



# Journal of the Senate

Number 1—Special Session C

Monday, November 1, 1993

At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

## CALL TO ORDER

The Senate was called to order by the President at 2:00 p.m. A quorum present—38:

Mr. President	Diaz-Balart	Holzendorf	Scott
Bankhead	Dudley	Jenne	Siegel
Beard	Dyer	Jennings	Silver
Boczar	Foley	Johnson	Sullivan
Brown-Waite	Forman	Jones	Turner
Burt	Grant	Kirkpatrick	Weinstein
Casas	Grogan	Kiser	Wexler
Childers	Gutman	McKay	Williams
Crenshaw	Harden	Meadows	
Crist	Hargrett	Myers	

Excused: Senators Dantzler and Kurth until 2:35 p.m.

## PRAYER

The following prayer was offered by the Rev. Terry Dyer, Pastor, First Presbyterian Church, Quincy:

Eternal source of wisdom and guidance, we ask for the awareness of your presence as this special legislative session begins. Guide and direct our Senators and other elected officials in the decisions they will be making in the days to come. Give them special energy and insight as they debate, deliberate and act upon these important issues facing our state. Thank you for their dedication and service to our state and its citizens through this often thankless job. Thank you for the leadership of Senator Thomas—be with him and his staff—granting them and every other Senator your wisdom and peace. Amen.

## PLEDGE

Senator Foley led the Senate in the pledge of allegiance to the flag of the United States of America.

By direction of the President, the Secretary read the following proclamations:

**PROCLAMATION**  
State of Florida  
Executive Department  
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE  
AND THE FLORIDA HOUSE OF REPRESENTATIVES:

WHEREAS, the Thirteenth Legislature of the State of Florida, under the Florida Constitution, 1968 Revision, convened in regular session on Tuesday, February 2, 1993, and adjourned sine die on Sunday, April 4, 1993, and

WHEREAS, it is appropriate to consider the issues of workers' compensation, juvenile crime, property insurance and reinsurance, and tax credits for defense industries converting their defense production into civilian applications, before the Florida Legislature convenes in its next regular session in 1994, and

WHEREAS, the exorbitant workers' compensation rates paid by Florida businesses severely hinder the State's ability to encourage new and expanded business development and job creation, and

WHEREAS, Florida's current Workers' Compensation rates are among the highest in the nation, and

WHEREAS, it has been estimated that for every 1% increase in workers' compensation premium rates, 50,000 Florida jobs are lost, and

WHEREAS, workers' compensation issues should be considered by a special session of the Florida Legislature because insurance companies underwriting workers' compensation insurance in Florida are seeking a 13.8% rate increase, and

WHEREAS, during a series of public hearings recently held around the State, small and large businesses, private employees, health care providers, and insurers have called for workers' compensation reform, and

WHEREAS, in spite of significant new programs and resources appropriated in the 1993 regular legislative session and the subsequent special legislative session on crime, juvenile crime continues to be a tragic undercurrent in our society and warrants more attention, and

WHEREAS, numerous new juvenile programs and resources are being implemented as a result of recent authorization and the state will benefit from these efforts, although much remains to be done, and

WHEREAS, various reform proposals have surfaced that warrant careful consideration in the 1994 regular session, but selected items can and should be decided before the regular session convenes February 8, 1994, and

WHEREAS, the problem of juvenile crime and delinquency should be considered in a special session of the Florida Legislature because it is widely recognized that juvenile crime has become the greatest single crime problem in America today, and

WHEREAS, the issue of defense reinvestment should be considered by the Legislature in special session because the reduction of the military threat due to the end of the cold war and the break up of the Soviet Union has resulted in a diversion of federal monies away from the defense industry, and

WHEREAS, fifty percent of the high technology jobs in Florida have been created as a direct result of defense supply contracts, and

WHEREAS, it is incumbent upon the Florida Legislature to restructure the business opportunities within this state to continue to attract high quality jobs and industry for Florida workers, and

WHEREAS, insurance issues should be considered by the Florida Legislature in special session because, in the aftermath of Hurricane Andrew the insurance industry has taken steps to non-renew or cancel as many as 844,000 homeowner insurance policies in the state, and

WHEREAS, the Legislature imposed a moratorium on such cancellations and non-renewals until November 14, 1993, and

WHEREAS, the Legislature established a Study Commission on Property Insurance and Reinsurance to examine this potential crisis and to recommend solutions to guide the Legislature in considering issues related to the property insurance and reinsurance industry, and

WHEREAS, the Study Commission has finished its work and issued its report.

NOW, THEREFORE, I, LAWTON CHILES, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

*Section 1.*

The Legislature of the State of Florida is convened in Special Session commencing on Monday, November 1, 1993, at 2:00 p.m. and ending, at 11:59 p.m. Friday, November 5, 1993.

*Section 2.*

The Legislature of Florida is convened for the sole and exclusive purpose of considering the following:

- (a) Legislation to amend Florida statutes regarding Workers' Compensation.
- (b) Legislation responding to the recommendations of the Study Commission on Property Insurance and Reinsurance.
- (c) Legislation amending Sections 790.17, 790.23 and 790.25, Florida Statutes, regarding possession of a firearm by a juvenile or delivery of a firearm to a juvenile under certain conditions.
- (d) Legislation to encourage the development of industrial employment opportunities in Florida to help alleviate the potential hardship associated with the reduction of defense related contracting.



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 11th day of October, 1993.

*Lawton Chiles*  
GOVERNOR

ATTEST:  
*Jim Smith*  
SECRETARY OF STATE

**PROCLAMATION**  
State of Florida  
Executive Department  
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE FLORIDA HOUSE OF REPRESENTATIVES:

WHEREAS, the Thirteenth Legislature of the State of Florida, under the Florida Constitution, 1968 Revision, convened in regular session on Tuesday, February 2, 1993, and adjourned sine die on Sunday, April 4, 1993, and

WHEREAS, by proclamation dated October 11, 1993, the Governor called the Florida Legislature into special session to convene on November 1, 1993, to consider the issues of workers' compensation, juvenile crime, property insurance and reinsurance, and tax credits for defense industries converting their defense production into civilian applications, and

WHEREAS, it is appropriate to amend that proclamation to include additional sections of Chapter 790, Florida Statutes to be amended during the special session.

NOW, THEREFORE, I, LAWTON CHILES, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

Section 2(c) of the Proclamation of the Governor dated October 11, 1993, is hereby amended to read:

(c) Legislation amending Sections 790.17, 790.174, 790.175, 790.18, 790.22, 790.23, 790.25, Florida Statutes, regarding possession of a firearm by a juvenile or delivery of a firearm to a juvenile under certain conditions.



ATTEST:  
*Jim Smith*  
SECRETARY OF STATE

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 1st day of November, 1993.

*Lawton Chiles*  
GOVERNOR

## INTRODUCTION AND REFERENCE OF BILLS

### FIRST READING

By Senator Hargrett—

**SB 2-C**—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; excluding from the definition of "accident" diseases with certain prejudicial manifestations; providing an effective date.

—was referred to the Committee on Commerce.

**Senate Bills 4-C, 6-C, 8-C**—Not introduced

By Senator Silver—

**SB 10-C**—A bill to be entitled An act relating to juveniles; amending s. 790.17, F.S.; prohibiting the sale or transfer of a firearm to a minor; providing a penalty; amending s. 790.174, F.S.; redefining the term "minor" for purposes of the law that requires the safe storage of a firearm; amending s. 790.175, F.S.; redefining the term "minor" for purposes of the requirement that the purchaser of a firearm be informed that it is unlawful to store or leave a firearm within access of a minor; amending s. 790.18, F.S.; prohibiting an arms dealer from selling or transferring a firearm or certain other weapons to a minor; providing a penalty; amending s. 790.22, F.S.; prohibiting a minor from possessing a firearm; providing certain exceptions; prohibiting the parent or guardian of a minor from knowingly permitting the minor to unlawfully possess a firearm; providing penalties; providing for the seizure of a firearm that is possessed, carried, or used unlawfully by a minor; providing that such provisions are supplemental to certain other criminal sanctions; amending s. 790.23, F.S.; prohibiting juveniles who are adjudicated delinquent for an act that would be a felony if committed by an adult from owning or possessing a weapon or firearm during the period of the court's continuing jurisdiction under ch. 39, F.S.; amending s. 790.25, F.S., relating to the lawful possession of a firearm; conforming provisions to changes made by the act; requiring that a minor charged with certain offenses involving the use or possession of a firearm be detained in secure detention unless the state attorney authorizes the minor's release; providing for a hearing within a specified period; providing circumstances under which the court may order that the minor continue to be held in secure detention; requiring the court to order a minimum mandatory period of secure detention in addition to other punishments provided by law if the minor is found to have committed certain offenses involving the use or possession of a firearm and is not committed to a residential commitment program of the Department of Health and Rehabilitative Services; providing for mandatory revocation or suspension of the driving privilege if a minor is found to have committed certain offenses involving the use of possession of a firearm; providing an effective date.

—was referred to the Committees on Criminal Justice and Appropriations.

By Senators Jennings, Childers, Foley, Dudley, Casas, Dantzler, Kurth, Kirkpatrick, Forman, Grant, Williams, Beard, Bankhead, Johnson, Scott, McKay, Silver, Jenne, Brown-Waite, Thomas, Burt, Grogan, Jones, Myers, Holzendorf, Crenshaw and Turner—

**SB 12-C**—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising certain definitions; amending s.

440.05, F.S.; providing for election and revocation of election of an exemption; amending s. 440.055, F.S.; requiring notice of noncoverage at worksites under certain circumstances; amending s. 440.09, F.S.; providing for extent of workers' compensation coverage; requiring that injuries be established by medical evidence; clarifying compensation for subsequent injuries related to preexisting conditions; providing presumptions that intoxication or drug use caused certain injuries; amending s. 440.092, F.S.; excluding from certain travel benefits certain travel to and from work; amending s. 440.10, F.S.; deleting a requirement that contractors or subcontractors show proof of workers' compensation coverage before receiving a building permit; providing a penalty for employers who fail to secure required compensation; deleting a penalty; amending s. 440.101, F.S.; clarifying legislative intent relating to drug-free workplaces; amending s. 440.102, F.S.; clarifying and amending drug-free workplace program provisions; providing definitions; amending notice provisions; providing employer requirements for employer eligibility for certain discounts; reassigning certain responsibilities of the Department of Health and Rehabilitative Services for setting testing standards and overseeing testing; requiring a carrier or insurer to pay for treatment that occurs before a denial of benefits and to give notice to health care providers; allowing random drug testing by a public employer; relieving employers of civil liability, as specified; providing for reassigning an employee who tests positive for drugs or is in a drug-rehabilitation program; creating s. 440.103, F.S.; requiring contractors, as a condition to receiving a building permit, to show proof of having secured compensation for their employees; providing for a certificate of such proof; creating s. 440.104, F.S.; providing for actions for damages by losers of competitive biddings against certain winners of such biddings; specifying recovery of damages; providing for attorney's fees; providing exceptions; providing for joinder in such actions; barring certain actions under certain circumstances; creating s. 440.105, F.S.; prohibiting certain activities; providing penalties; creating s. 440.1055, F.S.; providing for claims forms to carry a notice of penalty for including false or misleading information on a statement of claim, as defined; creating s. 440.106, F.S.; providing civil remedies under certain circumstances; authorizing the Division of Workers' Compensation of the Department of Labor and Employment Security; to impose certain penalties; creating s. 440.107, F.S.; providing powers of the division to enforce compliance with coverage requirements; authorizing the division to assess penalties; amending s. 440.13, F.S.; revising provisions related to providing medical services and supplies; providing definitions; requiring employers to furnish medical treatment; providing for provider eligibility for payment; providing for authorizations for payments to providers; requiring health care providers to submit certain reports to carriers under certain circumstances; providing for independent medical examinations; providing for utilization review; providing for resolution of utilization and reimbursement disputes; providing for penalties for overutilization or certain violations of ch. 440, F.S.; providing for certification of expert medical advisors; requiring the division to contract with such advisors to provide peer review or medical consultation under certain circumstances; providing procedures for expert medical advisors; relieving such advisors of legal liability; requiring carriers to timely compensate such an advisor; providing penalties for failure to compensate; providing for audits by the division; providing for division jurisdiction; creating a three-member panel to adopt schedules of reimbursement allowances; providing for managed care; providing for removal of physicians from certain lists; providing for payment of medical fees; providing for developing and implementing state practice parameters for outpatient services for workers' compensation claimants; creating s. 440.134, F.S., the "Workers' Compensation Managed Care Organization Act"; providing definitions; providing for the Department of Insurance to administer this section and to adopt and enforce rules; providing that a workers' compensation managed care organization, or WCMCO, is exempt from the Florida Insurance Code; providing that this section is exclusively applicable to WCMCOs; requiring a certificate of authority for owning, operating, or controlling a WCMCO or providing certain services; providing requirements for obtaining or renewing a certificate of authority; requiring an annual report; providing fees for licensure and license renewal; requiring a WCMCO to have a quality assurance program; providing requirements for changes of ownership; requiring notice of and prerequisites to expanding the WCMCO's geographic area; specifying the minimum net worth that a WCMCO must maintain; prohibiting certain ownership interests in or by a WCMCO; requiring such organization to disclose certain financial interests; providing for suspending, revoking, or refusing to renew certificates of authority and requiring notice thereof; providing for the maximum duration of suspension of a certificate, for obligations of the WCMCO during that period, and for reinstatement; providing obligations of carriers during suspension or revocation of a WCMCO's certificate of

authority; providing for administrative fines; providing penalties for operating without a valid certificate of authority; providing for maintenance of and access to records; specifying other laws applicable to WCMCOs; requiring forms to be filed with and approved by the Department of Insurance; setting rate limits; providing for periodic examination; providing for the disposition of fees; prohibiting WCMCOs from transacting insurance business without authorization; providing penalties for a false or fraudulent application and for other violations of this section; requiring medical services and supplies to be provided in specified circumstances; providing that ch. 440, F.S., applies to certain health maintenance organizations under specified conditions; amending s. 440.135, F.S.; amending provisions relating to pilot programs for medical and remedial care; allowing such programs to combine other health insurance and workers' compensation insurance into 24-hour health insurance coverage; amending s. 440.15, F.S.; clarifying an employee's burden in proving permanent total disability; revising guidelines for payments to employees who are totally disabled; providing for continued vocational evaluations or testing under certain circumstances; requiring that notice of evaluations or testing be given to an employee; providing procedures for withholding payments from an employee who refuses evaluation or testing; requiring claimants to prove permanent total disability in certain circumstances; prohibiting findings of permanent total disability for sheltered employment under certain circumstances; excluding from benefits employees who refuse to apply for or cooperate with application for social security benefits; providing for establishment of a uniform permanent impairment rating schedule; providing for determinations of permanent impairment by certain persons; providing for supplemental benefits, which are regulated solely by this section; deleting provisions relating to wage-loss benefits; amending procedural requirements relating to benefits for temporary partial disability; providing for repayment of indemnity benefits for which there was no entitlement; providing for the coordination of benefits; amending s. 440.16, F.S.; increasing required amount for funeral expenses; amending s. 440.185, F.S.; clarifying procedures related to notice of injury or death; deleting a requirement that the division monitor certain provision of benefits; deleting provisions relating to an electronic reporting system; amending s. 440.19, F.S.; clarifying procedures for filing claims for benefits; providing for withdrawal of claims; providing for amending claims; providing conditions to a motion to dismiss; deleting a requirement that the division assist certain injured employees; deleting provisions relating to requiring a judge of compensation claims to mail claims to the division and requiring the division to facilitate the resolution of conflicts in workers' compensation cases; creating s. 440.191, F.S.; creating the Employee Assistance Office in the division; providing procedures, duties, and responsibilities of the office; amending s. 440.20, F.S.; amending conditions of payment of benefits; requiring the division to monitor carriers to assure timely payment; providing for fines; deleting a requirement that the division assess a fine under certain circumstances; prohibiting the payment of attorney's fees; amending provisions related to lump-sum payments; providing applicability of this section to all claims settlements after a specified date; amending s. 440.207, F.S.; amending requirements for workers' compensation system guide; amending s. 440.21, F.S.; deleting a penalty related to invalid employer-employee agreements; creating s. 440.211, F.S.; authorizing certain collective bargaining agreements; providing criteria; amending s. 440.25, F.S.; clarifying provisions requiring a pretrial hearing and a final hearing under certain circumstances; providing for mediation; providing procedures for expediting resolution of claims; amending procedures for resolution of claims; providing for uniform local rules for workers' compensation; amending s. 440.29, F.S.; requiring receipt into evidence by a judge of compensation claims of certain medical reports; amending s. 440.32, F.S.; providing for assessing costs and attorney's fees against an attorney who frivolously brings or maintains proceedings; amending s. 440.34, F.S.; amending limitations on attorney's fees that may be approved as reasonable for services to claimants and to defendants; prohibiting carriers from recouping attorney's fees by specified means; creating s. 440.345, F.S.; requiring reporting of attorney's fees to the division; amending s. 440.38, F.S.; revising and clarifying provisions requiring security for payments of compensation; reassigning certain oversight functions from the division to the Department of Insurance; providing for the revocation of an employer's right to self-insure and for alternatives to revocation; providing additional options for employer coverage; amending provisions for indemnity benefits; requiring specified life-insurance benefits; requiring carriers to maintain claims adjusters in this state; deleting a penalty for failure to comply; amending s. 440.381, F.S.; revising a penalty for understating payroll or misrepresenting employee duties; amending s. 440.385, F.S.; amending provisions regulating the Florida Self-Insurers Guaranty Association; reassigning certain

functions from the Department of Labor and Employment Security to the Department of Insurance; amending s. 440.386, F.S.; assigning to the Department of Insurance certain functions relating to the insolvency of an individual self-insurer; creating s. 440.4416, F.S.; creating a state Workers' Compensation Advisory Council; providing for council duties, membership, meetings, and reimbursement; creating s. 440.4417, F.S.; creating a state Workers' Compensation Rules Advisory Council; providing for council duties, membership, meetings, and reimbursements; amending s. 440.45, F.S.; providing for nominations of judges of compensation claims by the Workers' Compensation Judicial Commission; providing qualifications for membership on the commission; providing that the Governor appoints commission members; providing that the judicial commission has the power to investigate and make recommendations to the Governor relating to the fitness for office of judges of compensation claims, and to impose sanctions; providing the Governor with power to remove such judges for specified causes; providing for review of the judicial commission's actions; placing restrictions on such a judge who vacates his judicial office; revising the duties of the Chief Judge; requiring the Chief Judge to report to the judicial commission on the performance of each judge; amending s. 440.49, F.S.; revising provisions relating to reemployment of injured workers and rehabilitation; focusing on limiting the liability for subsequent injury through the Special Disability Trust Fund; providing definitions; providing legislative intent; amending definitions; providing a deductible; providing for temporary compensation and medical benefits, and allowing partial reimbursement to the employer from the trust fund; providing for the effect that the employer's knowledge of a preexisting condition has upon his reimbursement; revising the list of compensable injuries; providing for assessments to maintain the trust fund; providing for the applicable law for purposes of determining entitlement to reimbursement; creating s. 440.491, F.S.; providing for reemployment status reviews and reports; providing for reemployment assessments; providing for medical care coordination and reemployment services; providing for training and education; specifying provider qualifications; requiring the division to monitor selection of providers, provision of services, and carrier practices; restricting adjudications of permanent and total disability; amending ss. 440.51, 440.515, F.S.; providing for the Department of Insurance to assume certain administrative functions, including auditing self-insurers and maintaining confidential reports; amending s. 440.572, F.S.; correcting a cross-reference; amending s. 440.59, F.S.; requiring the Department of Labor and Employment Security to make an annual report on the administration of ch. 440, F.S., to specified officials; creating s. 440.593, F.S.; providing for the division to establish an electronic reporting system; providing for the division to periodically examine each carrier; creating the "Florida Occupational Safety and Health Act," consisting of ss. 442.001; 442.002, 442.003, 442.004, 442.005, 442.006, 442.007, 442.008, 442.009, 442.0105, 442.011, 442.012, 442.013, 442.014, 442.015, 442.016, 442.017, 442.018, 442.019, 442.0195, 442.021, 442.022, F.S.; creating s. 442.001, F.S.; providing a short title; creating s. 442.002, F.S.; providing definitions; creating s. 442.003, F.S.; providing legislative intent; transferring, amending, and renumbering s. 440.09(5), F.S., as s. 442.004, F.S.; providing for rulemaking governing safety inspections and consultations; transferring, amending, and renumbering s. 440.152, F.S., as s. 442.005, F.S.; providing for the division to make a continuous study of occupational diseases; repealing s. 440.46(2), (3), F.S., and transferring, amending, and renumbering s. 440.46(1), F.S., as s. 442.006, F.S.; authorizing the division to enter and inspect places of employment for purposes of compliance; providing a penalty for refusing to allow an inspection; creating s. 442.007, F.S.; providing employers' responsibilities for employees' safety; creating s. 442.008, F.S.; providing the division with the authority to investigate safety at places of employment and to prescribe means of preventing accidents and occupational diseases; creating s. 442.009, F.S.; providing the division and its representatives with a right of entry to make inspections; creating s. 442.0105, F.S.; requiring employers whose employees have a high frequency or severity of work-related injuries to implement a safety and health program, for division approval; providing for rulemaking; creating s. 442.011, F.S.; requiring carriers to provide safety consultations to their policyholders on request; requiring a report to the division; requiring the division to set out criteria for, and to approve, safety programs; creating s. 442.012, F.S.; requiring employers to establish workplace safety committees; requiring the division to adopt certain rules relating to committee membership and duties and to employer record-keeping; requiring employees to receive their regular wages while engaged in committee activities; creating s. 442.013, F.S.; providing for employer penalties; creating s. 442.014, F.S.; providing for cooperation between the division and the Federal Government for specified purposes; creating s. 442.015, F.S.; providing penalties for certain employers who fail to imple-

ment a safety and health program; creating s. 442.016, F.S.; providing for paying the expenses of administering this chapter; creating s. 442.017, F.S.; providing a criminal penalty for an employer or owner that refuses to allow entry and inspections by division representatives; creating s. 442.018, F.S.; providing employees' rights and responsibilities; creating s. 442.019, F.S.; providing for compliance; creating s. 442.20, F.S.; prohibiting making false statements to carriers; creating s. 442.021, F.S.; providing penalties for carriers under certain circumstances; creating s. 442.022, F.S.; providing preemptive authority to the division to adopt certain rules; creating s. 442.023, F.S.; prohibiting certain acts; providing penalties; providing a statute of limitations; transferring the self-insurance regulatory functions of the Department of Labor and Employment Security to the Department of Insurance; preserving current administrative rules; providing that the validity of current legal actions is not affected by the transfer; authorizing group self-insurers who have certificates of authority under current law to receive certificates of authority under this act; creating s. 624.461, F.S.; defining the term "self-insurance fund"; amending s. 624.462, F.S.; prohibiting a commercial self-insurance fund from participating in the Florida Self-Insurance Fund Guaranty Association; transferring, amending, and renumbering s. 440.57, F.S., as s. 624.4621, F.S.; providing for group self-insurance funds; transferring administrative responsibilities from the division to the Department of Insurance; requiring participation in the Florida Self-Insurance Fund Guaranty Association; transferring, amending, and renumbering s. 440.575, F.S., as s. 624.4622, F.S.; providing for local government self-insurance funds; correcting cross-references; transferring, amending, and renumbering s. 440.571, F.S., as s. 624.46225, F.S.; correcting a cross-reference; amending ss. 624.463, 624.474, 624.476, 624.480, 624.482, 624.484, 624.486, 624.488, F.S.; replacing the term "commercial self-insurance fund" with the term "self-insurance fund" in provisions relating to the conversion of such a fund into a domestic mutual insurer, relating to such a fund's payment of dividends or refunds to its members, relating to allowing assessments to be made upon such funds for deficiencies, relating to impaired funds, relating to filing, approval, and disapproval of forms, relating to the making and use of rates, relating to the registration of the funds, relating to filing, approval, and disapproval of forms, relating to the registration of the fund's agent, relating to periodic examinations of the fund, and relating to the applicability of related laws to the funds; creating s. 624.4741, F.S.; providing venue in assessment actions brought by a self-insurance fund; transferring, amending, and renumbering s. 440.58, F.S., as s. 624.483, F.S.; reassigning, from the division to the Department of Insurance, certain duties relating to self-insurers' payments of delinquent premiums and assessments; transferring, amending, and renumbering s. 440.5705, F.S., as s. 624.487, F.S.; correcting cross-references to conform to this act; reassigning, from the Department of Labor and Employment Security to the Department of Insurance, duties relating to enforcing specified insurance provisions and rulemaking; amending s. 627.041, F.S.; amending the definition of the term "insurer" to include group self-insurance funds; creating s. 627.212, F.S.; providing for carriers voluntarily to impose a workplace safety program surcharge on certain policyholders or fund members; providing for rulemaking; amending s. 627.311, F.S.; providing for joint underwriters and joint reinsurers; providing purposes and requirements; providing for supervision of the joint underwriting plan by a board of governors; providing board members' qualifications and terms of office; requiring a plan of operation and prescribing contents of the plan; providing for funding the plan; providing qualifications necessary for insurance under the plan; requiring an independent actuarial certification; providing procedures in case of deficits; allowing the plan to retain excess premiums and assessments; providing liability for losses arising after a specified date; providing that plan losses are not to come from insurers; providing that the joint underwriting plan is not a state agency, except as specified; providing alternatives for paying premium taxes; amending s. 627.4133, F.S.; providing that workers' compensation and employer's liability insurance is subject to certain notice provisions; creating part V of ch. 631, F.S., the "Florida Self-Insurance Fund Guaranty Association Act," consisting of ss. 631.90, 631.905, 631.91, 631.915, 631.92, 631.925, 631.93, 631.935, 631.94, 631.945, 631.95, 631.955, 631.96, 631.965, 631.97, 631.975, 631.98, 631.985, 631.99, 631.995, F.S.; providing a title; providing purposes; providing for liberal construction; providing definitions; creating the association and fund; providing for an organizational meeting and a board of directors; providing powers and duties of the association; providing for assessments; requiring a plan of operation to be submitted to the department; specifying plan contents; providing for the prevention of insolvencies; providing for open association records and open meetings; providing immunity to the association and to the Department of Insurance; prohibiting certain advertisements or solicitations; providing powers of the Department of Insurance; pro-

viding liability of members of an impaired self-insurance fund for unpaid claims; providing for certain effects of paid claims; providing for a stay of proceedings and for reopening of default judgments; prohibiting an award of attorney's fees, except as specified; providing for assumption of liability relating to claimants covered by the Certified Pulpwood Dealers Self-Insurers Fund; requiring the district court of appeal to use the state video teleconferencing network to facilitate access to courts; repealing ss. 440.37, 440.38, 440.48, 440.56, F.S., relating to misrepresentation and fraudulent activity for the purpose of obtaining or denying workers' compensation benefits, relating to security for compensation, relating to an annual report of the administration of ch. 440, F.S., and relating to workplace safety rules and provisions; providing an effective date.

—was referred to the Committees on Appropriations and Commerce.

By Senators Jennings and Childers—

**SB 14-C**—A bill to be entitled An act relating to the confidentiality of provisions relating to workers' compensation; providing for the exemption from s. 24, Art. I of the State Constitution and from sections 119.07(1) and 286.011, Florida Statutes, where appropriate, of matters relating to s. 440.13, F.S., pertaining to specified medical information about, and discussions of the medical condition of, an injured employee; relating to s. 440.134, F.S., the Workers' Compensation Managed Care Organization Act, pertaining to trade secrets and patients' identities and addresses; relating to s. 440.45, F.S., pertaining to certain proceedings and communications by, with, or before the Workers' Compensation Judicial Commission; relating to s. 442.018, F.S., pertaining to the identity of any employee who exercises rights granted under ch. 442, F.S., the "Florida Occupational Safety and Health Act"; relating to s. 631.95, F.S., pertaining to various reports and recommendations to the Department of Insurance under the Florida Self-Insurance Fund Guaranty Association Act; relating to s. 631.955, F.S., pertaining to negotiations between a self-insurance fund and the Florida Self-Insurance Fund Guaranty Association; providing statements of public necessity for these exemptions; providing for future review of these exemptions; providing an effective date.

—was referred to the Committee on Commerce.

By Senators Holzendorf and Grant—

**SB 16-C**—A bill to be entitled An act relating to insurance; amending s. 624.307, F.S.; requiring the Department of Insurance to develop an outreach program; creating s. 624.3215, F.S.; providing immunity from civil liability under certain circumstances to persons who provide information about the financial condition of an insurer to the department; amending s. 624.316, F.S.; requiring the department to conduct periodic examinations of insurers; amending s. 624.407, F.S.; increasing surplus requirements for prospective insurers; deleting provisions that have had their effect; amending s. 624.408, F.S.; revising surplus requirements; creating s. 624.4243, F.S.; providing for insurers to compute and report premium growth; amending s. 625.305, F.S.; removing the requirement that the department approve certain investments; amending s. 625.330, F.S., relating to investments by title insurers; changing a cross-reference to the surplus requirements; amending s. 627.351, F.S.; revising provisions relating to deficit assessments in the windstorm insurance risk apportionment plan; authorizing issuance of bonds on behalf of the plan; providing circumstances under which a classification is eligible for coverage in the Florida Property and Casualty Joint Underwriting Association; providing criteria for rates; activating coverage relating to commercial coverages of residences; providing for legislative review; providing for termination; revising provisions relating to deficit assessments; authorizing issuance of bonds for the association; providing legislative intent with respect to the Residential Property and Casualty Joint Underwriting Association; providing criteria for rates; requiring rate filings; revising provisions relating to deficit assessments; authorizing issuance of bonds for the association; providing for dissolution of the association; amending s. 627.701, F.S.; providing limitations on deductibles; providing for pools of insurance adjusters in case of hurricanes or declared emergencies; regulating the geographic concentration of property insurance exposure; amending s. 628.801, F.S., relating to application of insurance holding company rules to domestic insurers, foreign insurers, and commercially domiciled insurers; providing exceptions; providing for rules; amending s. 631.011, F.S.; revising the cross-references in the definitions of the terms "impairment of capital" and "impairment of surplus" to conform to changes made by this act; providing for the post-mortatorium cancellation and nonrenewal of personal lines residential property insurance policies; providing an effective date.

—was referred to the Committee on Commerce.

By Senators Holzendorf and Grant—

**SB 18-C**—A bill to be entitled An act relating to the Florida Hurricane Catastrophe Fund; creating s. 215.555, F.S.; providing findings and purpose; providing definitions; creating the Florida Hurricane Catastrophe Fund as a trust fund under the State Board of Administration; specifying uses of moneys in the fund; specifying applicability of other laws; requiring the fund and specified insurers to enter into reimbursement contracts; specifying obligations of the fund under reimbursement contracts; requiring reports; providing for loans; requiring payment of reimbursement premium; providing for calculation of reimbursement premium; specifying accounting and regulatory treatment of reimbursement premium; requiring advance payment; providing circumstances for issuance of revenue bonds on behalf of the fund; specifying pledged revenues; authorizing units of local government to issue such bonds; requiring validation; authorizing emergency assessments; authorizing the fund to procure reinsurance; authorizing borrowing by the fund; authorizing the fund to expend certain moneys to support programs to mitigate hurricane losses; providing for appointment of an advisory council; providing for per diem and travel expenses; specifying applicability of s. 19, Art. III, State Constitution, to the fund; providing that violations constitute violations of the Insurance Code; providing for recommendations with respect to federal or multistate catastrophic funds; providing an exemption from the deduction required by s. 215.20(1), F.S.; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

#### MOTION TO INTRODUCE BILL

Senator Crenshaw moved that the following bill be admitted for introduction by the required constitutional two-thirds vote of the Senate. The motion was adopted. The vote was:

Yeas—37      Nays—None

By Senator Crenshaw—

**SB 20-C**—A bill to be entitled An act relating to community health purchasing alliances; amending s. 408.705, F.S.; providing that the meetings and records of the board of directors of such an alliance are public unless otherwise specifically exempted by law; prohibiting specified ex parte communications respecting these alliances; requiring the Agency for Health Care Administration to study and report concerning the need for public record and public meeting exemptions for these alliances; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Senator Dantzer—

**SB 22-C**—A bill to be entitled An act relating to workers' compensation; amending s. 20.171, F.S.; establishing a Workers' Compensation Appellate Commission in the Department of Labor and Employment Security; providing for appointing judges of the commission; providing terms; providing powers and duties of the commission; authorizing the commission to charge certain fees; providing for a clerk of the commission; providing duties of the clerk; requiring a report; amending s. 27.34, F.S.; authorizing the Insurance Commissioner to contract with state attorneys to prosecute certain criminal violations and to contribute funds to pay salaries and expenses of certain assistant state attorneys for certain purposes; creating s. 287.044, F.S.; providing for compliance with chapter 440, F.S.; providing definitions; requiring a sworn statement prior to bidding on a contract under certain circumstances; amending s. 287.058, F.S.; requiring certain contract documents to contain certain payment security provisions; amending s. 408.7056, F.S.; clarifying application of the Statewide Provider and Subscriber Assistance Program; amending s. 440.015, F.S.; providing legislative intent; amending s. 440.02, F.S.; revising certain definitions; providing additional definitions; amending s. 440.05, F.S.; providing for election of exemption; providing for revocation of an election; amending s. 440.055, F.S.; requiring notices of noncoverage be posted at worksites; providing for a penalty; amending s. 440.075, F.S.; providing for effect of exemption election; amending s. 440.09, F.S.; revising coverage provisions related to injuries due to alcohol or drug abuse; specifying compensable injuries; amending s. 440.10, F.S.; deleting a requirement that contractors or subcontractors show proof of

charge to the commission as set forth in the bill do not provide a balance between the interests of property owners and the appropriate role of government in protecting the environment and managing growth. Committee Substitute for Senate Bill 1000 would stack the deck.

A study should be conducted into reaching an appropriate balance between the environmental interests of the citizens of this State and the property interests of landowners with emphasis on eliminating any unfairness. In order to fairly study these issues, I am establishing by Executive Order the Governor's Property Rights Study Commission II and I am directing the members of the Commission to make recommendations to me and the leadership of the Legislature concerning resolution of problems generated by the competing interests of property owners and appropriate governmental regulation.

For these reasons, I am withholding my approval of Committee Substitute for Senate Bill 1000 and hereby veto the same.

Sincerely,  
*Lawton Chiles*  
Governor

**The bill, together with the Governor's objections thereto, was referred to the Committee on Rules and Calendar.**

## COMMITTEES OF THE SENATE

(With Revisions)

### Agriculture

Senator Foley, Chairman; Senator Williams, Vice Chairman; Senators Beard, Casas, Childers, Dantzler, Gutman, Jenne, Kurth and McKay

### Appropriations

Senator Jenne, Chairman; Senator Crenshaw, Vice Chairman; Senators Bankhead, Beard, Boczar, Brown-Waite, Burt, Casas, Childers, Dantzler, Diaz-Balart, Dudley, Dyer, Foley, Grant, Grogan, Hargrett, Holzendorf, Jones, Kirkpatrick, Kurth, McKay, Myers, Scott, Silver, Sullivan, Turner and Williams

*Subcommittee A:* Senator Childers, Chairman; Senators Beard, Casas, Foley, Hargrett and Silver

*Subcommittee B:* Senator Holzendorf, Chairman; Senators Brown-Waite, Dyer, Dudley, Grant, Kirkpatrick, Turner and Williams

*Subcommittee C:* Senator Kurth, Chairman; Senators Bankhead, Boczar, Sullivan, McKay and Myers

*Subcommittee D:* Senator Diaz-Balart, Chairman; Senators Burt, Dantzler, Grogan, Jones and Scott

### Commerce

Senator Childers, Chairman; Senator Jennings, Vice Chairman; Senators Beard, Burt, Casas, Dudley, Forman, Grant, Holzendorf, Jenne, McKay, Scott, Silver, Wexler and Williams

### Community Affairs

Senator Jones, Chairman; Senator Jennings, Vice Chairman; Senators Boczar, Brown-Waite, Burt, Diaz-Balart, Forman, Hargrett, Kiser and Weinstein

### Corrections, Probation and Parole

Senator Beard, Chairman; Senator Meadows, Vice Chairman; Senators Crist, Dantzler, Diaz-Balart, Harden, Jones and Weinstein

### Criminal Justice

Senator Silver, Chairman; Senator Grogan, Vice Chair; Senators Bankhead, Harden, Meadows, Scott, Siegel and Wexler

### Education

Senator Johnson, Chairman; Senator Grant, Vice Chairman; Senators Crist, Dudley, Dyer, Holzendorf, Kirkpatrick, Myers, Sullivan and Turner

### Executive Business, Ethics and Elections

Senator Turner, Chairman; Senator Siegel, Vice Chairman; Senators Childers, Crist, Dudley, Foley, Weinstein and Wexler

### Finance, Taxation and Claims

Senator Wexler, Chairman; Senator Kiser, Vice Chairman; Senators Crist, Forman, Gutman, Jennings, Johnson, Meadows, Siegel and Weinstein

### Governmental Operations

Senator Boczar, Chairman; Senator Harden, Vice Chairman; Senators Burt, Dyer, Johnson, Jones, Kiser and McKay

### Health and Rehabilitative Services

Senator Myers, Chairman; Senator McKay, Vice Chairman; Senators Bankhead, Burt, Forman, Kurth, Turner and Wexler

### Health Care

Senator Forman, Chairman; Senator Gutman, Vice Chairman; Senators Foley, Kurth, Myers, Siegel, Silver and Turner

### International Trade, Economic Development and Tourism

Senator Grogan, Chair; Senator Gutman, Vice Chairman; Senators Brown-Waite, Casas, Grant, Holzendorf, Meadows and Silver

### Judiciary

Senator Weinstein, Chairman; Senator Dudley, Vice Chairman; Senators Boczar, Grant, Jenne, Jones, Scott and Siegel

### Natural Resources and Conservation

Senator Dantzler, Chairman; Senator Beard, Vice Chairman; Senators Brown-Waite, Casas, Crist, Diaz-Balart, Dyer, Grogan, Gutman, Hargrett, Johnson, Kirkpatrick, Kiser and Williams

### Personnel, Retirement and Collective Bargaining

Senator Meadows, Chairman; Senator Sullivan, Vice Chairman; Senators Childers, Foley, Harden and Holzendorf

### Professional Regulation

Senator Dyer, Chairman; Senator Sullivan, Vice Chairman; Senators Bankhead, Brown-Waite, Hargrett, Kirkpatrick, Kurth and Siegel

### Rules and Calendar

Senator Kirkpatrick, Chairman; Senator Scott, Vice Chairman; Senators Beard, Casas, Childers, Crenshaw, Dantzler, Dudley, Grant, Jenne, Jennings, Jones, Kiser, Kurth, McKay, Silver, Weinstein and Wexler

### Transportation

Senator Hargrett, Chairman; Senator Beard, Vice Chairman; Senators Bankhead, Dantzler, Diaz-Balart, Forman, Jennings, Kirkpatrick, Myers and Williams

## SELECT COMMITTEES

### Gaming

Senator Casas, Chairman; Senators Forman, Holzendorf, Jennings, Scott and Silver

### Governmental Reform

Senator Williams, Chairman; Senator Kiser, Vice Chairman; Senators Childers, Crenshaw, Dudley, Jenne, Jennings, Kirkpatrick, Scott and Wexler

### Juvenile Justice Reform

Senator Siegel, Chairman; Senator Holzendorf, Vice Chairman; Senators Bankhead, Beard, Crist, Dantzler, Forman, Hargrett, McKay and Wexler

### Workers' Compensation Reform

Senator Jennings, Chairman; Senators Casas, Childers, Dantzler, Dudley, Foley, Wexler and Williams

**JOINT COMMITTEES**

**Administrative Procedures**

Senator Kiser, Alternating Chairman; Senators Grogan and Holzendorf

**Advisory Council on Environmental Education**

Senator Kirkpatrick, Alternating Chairman; Senator Bankhead

**Advisory Council on Intergovernmental Relations**

Senator Dudley, Alternating Chairman; Senators Foley, Johnson and Meadows

**Joint Legislative Management Committee**

Senator Childers, Alternating Chairman; Senators Casas and Scott

**Legislative Auditing**

Senator Forman, Alternating Chairman; Senators Crist, Diaz-Balart, McKay and Williams

**Legislative Information Technology Resources**

Senator Jones, Alternating Chairman; Senators Boczar and Sullivan

**ROLL CALL ON MOTION**

**Motion to Introduce SB 20-C**

Yeas—37

Bankhead	Dudley	Jenne	Siegel
Beard	Dyer	Jennings	Silver
Boczar	Foley	Johnson	Sullivan
Brown-Waite	Forman	Jones	Turner
Burt	Grant	Kirkpatrick	Weinstein
Casas	Grogan	Kiser	Wexler
Childers	Gutman	McKay	Williams
Crenshaw	Harden	Meadows	
Crist	Hargrett	Myers	
Diaz-Balart	Holzendorf	Scott	

Nays—None

**RECESS**

On motion by Senator Kirkpatrick, the Senate recessed at 2:53 p.m. for the purpose of holding committee meetings and conducting other Senate business until 1:00 p.m., Tuesday, November 2.

## JOINT CAUCUS

October 12, 1993

The joint caucus was held for the purpose of swearing in Senator Pat Thomas as President of the Senate and designating Senator Ander Crenshaw as President Pro Tempore of the Senate, pursuant to SR 2-Org. signed November 19, 1992, by all the members of the Senate, during the Organization Session.

### CALL TO ORDER

The joint caucus was called to order by Joe Brown, Secretary of the Senate, at 11:00 a.m. The rolls of the Democratic and Republican Caucuses were called and the following members were recorded present:

Bankhead	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Thomas
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams
Dantzler	Hargrett	Meadows	

Excused: Senator Myers

### PRAYER

The following prayer was offered by Dr. Randy Ray, Pastor, Temple Baptist Church, Tallahassee:

Our heavenly Father, we thank you for this unique opportunity to display how unity and harmony can be achieved among people of varying philosophies for the good of a common goal. Lord, as President Crenshaw takes his leave, we thank you for his year of opportunity. We now look forward and ask your blessings upon the coming year under the leadership of President Thomas.

I pray that every session that will be held this year will be marked by this wonderful display of cooperation and harmony that is here today in this special circumstance.

Thank you, Lord, for the gift of government and may this body govern responsibly, govern in a way that is for the good of the people. Lord, I pray that in addition to all of the other things that Florida is able to do, may we be known as a state that continues to remember our God. In Christ's name we pray, Amen.

### PLEDGE

Senator Foley led the joint caucus in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION OF FORMER PRESIDENTS

Secretary Brown announced that in addition to former Senate President W. D. Childers, who still serves in the Senate, the Senate was honored by the presence of former Presidents: Dempsey Barron, who was accompanied by his wife Terrie Jo; Mallory Horne; Randolph Hodges; John Vogt and Bob Crawford.

### INTRODUCTION OF GOVERNOR AND CABINET

Secretary Brown recognized Governor Lawton Chiles, Commissioner of Education Betty Castor, Commissioner of Agriculture and Consumer Services Bob Crawford, Treasurer and Insurance Commissioner Tom Gallagher, Attorney General Bob Butterworth and Secretary of State Jim Smith.

### INTRODUCTION OF FORMER SENATORS

Secretary Brown introduced former Senators Bud Gardner, Javier Souto, David McClain and Van Poole.

### INTRODUCTION OF SPECIAL GUESTS

Secretary Brown introduced Rosemary Barkett, Chief Justice of the Florida Supreme Court; members of the House of Representatives: Hurley Rudd, Al Lawson and Robert Trammell; Doyle Conner, former Commissioner of Agriculture; and Mrs. Dewey Johnson, wife of former President Dewey Johnson.

### RECOGNITION OF PRESIDENT CRENSHAW

At the request of the Secretary, Senators Casas, Dudley and Bankhead escorted President Crenshaw and Senators Diaz-Balart, Wexler and Beard escorted Mrs. Crenshaw to the bar of the Senate where they unveiled the official portrait of President Crenshaw. The committee then escorted President and Mrs. Crenshaw to the rostrum where they were received and seated by the Secretary.

The Secretary then recognized Senator Brown-Waite who made the following presentation to President and Mrs. Crenshaw on behalf of all Senate members:

Thank you very much. In appreciation for Ander Crenshaw's service as Senate President, I am pleased to present a gift of two thousand dollars which is going to be donated to the charity of his and Mrs. Crenshaw's choice. The charity is the Florida Network of Victim Witness Services. The Network has some two hundred members who provide advocacy services for victims throughout the state. It was created in 1979 and has assisted thousands of victims to gain their rights.

Mr. and Mrs. Crenshaw have requested that instead of a personal gift to the Senate President that a donation be made to this charity.

I am very pleased to present it in recognition of the wonderful leadership that Senator Crenshaw has given to the Florida Senate.

The Secretary presented President Crenshaw for remarks.

### REMARKS BY PRESIDENT CRENSHAW

Senators, as we gather here today to begin the final leg of our two-year journey together, it's appropriate to recognize the unchallenged commitment and often courageous efforts of the members of this body.

We came together to demonstrate that when we work together, there is a better way for Florida. But we have a ways to go to restore a measure of public faith in government. No one is more aware of this than your new President, Senator Thomas, and I sincerely look forward to working with him in the second half of this historic era.

This should be a time of unbounded exuberance for all of us who share this chamber. We have come so far together and if the world were a sane and reasonable place it would be fitting to spend this moment in the relaxed comfort of recounting battles won and tributes earned.

But the world about us has been set asunder by a violence so indiscriminate, so senseless, that we are caused to wonder what life in Florida has come to, what life in all America has come to, and where it will lead.

I find myself questioning the most routine acts of civilized existence for my family, for myself, but especially for my children. Can they travel from place to place without taking a fatal risk? Is any highway safe anymore? Will the next bullet shot from a speeding car have their names on it? Will they ever feel secure anywhere again? Or be locked into a dread that will consume them in waking days and restless nights?

Some people find the culprit to be an instrument like a gun, or condition like poverty, or a perversion like godlessness. But if every gun were confiscated, would the slaughter end or simply be executed by the knife and blade?

If poverty ceased to exist, would the absence of need by itself redirect the mind to civilized behavior? Does recognition of a Supreme Being automatically turn wayward souls into agents of mercy?

I don't think so. Until we direct human behavior, nothing changes. And so, my friends, it's time to change direction.

It should come as no shock to us that the enemy in our midst are those who have had no childhood, no tempering by good teachings, little or no exposure to good examples. Left to forage for themselves, they become a law unto themselves, defiant and remorseless. For some the cycle of violence is so embedded that even years of hard labor won't sweat it out.

But for most, the cycle of violence is in its earliest stage and it is here that we must strike before they too become what I term "the unreachables". Let us deal with the unreachables first, those who have made a career of crime and not simply an avocation.

A judge in Leon County says that if we incarcerated just one hundred and fifty habitual teen age criminals the crime rate here would cut in half — cut in half. I suggest we take the judge seriously and start answering some questions of our own. Here are four of them.

Is the law regarding habitual juvenile crime sufficient as it stands, or must it be strengthened? Should age mitigate the severity of a sentence or should the crime itself determine the punishment?

If we can indeed identify the one hundred and fifty unreachables here in Tallahassee, can we do this across the state? And do we passively await their next assault or do we confront them individually, monitor their behavior, and put them on notice: one more anything, you lose everything.

Should confinement of unreachables be under the authority of HRS or the Department of Corrections? Will it be summer camp or the big house?

For those who have run out of chances to conform, who have made a sport of killing and thieving, a mockery of early release and probation, I suggest our justice be swift and sure; that we save our tears for the victims and not their predators. And if life-long quarantine is justified, that we be strong enough to administer it.

Listen closely: I am *not* talking about taking life away. I am talking about keeping death away.

Let us turn to young people for whom crime is not yet addictive, but who show every symptom of a human tragedy in the making. I'm talking about kids in gangs pushed to crime by peer pressure. I'm talking about kids who carry instruments of slaughter to school. I'm talking about kids who opt to deliver drugs for a hundred dollars an hour rather than deliver pizzas for three dollars an hour. I'm talking about thousands and thousands of young people who are experiencing their first sniff of crime and are waiting for their next big breath of it.

For them, for us, here are some of the questions we should be asking and without a moment's delay be answering:

Should weapons carried to schoolrooms merely be confiscated and their bearers scolded? Or should the law call for their immediate incarceration?

Should gangs bonded by criminal behavior be allowed to exist? Or should their leaders be indicted, their members warned, and their activities brought to a screeching halt?

Should a juvenile convicted of crime be allowed to roam the streets at will? Or should we insist on a curfew before and even after their sentence has been served?

If a juvenile is caught stealing a car, shouldn't even the most minimum penalty include his losing his driver's license—for months, for years, for life?

Should we continue to hold juveniles responsible for their actions and let their parents off scot-free? Or do we tell every parent in Florida that while raising children is their business, children raising hell is our business and they too will have to answer for it?

If we agree that boot camps for first offenders are working to deter criminal behavior, do we need more of them? Are they good enough? Can they be made better?

And finally, shouldn't good citizenship be constantly taught in our schools, not in dry, preachy ways but with all the imagination the human mind can muster?

I'm talking about saving children from themselves while there is still hope and there is still time. But no one is saved, including ourselves, unless the law itself becomes a teacher.

It must teach that for every action there is reward or punishment. It must teach that freedom with responsibility will never be censored, and that freedom without responsibility will never be tolerated. And this law that we in this chamber will mold must never be seen again as breakable without consequence, bendable without sanction, or benign to those who abandon it.

We have done great work in this chamber on the great challenges of our times. We have dealt a blow to ever increasing taxes, brought sense to health care and welfare, achieved high marks in education, and made government more responsive to the people and more responsible to itself.

But how can we face the future with any hope if those who carry that hope—our children—are allowed to drift into unreachableness without a voice being raised to stop them?

President Thomas, I know that you share these concerns, and I know that every member of this body joins me in my hope that your term as leader of the Florida Senate will become known as that period of time when the perils of childhood were revisited and some of the pain of growing up was tended to.

President Thomas and members of this body, God speed.

## DESIGNATION OF PRESIDENT PRO TEMPORE

The Secretary recognized Senator Jennings for the purpose of nominating Senator Crenshaw as President Pro Tempore of the Senate on behalf of the Republican members.

**Senator Jennings:** Joe, your term as president is going to be a little shorter today that it was in November. For those of you who weren't here last November, we stood here a divided Senate—twenty Republicans and twenty Democrats. Every prediction was that the worst political nightmare was about to happen. Gridlock and stagnation would reign supreme in the Florida Senate. Petty bickering would keep us from addressing the real issues on which the people of Florida had sent us to find solutions.

They were wrong. Under President Crenshaw's leadership we proved them wrong. Instead of fracturing this Senate, our differences forged new links. Our diversity built on the strength of each of us.

We're no longer two parties sitting here today locked in a leadership struggle. We are one Senate—as diverse as the population of this state—men and women, urban and rural, Hispanic, black, white, young, old. But we all have a common goal and that is the desire to make Florida a better place.

On the opening day of last session President Crenshaw challenged us to think about new ways to think about old problems. Senators, let's not forget that we have done that. Under Ander Crenshaw's leadership we strengthened school accountability and parental involvement. We put more money in the classroom. We funded ten thousand new prison beds. We created the most progressive welfare system in our nation. We talked and did something about health care reform. We made our state a partner in economic development and cut bureaucratic red tape. And yes, Senators, we did it without raising taxes.

President Crenshaw challenged us to do these things and we did every one of them because we made the tough choices and we set priorities.

To continue to succeed, ours must be a Senate of teamwork. It must be a Senate of give and take. For as others before us have said, a house divided will surely fall.

So today I rise, as called for in that agreement that so many thought would never work, to place in nomination the name of Ander Crenshaw for President Pro Tempore of the Florida Senate. I guess we make history again today. I know that after Senator Thomas' year as president, we will look back and the people of Florida will look back and say together it was a good team. It was the right way to do things and the people of Florida benefitted. I've done my duty. I have placed the name of Ander Crenshaw in nomination for President Pro Tempore.

It has been my honor and pleasure to serve with President Crenshaw and I look forward to serving with Senator Thomas in a united Senate that works for the betterment of the people of Florida.

The Secretary recognized Senator Jenne for the purpose of nominating Senator Crenshaw as President Pro Tempore of the Senate on behalf of the Democratic members.

**Senator Jenne:** Madam Chief Justice, Mr. President, members of the Cabinet, my distinguished colleagues, it has been said we are here today to prove, not only to the rest of Florida but to one another, that we can honor our pledges and move this Florida Senate forward.

I am both pleased and honored to nominate Ander Crenshaw to be President Pro Tempore for this next session. It was almost a year ago when the people of the State of Florida decided that there would be twenty Democrats and twenty Republicans in the Florida Senate. For the first time in the history of this state we had a Senate that was equally divided by party. You and I made a decision that we were going to enter into an agreement which was unique to us and certainly unique to the rest of the nation.

Most people in the galleries at the time scoffed and said it wasn't going to work, it couldn't work. But most of those people had not served on the floor of the Senate and did not know the personalities of Pat Thomas and Ander Crenshaw.

I say to the members of this Senate and to those in the gallery and to the lobbyists, we beat the odds, we proved that this Senate can continue to work for the people of the State of Florida.

I will place the name of Ander Crenshaw in nomination with the great expectation that Ander Crenshaw will want to be known as the healer of this Senate. Last year we began our journey with apprehension and distrust. Throughout the session we developed a working relationship with one another—Democrats and Republicans.

Both Ander and Pat were responsible for seeing us to a common goal. I know in this session Ander Crenshaw will continue to try to unite this Senate and keep us from dividing from one another. It will take little genius to break us apart but it will take ingenuity and it will take leadership to keep us on our common path.

Ander, I want to thank you personally and for the Democratic members of this Senate for trying to keep this Senate moving forward. There are those who would like to see us drive the Senate into a canal, but fortunately most, if not all Republicans and most, if not all Democrats, in this Senate see our duty, as Ander and Pat do, to move this state forward.

I now move that the Democratic caucus designate Senator Ander Crenshaw as President Pro Tempore of the Florida Senate.

## ROLL CALL

The rolls of the Democratic and Republican caucuses were called and Senator Crenshaw was unanimously designated as President Pro Tempore of the Senate.

## SWEARING IN OF PRESIDENT

Several Senators asked for recognition to speak on a point of personal privilege about Senator Thomas becoming President. They were recognized by the Secretary and made the following remarks:

**Senator Dantzler:** Mr. Secretary, I know that last night at midnight Senator Thomas officially became our President and this ceremony is more ceremonial than real, I suppose, but there were a number of people who thought it would be appropriate for at least a few people to rise on a point of personal privilege to say some nice things about Senator Thomas and that's why I'm asking to be recognized.

Senators, I think perhaps the best way for us to determine what kind of Senate President Senator Thomas will be is to look at what kind of senator he has been. When I think of what kind of senator he has been, I get quite excited about the next year, because he has truly been a senator for all people. He has represented his district well. He has represented his district zealously and effectively, but he has always represented his district with an eye toward what's in the best interest of the state as a whole.

Just as he has been a senator for all people, he will be a Senate President for all senators. I can tell you that he will be fair. He will allow this chamber to have the kind of debate that the people who sent us up here expect us to have. He will not be drawing lines in the sand and daring you to step across those lines. He will make sure the dignity and decorum of this chamber is maintained and upheld because this chamber belongs to the people of this state, and really, they deserve nothing less.

Senator Thomas understands the tradition and the history and all that goes along with old Florida. But yet he has a keen understanding of the challenges before new Florida. I think he is most capable of connecting

the old with the new. He has seen this state grow from a rural state to one which is now the fourth most populated state in the nation. He understands this chamber. He knows that we are black and white and Hispanic. He knows that we are Republican and Democrat. He knows that we are liberal and moderate and conservative. He knows that we come from the north part of the state, the central part of the state and the south part of the state. But he will help us find common ground to move this state forward.

There are at least two personality traits I look for in people and certainly I look for these traits in those who are asking me to support them in some endeavor. Those personality traits are grace and dignity. I have seen Senator Thomas in moments of great triumph and I have seen Senator Thomas in moments of great tribulation. I have seen him happy and I have seen him sad. I have seen him laugh and I've seen him, well, almost cry. Anyway, through it all I have seen him maintain his grace and dignity.

He loves his family, he loves his district, he loves you. He loves this chamber, this institution that we call the Florida Senate, and goodness knows, he loves his state. Join me in supporting him during this next year. Congratulations, Senator Thomas.

**Senator Holzendorf:** Thank you. I would be remiss not to stand here today and welcome Senator Thomas to the presidency of the Senate. I, too, like Senator Dantzler feel very, very hopeful about the future of this Senate. One of the things that made me want to come to the Senate was the dignity, the statesmanship and the intellect that was displayed in this body. With the two leaders that we have here, Crenshaw and now Thomas, I feel that the Senate will now become the Senate that I came to join. That it will respond to the people.

Senator Thomas brings to this body the patience, the understanding and the concern for the total state of Florida. And brings together all of us here to work together to make that a reality. I am very, very pleased with the past presidency. I'm elated with the presidency coming up. I feel very, very strongly that we will continue to achieve, continue to prosper under the leadership of Senator Thomas and solve many of the unsolved problems of our state. Welcome to the presidency, Senator Thomas.

**Senator Forman:** Thank you very much, Mr. Secretary. Ladies and gentlemen of the Senate. I first met Pat Thomas in 1970 when he was chairman of the Florida Democratic Party. At the same time he was running for Lt. Governor of Florida. I'll bet most people in this chamber don't even remember the person Pat was running with, but that's really not relevant today. He was also a very fine gentleman. But if that ticket had been successful, Pat Thomas may not be here today as President of the Florida Senate. That was the year when Florida's political history was changing. Two young and little known state senators blazed the trail to victory to the Governor's Mansion and to the U. S. Senate. Even though Pat lost that election, his qualities of patience and leadership were obvious to everyone who met him.

Now just because Pat Thomas ran for Lt. Governor and didn't win he didn't fade into obscurity. He ran for the House two years later. He was successful and in 1974 he was elected to the Florida Senate. In those days this chamber was revered and public service was an honor. I hope Pat Thomas brings back those feelings in 1994.

Pat has the ideal temperament to be President of the Senate. He always sees the good in people. He seldom gets angry. He always keeps his word. He has the ability to get warring factions back together and have them put their differences aside to work for the good of all of Florida. I think that was graphically demonstrated in 1992 when this chamber was ripped apart by crises and controversies. Pat Thomas stepped up to the plate and took charge.

My constituents, who live 500 miles south of Quincy, often ask me "Does Pat Thomas understand the problems of urban Florida as he does rural Florida?" Well, the answer to that question is unequivocally "Yes". Pat Thomas understands the problems of Miami, Ft. Lauderdale, Tampa, as well as he understands the problems of Quincy. He has respect from people all over the state, from Pensacola to the Keys. Pat Thomas is the right man in the right job at the right time.

In this era of negative campaigns and endless cliches, Pat Thomas always does what he can to bring out the best in the Senate and the best in everyone. Pat, good luck. You'll make a great president. Thank you.

**Senator Dudley:** I rise on a point of personal privilege to express my personal desire to Senator Thomas and to wish him well on this journey that we're about to undertake together. You, Sir, started many, many years ago and for the rest of us it begins today.

Senator Thomas, you and I know a few things about each other and we share a common love for this state. We share a common heritage of political idealism; we're natives of two very diverse parts of this state, two areas which struggle for identity and for political recognition. Yours from a long history of economic strength and political survival; mine in southwest Florida from a recent history of both political growth and economic development.

Sir, as you know, we differ in our partisan political affiliations but we converge on the fundamental rights of people. We differ in our approach to governing from time to time but we agree on the need for peaceful order.

Today I'm pleased to set aside our differences, just as any good family member should do, but to remind you, Sir, that part of my constituency includes the Republican members of your own family in southwest Florida.

It is on their behalf that I rise today, Sir, to congratulate you.

Mr. President, fellow Senators, the bridges that each of us have to the past are very strong. Our future bridge lies just ahead and the path that we start today needs to remain connected on both ends. Senator Thomas, President Thomas, I wish you well over the next year of your Presidency. I think we can all say we sincerely look forward to working with you. I hope that we'll continue to protect and advance our common ground while we will be preserving and cherishing our different approaches to government.

And a prayer, Sir, for your continued good health, your wisdom and your kindness. Thank you.

**Senator Beard:** Pat has been my friend for a long time. I knew of him and met him before I got here. But after I got here, we became very, very close friends and Mary Ann, his wife, his family and I shared Thanksgiving dinner one year out at his lake place when I didn't have anywhere else to go. I fished with him, I hunted with him. I consider him one of my very best friends in this state and, certainly, one of my very best friends in this Senate.

I went on a driving trip with him one time over into Louisiana. I said "Pat, let's get off this highway, this main road, and go down here and see some of these real people." So we did. We got down there in one of these little, old restaurants where we could find people and he'd go by and say, "I'm Pat Thomas, I'm Pat Thomas." He'd introduce himself to everybody wherever we went. Finally, I got tired of hearing that and I said, "Pat, why don't you stop that?" He said, "Stop what?" I said, "Going around telling everybody you're Pat Thomas down here. People down here can't vote for you. Some of them can't even understand what you're saying." He said, "Malcolm, I can't help it." When we got back to West Florida, I said, "OK, start it again." We had to stop at every store and filling station to buy some chewing gum or something all the way down to Gadsden County.

Pat, we love you. We love you for what you are, how you are, and we love you for what you stand for, and we are going to try our best to make your regime very successful. One that we all can be proud of.

**Senator Scott:** Mr. President, I know President Thomas wants to proceed with his swearing in at noon today and this is rather impromptu, but, I'd just like to speak as the third most senior member of the Senate, after W.D. and Pat. Pat was here when I came. We are starting our eighteenth year in this body, my eighteenth year and his twentieth. There have been a lot of people from his area of the state who have been in the high office of Speaker and President of the Senate and, Pat, now it is your turn. I am just really delighted for you and we look forward to working with you and I know you are going to do a good job.

#### OATH OF OFFICE ADMINISTERED

At the request of the Secretary, Senators Kirkpatrick, Childers and Turner escorted Senator Thomas; and Senators Jenne, Kurth and Jennings escorted Mrs. Thomas to the rostrum.

The Secretary recognized The Honorable Rosemary Barkett, Chief Justice of the Florida Supreme Court, who administered the oath of office to Senator Thomas.

The Secretary presented President Thomas to the Senate.

#### INTRODUCTION OF THE PRESIDENT'S FAMILY

The President introduced the following members of his family: Mary Ann, his wife; Verna Thomas, his mother; Mary Jolley, his mother-in-law; John Pat and Martha Thomas, his son and daughter-in-law; Anne Jolley Thomas, his daughter; Ivie Elizabeth Thomas and Corbett Proctor, his grandchildren; Troy Peacock, his great-uncle; and Ruth Cox, his cousin.

#### REMARKS BY PRESIDENT THOMAS

Fellow Senators, distinguished guests, my dear family and friends. It was nearly 20 years ago that I first stepped foot on this floor to represent the good people of North Florida. Since then I have seen 11 Presidents sworn in to preside over this body, full of hope at what they might accomplish, full of pride to be chosen by their peers for this honor and humbled, I'm sure, by the enormity of the responsibility before them.

As I stand before you today, I am also hopeful that we can solve the problems before us. I am proud to serve as the 82nd President of this distinguished body. But more than anything else, I am grateful to the many men and women who served a vital role in my life and prepared me for this moment.

I recall my civics teacher at Quincy High School, Guy Race, who kept me in line, not with a paddle, but with the strength of his conviction and the depth of his faith in me.

I recall my high school buddy and best man, Hal Davis, who convinced me to go to college when, as an eager and restless young man, I had other plans.

I am grateful to the good men who transformed me into a soldier, and prepared me to serve my country during the Korean Conflict. The discipline and the clear respect for the consequences of my actions that they instilled in me have stayed with me to this day.

Memorable people and significant events are the points on which our lives turn, they are the catalysts of our greatest lessons and the source of our greatest strength. For me, the greatest of these has been my family.

My mother is here with me today. Verna Thomas, will you please stand.

Mary Ann, my wife of 37 years; my children, John Pat and Anne Jolley; and my grandchildren, Corbett and Ivie; have made everything possible in my life. They have been my inspiration and my joy. Will all of you please stand and share this moment with me?

And, finally, my colleagues in the Senate. We have shared many fine moments, many fond memories. As we begin a new legislative session, we share many, many responsibilities. Improving our schools, finding a way to make health care accessible to our citizens, keeping our people safe from crime, improving the efficiency of government, creating an affordable system of workers' compensation that fairly compensates injured workers, finding ways to make insurance affordable; these are just a few of the challenges that face us. I'm counting on each of you to bring to this session the courage and vision it will take to find answers to these problems.

In every session, amid the many problems that bid for our attention, there are always a few that rise to the top and demand to be treated as priorities. As your President, I am committed to using the power of this position to tackle two issues of pressing importance to our state and of personal significance to me.

First, we must address the frightening and heartbreaking problem of juvenile crime. Let me share with you just a few of the horrifying statistics that color this issue for me.

\* Since 1983, the number of children between the ages of 10 and 17 grew by only 9 percent. And yet during that same time, the number of armed robbery cases committed by those children grew by 151 percent!

\* The number of sex offenses increased by 173 percent!

\* The number of aggravated assault cases increased by 127 percent.

\* Astoundingly, the number of attempted murders committed by children age 10 to 17 increased by 1,777 percent!

That's horrible. It taxes the imagination and challenges each and every one of us to devise and adopt creative, pragmatic and hard-nosed solutions.

Today, Florida is saddled with a system that is ill-equipped to deal with chronic, violent, hard-core youthful offenders. If there is anyone in this chamber who still believes that our juvenile justice system works, I would invite you to talk to Senator Betty Holzendorf, or the former sheriff among us, Senator Malcolm Beard; they know it doesn't. They know it from first-hand experience.

Talk to the police who complain that serious juvenile offenders are back on the street hours after an arrest, before the paperwork is even finished. Talk to the hundreds of new victims who are added to our crime statistics each and every day.

After many discussions with judges, police officers, professionals in the field and victims of juvenile crime, I have concluded that we must begin to treat juveniles who commit violent offenses like the criminals they are.

We must take whatever steps we can to separate the serious and habitual juvenile offenders from those whose behavior has not yet reached a serious state. By failing to remove the violent juveniles, we are creating dangerous heroes for impressionable young people.

There is a broad consensus emerging, a consensus with which I wholeheartedly agree, that violent juveniles must be dealt with decisively. The tide has turned. Let there be no doubt: we will have a new system for dealing with juvenile crime in this state before the next session is over.

Secondly, we must restore public confidence in government by improving government efficiency and cutting the red tape that hog-ties our business community. We need to eliminate duplication and take the regulatory handcuffs off our businesses, while preserving the basic protections that these programs were created to provide.

We must create a business atmosphere in which enterprise can flourish. We must let competition exert a natural control of prices and naturally stimulate our economy.

We need to draw on our greatest resource, the men and women who serve the great State of Florida as public servants, to lead the way to sensible government, streamlined services and greater efficiency. The great majority of our state employees are dedicated, hard-working and largely underpaid. I believe that they, like me, want to be part of a government that is not necessarily bigger, but smarter; a government that's less intrusive, but gets more results; a government that doesn't cater to the wants of a few, but meets the needs of the many.

To help us meet this challenge, I have appointed Senator Charles Williams to chair the Select Committee on Governmental Reform. He is committed to the task. The job assigned to this committee is formidable. It must build the levees needed to keep government within its banks, flowing only in the channels created by this legislature. It must scrutinize and eliminate those regulatory functions that have outlived their usefulness.

I want my grandchildren, Ivie and young Corbett, to grow up in a Florida that is still a land of beauty and opportunity; the qualities that I saw through the eyes of a young man.

Let me remind you that we are the branch of government that is closest to the people. We are citizen-legislators. Our roles as citizens must always be foremost in our minds. We will do our job on time. We will approach it with courage and commitment. And we will never forget who we are here to serve—the people who sent us here.

As I take over the helm from Senator Crenshaw today, I want to thank him for all the cooperation and courtesy he and his staff have extended to me. I also want to recognize all the hard work that has gone into the preparation for the next session. Some of that preparation, in devising solutions to workers' compensation and skyrocketing homeowners' insurance rates, will be essential to finding solutions to those problems. Senators Jennings, Grant, Holzendorf and Childers, with your leadership, I'm sure we will pass those issues out quickly and with minimal controversy.

In closing, let me leave you with the words of Abraham Lincoln, who said, "The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all in their separate and individual capacities. In all that the people can do as well for themselves, government ought not to interfere."

My friends, thank you for your vote of confidence, thank you for this moment, now let's get to work.

#### MOTION

On motion by Senator Weinstein, the record of the proceedings of the joint caucus was published in the Journal.

The Secretary declared the joint caucus dissolved at 12:26 p.m.