.S.; authorizing developers to submit an areawide development plan for review; providing definitions; providing for powers and duties of the state land planning agency; providing for powers and duties of local governments; providing for powers and duties of regional planning agencies; providing for the property owner's consent and for withdrawal of consent; providing an effective date.

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

CS for SB 876—A bill to be entitled An act relating to vessels; amending s. 327.25, F.S.; providing procedures for registering and classifying vessels; providing for registration fees; amending s. 327.28, F.S.; providing for deposit and use of certain fees; increasing dealer registration fees; amending s. 328.01, F.S.; requiring title applications to be made to the county tax collector; providing procedures for acquiring a certificate of title of a vessel; requiring transfer of certificate of title upon selling, assigning, or transferring a vessel; requiring the filing of an application for a title transfer within 20 days after a change in vessel ownership; providing for an additional \$10 fee for late filings; authorizing the county tax collector to retain \$5 of such fee; providing procedure for obtaining a certificate of title for an undocumented vessel; amending s. 328.03, F.S.; providing for an additional fee under certain circumstances; providing for deposit of such fees; amending s. 328.11, F.S.; increasing fee for issuing a duplicate certificate; providing for expedited service in issuing a duplicate certificate and fees therefor; amending s. 327.13, F.S.; providing for special manufacturers' and dealers' numbers; providing an effective date.

By the Committee on Transportation and Senator Beard—

CS for SB 883—A bill to be entitled An act relating to Department of Transportation contracts; amending s. 337.19, F.S.; providing that suits by and against the department must be commenced within 3 years after final acceptance of the work; permitting certain counterclaims to be maintained against the department under specified conditions; providing for retroactivity; providing an effective date.

By the Committee on Governmental Operations and Senator Grizzle—

CS for SB 920—A bill to be entitled An act relating to the provision of interpreter services for the deaf; providing for the establishment of a pilot program; providing an appropriation for the purpose of contracting for interpreter services; requiring reports from the Department of Education; requiring state agencies to report to the Florida Council for the Hearing Impaired; requiring the council to report to the Legislature; providing an effective date.

By the Committee on Education and Senator Hair—

CS for SB 979—A bill to be entitled An act relating to community colleges; amending s. 240.311, F.S.; providing for an annual report from each community college; providing guidelines; providing for distribution of reports; requiring the State Board of Community Colleges to adopt rules relating to uniform salary and benefit policies and travel by community college officials and employees; amending s. 240.319, F.S., relating to community college district boards of trustees; requiring that salaries and benefits of employees and contracts with the president conform to rules of the state board; amending s. 240.331, F.S., relating to direct-support organizations; providing for release of certain information; providing restrictions upon contracts and agreements for purchase or sale; providing for expenditure approval and reporting; creating s. 240.362, F.S., prohibiting certain expenditures; providing an effective date.

By the Committee on Natural Resources and Conservation and Senators Grizzle, Kirkpatrick and Carlucci—

CS for SB 986—A bill to be entitled An act relating to environmental regulation; amending s. 403.021, F.S.; applying certain provisions about authorized channel depth to additional entities; amending s. 403.061, F.S.; applying certain classifications, standards, and criteria for waters used for deepwater shipping to additional entities; amending s. 403.0876, F.S.; specifying procedures for obtaining underground well permits;

amending s. 403.091, F.S.; broadening the authority for the Department of Environmental Regulation to conduct inspections; providing guidelines; providing for inspection warrants; amending s. 403.1826, F.S.; authorizing a maximum grant for each local government agency; amending s. 403.1838, F.S.; clarifying language; amending s. 403.702, F.S.; assuring economic, cost effective, and environmental considerations; amending s. 403.704, F.S.; requiring landfill closure alternatives research and subsequent report; creating an oversight committee; requiring certain revisions of department rules; authorizing certain variances; amending s. 403.707, F.S.; deleting a temporary operating permit time limit; amending s. 403.7225, F.S.; specifying public information program requirements; extending the deadline for completing certain county hazardous waste management plans; adding a requirement for updates of hazardous waste assessments; amending s. 403.7264, F.S.; changing amnesty days time periods; amending s. 403.727, F.S.; correcting a cross-reference; amending and renumbering s. 501.118, F.S.; deleting references to hazardous substances and materials; amending s. 403.804, F.S.; correcting a cross-reference; amending s. 403.816, F.S.; applying certain provisions about maintenance dredging of deepwater ports to additional entities; amending s. 403.853, F.S.; authorizing testing for certain contaminants at certain intervals; amending s. 403.862, F.S.; requiring certain funding; amending s. 110.205, F.S.; placing district managers and branch office managers of environmental districts in the Senior Management Service; providing an appropriation; providing an effective date.

By the Committee on Natural Resources and Conservation—

CS for SB 1039—A bill to be entitled An act relating to pesticides; amending s. 487.021, F.S., adding definitions; amending s. 487.041, F.S., providing for emergency exemptions; providing data requirements for registration of pesticides; conforming provisions relating to hearing requests to provisions of the Administrative Procedure Act; clarifying special local need registration requirements; providing notification procedures; creating s. 487.055, F.S., providing antisiphon requirements; amending s. 487.071, F.S., including rules adopted under chapter 487 and labeling requirements within provisions relating to enforcement, inspection, sampling, and analysis; amending s. 487.091, F.S., establishing an administrative fine and providing for criminal penalties; amending s. 487.0615, F.S.; increasing the membership and expanding the purview of the Pesticide Review Council; creating a Toxicological Research Coordinating Committee; describing the powers and duties of the committee; establishing a data bank; providing an appropriation; providing effective dates.

By the Committee on Natural Resources and Conservation—

CS for SB 1059—A bill to be entitled An act relating to pollution control; amending s. 376.11, F.S.; correcting a cross-reference; restricting certain expenditures from the Florida Coastal Protection Trust Fund; amending s. 376.30, F.S.; correcting cross-references; amending s. 376.301, F.S.; correcting cross-references; providing definitions; amending s. 376.303, F.S.; limiting certain Department of Environmental Regulation powers; amending ss. 376.302, 376.305, F.S.; correcting cross-references; amending s. 376.307, F.S.; providing for administration of the Water Quality Assurance Trust Fund; providing a statute of limitations for certain causes of action; correcting cross-references; amending s. 376.308, F.S.; providing liabilities and defenses of facilities; correcting a cross-reference; amending s. 376.309, F.S.; correcting cross-references; amending s. 376.313, F.S.; providing that certain remedies are nonexclusive and establishing an individual cause of action for damages; correcting cross-references; amending s. 376.315, F.S.; correcting cross-references; creating s. 376.316, F.S.; providing for limitation of liability for certain facilities; creating s. 376.317, F.S.; preempting to the state the regulation of prevention and removal of certain pollutant discharges; providing an exception; amending s. 377.22, F.S.; authorizing the Department of Natural Resources to regulate certain tanks to protect water resources; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Gordon, the rules were waived and the Committee on Education was granted permission to meet May 9 from 12:15 p.m. until 1:30 p.m. to consider Senate Bills 1081, 884, 906, 1069 and 946.

On motion by Senator Gordon, the rules were waived and the Committee on Education was granted permission to meet May 11 from 12:30 until 3:30 p.m. in lieu of 2:00 until 5:00 p.m.

On motions by Senator Kirkpatrick, by two-thirds vote Senate Bills 593, 903 and 1061 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Thomas, the rules were waived and the Committee on Commerce was granted permission to consider SB 793 this day.

On motions by Senator McPherson, by two-thirds vote Senate Bills 47, 48, 288, 874 and 932 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Johnston, the rules were waived and by two-thirds vote Senate Bills 149, 193, 333, 549, 559 and HB 1039 were withdrawn from the Committee on Appropriations.

On motion by Senator Johnston, SB 198 was referred to the Committee on Finance, Taxation and Claims as the first committee of reference.

On motion by Senator Jenne, the rules were waived and the Committee on Judiciary-Criminal was granted permission to consider SB 851 this day.

On motions by Senator Gersten, by two-thirds vote SB 1009 was withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Margolis, by two-thirds vote SB 956 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Margolis, the rules were waived and by two-thirds vote SB 957 was withdrawn from the Committee on Finance, Taxation and Claims.

On motions by Senator Jenne, by two-thirds vote SB 892 was withdrawn from the committee of reference and indefinitely postponed.

Senator Neal moved that the rules be waived and that a bill designating certain waters in and around Monroe County as an aquatic preserve be introduced.

The motion and bill were referred to the Committee on Rules and Calendar pursuant to Rule 4.6.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

Appointments Subject to Confirmation by the Senate:

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

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Trustees, Daytona Beach Community College, Member Mercer, Ray L., Bunnell	5/31/87
Board of Landscape Architecture, Member Karahalios, Efstathios, Gainesville	3/4/88
Board of Podiatry, Member Broner, Thomas P., Jacksonville Beach	1/8/88
Historic Broward County Preservation Board of Trustees, Member Dickey, Constance L., Davie	11/1/84
Historic Pensacola Preservation Board of Trustees, Members Lindstrom, Marcia Pace, Pensacola Long, Mary Ann, Pensacola	9/19/87 1/22/87
West Florida Regional Planning Council, Region One, Member Miramontes, Agnes S., Bonifay	10/1/86
East Central Florida Regional Planning Council, Region Six, Member Stewart, Linda, Orlando	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 refused to recede from House Amendments 1 and 2 to SB 138 and requests a Conference Committee.

Allen Morris, Clerk

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.

The President appointed Senators Crawford, Castor and Fox as conferees.

The Honorable Curtis Peterson, President

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

SB 635—A bill to be entitled An act relating to school personnel; amending s. 232.277, F.S., to require school personnel to report suspected unlawful use, possession, or sale of any controlled substance, counterfeit controlled substance, or alcoholic beverage by students; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 1, lines 16 and 17, strike all of said lines and insert: *to the principal or principal's designee any suspected unlawful use, possession, or sale*

Amendment 2—On page 1, line 14, strike "drug" and insert: *substance drug*

Amendment 3—On page 1, line 20, after the ",", insert: *or model glue*

Amendment 4—On page 1 in the title, line 6, after the ",", insert: *model glue,*

On motions by Senator Vogt, the Senate concurred in the House amendments.

SB 635 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39	Mr. President	Frank	Jennings	Neal
	Beard	Gersten	Johnston	Plummer
	Carlucci	Girardeau	Kirkpatrick	Rehm
	Castor	Gordon	Langley	Scott
	Childers, D.	Grant	Malchon	Stuart
	Childers, W. D.	Grizzle	Mann	Thomas
	Crawford	Hair	Margolis	Thurman
	Deratany	Henderson	McPherson	Vogt
	Dunn	Hill	Meek	Weinstein
	Fox	Jenne	Myers	

Nays—None

The bill was ordered engrossed and then enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 61.

Allen Morris, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed HB 428, as amended; has concurred in Senate amendments and passed CS for HB 447, as amended.

Allen Morris, Clerk

On motions by Senator Mann, the rules were waived and the Senate immediately reconsidered the vote by which HB 512 passed May 2, and by two-thirds vote the bill was recommitted to the Committee on Rules and Calendar.

SPECIAL ORDER

On motions by Senator Fox, the rules were waived and by two-thirds vote HB 121 was withdrawn from the Committees on Commerce and Appropriations.

On motion by Senator Fox—

HB 121—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.

—a companion measure, was substituted for SB 160 and read the second time by title. On motion by Senator Fox, by two-thirds vote HB 121 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 160 was laid on the table.

Consideration of Senate Bills 846 and 404 was deferred.

Senator Langley presiding

SB 346—A bill to be entitled An act relating to subdivided land; amending s. 498.005, F.S.; providing a definition; amending s. 498.059, F.S.; providing penalties for certain violations of the Florida Uniform Land Sales Practices Law; amending s. 895.02, F.S.; providing that certain violations of said law constitute “racketeering activity”; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—On page 2, strike all of lines 23-25 and renumber subsequent subsections.

Amendment 2—On pages 3 and 4, strike all of Section 3 and renumber subsequent section.

Senator Dunn moved the following amendment which was adopted:

Amendment 3—On page 1, line 29, insert:

(19) *“Material change, alteration, or modification” means any act or failure to act by a registrant or its agents that would directly and adversely affect the registrant’s legal or financial ability to fulfill its contract commitments to its purchasers or any act or failure to act by a registrant which would alter or change the legal obligations or commitments of the registrant to its purchasers or to the Division of Florida Land Sales and Condominiums.*

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

Amendment 4—In title, on page 1, lines 6, 7 and 8, strike “amending s. 895.02, F.S.; providing that certain violations of said law constitute ‘racketeering activity’;”

On motion by Senator Dunn, by two-thirds vote SB 346 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 284—A bill to be entitled An act relating to drug abuse prevention and control; amending s. 893.03, F.S., changing the controlled substances in various schedules; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal recommended the following amendments which were moved by Senator Myers and adopted:

Amendment 1—On page 2, line 7, strike“(N-protanilido)” and insert: *(N-propanilido)*

Amendment 2—On page 3, line 15, strike “*Suffentaniil*” and insert: *Sufentaniil*

Amendment 3—On page 11, line 8, strike “*Alprazolm*” and insert: *Alprazolam*

On motion by Senator Myers, by two-thirds vote SB 284 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	Frank	Johnston	Rehm
Barron	Gersten	Kirkpatrick	Scott
Beard	Girardeau	Langley	Stuart
Carlucci	Gordon	Malchon	Thomas
Castor	Grant	Mann	Thurman
Childers, D.	Grizzle	McPherson	Vogt
Childers, W. D.	Hair	Meek	Weinstein
Crawford	Hill	Myers	
Dunn	Jenne	Neal	
Fox	Jennings	Plummer	

Nays—None

CS for SB 274—A bill to be entitled An act relating to dwelling units; creating s. 83.701, F.S.; requiring certain landlords to obtain a certificate of compliance before entering or renewing rental agreements; defining certificate of compliance; providing for inspection warrants; providing penalties; providing that this act is not a state interposition in local housing codes; providing an effective date.

—was read the second time by title.

Senator Meek moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 18-24 and insert:

(1) When a dwelling unit which is located in a slum area as defined in s. 163.340(7) and is declared as such by county or municipal resolution pursuant to s. 163.355 is conveyed or leased to a landlord, a certificate of compliance shall be obtained before the new landlord enters into or renews any rental agreement for that dwelling unit. The certificate of compliance may be

Amendment 2—On page 2, line 4, after the period (.) insert: The political subdivision issuing a certificate of compliance under this section shall not be liable to any person because of a housing code inspection.

Amendment 3—On page 2, between lines 14 and 15, insert:

(6) A political subdivision may adopt and enforce more comprehensive or more stringent standards and requirements than are prescribed in this section and may adopt administrative procedures to assure certification compliance, including inspection fees.

(7) This section shall not be construed as repealing or superseding any law or ordinance in effect in any political subdivision the standards and requirements of which are more comprehensive or more stringent than the requirements of this section.

Amendment 4—In title, on page 1, line 6, after the semicolon (;) insert: providing that political subdivisions shall not be liable because of a housing code inspection;

Amendment 5—In title, on page 1, line 7, after the second semicolon (;) insert: providing that political subdivisions may adopt more stringent requirements and administrative procedures; providing that laws in force are not superseded;

On motion by Senator Meek, by two-thirds vote CS for SB 274 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 183—A bill to be entitled An act relating to railroads; reviving and readopting, notwithstanding the Regulatory Sunset Act or chapter 82-90, Laws of Florida, ss. 351.003, 351.009, F.S.; providing for future repeal and legislative review; providing an effective date.

—was read the second time by title.

Senator Carlucci moved that the rules be waived and SB 183 be read the third time by title. The motion was adopted by the following vote:

Yeas—26

Mr. President	Fox	Kirkpatrick	Plummer
Carlucci	Frank	Langley	Rehm
Castor	Grant	Malchon	Thurman
Childers, W. D.	Grizzle	Mann	Vogt
Crawford	Henderson	McPherson	Weinstein
Deratany	Hill	Myers	
Dunn	Jennings	Neal	

Nays—12

Beard	Gordon	Johnston	Scott
Childers, D.	Hair	Margolis	Stuart
Girardeau	Jenne	Meek	Thomas

Vote after roll call:

Yea—Gersten

SB 183 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Fox	Kirkpatrick	Plummer
Carlucci	Frank	Langley	Rehm
Castor	Gersten	Malchon	Scott
Childers, D.	Grant	Mann	Thomas
Childers, W. D.	Grizzle	Margolis	Thurman
Crawford	Henderson	Meek	Vogt
Deratany	Hill	Myers	Weinstein
Dunn	Jennings	Neal	

Nays—7

Beard	Gordon	Jenne	Stuart
Girardeau	Hair	Johnston	

Vote after roll call:

Yea—McPherson

The President presiding

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 taken up with pending Amendment 1 which was withdrawn.

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

Amendment 2—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) Except as provided in subsection (2), any person who observes the commission of the crime of sexual battery shall immediately report such crime, including the attendant facts and circumstances, to a law enforcement agency in the county in which the crime was committed.

(2) Any person who, at the time of the commission of the crime, was the victim or who stood in the relation of spouse, parent, grandparent, child, grandchild, brother, or sister to the victim or offender, by consanguinity or affinity, is exempt from the duty imposed by subsection (1).

(3) Any person who is required by subsection (1) to report the commission of the crime and who refuses to report the crime as required by subsection (1) or in any other way conceals the commission of the crime or gives the offender any aid, with intent to aid the offender in avoiding or escaping detection, arrest, prosecution, or punishment, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(Renumber subsequent section.)

Senator Frank moved the following amendment which was adopted:

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

Section 3. Paragraph (f) is added to subsection (2) of section 775.15, Florida Statutes, to read:

775.15 Time limitations.—

(2) Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitation:

(f) *If the victim of a violation of s. 794.011(4) or (5), s. 794.05, s. 800.02, s. 800.03, s. 800.04, or s. 826.04 is under the age of 18, the applicable period of limitation does not begin to run until the victim has reached the age of 18 or the violation is reported to a law enforcement or other governmental agency, whichever occurs earlier.*

(Renumber subsequent section.)

Senator Malchon moved the following amendment which was adopted:

Amendment 4—On page 2, strike all of lines 14-16 and insert: ~~(f) When the victim is mentally defective and the offender has reason to believe this or has actual knowledge of this fact.~~

(5)(a) *A person who commits sexual battery upon a person over the age of 12 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.*

(b) *"Mentally defective" for purposes of this subsection means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of his or her conduct.*

Senator Fox moved the following amendment which was adopted:

Amendment 5—In title, on page 1, strike all of lines 1-11 and insert: A bill to be entitled An act relating to sex related crimes; amending s. 794.011, F.S.; clarifying provisions with respect to the age of the

victim; deleting provision relating to coercion of victim; creating s. 794.012, F.S.; prohibiting specified acts by persons in familial, custodial, or official authority over a child; providing penalties; 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. 775.15, F.S.; providing statute of limitations for specified crimes against children; providing an effective date.

Senator Malchon moved the following amendment which was adopted:

Amendment 6—In title, on page 1, line 10, after the semicolon (;) insert: removing the lack of consent requirement from sexual battery of a person who is mentally defective;

Senator Castor moved the following amendment which was adopted:

Amendment 7—In title, on page 1, line 10, after the semicolon (;) insert: creating s. 794.013, F.S.; requiring the reporting of a sexual battery or an attempted sexual battery;

Senator Thomas presiding

On motion by Senator Fox, by two-thirds vote SB 404 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 362—A bill to be entitled An act relating to dangerous transmissible diseases and pests of animals; amending s. 585.15, F.S.; providing that the Department of Agriculture and Consumer Services may declare by rule that certain pests and diseases of domestic animals are a public nuisance; amending s. 585.401, F.S.; broadening the definition of an emergency; amending s. 570.07, F.S.; authorizing the department to declare emergencies and issue orders; amending s. 823.04, F.S.; prohibiting the bringing into or selling in this state of animals suffering from a disease or pest declared a public nuisance; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote SB 362 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

On motion by Senator Kirkpatrick, the rules were waived and SB 362 was ordered immediately certified to the House.

On motions by Senator Myers, the rules were waived and by two-thirds vote HB 1014 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Myers—

HB 1014—A bill to be entitled An act relating to osteopathy; amending s. 459.006, F.S., expanding, with respect to qualifications for licensure as an osteopathic physician, the internship programs allowed, subject to approval by the Board of Osteopathic Medical Examiners; providing an effective date.

—a companion measure, was substituted for SB 402 and read the second time by title. On motion by Senator Myers, by two-thirds vote HB 1014 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 402 was laid on the table.

On motion by Senator Barron, consideration of CS for SB 795 was deferred.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Barron, the rules were waived and by two-thirds vote SCR 984, SB 1029, SB 436, CS for SB 438, SB 551 and CS for SB 262 were withdrawn from the Committee on Rules and Calendar.

On motions by Senator D. Childers, the rules were waived and by two-thirds vote SB 546 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Scott, the rules were waived and by two-thirds vote CS for SB 754 was also referred to the Committee on Judiciary-Civil.

SPECIAL ORDER, continued

SB 907—A bill to be entitled An act relating to public construction contracts; amending s. 255.05, F.S., allowing contractors constructing or repairing public buildings or public works to file alternative forms of security in lieu of a bond; 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 Girardeau and adopted:

Amendment 1—On page 4, line 23, strike “may” and insert: *shall*

Amendment 2—On page 4, line 29, after the period (.) insert: *The determination of the value of such alternative forms of security shall be made by the appropriate state, county, city, or other political subdivision.*

Senator Girardeau moved the following amendments which were adopted:

Amendment 3—On page 1, line 3, after the semicolon (;) insert: amending s. 255.04, F.S., relating to specification of materials for construction of publicly owned facilities;

Amendment 4—On page 1, line 11, insert:

Section 1. Section 255.04, Florida Statutes is amended to read:

255.04 Preference to home industries in building public buildings.—Every official board in the state, whether of the state, a county, or a municipality, which may be charged with the duty of erecting or constructing any public administrative or institutional building shall give preference, in the purchase of material and in letting contracts for the construction of such building, to materialmen, contractors, builders, architects, and laborers who reside within the state, whenever such material can be purchased or the services of such materialmen, contractors, builders, architects, and laborers can be employed at no greater expense than that which would obtain if such purchase was made from, or contract let or employment given to, a person residing beyond the limits of the state; however, this section in no way prohibits the right of any such official board to compare the quality of materials proposed for purchase

and to compare the qualifications, character, responsibility, and fitness of materialmen, contractors, builders, and architects proposed for employment in its consideration of the purchase of materials or employment of persons. Notwithstanding the foregoing, no county official, board of county commissioners, school board, city council or city councilmen, or other public official, state board, or state agency charged with the letting of contracts or purchase of materials for the construction, modification, alteration, or repair of any publicly owned facility may specify the use of materials or systems by a sole source, *unless*:

(1) *The governmental body, after consideration of all available alternative materials and systems, determines that the specification of a sole material or system is justifiable based upon its cost or interchangeability;*

(2) *The sole source specification has been recommended by the architect or engineer of record; and*

(3) *The governmental body's consideration and justifications are documented, in writing, in the project file.*

(Renumber subsequent sections.)

On motion by Senator Girardeau, by two-thirds vote SB 907 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator Girardeau, the rules were waived and SB 907 after being engrossed was ordered immediately certified to the House.

Recognition of President and President Pro Tempore

On motion by Senator Barron, the rules were waived and special guests were admitted to the chamber.

Senator Barron presiding

Senator Barron introduced the following guests: Jack Wittrup, the artist who painted the President's portrait, and Mrs. Wittrup; Mr. and Mrs. Peter Peterson, son and daughter-in-law of the President; Mr. and Mrs. Howell Peterson, brother and sister-in-law of the President; Dr. and Mrs. John Glotfelty, the Rev. and Mrs. Philip Lykes, Mrs. Gloria Harvard, Mrs. Becky Jackson, Senator Louis de la Parte, Homer Hooks, T. E. "Red" Holcom, Mr. and Mrs. Carroll Lamb, William Boardman, Mr. and Mrs. Scotty Fraser, Bobby McKown and Mr. and Mrs. Jack Slayton.

Senator Barron requested the President and Mrs. Peterson to join him at the rostrum.

Senator Neal was invited to the rostrum where he presented gifts from the members of the Senate to President and Mrs. Peterson.

Senator Barron requested President Pro Tempore Jack Gordon to join him at the rostrum.

Senator Margolis was invited to the rostrum where she presented a gift from the members of the Senate to Senator Gordon.

The official portrait of Senator Peterson was unveiled and presented to the Senate.

On motion by Senator Johnston, the rules were waived by unanimous consent and the Senate reverted to Introduction and Reference of Bills for the purpose of introducing the following resolution out of order:

INTRODUCTION AND REFERENCE OF BILLS

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

SR 1119—A resolution commending portrait artist Jack Wittrup for his artistic achievements, including his portraits of Senate Presidents Curtis Peterson, Dempsey Barron, Louis de la Parte, Mallory Horne, and Jerry Thomas.

—was read the first time by title. On motion by Senator Johnston, SR 1119 was read the second time in full and adopted. The vote on adoption was:

Yeas—40

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

Nays—None

Senator Barron invited Mr. and Mrs. Wittrup to the rostrum and presented Mr. Wittrup a copy of the resolution.

Senator Barron requested the President to come to the rostrum.

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

Mr. President: I hope I can remember everything I intended to say while I was listening to all of those flattering remarks. I would like to start by thanking all of those who have stayed in the galleries in spite of what is happening here; we appreciate it.

There are some special people in the gallery who have traveled many miles to be here; my official photographer, Dr. John Glotfelty, accompanied by his film-carrying wife, Bonnie, and the Slaytons are here. We appreciate your coming. Seated in the chamber are members of my family who have helped me get elected; especially my brother who has been my treasurer—and we've never had to borrow any money to get elected—and he has managed to stay home and run everything while I've been up here.

And I want to thank the staff—my personal staff and the staff of the Senate. We have very professional staff and they do make the Senate look very good and I thank them for that.

And then my thanks to other special guests who are in the chamber. They made it possible for another of these portraits to be furnished by the people of Polk County. There is another larger and more lifelike reproduction of my smiling face. It has a little more smile on it than this one.

Then there's Jack and Beatrice Wittrup. Jack will not put a stroke on the canvas unless you are in front of him. He's the most professional man I've ever known.

I must thank the Senate for the past two years, especially Jack Gordon, who with myself, made a team joined by thirty-eight other senators. We decided it was time to act, and because of his knowledge, and I guess my persistence—but we couldn't have done it without Jack Gordon's knowledge—and because of the cooperation of the next President of the Senate, Harry Johnston, and because of all of the Senate, we were able to do all the things we have done.

The leadership of the chairmen—and those who have worked hard—is an example of how good we can serve the people. I think we have been fully engaged, with all of our resources, in representing the people of Florida in the best way possible. This two-year period is a very short time and you don't have too many chances to do things so we have taken, I think, full advantage of those chances during these two years. We have

grabbed hold of those opportunities and I think, have used them to the maximum. The Senate has used all of its resources, knowing whatever problems that faced the people of Florida, we had the ability and we had the leadership and we had the knowledge and we had the desire to try to do some things about them. And I think that has happened, and it is a good feeling to see the Senate about the business of the people of Florida.

So I thank you, on behalf of my wife, who decided to come up here the first week of the session when we celebrated our fortieth anniversary. She probably doesn't want it said but she has been called "the forty-first senator" and "the mother of the Senate." She has not been away from my side during any decision.

I will close by saying thank you to everyone here. It has been a marvelous, great experience, that next to my marriage to Ethel and to my children and to my family and to my church, will always be remembered. Thank you very much.

ENROLLING REPORT

CS for SB 61 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 8, 1984.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 4 was corrected and approved.

CO-INTRODUCERS

Senator Deratany—SB 754; Senator Stuart—SB 980

ADJOURNMENT

On motion by Senator Scott, the Senate adjourned at 11:52 a.m. to reconvene at 10:00 a.m., Thursday, May 10.