Session Law 69-5

Florida Senate & House of Representatives

Follow this and additional works at: https://ir.law.fsu.edu/staff-analysis

Part of the Legislation Commons

Recommended Citation

House of Representatives, Florida Senate &, "Session Law 69-5" (1969). Staff Analysis. 1. https://ir.law.fsu.edu/staff-analysis/1

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.
**Committee Records**

<table>
<thead>
<tr>
<th>H/S Committee</th>
<th>Year</th>
<th>Record Series: Folder title, etc.</th>
<th>Loc. Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>H</td>
<td>1969</td>
<td>No records in Archives</td>
<td></td>
</tr>
<tr>
<td>S</td>
<td>1969</td>
<td>Subcommittee summary of prefiled bills 18/295</td>
<td></td>
</tr>
<tr>
<td>S</td>
<td>1969</td>
<td>Bill files: SB 82</td>
<td></td>
</tr>
<tr>
<td>S</td>
<td>1969</td>
<td>Bill files: SB 82 (vote sheets only) 18/296</td>
<td></td>
</tr>
</tbody>
</table>

- continued on reverse

**Senate/House Journals**

<table>
<thead>
<tr>
<th>Page #</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>HJ 174</td>
<td></td>
</tr>
<tr>
<td>SJ 34</td>
<td></td>
</tr>
</tbody>
</table>

**Committee/Floor Tapes**

<table>
<thead>
<tr>
<th>H/S</th>
<th>c/f</th>
<th>Committee/subcommittee name</th>
<th>Date</th>
<th>#</th>
<th>Location Cite</th>
</tr>
</thead>
</table>

**Other Documentation**

<table>
<thead>
<tr>
<th>Record Series Title, folder title, etc.</th>
<th>Location Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>H/S</td>
<td>Committee</td>
</tr>
<tr>
<td>-----</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOTES**
A bill to be entitled
An act relating to rates of employee compensation; prohibiting wage rate discrimi-
nation on the basis of sex; pro-
viding exceptions; providing civil li-
ability for violations of the act; pro-
viding an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Definitions.--As used in this act, unless the context or subject matter clearly requires otherwise, the following terms shall have the meanings as defined in this section:

(1) "Employee" means any individual employed by an employer, including individuals employed by the state, any of its political subdivisions or instrumentalities of subdivisions.

(2) "Employer" means any person who employs two (2) or more employees.

(3) "Wages" means and includes all compensation paid by an employer or his agent for the performance of service by an employee including the cash value of all compensation paid in any medium other than cash.

(4) "Rate" with reference to wages means the basis of compensation for services by an employee for an employer and includes compensation based on time spent in the performance of such services, or on the number of operations accomplished, or on the quality produced or handled.
"Unpaid wages" means the difference between the wages actually paid to an employee and the wages required to be paid an employee pursuant to section 3.

Section 2. Discrimination on basis of sex prohibited.--No employer shall discriminate between employees on the basis of sex by paying wages to employees at a rate less than the rate at which he pays wages to employees of the opposite sex for equal work on jobs the performance of which require equal skill, effort and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to:

1. A seniority system;
2. A merit system;
3. A system which measures earnings by quantity or quality of production;
4. A differential based on any factor other than sex; nor shall any person cause or attempt to cause an employer to discriminate against any employee in violation of the provisions of this act.

Section 3. Civil action for "unpaid wages."--Any employer or person who violates the provisions of this act shall be liable to the employee for the amount of the difference between the amount the said employee was paid and the amount he or she should have been paid under this act, the said amount being hereinafter called "unpaid wages." Nothing in this act shall allow a claimant to recover more than an amount equal to his unpaid wages while so employed.
for one (1) year prior to the filing of his claim. 
An action to recover such liability may be maintained 
in any court of competent jurisdiction by the ag-
grieved employee. The court in such action shall, 
in cases of such violation, in addition to any judg-
ment awarded to the plaintiff, allow a reasonable 
attorney's fee and costs of the action to be paid 
by the defendant. 

Section 4. This act shall take effect imme-
diately upon becoming a law.
Journal of the Senate
State of Florida

First Regular Session
Under the Constitution as Revised in 1968
April 8 Through June 6, 1969
MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Friday, by two-thirds vote, Senate Bills 383 and 385 were withdrawn from the Committee on Rules and Calendar.

SECOND READING

SB 103 was taken up, together with:

By the Committee on Judiciary—

CS for SB 103—A bill to be entitled An act for the protection of minors who are not accompanied by their parent from being knowingly exposed, for a monetary consideration, to a motion picture, exhibition, show, representation, or presentation which, in whole or in part, depicts nudity, sexual conduct, sexual excitement or sadomasochistic abuse and which is harmful to minors; providing definitions; providing criminal penalties for violations; providing for injunctive proceedings in the name of the state on the relation of a prosecuting attorney and providing that neither the state nor the relator prosecuting attorney shall be required to post any bond or undertaking in such proceedings and that neither shall be liable for any costs or damages sustained by reason of a temporary restraining order when the final decree is in favor of the person sought to be enjoined; providing that a defendant in such an injunctive proceeding is charged with knowledge of the contents and/or character of the matters involved in such proceedings after he is served with a summons and complaint; preempting the field, to the exclusion of counties and municipalities, as to the subject of this act and matters properly connected therewith; repealing chapter 521, Florida Statutes; providing a severability clause; providing an effective date.

—which was read the first time by title and SB 103 was laid on the table.

On motion by Senator Hollahan, the rules were waived and CS for SB 103 was read the second time by title.

The Committee on Judiciary offered the following amendment which was adopted on motion by Senator Hollahan:

In Section 7, line 4, page 8, strike: everything after “effect” and insert the following: July 1, 1969.

On motion by Senator Gunter, the rules were waived and further consideration of CS for SB 103, as amended, was deferred, the bill retaining its place on the Calendar.

SB 22—A bill to be entitled An act relating to obscene, harassing and threatening telephone calls; making such calls a crime and providing penalty; amending section 365.16 Florida Statutes, defining an obscene or harassing telephone communication; making such calls a misdemeanor and providing punishment; providing for an effective date.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment which was adopted on motion by Senator Myers:

In Section 1, line 2, page 2, strike: “shall be fined not more than $500.00, or imprisoned not more than six months, or both,” and insert the following after the word “section”, upon conviction thereof, shall be subject to punishment as provided in section 775.07.

The Committee on Judiciary also offered the following amendment which was adopted on motion by Senator Ott:

In Section 2, lines 5 and 6, page 2, strike: entire Section 2 and insert the following: (3) Every telephone directory hereafter published for distribution to the members of the general public shall contain a notice which explains this law, such notice to be printed in type which is no smaller than the smallest type on the same page and to be preceded by the word “warning”. The provisions of this section shall not apply to directories solely for business advertising purposes, commonly known as classified directories.

(4) All telephone companies in this state shall cooperate with the law enforcement agencies of this state in using their facilities and personnel to detect and prevent violations of this statute.

Section 2. This act shall take effect January 1, 1970.

The Committee on Judiciary also offered the following amendment which was adopted on motion by Senator Myers:

In title, page 1, line 8, after the word “punishment;” insert the following: requiring publication of “warning” in classified directories; requiring cooperation of telephone companies with law enforcement agencies and use of facilities to detect violation hereof;

A motion by Senator Young failed that the Senate reconsider the vote by which amendment 1 was adopted this day. The vote was:

Yea—12

Mr. President de la Parte McClain Stolzengburg
Bafalis Ducker Myers Stone
Barrow Friday Ott Trask
Beaufort Haverfield Pope Weber
Bell Hollahan Poston Weissenborn
Bishop Horne Saunders Williams
Broxson Karl Scarborough Wilson
Daniel Knopke Shevin

On motion by Senator Myers, the rules were waived and SB 22, as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yea—43

Mr. President de la Parte Knopke Shevin
Askew Ducker Lane Slade
Bafalis Finch¨er McClain Stolzengburg
Barrow Friday Myers Stone
Beaufort Gong Ott Trask
Bell Haverfield Pope Trask
Bishop Henderson Poston Weber
Boyd Hollahan Reuter Weissenborn
Broxson Horne Saunders Williams
Daniel Johnson Sayler Young
Deeb Karl Scarborough

Wilson

Senator Gunter was recorded as voting Yea.

SB 82—A bill to be entitled An act relating to rates of employee compensation; prohibiting wage rate discrimination on basis of sex; providing exceptions; providing civil liability for violations of the act; providing an effective date.

Was taken up and read the second time by title.

Senators Barrow and Stone offered the following amendment which was adopted on motion by Senator Barrow:

In Section 3, line 4, page 3, after “employee” strike remainder of paragraph and insert the following: The court in such action may award to the prevailing party costs of the action and a reasonable attorney’s fee.

The vote was:

Yea—23

Bafalis Chiles Johnson Stone
Barrow Deeb Lane Trask
Beaufort de la Parte Pope Williams
Bell Ducker Saunders Wilson
Boyd Friday Slade Young
Broxson Horne Stolzengburg

Nays—20

Mr. President Gorg Knopke Scarborough
Askew Haverfield Myers Shevin
Bishop Henderson Ott Thomas
Daniel Hollahan Reuter Weber
Fincher Karl Sayler Weissenborn

Senators Gunter, Poston and McClain were recorded as voting Yea on the foregoing amendment.

On motion by Senator Thomas, the rules were waived and SB 82 as amended was read the third time by title, passed and ordered engrossed. The vote was: Yea—45 Nays—None
On motion by Senator Ott, the President appointed Senators Ott, Knopke, de la Parte, McClain and Chiles as a committee to escort Congressman Sam M. Gibbons of the Sixth District to the rostrum where he addressed the Senate briefly.

SB 77—A bill to be entitled An act to provide that whoever during the commission of any robbery, assault, rape, burglary, larceny, kidnapping, murder or homicide uses or attempts to use or carries on or about his person any firearm shall upon conviction be guilty of a felony in addition to the principal crime being committed; providing penalties therefor and that said sentence upon conviction shall not be suspended or deferred nor that person so convicted be placed on probation; providing an effective date.

Was taken up and read the second time by title.

The Committee on Judiciary offered the following amendment:

Page 1, strike entire Section 1 and insert the following:

Section 1. Florida Statutes are amended by adding thereto a new section to read as follows:

(1) That whoever during the commission or attempted commission of any felony uses or attempts to use or carries on or about his person any firearm or other deadly weapon shall upon conviction be guilty of a felony in addition to the principal crime being committed; providing penalties therefor and that said sentence upon conviction shall not be suspended or deferred nor that person so convicted be placed on probation; providing an effective date.

The amendment by Senator Pope failed.

Senator Broxson offered the following substitute amendment which failed:

Line 1, page 2, strike: Section 2 and insert the following: Section 2. Sentence shall not be suspended or deferred nor shall the person convicted be placed on probation, unless the jury recommends mercy.

The amendment by Senator Pope failed.

Senator Weissenborn offered the following amendment which was moved by Senator Friday:

In Section 1, line 26, page 1, after "principal crime." strike all of bill down to Section 3 on page 2, line 4, and renumber remaining section of bill accordingly.

Pending consideration of the foregoing amendment, on motion by Senator Friday, the rules were waived and the Senate reverted to the order of—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable John E. Mathews, Jr. President of the Senate

Sir:

I am directed to inform the Senate that the House of Representatives has adopted—

By Representative Smith and Others—

HCR 455—Acknowledging invitation to members and officials of the Florida Legislature to attend the 1969 Cooperative Forestry Field Day Program of the Seaboard Coast Line Railroad Company to be held near Lee, Florida, in Madison County on Thursday, April 17, 1969.

WHEREAS, an invitation has been extended the members and officials of the Florida Legislature by the Seaboard Coast Line Railroad Company to attend as special guests the Cooperative Forestry Field Day Program of the Seaboard Coast Line Railroad Company to be held near Lee, Florida, in Madison County on Thursday, April 17, 1969, at 10 a.m. in Lee, Florida, and

WHEREAS, this occasion will bring together industrial leaders from major corporations across the country as well as international trade officials and representatives of foreign governments, and

WHEREAS, The Forestry Field Day Program will include presentations on all aspects of modern forest management and the manufacture of forest products, and

WHEREAS, transportation of forest and other products particularly through the use of the significant development in world trade of containerized freight and the facilities planned for such modern transport in Florida will be highlighted in the program, and

WHEREAS, this program will provide an unparalleled opportunity to members of the Legislature and to the invited business and trade leaders to participate together in exploring the vast potential of Florida's forest assets and its unique attributes for shipping and international trade, and

WHEREAS, the Seaboard Coast Line Railroad has offered transportation to the site of the program and has made extensive preparations for the visit of members of the Legislature, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:


April 9, 1969
Journals
of the
House of Representatives

ORGANIZATION SESSION
and
FIRST REGULAR SESSION
of the
FIRST LEGISLATURE
[under the Constitution as Revised in 1968]

NOVEMBER 12, 1968
and
APRIL 8, 1969, through JUNE 6, 1969
[Including a record of transmittal of Acts to the Governor subsequent to sine die adjournment]
So the bill passed and was ordered immediately certified to the Senate.

CONSIDERATION OF THE SPECIAL ORDER

HB 145—A bill to be entitled An act relating to rates of employee compensation; prohibiting wage rate discrimination on the basis of sex; providing exceptions; providing civil liability for violations of the act; providing an effective date.

—was taken up. On motion by Mr. Reed the rules were waived and HB 145 was read the second time by title.

Representative Reed offered the following amendment:

In Section 3, on page 3, line 4, after the word "employee" strike the remainder of the paragraph and insert the following: the court in such action may award to the prevailing party costs of the action and a reasonable attorney's fee.

Mr. Reed moved the adoption of the amendment which was adopted.

On motion by Mr. Reed, the rules were waived and—

SB 82—A bill to be entitled An act relating to rates of employee compensation; prohibiting wage rate discrimination on the basis of sex; providing exceptions; providing civil liability for violations of the act; providing an effective date.

—was withdrawn from the Committee on Labor & Industry and substituted for HB 145, being a companion measure.

On motion by Mr. Reed, the rules were waived and SB 82 was read the second time by title.

The Committee on Labor & Industry offered the following amendment:

In Section 2, on page 2, line 18, between the word "any" and the word "factor", insert: reasonable

Mr. Reed moved the adoption of the amendment which was adopted.

The Committee on Labor & Industry offered the following amendment:

In Section 2, on page 2, line 19, after the word "sex", insert: where exercised in good faith

Mr. Reed moved the adoption of the amendment which was adopted.

Representative Reed offered the following amendment:

In Section 3, on page 3, line 4, strike the period and insert the following: within six months after termination of employment.

Mr. Reed moved the adoption of the amendment which was adopted.

Representative Redman offered the following amendment:

In Section 3, on page 3, line 4, after "employee," strike the remainder of the paragraph.

Mr. Redman moved the adoption of the amendment which failed of adoption. The vote was:

Year—49

Mr. Speaker Mulford Tolbert Melvin Savage
Alvarez Blackburn Conway Dixon
Bevis Brannen Craig Elmore
Bird Caldwell Culbreath Firestone

Nays—None

So the bill passed and was ordered immediately certified to the Senate.
Section 4. A violation of this act may be punishable by death.

Mr. Gautier moved the adoption of the amendment which failed of adoption.

Representative Redman offered the following amendment:

In Section 3, on page 3, line 7, after the word “fee” insert: not to exceed 10% of the judgment awarded to the prevailing party.

Mr. Redman moved the adoption of the amendment which failed of adoption. The vote was:

Yeas-101

Mr. Speaker

On motion by Mr. Reed, the rules were waived and SB 82, as amended, was read the third time by title. On passage, the vote was:

Yeas-101

Nays-7

Representative D'Alemberte

On page 3, following Section 3, insert new Section 4. to read as follows:

Section 4. Nothing in this law shall be applicable to any employer subject to the federal fair labor standards act of 1938, as amended.

Renumber existing Section 4.

Mr. Chapman moved the adoption of the amendment which was adopted.

Representative Gautier offered the following amendment:

In Section 2, page 2, line 7, after the word “sex” insert the following: race or religion.

Mr. Gautier moved the adoption of the amendment which failed of adoption. The vote was:

Yeas-32

Nays-68

Representative Gautier offered the following amendment:

In Section 4, page 3, line 9, strike Section 4 and insert the following:

"Representative Gautier moved the adoption of the amendment which failed of adoption.

The vote was:

Yeas-43

Nays-57"
The Committee on ___ (subcommittee) LABOR AND INDUSTRIAL RELATIONS met at 2:05 o'clock p.m., on February 11, 1969, in Room 12, and considered SB 82.

The bill was reported:

- [X] Favorably committee report due
- [ ] Favorably with Amendments
- [ ] Favorably with Committee Substitute
- [ ] Unfavorably

The vote on the bill was:

<table>
<thead>
<tr>
<th>Aye</th>
<th>SENATOR</th>
<th>Nay</th>
<th>Aye</th>
<th>SENATOR</th>
<th>Nay</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>BARROW</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>DANIEL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>HORNE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>STONE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>FINCHER, Chm.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

AYE: 3  
NAY: 1

The following persons (other than legislators) appeared before the Committee, or a subcommittee thereof, during consideration of this bill:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Representing</th>
<th>Opponent or Proponent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>1701 Mendian Ave.</td>
<td>Miami, Fla.</td>
<td>women assn.</td>
</tr>
<tr>
<td>Opponent or Proponent</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>Representing</td>
<td>Opponent or Proponent</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------------</td>
<td>---------------------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>Representing</td>
<td>Opponent or Proponent</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------------</td>
<td>---------------------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>Representing</td>
<td>Opponent or Proponent</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------------</td>
<td>---------------------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>Representing</td>
<td>Opponent or Proponent</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------------</td>
<td>---------------------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>Representing</td>
<td>Opponent or Proponent</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------------</td>
<td>---------------------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>Representing</td>
<td>Opponent or Proponent</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------------</td>
<td>---------------------------------------------------</td>
<td>-----------------------</td>
</tr>
</tbody>
</table>