

JOURNAL OF THE FLORIDA SENATE

Thursday, April 25, 1974

The Senate was called to order by Senator Scarborough at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

INTRODUCTION

The following measures were read the first time by title and referred to committee(s) as indicated:

By Senator Scarborough (by request)—

SB 950—A bill to be entitled An act relating to public housing; creating §§421.56—421.69, Florida Statutes, the "Low and Moderate Income Housing Authorities Law of Florida"; providing legislative findings; providing definitions; providing additional powers of housing authorities created under chapter 421, Florida Statutes, relating to the acquisition and operation of dwelling accommodations for persons of low or moderate income; providing that such housing projects shall not be operated for profit; providing for selection of tenants; providing that no housing authority shall have power of eminent domain under said law; requiring conformity with local planning, zoning, sanitary and building laws; providing for issuance of debentures and their exemption from taxation; providing for liabilities of authorities; validating previous acts; amending §§421.38 and 421.44(6), Florida Statutes, relating to powers of housing authorities with regard to defense housing; extending exemption from certain limitations to housing projects developed without federal aid; providing an effective date.

—to Health and Rehabilitative Services.

By Senator Williams—

SB 951—A bill to be entitled An act relating to absentee electors; amending paragraph (e) of subsection (6) of section 97.021, Florida Statutes; expanding the definition of absentee electors; providing an effective date.

—to Judiciary.

By Senator Brantley—

SB 952—A bill to be entitled An act relating to savings and loan association; amending section 665.381(2)(b)1., Florida Statutes, 1973, to empower associations to participate in real estate loans with approved Federal Housing Administration mortgagees; amending §665.381(2)(c), Florida Statutes, 1973, by increasing the percentage of assets that can be loaned outside the primary lending area; amending §665.201, Florida Statutes, 1973, by requiring associations to build up reserves in accordance with rules promulgated by the department to at least five (5) percent of all savings accounts within a twenty (20) year period; amending §665.215, Florida Statutes, 1973, to provide competitive equality between state chartered and federally chartered associations and clarify that §665.215, Florida Statutes, 1973, is a grant of additional power to state savings and loan associations and is not a limitation on other power and or authority contained in chapter 665, Florida Statutes; providing an effective date.

—to Commerce.

By Senator Brantley (by request)—

SB 953—A bill to be entitled An act relating to the appointment of attorneys by the department of commerce, amends section 440.44(4)(a), Florida Statutes, to provide for the appointment of attorneys to be made by the department of commerce; amends section 440.49(4)(i), Florida Statutes, to provide for the designation of the attorney who represents the special disability trust fund to be made by the department of commerce, amends section 443.12(4), Florida Statutes, to provide that the appointment of attorneys shall be made by the department of commerce; provides for an effective date.

—to Commerce.

By Senator Williams—

SB 954—A bill to be entitled An act relating to motor carriers; amending §323.01(8), Florida Statutes, 1973, changing and adding definitions; amending §323.05(1), Florida Statutes, 1973, and adding a subsection, relating to permits to operate motor vehicles for hire, by deleting carriers of property therefrom and exempting persons holding for hire permits for transportation of property issued prior to the effective date of this act; prohibiting transfer or extension of such permits; creating §323.065, Florida Statutes, providing for grant of temporary authority when an immediate and urgent need requires the same; providing for grant of emergency temporary authority without notice and hearing; providing for extension of temporary authority pending disposition of application for permanent authority; providing an effective date.

—to Transportation.

By Senator Deeb—

SB 955—A bill to be entitled An act relating to the Florida public service commission; amending section 350.06, Florida Statutes, relating to employment of clerk and reporters; office of commission and place of meeting; expenditures; changing method of compensating the official reporter of the commission and other reporters; authorizing the commission to reproduce and sell copies of all testimony taken by the official reporter; authorizing the adoption of rules and regulations; providing for disposition of all revenue derived from sale of copies; providing an effective date.

—to Ways and Means.

By Senator Graham—

SB 956—A bill to be entitled An act relating to schools; amending section 234.03, Florida Statutes, to require liability insurance for personal injury or property damage on school buses and other motor vehicles, to set limits of coverage, and to require reports of accidents; amending section 768.28(2), Florida Statutes, to clarify legislative intent by including school boards in the waiver of sovereign immunity in tort actions; providing an effective date.

—to Education.

By Senator Horne—

SB 957—A bill to be entitled An act relating to the development of small businesses; declaring the legislative intent to encourage state purchases from businesses owned by the socially or economically disadvantaged; requiring the department of commerce to assist such businesses and to otherwise coordinate activities relating thereto; providing that a meaningful percentage of state purchasing be procured from such businesses; providing for the investment of state funds in banks having majority ownership by minority persons; providing for interagency cooperation; providing for public hearings; requiring an annual report; authorizing appointment of an advisory council; providing an effective date.

—to Commerce.

By Senator Gruber—

SB 958—A bill to be entitled An act relating to public health; creating §381.063, Florida Statutes; providing that the division of health of the department of health and rehabilitative services and local health units shall have the power to stop the sale of certain products and to close certain establishments and facilities; providing an effective date.

—to Health and Rehabilitative Services.

By Senators Wilson, McClain, de la Parte, Zinkil, Pettigrew, Johnson, Ware and Deeb—

SB 959—A bill to be entitled An act relating to involuntary sexual assault; repealing present Chapter 794, Florida

Statutes; creating Chapter 794, Florida Statutes; providing definitions; establishing degrees of involuntary sexual intercourse; providing penalties; providing an effective date.

—to Criminal Justice.

By Senator Poston—

SB 960—A bill to be entitled An act relating to the department of commerce; repealing subsection (8) of section 20.17, Florida Statutes, 1971, relating to the bureau of human resources; providing an effective date.

—to Governmental Operations.

By Senator Firestone—

SB 961—A bill to be entitled An act relating to the disposition of dead bodies; amending section 245.13(2), Florida Statutes; by deleting an annual audit; providing an effective date.

—to Rules and Calendar.

By Senators Brantley and Williams—

SB 962—A bill to be entitled An act relating to the department of business regulation; amending section 20.16(4), Florida Statutes, to provide that division directors shall be appointed by the executive director of the department, subject to confirmation by the board of business regulation, and shall serve at the pleasure of the executive director of the department, providing an effective date.

—to Governmental Operations.

By Senator Gruber—

SB 963—A bill to be entitled An act relating to the Florida highway code; adding subsection (5) to §335.04, Florida Statutes, 1973, requiring publication of a decision by the department of transportation to reclassify a length of road; providing that publication shall be effective to transfer certain expenses; prohibiting the department from considering the physical condition of the road in such a reclassification; providing an effective date.

—to Transportation.

By Senator Myers—

SB 964—A bill to be entitled An act relating to the treatment of tuberculosis; providing legislative intent; providing for a tuberculosis treatment program administered by the division of health of the department of health and rehabilitative services; providing powers of the division; providing for the admission of patients to the program; providing a procedure whereby a person may petition to have a person afflicted with tuberculosis undergo treatment; providing for an examining committee appointed by a circuit court judge to examine the person; providing for the detention of certain tuberculosis-infected persons; providing a procedure for appeal from an order committing a person to compulsory tuberculosis treatment; authorizing isolation of tuberculosis patients under certain circumstances; providing for the appointment of counsel to represent certain patients; providing fees; exempting persons upon religious grounds; providing an appropriation; repealing chapter 392, Florida Statutes, consisting of §§392.03 through 392.36, which provides for a state tuberculosis hospital as well as district hospitals under the division of health; providing an effective date.

—to Ways and Means.

By Senator Graham—

SJR 965—A joint resolution proposing an amendment to Section 9 of Article XII of the State Constitution, providing that the revenue derived from the gross receipts taxes levied in chapter 203, Florida Statutes, shall be used for capital outlay projects for the state system of public education; and to correct inadvertent errors in subsection (d) thereof.

—to Ways and Means.

By the Committee on Agriculture—

SB 966—A bill to be entitled An act relating to citrus, creating §601.159, Florida Statutes, providing for the formulation, issuance, administration, operation and enforcement of marketing orders relating to the creation of a pool or pools of frozen concentrated orange juice from which to supply or increase the supply to secondary and/or primary markets therefor by the Florida citrus commission after notice, hearing and referendum; providing for the diversion of citrus fruit for the creation of the frozen concentrated orange juice pools not to exceed ten per cent (10%) of the total of the citrus fruit to be diverted which is delivered into the primary channel of trade in any particular shipping season; providing that the marketing orders shall specify the methods and prices by which the pooled product may be released from the pool or pools created; providing for the adoption of rules and regulations by the Florida citrus commission to govern the operation of such pools; providing for the filing of financial statements by the citrus fruit handlers subject to diversion so as to create a lien in favor of the department of citrus against fruit subject to diversion; providing for the issuance of diversion certificates to represent the equity in the pool of the person or persons from whom the citrus fruit was diverted; providing that the marketing order shall establish quality standards and specifications to which the container and frozen concentrated orange juice to be delivered to the concentrate reserve pool must conform; providing that no marketing order may be issued prior to April 1, 1975; providing that no marketing order shall extend for a period longer than three (3) years, except where it is renewed by referendum at the end of any three (3) year period; providing for the creation of a pooling board to assist the Florida citrus commission by making recommendations to the Florida citrus commission; providing for the equitable repayment of costs incurred in diverting fruit and administering the pool out of proceeds received from the sale of product from the pool; providing for the transfer of funds from funds created and collected pursuant to §601.154, Florida Statutes; providing for the employment of personnel necessary to administer any marketing orders; providing and authorizing for the renting, leasing or construction of warehouses or storage space and the issuance of revenue bonds to finance the cost thereof; providing procedures for objection to and appeals from orders promulgating such orders; prescribing powers, duties and jurisdiction of the Florida citrus commission and any pooling board established; providing for an appropriation of any funds collected pursuant to any marketing order; providing for the exception of the Act from the provisions of Chapter 120, Florida Statutes, as it now exists or as it may be hereafter amended; providing for a referendum to effectuate this Act; amending subsection (14) of §601.154, Florida Statutes, to authorize transfer of funds; providing an effective date.

—to Governmental Operations.

By Senator Pettigrew—

SB 967—A bill to be entitled An act relating to criminal justice information control and privacy; providing definitions; providing for dissemination, access and use; providing for dissemination of certain information to criminal justice agencies; providing for dissemination of identification record information and wanted persons record information, providing for secondary use of criminal justice information; providing for method of access and access warrants; providing for security, accuracy, updating, and purging; providing for access by individuals for purpose of challenge; providing for intelligence systems; creating a criminal justice information systems commission; providing for the composition of the commission; providing for terms of appointment; providing for the election of a chairman and for meetings; providing that membership on the commission shall not disqualify a member from holding public office; providing for per diem and traveling expenses; providing powers of the commission; providing for public notice requirement; providing for civil remedies; providing for criminal penalties; providing an effective date.

—to Ways and Means.

By Senator Brantley—

SB 968—A bill to be entitled An act relating to barbers; amending §§476.01, 476.031(3), (6), and (7), 476.05(2), 476.07(3), 476.09(1), 476.10(1), 476.13, 476.16(1)(c) and (2)(c), 476.17(2), 476.21, and 476.22(1)(a), (c), and (1), Florida Statutes, 1973; repealing §§476.03, 476.031(5), 476.05(1)(c), 476.06, 476.

09(3) and (4), 476.11(2) and (3), and 476.24(2), Florida Statutes, 1973, relating to apprentice barbers and barber's assistants; revoking and making inoperative all existing registered apprentice barber certificates and applications for such certificates; abolishing apprenticeships for barbers and removing reference to apprentice barbers in chapter 476, Florida Statutes; providing that the board member from the state at large shall be a member of the consuming public; providing an effective date.

—to Commerce.

By Senators Barron, Peterson, Trask, Gordon, de la Parte, Brantley, McClain, Myers, Firestone, Pettigrew and Scarborough—

SB 969—A bill to be entitled An act relating to legal time; providing an exemption for a portion of the State of Florida from the Emergency Daylight Saving Time Energy Conservation Act of 1973; providing an effective date.

—to Rules and Calendar.

By Senator Gillespie—

SB 970—A bill to be entitled An act relating to the sunshine law; amending §286.011, Florida Statutes, 1973, requiring certain board meetings of nonprofit entities receiving state funds to be open to the public; requiring the minutes of certain board meetings of such nonprofit entities to be open to the public; providing a penalty for a violation of this act by a member of the board of such nonprofit entities; providing an effective date.

—to Rules and Calendar.

By Senators Lewis, Graham, Weber, Glisson, Deeb, Horne, Peterson, Sykes and Zinkil—

SB 971—A bill to be entitled An act relating to housing; providing for findings and declaration of necessity by the legislature; providing definitions; establishing the revolving rural land acquisition and site development assistance trust fund; authorizing the secretary of community affairs to make loans to local governments and to local housing authorities or public bodies for the acquisition and development of land for housing for rural persons and families of low or moderate income; providing for the disposition of property acquired by a loan under the act; providing for terms of loan agreements; providing for time constraints on loans; providing for promulgation of rules; providing powers of the secretary in the event that housing is not developed on land acquired by a loan; providing for the disposition of property which might accrue to the state; providing for capitalization of ad valorem taxes; providing for expiration of lending authority; providing an effective date.

—to Ways and Means.

By Senator Firestone—

SB 972—A bill to be entitled An act relating to the legislature; amending §11.45(5), Florida Statutes, 1973, and adding a subsection; providing for powers of the joint legislative auditing committee and the auditor general as to investigation and examination and audit of persons and accounts and records, public and private, and relating to witnesses and subpoenas and reimbursement of expenses; providing for committee rules and meetings and the introduction of bills and other measures; providing an effective date.

—to Rules and Calendar.

By the Committee on Criminal Justice—

SB 973—A bill to be entitled An act relating to investigators employed by state attorneys; amending section 23.061, Florida Statutes, defining state attorney investigator; amending sections 23.067(1), (3), (5), (6) and (7), 23.068, 23.076, Florida Statutes, providing for inclusion of the state attorney investigators; creating section 23.079, Florida Statutes, providing a saving clause for state attorney investigators; amending section 27.255, Florida Statutes, providing for the power of arrest, qualifications, rights, immunities, bond and oath for investigators employed by the state attorneys; providing an effective date.

—to Criminal Justice.

By the Committee on Criminal Justice—

SB 974—A bill to be entitled An act relating to jurors; amending §921.141(1), Florida Statutes, providing for special juror at sentencing proceeding; providing an effective date.

—to Criminal Justice.

By Senator Graham—

SB 975—A bill to be entitled An act relating to education; amending §877.13(1), Florida Statutes; providing that it is unlawful for any person to knowingly interfere with the attendance of any other school pupil or school employee in a school vehicle or public facility accommodating a school activity; providing an effective date.

—to Education.

By Senators Henderson and Sayler—

SB 976—A bill to be entitled An act relating to public officers and employees amending Section 112.12, Florida Statutes, asserting health insurance is as defined by Section 624.603, Florida Statutes; providing an effective date.

—to Commerce.

By Senators Henderson and Brantley—

SB 977—A bill to be entitled An act relating to water pollution control and sewage treatment grants; amending section 403.1826, 403.1827, 403.1829, and repealing section 403.1830 and 403.1831, Florida Statutes, as amended; relating to eligibility requirements for grants; relating to planning grants; relating to priorities and funding of projects; eliminating state advances in anticipation of construction funds and contract plan funds; providing for appropriations of funds to be deposited in the state water pollution control trust fund; providing an effective date.

—to Ways and Means.

By Senators Lane (23rd), de la Parte and McClain—

SB 978—A bill to be entitled An act relating to state uniform traffic control; creating Section 316.165, Florida Statutes; providing that county and municipal governments provide for specially designed and marked motor vehicle parking spaces for the use of totally and permanently disabled persons who must use a wheelchair for mobility; providing specifications and sign patterns for such parking spaces; providing penalties; providing an effective date.

—to Transportation.

By Senator Lane (23rd)—

SB 979—A bill to be entitled An act relating to saltwater fishing; amending Section 370.08, Florida Statutes, by adding subsection (11); prohibiting trawling in certain areas of Tampa Bay; prohibiting certain equipment and limiting the size of the trawl; prohibiting trawling within three hundred (300) feet of any bridge, pier or dock; providing a penalty; providing an effective date.

—to Natural Resources and Conservation.

By the Committee on Criminal Justice and Senators Sims and Johnston—

SB 980—A bill to be entitled An act relating to fraud; creating section 830.01, Florida Statutes, to provide definitions; creating section 830.02, Florida Statutes, to provide determination of value; creating section 830.03, Florida Statutes, to provide aggregation of amounts involved in fraud; creating section 830.04, Florida Statutes, to define the crime of and provide penalty for forgery; creating section 830.05, Florida Statutes, to define the crime of and provide penalty for possession of a forged instrument; creating section 830.06, Florida Statutes, to define the crime of and provide penalty for criminal simulation; creating section 830.07, Florida Statutes, to define the crime of and provide penalty for credit card abuse; creating section 830.08, Florida Statutes, to define the crime of and provide penalty for making false statement to obtain property or credit; creating section 830.09, Florida Statutes, to define

the crime of and provide penalty for hindering secured creditors; creating section 830.10, Florida Statutes, to define the crime of and provide penalty for fraud in insolvency; creating section 830.11, Florida Statutes, to define the crime of and provide penalty for receiving deposit, premium, or investment in a failing financial institution; creating section 830.12, Florida Statutes, to define the crime of and provide penalty for issuance of bad checks; creating section 830.13, Florida Statutes, to define the crime of and provide penalty for deceptive business practices; creating section 830.14, Florida Statutes, to define the crime of and provide penalty for commercial bribery; creating section 830.15, Florida Statutes, to define the crime of and provide penalty for rigging publicly exhibited contest; creating section 830.16, Florida Statutes, to define the crime of and provide penalty for misapplication of fiduciary property or property of financial institution; creating section 830.17, Florida Statutes, to define the crime of and provide penalty for securing execution of document by deception; creating section 830.18, Florida Statutes, to define the crime of and provide penalty for fraudulent destruction, removal concealment of writing; creating section 830.19, Florida Statutes, to define the crime of and provide penalty for endless chain scheme; repealing chapter 812, Florida Statutes, relating to embezzlement; repealing chapter 817, Florida Statutes, relating to fraudulent practices; repealing chapter 831, Florida Statutes, relating to forgery and counterfeiting; repealing chapter 832, Florida Statutes, relating to issuing worthless checks and drafts; providing an effective date.

—to Criminal Justice.

By Senators Deeb, Ware and Sayler—

SB 981—A bill to be entitled An act relating to Pinellas County; requiring that the use of telephone number 911, a number through which emergency organizations can be contacted, be placed in effect; requiring the governing body of the county and of each municipality to take action by January 1, 1975 to implement the use of the number; requiring the telephone company serving the area to place the number in operation by December 31, 1976; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 981.

—to Rules and Calendar.

By Senator Myers—

SB 982—A bill to be entitled An act relating to the department of health and rehabilitative services, division of mental health; repealing sections 402.01, 402.02, and 402.03, Florida Statutes, abolishing the council on training and research in mental health in Florida created for the division of mental health; amending section 402.04, Florida Statutes, reflecting the transfer of duties of the council on training and research in mental health in Florida to the advisory council on mental health created for the division of mental health; amending section 402.07, Florida Statutes, to add new divisions and programs; amending section 402.11, Florida Statutes, to increase the size and expand the duties of the advisory council on mental health; providing an effective date.

—to Health and Rehabilitative Services.

By the Committee on Criminal Justice—

SB 983—A bill to be entitled An act defining juvenile traffic offenses amending §316.045 (1), Florida Statutes; providing an effective date.

—to Criminal Justice.

By Senator Brantley—

SB 984—A bill to be entitled An act relating to insurance; creating subsection (4) of section 627.657, Florida Statutes, to provide conversion privileges for surviving spouse and dependent children of holders of group disability policies without evidence of insurability; providing an effective date.

—to Commerce.

By Senator Gordon—

SB 985—A bill to be entitled An act relating to health; amending part VII of chapter 627, Florida Statutes; adding a

new subsection (4) to section 627.657, Florida Statutes, to provide conversion privileges to certificate holders of group disability policies without evidence of insurability; providing for the promulgation of rules and regulations by the department of insurance; adding new section 627.665, Florida Statutes, to provide that when master group disability policies are replaced the new policy must cover all certificate holders covered under the replaced policy; providing an effective date.

—to Commerce.

By Senator Poston (by request)—

SB 986—A bill to be entitled An act relating to transportation; amending §334.062, F. S., providing that the secretary of the department of transportation may reorganize the five transportation districts; providing an effective date.

—to Transportation.

By Senator Poston (by request)—

SB 987—A bill to be entitled An act relating to transfer of motor vehicle certificates of title; amending section 319.23(5), Florida Statutes; increasing the fee to \$5.00 for failing to file application for transfer within ten days; providing an effective date.

—to Transportation and Ways and Means.

By Senator Wian (by request)—

SB 988—A bill to be entitled An act relating to the alcoholic beverage laws; amending subsections (2), (3), (4) and (5) of section 561.22, Florida Statutes, to add the words copartnership, firm or association; providing an effective date.

—to Commerce.

By Senator Pettigrew—

SJR 989—A joint resolution proposing an amendment to the Constitution of the state of Florida; amending section 2 of Article VII relating to authority for differential rates of ad valorem taxation for residents of unincorporated areas for additional benefits received by them.

—to Ways and Means.

By Senator Pettigrew—

SB 990—A bill to be entitled An act relating to the levy of local ad valorem taxes; amending subsection 200.085(3), Florida Statutes (1973), by adding a new paragraph (c) to require increases in millage to be levied not to exceed 15% above assessor's certified millage unless an emergency exists in which case millages may not exceed 20%; providing an effective date.

—to Ways and Means.

By Senator Winn (by request)—

SB 991—A bill to be entitled An act relating to the alcoholic beverage laws; amending subsections (1), (2), (3), (4), and (5) of section 561.24, Florida Statutes, to prohibit licensing of manufacturers located within or without the state as a distributor or exporter within the state; providing an effective date.

—to Commerce.

By Senator Poston—

SB 992—A bill to be entitled An act relating to transportation; providing authorization for department of transportation to purchase and sell buses to aid political subdivisions and municipalities; providing an appropriation; providing an effective date.

—to Transportation and Ways and Means.

By Senator Plante—

SB 993—A bill to be entitled An act relating to the Florida School for the Deaf and the Blind; amending §242.331(1), Flor-

ida Statutes; providing educational and work experience requirements for members of the board of trustees of the school; providing for existing trustees to serve for the remainder of their terms; providing an effective date.

—to Governmental Operations.

By Senator Plante—

SB 994—A bill to be entitled An act relating to schools; creating Section 231.085, Florida Statutes, to provide for employment and duties of principals in the public schools; providing an effective date.

—to Education.

By Senator Glisson (by request)—

SB 995—A bill to be entitled An act relating to education; creating §230.301, Florida Statutes; providing for legal services for the district superintendent of schools; providing an effective date.

—to Education.

By Senators McClain and Lane (23rd)—

SB 996—A bill to be entitled An act relating to the maximum length of race meetings for pari-mutuel permit holders; amending subsection (1) of §550.08, Florida Statutes, providing an exception for certain thoroughbred horse tracks; providing an effective date.

—to Commerce.

By Senator Poston—

SB 997—A bill to be entitled An act relating to outdoor advertising; amending section 479.02, Florida Statutes, adding subsection (5) providing that any local law or ordinance will not preempt any provision of section 479.02; providing an effective date.

—to Transportation.

By Senator de la Parte—

SB 998—A bill to be entitled An act relating to the authority of state courts and state agencies over juveniles; amending section 39.01, Florida Statutes, providing definitions; amending subsection (1) of section 39.02, Florida Statutes, relating to the jurisdiction of circuit courts; amending subsection (1), (2), and (3) (a) and (b) of section 39.03, Florida Statutes relating to taking a child into custody and detention; amending subsection (1) of section 39.04, Florida Statutes, relating to intake procedures; amending section 39.05, Florida Statutes, relating to the filing of petitions; amending subsections (2), (4), (6), (9) and (11) of section 39.06, Florida Statutes, relating to process and service; amending section 39.08, Florida Statutes, relating to medical, psychiatric, and psychological examination and treatment; amending paragraph (b) of subsection (1), paragraph (c) of subsection (2) and subsection (3) of section 39.09, Florida Statutes, relating to hearings; amending section 39.10, Florida Statutes, relating to adjudication; amending subsection (1), paragraphs (a), (c), (d) and (e) of subsection (2), paragraphs (a) and (c) of subsection (3) and subsections (4) through (8) of section 39.11, Florida Statutes, relating to dispositions available to the court; amending subsections (1) and (2) and paragraph (a) of subsection (6) of section 39.12, Florida Statutes, relating to oaths, records, and privileged information; amending subsection (3) of section 39.14, Florida Statutes, relating to appeals; providing an effective date.

—to Health and Rehabilitative Services.

By Senator Henderson—

SB 999—A bill to be entitled An act relating to mandatory land reclamation for mining operations; providing intent and definitions; providing administration by department of natural resources; providing department of natural resources with regulatory and other powers; providing requirements for mining and exploration permits; providing for application fees; providing for bonding or other proof of financial responsibility; providing for confidentiality of information; providing standards for denial of permits; providing for contents of reclamation plan and

method of reclamation; providing for enforcement; providing for revocation of permits, forfeiture of bond and liability for damages; providing alternative when land is accepted in lieu of damages; providing for reporting; providing review of regulations; providing for training programs; providing for inventory of mining operations; providing for reclamation trust fund; providing remedies of citizens; providing penalties for continuing operation after permit revoked; providing for continuation of existing mining operation; providing for severability; providing effective date.

—to Commerce and Ways and Means.

By Senator Graham—

SB 1000—A bill to be entitled An act relating to investment of district school funds; amending §236.24(2), Florida Statutes, 1972 Supplement, to provide that district school funds may be invested in certain obligations represented by instruments of indebtedness issued by any state or political subdivision thereof; providing an effective date.

—to Governmental Operations.

By Senators Weber, Stolzenburg and Lane (31st)—

SB 1001—A bill to be entitled An act for the relief of the City of Pompano Beach; providing for reimbursement for the construction of an ocean outfall in reliance on approval by the Florida state board of health; providing an appropriation; providing an effective date.

—to Ways and Means.

By Senator Poston (by request)—

SB 1002—A bill to be entitled An act relating to department of highway safety and motor vehicles; amending section 320.011(1), Florida Statutes; providing for limited police power for motor vehicle license inspectors; repealing section 320.58, Florida Statutes; providing an effective date.

—to Transportation.

By Senator Gordon—

SB 1003—A bill to be entitled An act relating to telephone records; creating section 364.241, Florida Statutes, providing a penalty for disclosure of records of telephone conversations; providing an effective date.

—to Criminal Justice.

By Senator Gordon—

SB 1004—A bill to be entitled An act relating to student activity fees; amending section 240.095 (2), Florida Statutes; providing for the allocation of student activity fees by the student government associations of the several state universities; providing an effective date.

—to Education and Ways and Means.

By Senator Williams—

SB 1005—A bill to be entitled An act relating to the Florida nuclear code and southern interstate nuclear compact law, Florida nuclear council; qualifications of council members; designation of department of health and rehabilitative services as regulatory agency; radiological surveillance; amending sections 290.01, 290.02, 290.051(3), 290.06(1), (2), (3), (4), (5), (8) and (9); 290.08, 290.09, 290.10(1), (2), (3), and (4); 290.11, 290.12(1), (2), and (3); 290.13(2), 290.15(1)(c) and (2); 290.16, 290.17, 290.18, 290.19(2) and (3); 290.31(5)(h), and 290.32(1) and (3); deleting sections 290.06(6) and (7) and 290.071, Florida Statutes; providing for the Florida nuclear council; providing for council member qualifications; providing for the regulatory agency; providing for the powers and duties of the council; deleting the promotion of nuclear development; deleting the retention of Kennedy space center and Cape Kennedy launch complex; providing for the department of health and rehabilitative services to conduct evaluations of the levels of radioactive materials in the environment; providing for licensing and registration of sources of ionizing radiation by the department; providing for inspection by the department; providing for the main-

tenance of records; providing for federal-state agreements; providing for administrative procedures and judicial review; providing for injunctive relief; providing for prohibited uses; providing an effective date.

—to Health and Rehabilitative Services.

By Senator Graham—

SB 1006—A bill to be entitled An act relating to the Florida resources systems institute; creating section 241.—Florida Statutes; creating the Florida resources systems institute; providing for location of the institute and regional centers; establishing objectives; creating the Florida resources systems advisory council and providing membership; providing duties of the council; providing for panels of the council; establishing a procedure for appointment of the director of the institute; authorizing employment of personnel; providing for coordination with the division of state planning; providing an effective date.

—to Commerce and Ways and Means.

By Senator Graham—

SB 1007—A bill to be entitled An act relating to compensation of county officials; adding subsection (3) to §145.041, Florida Statutes, increasing the salary of district school board members in counties having a population of 1,000,000 or more, and having a total of more than 200,000 pupils in average daily attendance in kindergarten classes and elementary and secondary schools during the preceding school year; providing an effective date.

—to Governmental Operations.

By Senator Lane (31st)—

SB 1008—A bill to be entitled An act relating to the right to garnishment; amending section 77.01, Florida Statutes, to provide for subject instrumentalities of the state, including, without limitation, counties, municipalities and boards of public instruction, to garnishee process; providing an effective date.

—to Governmental Operations.

By the Committee on Criminal Justice—

SB 1009—A bill to be entitled An act relating to drug abuse prevention control; amending section 322.272, Florida Statutes, relating to supersedeas; amending section 322.28, Florida Statutes, relating to period of suspension or revocation of drivers' licenses; amending section 371.53, Florida Statutes, relating to skiing under influence of liquor or narcotics; to include alcoholic beverages, model glue or any substance controlled under chapter 893, Florida Statutes; providing an effective date.

—to Criminal Justice.

By Senator Scarborough—

SB 1010—A bill to be entitled An act relating to the industrial relations commission of the State of Florida; amending §20.17(7), F.S., by empowering the governor of the State of Florida to appoint associate industrial relations commissioners, pro hac vice, when need for same is certified to governor from chairman of industrial relations commission; amending §20.17(7) to authorize the industrial relations commission to promulgate rules of practice and procedure before judges of industrial claims, unemployment referees and industrial relations commission; providing an effective date.

—to Governmental Operations.

By Senator Saunders—

SB 1011—A bill to be entitled An act relating to foundations, which are Florida non-profit corporations, whose sole mission is to support institutions of higher education in the State of Florida and which qualify as exempt organizations under the Internal Revenue Code, 26 U.S.C. Section 501(c)(3), or by Florida institutions of higher education which qualify under the Internal Revenue Code, 26 U.S.C. Section 501(c)(3); empowering such foundations and institutions of higher education to accept certain donations; providing an effective date.

—to Commerce.

By Senator Saunders—

SB 1012—A bill to be entitled An act relating to providing for pay adjustments on Department of Transportation road construction contracts; providing an effective date.

—to Rules and Calendar.

By Senator Saunders—

SB 1013—A bill to be entitled An act relating to education; amending Chapter 230.17(1) Florida Statutes; providing that all regular and special meetings of school boards shall begin no earlier than 4 (four) o'clock, p.m.; providing an effective date.

—to Education.

By Senator Saunders—

SB 1014—A bill to be entitled An act relating to medical practice; amending §458.13(2)(k), Florida Statutes, 1973; providing for renewal of a medical faculty certificate under certain conditions; providing limitations; providing an effective date.

—to Health and Rehabilitative Services.

By Senators Myers, Lewis and Williams—

SB 1015—A bill to be entitled An act relating to public health; providing authority for the division of health of the department of health and rehabilitative services to enter and make inspections on certain premises where public health is jeopardized; providing an effective date.

—to Health and Rehabilitative Services.

By Senators Myers, Lewis and Williams—

SB 1016—A bill to be entitled An act relating to governmental reorganization; amending chapter 509, Florida Statutes; terminating the division of hotels and restaurants of the department of business regulation; transferring certain powers, duties and functions of the division of hotels and restaurants to the division of health of the department of health and rehabilitative services and the division of general regulation of the department of business regulation; directing that conforming editorial changes be made in chapter 509, Florida Statutes; providing an effective date.

—to Health and Rehabilitative Services and Commerce.

By Senators Lewis, Williams and Myers—

SB 1017—A bill to be entitled An act relating to inspection of food processing plants; amending chapter 500, Florida Statutes, transferring by a type four (4) transfer certain powers, duties and functions of the division of health of the department of health and rehabilitative services to the department of agriculture and consumer services; directing that conforming editorial changes be made in chapter 500, Florida Statutes; providing an effective date.

—to Agriculture.

By Senators Lewis, Williams and Myers—

SB 1018—A bill to be entitled An act relating to inspection of meat and poultry; placing primary responsibility for certain inspections with the department of agriculture and consumer services; providing an effective date.

—to Agriculture.

By Senators Myers, Lewis and Williams—

SB 1019—A bill to be entitled An act relating to inspection of frozen dessert plants; amending section 503.031 and creating section 503.032, Florida Statutes; transferring certain inspection jurisdiction and responsibility to the division of health of the department of health and rehabilitative services; providing an effective date.

—to Health and Rehabilitative Services.

By Senators Myers, Lewis and Williams—

SB 1020—A bill to be entitled An act relating to inspection of dairy farms and milk plants; assigning primary jurisdiction and responsibility; amending subsection (1) of section 502.211, Florida Statutes; transferring certain duties, powers and functions by a type four (4) transfer to the division of health of the department of health and rehabilitative services; directing conforming editorial changes be made; providing an effective date.

—to Health and Rehabilitative Services.

By Senators Lewis, Williams and Myers—

SB 1021—A bill to be entitled An act relating to inspection of poultry and egg farms; placing primary responsibility for inspections with the department of agriculture and consumer services; providing an effective date.

—to Agriculture.

By Senators Lewis, Williams and Myers—

SB 1022—A bill to be entitled An act relating to inspection of rendering plants; placing primary responsibility for certain inspections with the department of agriculture and consumer services; providing an effective date.

—to Agriculture.

By Senators Myers, Lewis and Williams—

SB 1023—A bill to be entitled An act relating to inspection of seafood dealers; placing primary jurisdiction for certain inspections; providing for a type four (4) transfer of certain powers, duties and functions of the department of agriculture and consumer services and department of natural resources; directing editorial changes; providing an effective date.

—to Health and Rehabilitative Services.

By Senator Graham—

SB 1024—A bill to be entitled An act relating to the department of health and rehabilitative services; creating a division of children and youth; transferring all powers, duties, and functions of the division of youth services to the division of children and youth; abolishing the division of youth services; transferring certain powers, duties, and functions of the division of family services to the division of children and youth; providing an effective date.

—to Governmental Operations.

By Senator Graham—

SB 1025—A bill to be entitled An act relating to the department of health and rehabilitative services; providing that certain powers, duties, and functions presently assigned to the division of family services and the division of youth services be reassigned generally to the department of health and rehabilitative services; providing for commitment to the department of health and rehabilitative services in lieu of commitment to the division of family services or the division of youth services; providing certain restrictions in the placement of children by the department; providing an effective date.

—to Governmental Operations.

By the Committee on Criminal Justice and Senator Myers—

SB 1026—A bill to be entitled An act relating to the sale of transmission fluid; amending section 877.11, Florida Statutes, providing for the crime of and penalties for inhalation or possession of harmful chemical substances; providing an effective date.

—to Criminal Justice.

By Senator Poston (by request)—

SB 1027—A bill to be entitled An act relating to transportation, amending §§339.05, 339.06 and 339.07, Florida Statutes, changing the terms "division of road operations" to "depart-

ment" and "roads or highways" to "transportation"; and adding §339.071, providing funds be deposited in transportation trust fund; providing an effective date.

—to Transportation.

By Senator Ware—

SB 1028—A bill to be entitled An act relating to motor vehicles; providing that recreational vehicles shall not be subject to license or registration tax unless such vehicles are operated over the highways or used for housing accommodations; providing an effective date.

—to Ways and Means.

By Senator Stolzenburg—

SB 1029—A bill to be entitled An act relating to motor vehicles; creating §316.294, Florida Statutes; prohibiting alteration of the suspension system of a motor vehicle; providing exceptions; amending §325.19(1)(e), (g), (h), Florida Statutes, and adding paragraph (i) to said subsection; providing for inspection of windshields and suspension system; providing an effective date.

—to Transportation.

By Senator Poston (by request)—

SB 1030—A bill to be entitled An act relating to the department of transportation; amending §334.023, Florida Statutes, adding subsection (3) providing for the department to expend funds to market or advertise mass transit facilities to encourage the use thereof; providing an effective date.

—to Transportation.

By Senator Williams—

SB 1031—A bill to be entitled An act relating to the department of education division of universities; providing an appropriation for the purpose of correcting fire code deficiencies, providing an effective date.

—to Ways and Means.

By Senator Williams—

SB 1032—A bill to be entitled An act relating to public school plants; amending §235.06, Florida Statutes, 1973, empowering and directing the state board of education to adopt regulations relating to health and safety standards at school plants; requiring each district school board to adopt certain policies in conformance with the standards; providing for periodic inspection of school plants by each school board to determine compliance with the standards; providing for correction of deficiencies or closure of the school plant if not corrected; permitting inspection of any school plant by certain state and local agencies; providing standards for inspection by such agencies; providing procedures when deficiencies are noted by such agencies; providing for review of an order of any such agency for the correction of deficiencies by the state board of education; providing procedure for review; providing an effective date.

—to Education.

By Senator Glisson—

SB 1033—A bill to be entitled An act relating to alcoholic beverage licenses; amending subsection (2) (a) of §561.20, Florida Statutes, providing that certain special licenses issued prior to 57-773, Laws of Florida, shall not include package sales as part of a gross income factor; providing an effective date.

—to Commerce.

By the Committee on Transportation—

SB 1034—A bill to be entitled An act relating to loads on vehicles; amending section 316.198(2), Florida Statutes, requiring certain loads be covered by a tarpaulin; providing an effective date.

—to Transportation.

By the Committee on Criminal Justice—

SB 1035—A bill to be entitled An act relating to the office of the public defender; amending section 27.50, Florida Statutes, 1971, as amended by chapter 73-333, Laws of Florida; providing for the qualification and election of public defenders; amending section 27.51, Florida Statutes, 1971, as amended by chapters 72-327, 72-722, 73-216 and 73-334, Laws of Florida; enumerating the duties of the public defenders; amending section 27.52, Florida Statutes, 1971, as amended by chapter 73-334, Laws of Florida; providing for the determination of indigency and partial indigency; amending section 27.53, Florida Statutes, 1971, as amended by Chapters 72-327 and 73-216, Laws of Florida; relating to the appointment and payment of assistants and other staff; amending section 27.54, Florida Statutes, 1971, as amended by Chapters 72-327 and 72-722, Laws of Florida; providing for expenditures for public defenders; amending section 27.55, Florida Statutes, 1971; providing for compensation for public defender and expenditures for office in a newly created judicial circuit; amending section 27.56, Florida Statutes, 1971, as amended by Chapter 72-41, Laws of Florida; providing for payment for public defender services; amending sections 27.58 and 27.59, Florida Statutes, 1971; providing for other public defender services; providing for access to prisoners by the public defender, his assistants and investigators; providing an effective date.

—to Criminal Justice.

By Senator Scarborough—

SB 1036—A bill to be entitled An act relating to insurance; creating a non-profit corporation to be called the Florida life and health guaranty association, inc.; setting forth the purposes of this act; providing definitions; providing for the establishment of a plan of operation for the implementation of this act; establishing three (3) guaranty accounts to be known as the health insurance account, the life insurance account and the annuity account; providing a board of directors; providing for the membership, duties and functions of the board and the association; providing for assessments of member insurers by the department of insurance for the purpose of fulfilling the powers and duties of the association; prohibiting the use of state funds by the association; providing penalties for failure to pay assessments; providing for examination of the association by the department of insurance and requiring annual reports; providing the duties and powers of the department of insurance relating to the association; providing for the payment of certain claims; providing a method for prevention of insolvencies of insurers; providing immunity from certain suits; providing that no person shall make or circulate any advertisement or publication which uses the existence of the association for the purpose of sale of insurance covered by this act; providing for a stay of proceedings and for the reopening of default judgments against an impaired or insolvent insurer; providing an effective date.

—to Commerce.

By Senator Glisson—

SB 1037—A bill to be entitled An act relating to the blind and severely handicapped; providing definitions; creating a committee within the department of general services for the purchase of products and services of the blind and other severely handicapped; providing for membership of the committee; providing powers and duties of the committee; requiring state agencies to procure products and services of the blind and other severely handicapped from certain nonprofit agencies; providing for cooperation between the committee and state agencies; requiring an annual report by the committee to governor and the legislature; prohibiting evasion of the intent of the act by a state agency; providing a penalty; providing an effective date.

—to Governmental Operations.

By Senator Scarborough—

SB 1038—A bill to be entitled An act relating to the industrial relations commission; amending §20.17(7), Florida Statutes; empowering the governor to appoint associate industrial relations commissioners, pro hac vice, when need for same is certified; authorizing the industrial relations commission to promulgate rules of practice and procedure before judges of industrial claims, unemployment appeals referees and the in-

dustrial relations commission; amending §440.45(1), (4), (5), Florida Statutes, empowering the governor to appoint judges of industrial claims; providing duties and qualifications; limiting period of service for certain appointees; deleting the authority of the division of labor and employment opportunities to delegate its authority to administer the workmen's compensation law to the judges of industrial claims; providing an effective date.

—to Judiciary.

By Senator Johnson—

SB 1039—A bill to be entitled An act relating to evidence to be known as the "Florida Evidence Code"; creating sections 90-101 through 90.1008, Florida Statutes; providing standards for the admission of evidence in the state in statutory form and abrogating inconsistent common-law rules of evidence; providing definitions; providing standards for the introduction of documentary evidence; providing for standards relating to proof of the contents of writings; providing standards on the relevance of evidence submitted in any court; providing standards regarding hearsay evidence; providing standards relating to judicial notice; providing standards relating to presumptions, inferences and prima facie effect; providing standards relating to witnesses and for the production of proof through witnesses; providing standards relating to opinion testimony and expert witnesses; providing standards relating to privileged communications and privilege generally; repealing sections 90.01, 90.011, 90.02, 90.04, 90.05, 90.06, 90.08, 90.09, 90.10, 90.241, 90.242, 90.243, 92.01, 92.02, 92.03, 92.031, 92.032, 92.04, 92.10, 92.11, 92.12, 92.121, 92.22, 92.35, 92.36, 92.37, 473.141, and 490.32, Florida Statutes; transferring and renumbering sections 90.14, 90.141, 90.15, 90.231, and 90.25, Florida Statutes; amending section 828.041, Florida Statutes; providing legislative intent; providing an effective date.

—to Judiciary.

By Senator de la Parte—

SB 1040—A bill to be entitled An act relating to law enforcement; creating the department of criminal justice; providing that the head of the department shall be the governor and cabinet; providing for the appointment of the executive director of the department; providing the powers of the department; providing for rules and regulations; providing that the attorney general shall be the legal advisor to and represent the department; providing for annual reports; providing for the establishment of divisions within the department; providing for the power to establish bureaus within any division in addition to those created in this act; creating the division of law enforcement; providing for the qualifications for the director of the division; providing for the power of the division; establishing bureaus within the division; providing that investigators shall be peace officers; providing for salaries and expenses of personnel; providing for the security of the governor; creating the division of criminal justice information systems; establishing bureaus within the division; providing for a system of fingerprint analysis and identification; providing for a system of intrastate communication of statistics and information relating to criminal activity; providing an exemption from the application of chapter 23, part II, Florida Statutes, 1973; repealing subsection (11) of section 23.027, Florida Statutes, 1973; creating a criminal justice information systems commission; providing for the composition of the commission; providing for terms of appointment; providing for the election of a chairman and for meetings; providing that membership on the commission shall not disqualify a member from holding public office or employment; providing for per diem and traveling expenses; providing definitions; providing powers of the commission; creating the division of standards and training; providing for a director; establishing bureaus within the division; providing definitions; establishing the police standards and training commission; providing for the composition of the commission; providing for terms of appointment; providing that membership on the commission shall not disqualify a member from holding public office or employment; providing for geographical consideration in appointments; providing for meetings; providing for per diem and traveling expenses; providing for special powers of the commission; providing for qualifications of employment of police officers; providing for police training programs; providing for certificates and diplomas; providing exemptions; providing for injunction proceedings; providing for reimbursement of employing agency by commission; providing for payment of tuition by employing agency;

providing for salary scale study and reports; providing for a saving clause; providing for qualifications and standards above the minimum; providing an exception; providing for the salary incentive program; providing for definitions; providing schedules of payments for qualifying law enforcement officers; providing for rules and regulations; providing for reports; providing for advanced training; providing that expenses shall be borne by the state; providing for assessment of additional court costs in criminal proceedings; providing for disposition; providing for audits by the auditor general; providing for additional assessment by local government; providing that the funds which have accumulated to the Florida police academy fund shall be made available to the department for training and facilities; providing authorization for the department of administration to disburse funds; providing for trust fund block matching by state; providing for disbursement of trust fund for matching; providing for contracts with educational institutions; provided that training shall be without cost; creating the division of local law enforcement assistance; providing for development of programs for cooperation with local law enforcement units; providing for the exercise of duties prescribed under Part IV of chapter 23, Florida Statutes, known as the Florida mutual aid act; amending sections 23.122, 23.123, Florida Statutes, 1973; repealing Part IV and Part V of chapter 23, Florida Statutes, 1973; providing an effective date.

—to Ways and Means.

By Senators Williams, Poston, Firestone, Myers, Pettigrew and Gordon—

SB 1041—A bill to be entitled An act relating to public officers and employees and candidates for public office; amending §§112.311, 112.312, 112.313, 112.314, 112.316, and 112.317, Florida Statutes, 1973, and creating §§112.3145 and 112.3155, Florida Statutes, providing legislative intent; providing definitions; establishing standards of conduct for public officers and employees, candidates, advisory board members, legislators and legislative employees, and judicial officers; requiring disclosure of financial interests by source and percentage by public officers and candidates; including spouse and minor child within the definition of public officer for purposes of financial disclosure; providing for forms and procedures for such disclosures; providing for construction of part III of chapter 112, Florida Statutes; providing enforcement; repealing §112.318, Florida Statutes, 1973, relating to procedures on complaints of violation of part III of chapter 112, Florida Statutes; providing an effective date.

—to Governmental Operations.

By Senator Graham—

SB 1042—A bill to be entitled An act relating to the governor's internship program; providing for administration of the program; creating the governor's internship commission; prescribing the duties and powers of the commission; providing for the program scope; providing for sponsorship of the program; providing for expenses of the program; providing an effective date.

—to Governmental Operations and Ways and Means.

By Senator de la Parte—

SB 1043—A bill to be entitled An act relating to grand juries; ~~creating chapter 906~~, amending Sections 906.05 and 906.07, Florida Statutes; providing for the election of foremen and deputy foremen; providing for the selection of statewide grand jurors and their compensation; providing an effective date.

—to Governmental Operations.

By Senators McClain and Lane (23rd)—

SB 1044—A bill to be entitled An act relating to summer thoroughbred horse racing; extending the authority therefor to a ratified permit holder in certain counties; providing an effective date.

—to Commerce.

By Senator Wilson—

SB 1045—A bill to be entitled An act relating to the Florida public service commission; creating §§350.061-350.0614, Florida

Statutes; creating the office of public counsel and providing for his appointment, qualifications, duties, staff, compensation and expenses; amending §350.58, Florida Statutes, requiring annual reports of public counsel; providing an effective date.

—to Governmental Operations and Ways and Means.

By Senator McClain—

SB 1046—A bill to be entitled An act relating to nonpartisan elections of supervisors of elections; amending section 98.161, Florida Statutes, providing that the supervisor be elected at nonpartisan primaries; amending section 99.061(3), Florida Statutes, providing that supervisors of elections are exempt from the party assessment; creating Part II of Chapter 105, Florida Statutes, providing for nonpartisan elections of supervisors of elections; providing an effective date.

—to Governmental Operations.

By Senator Graham—

SB 1047—A bill to be entitled An act relating to the environmental land and water management act; providing for the applicability of development principles adopted under 380.05(1) (b); providing for binding letters of interpretation on development of regional impact; providing for hearings by local government on applications for developments of regional impact only after the regional planning agency certifies that the application contains sufficient information or written notice is received that the requested information will not be supplied; providing procedures for determining the sufficiency of such information; providing that notice of such hearings shall be given sixty days in advance by local government; providing for a decision on the application within thirty days, unless an extension is requested by the developer; providing for joint public hearings on developments of regional impact; providing for joint review of comprehensive development of regional impact applications where two or more developments of regional impact are involved; providing for one public hearing on such applications at the discretion of the developer; providing for enforcement; amending paragraph (b) of §380.05(1), paragraph (a) of §380.06(4), §380.06(7) and §380.06(8), Florida Statutes; creating §§380.06(13) and 380.11, Florida Statutes; providing an effective date.

—to Natural Resources and Conservation and Commerce.

By Senator Wilson (by request)—

SB 1048—A bill to be entitled An act providing for the nonpartisan election of public service commissioners; providing election procedures; restricting certain political activities of candidates; prohibiting certain activities on behalf of candidates; providing a penalty; providing an effective date.

—to Judiciary.

By Senator Graham—

SB 1049—A bill to be entitled An act relating to personnel of school system; creating §231.421, Florida Statutes, authorizing professional leave to any member of the instructional or professional administrative staff who is elected to a federal or state office, whose duties are not considered full-time; providing an effective date.

—to Education.

By Senator Graham—

SB 1050—A bill to be entitled An act relating to education; amending §236.013 (3), Florida Statutes, as created by chapter 73-345, Laws of Florida; revising definitions; amending §236.081 (1)(c)2., (2), (6)(c), and (7), Florida Statutes, as created by chapter 73-345, Laws of Florida; amending the hour limitation on certain special programs; establishing a special program for hearing therapy; establishing the amount of supplement for compensatory education programs; deleting maximum limitations on special programs; classifying student transportation as a categorical program; expanding the definition of occupational specialists; amending §236.083, Florida Statutes, as created by chapter 73-345, Laws of Florida; deleting student transportation from the Florida education finance program; amending §236.084, Florida Statutes, as created by chapter

73-345, Laws of Florida, deleting comprehensive capital outlay from the Florida education finance program; amending §236.085, Florida Statutes, as created by chapter 73-345, Laws of Florida, expanding the definition of occupational specialists; amending §236.087, Florida Statutes, as created by chapter 73-345, Laws of Florida, deleting student transportation and capital outlay from the Florida education finance program allocation; amending §237.34, Florida Statutes, as created by chapter 73-345, Laws of Florida, deleting the requirement that ninety percent (90%) of special program funds be expended in the school where generated; amending §196.031(4)(b), Florida Statutes; providing for computation of tax loss for additional homestead exemptions; providing an effective date.

—to Ways and Means.

By Senator Sims—

SB 1051—A bill to be entitled An act relating to the operation of motorcycles and motor-driven cycles; providing definitions; providing that no person shall drive a motorcycle or motor-driven cycle upon a highway in this state without having a valid license or endorsement permitting such operation; providing examinations; providing fees; providing certification of competence for certain law enforcement employees; providing the department shall develop a plan of implementation; providing a penalty; providing an effective date.

—to Ways and Means.

By Senator Saunders—

SB 1052—A bill to be entitled An act relating to insurance amending chapter 284, Florida Statutes, by creating part III consisting of sections 284.60 through 284.78, Florida Statutes, creating a Florida public schools fire insurance trust fund to provide insurance coverage against loss by fire and those hazards customarily covered by extended coverage for public school buildings and their contents; authorizing the department of insurance to implement and administer this act; providing for the purchase of reinsurance and risk management services; authorizing payment of administrative expenses from the fund; prescribing a retrospective rating arrangement for computation of premiums based on actual losses and operational factors; authorizing promulgation of rules; providing for a Florida public school casualty insurance trust fund to provide workmen's compensation, general liability, and fleet liability insurance for all school districts of the state. Authorizing the continuation of existing policies to expiration; providing for the purchase of insurance, specific, excess, and aggregate excess insurance and risk management services excluding nuclear energy liability exposure; authorizing payment of expenses from the fund; earmarking premium and investment accrual; authorizing promulgation of rules; extending insurance commissioner and treasurer's public official bond to encompass this area of administration; providing for premium payments and promulgation of rates; transferring state school funds; providing an effective date.

—to Commerce and Ways and Means.

By Senator Graham—

SB 1053—A bill to be entitled An act relating to school construction; amending §235.26, Florida Statutes, 1973, empowering the state board of education to prescribe a statewide mandatory and uniform building code for the construction of school facilities; prohibiting construction not in conformance with the code; requiring each school board and the department of education to enforce the code; requiring each district superintendent to submit specified information to the department of education for approval; providing for certain factors to be taken into consideration by the department; providing that the state board of education is the final board of appeals; requiring the state board to annually review the code; providing for assistance by the department of community affairs for the construction of fallout shelters; amending §235.211(4), Florida Statutes, 1973, requiring all school facilities to conform to the state uniform building code; providing an effective date.

—to Governmental Operations.

By Senators Graham, Saunders and Smathers—

SB 1054—A bill to be entitled An act relating to public broadcasting; creating Section 229.122, Florida Statutes, pro-

viding for a Florida public broadcasting system and a Florida public broadcasting commission; transferring responsibility and staff for educational and public broadcast programming, planning and budgeting to the commission from the department of education; establishing duties, responsibilities and powers of the commission; authorizing public and educational broadcasting licensees to form a Florida corporation not for profit in order to generate a Florida public broadcasting system network; providing for an educational television advisory council; and restricting use of facilities, plant and personnel of any state-supported public television system, and providing a penalty; amending Section 229.805, Florida Statutes to delete provisions relating to educational television and radio responsibilities in the department of education other than instructional television and audiovisual materials to the legislature; providing for commission review of contracts and agreements with governmental agencies for electronic or cable television licenses or franchises prior to execution; repealing Section 229.8051, Florida Statutes, relating to a state public broadcasting program system; providing an effective date.

—to Ways and Means.

By Senators Graham, Vogt and Williams—

SJR 1055—A joint resolution proposing an amendment to Section 6, Article VII of the State Constitution, relating to homestead exemptions.

—to Ways and Means.

By Senator Henderson—

SB 1056—A bill to be entitled An act relating to the Florida retirement system; Amending §121.052, Florida Statutes, providing benefits for members of the industrial relations commission; providing an effective date.

—to Ways and Means.

By Senators Henderson, Graham, Saylor, Vogt, Wilson, Zinkil, Pettigrew, Gillespie and Winn—

SB 1057—A bill to be entitled An act relating to coastal waters, beaches, and wetlands; providing interim regulation of development on beaches, coastal wetlands and coastal waters; providing an interim coastal development permit to be administered by local government; providing for termination of the interim coastal development permit requirements; providing for the approval of comprehensive plan coastal zone protection elements by the division of state planning; providing specified exemptions from the coastal development permit requirement; providing standards and criteria for issuance of a coastal development permit; providing for the enforcement of the interim regulations; providing that the decision of local government on a coastal development application is final subject to judicial review; providing for the development of a coastal management program, including, coastal area protection guidelines a definition of permissible land and water uses, and identification of areas in the coastal area to be designated as areas of critical state concern; providing for a bureau of beaches and shores report of beaches of critical state concern; providing for the submission of the coastal management program to the division of state planning; providing that the division of state planning transmit the coastal management program with the division's recommendations to the administration commission; providing for adoption of the coastal management program by the administration commission; providing for amendment of the coastal management program; authorizing the coastal coordinating council to seek and accept funds to carry out the purposes of this act; providing that the coastal coordinating council consult with appropriate governmental agencies in the preparation of the coastal management program; providing that areas of critical state concern designated as part of the coastal management program are exempt from sections 380.05(12) and (14) of the Florida Environmental Land and Water Management Act; providing that land development regulations for areas of critical state concern shall be consistent with the coastal management program; providing for an annual water management district report on water resource areas of critical state concern; authorizing the water management district to include recommendations of areas of critical state concern in the report; providing for the submission of the recommendation to the administration commission; providing for designation of such areas of critical state concern; providing that areas of critical state concern so designated shall be exempt from sections 380.05(12) and (14)

of the Florida Environmental Land and Water Management Act; providing for the termination of inland development permit requirements; providing interim development regulations for such areas of critical state concern; providing for the administration of the interim inland development permit by local government; providing standards and criteria for issuance of an inland development permit; providing specified exemptions from the interim regulations; providing for enforcement of the interim regulations; providing that the decision of local government on an inland development permit is final subject to judicial review; providing for the protection of holders of existing permits or rights to develop land; providing that this act applies to government activities; providing for the conformity of federal activities in Florida's coastal zone to the coastal management program; authorizing the division of state planning as a party in permit applications for federal activities of national interest; authorizing the department of legal affairs to institute judicial proceedings to enforce the application of the coastal management program to federal activities; authorizing the governor and cabinet to acquire interests in land to carry out the purposes of the coastal management program; providing for estuarine sanctuaries on state lands; providing for a public information program; providing for technical assistance to local government; providing for severability; providing effective dates.

—to Natural Resources and Conservation.

By Senator Wilson—

SB 1058—A bill to be entitled An act relating to local taxes; imposing an eight mill cap on ad valorem taxes levied for county, municipal, and school purposes; providing a statement of legislative intent; providing an effective date.

—to Ways and Means.

By Senator Pettigrew—

SB 1059—A bill to be entitled An act relating to the canal authority of the State of Florida; providing for legislative intent; transferring all personnel, records, property, and all unexpended balances of appropriations, allocations, and other funds of the canal authority of the State of Florida to the department of natural resources; authorizing a study to be made by the department of natural resources for the purpose of determining the purposes for which the lands should be used; providing an appropriation; providing that all state and local agencies shall cooperate with the department of natural resources in the making of said study; providing for the interim management of waters and wildlife; abolishing the canal authority in §374.75 through §374.97, Florida Statutes, and transferring its functions, personnel, and funds to the department of natural resources; providing that any duties, activities or functions transferred may be placed in a division or bureau of the department of natural resources; repealing §374.011 through §374.181, Florida Statutes; providing an effective date.

—to Natural Resources and Conservation.

By Senator Graham—

SB 1060—A bill to be entitled An act relating to school construction amending section 235.211, Florida Statutes; providing legislative intent; requiring the state board to provide relocatable school facilities; establishing criteria for said facilities; permitting the sale or lease of the facilities when need decreases; requiring the state board to develop prototype plans; defining prototype plans; providing for annual review and update of said plans; authorizing leasing of facilities; providing definitions for construction techniques; requiring conformity to the uniform building code; amending section 236.084, Florida Statutes; providing for certain limits on the expenditure of state funds; amending section 236.013, Florida Statutes, providing definitions; providing an appropriation; providing an effective date.

—to Ways and Means.

By Senator Graham—

SB 1061—A bill to be entitled An Act relating to legal services for employees of public school boards; amending Section 230.234, Florida Statutes; providing an effective date.

—to Ways and Means.

By Senator Weber—

SB 1062—A bill to be entitled An act relating to tax assessments; amending §194.011, Florida Statutes, by creating new subsection (4) to provide that when any area has been designated an area of critical state concern the tax assessor shall determine whether the highest and best use of the property has been affected by the designation; providing for the tax assessor to reassess the property, estimate tax revenues lost to the county, school board or other special tax district because of the reassessment and to certify same to the department of revenue; providing for reimbursement from general revenue; providing effective date.

—to Ways and Means.

By Senator de la Parte—

SB 1063—A bill to be entitled An act relating to education; authorizing and directing the board of regents to establish an institution to be known as the Florida State Open University; providing definitions; authorizing the establishment of an administrative headquarters; authorizing establishment of learning centers; amending §239.01, Florida Statutes, 1973; authorizing the granting of degrees, authorizing the Florida State Open University to contract for space for the development and preparation of courses of instruction and for testing counseling and instructional services; protecting the right of other state universities to offer external degree and continuing education programs; granting reciprocity of credits between the Florida State Open University and other state universities; authorizing the board of regents to assess student fees by the credit hour; providing for an annual report to the legislature; providing an initial appropriation; providing an effective date.

—to Ways and Means.

By Senator Weber—

SB 1064—A bill to be entitled An act relating to alcoholic beverages; amending 561.42, Florida Statutes, revising the tied house evil law to allow the extension of credit in the usual course of business on the sale of liquors not to exceed thirty days from the date of sale; providing an effective date.

—to Commerce.

By Senator Wilson—

SB 1065—A bill to be entitled An act relating to trade secrets; making unlawful the theft, embezzlement, or unauthorized copy of a trade secret; providing penalties; providing that return or intended return of the trade secret shall not be a defense; providing an effective date.

—to Criminal Justice.

By Senator Saunders—

SB 1066—A bill to be entitled An act relating to county government; amending paragraph (x) of Section 125.01(1), Florida Statutes, 1973, to eliminate the prohibition against employing certain independent auditing firms; providing an effective date.

—to Governmental Operations.

By Senator Saunders—

SB 1067—A bill to be entitled An act relating to preparing proposed bills for introduction and consideration by the Florida Legislature; requiring a separate section of each bill which would authorize an agency to promulgate and adopt regulations or rules; providing an effective date.

—to Rules and Calendar.

By Senator Saunders—

SB 1068—A bill to be entitled An act relating to the department of education; amending §20.15(3) and (4), Florida Statutes; creating the division of administrative services within the department; adding a new subsection (5) to §20.15, Florida Statutes, and renumbering present subsections (5)-(25) of said

section as subsections (6)-(26) respectively; providing for the transfer of functions to the division of administrative services; providing an effective date.

—to Governmental Operations.

By Senator Weber—

SB 1069—A bill to be entitled An act relating to public officers; providing that a public officer who fails to perform a mandatory duty of such office or who performs an act which is specifically prohibited by law; is guilty of a misdemeanor of the second degree; providing an effective date.

—to Criminal Justice.

By Senator Gallen (by request)—

SB 1070—A bill to be entitled An act relating to the allocation of horse racing periods of operation; amending section (4) of section 550.081, Florida Statutes, by providing for the awarding of the 1975/76 season and the 1976/77 season in 1975; and for the awards thereafter to be made approximately 17 months in advance; providing an effective date.

—to Commerce.

By Senator Poston—

SB 1071—A bill to be entitled An act relating to driving while under the influence; amending §316.028, Florida Statutes, 1973, to provide penalties for driving with an unlawful blood alcohol level; adding a new paragraph (b) to §322.261(1), Florida Statutes, 1973, and redesignating subsequent paragraphs accordingly, to provide for prearrest breath test; amending §322.262(2), Florida Statutes, 1973, to provide for unlawful driving with certain blood alcohol percentages, to correct the reference to the measure of weight of alcohol in the blood; amending §322.264(1)(b), Florida Statutes, 1973, to include unlawful blood alcohol level in the definition of habitual traffic offender; amending §322.28(2), Florida Statutes, 1973, to include unlawful blood alcohol level, to change time period for computing subsequent conviction penalties, to change the period within which a bail bond may be vacated; creating §322.281 and §322.282, Florida Statutes, to provide for mandatory adjudication and the procedures when a license is reinstated and restricted; providing severability clause; providing an effective date.

—to Criminal Justice.

By Senator Graham—

SB 1072—A bill to be entitled An Act relating to claims against the state; repealing Chapter 73-313, Laws of Florida 1973; authorizing suits against the state or any of its agencies or political subdivisions for tortious acts of their employees; providing a definition; providing for assistance; providing for appeals; providing for maximum claims; providing for notice; providing for service; providing a maximum on attorney fees; providing that officers and employees shall not be personally liable; providing the limitations of this act shall not apply when the entity has insurance; providing that the state or its agencies or subdivisions may purchase insurance if allowed by law; providing that claims must be filed within a certain period; providing that no action may be brought under certain circumstances; providing an effective date.

—to Ways and Means.

By Senator Graham—

SB 1073—A bill to be entitled An Act relating to the auditor general; amending § 11.45(1), Florida Statutes, amending paragraph (e) defining county agency; amending paragraph (a) of § 11.45(3), Florida Statutes, relating to the power and duty of the auditor general to make postaudits and performance audits of the accounts and records of state agencies and county agencies and of other public accounts and records, and relating to the annual postaudit of certain public accounts and records by an independent certified public accountant.

—to Rules and Calendar.

By Senator Graham—

SB 1074—A bill to be entitled An act relating to public officers and employees, commission on ethics; creating

§§112.320, 112.321, 112.322, 112.323, 112.324, and 112.325, all Florida Statutes; establishing a commission on ethics for officers and employees of state and local agencies; providing for its membership, duties, and powers; providing for staff; authorizing payment of travel expenses to members; providing for the enforcement of ethical standards; providing procedures; providing penalties; repealing §§112.315, 112.317, and 112.318, Florida Statutes, relating to advisory opinions by attorney general, penalties for violation of part III, chapter 112, Florida Statutes, and procedures on complaints of violation; providing an effective date.

—to Rules and Calendar.

By Senator Graham—

SB 1075—A bill to be entitled An act relating to education; creating the Florida School Facilities Construction Commission; providing legislative intent; providing for the duties and responsibilities of the executive director of the Florida School Facilities Construction Commission; providing for the duties and responsibilities of the commission; providing for rule-making; providing for a schedule for the request of construction funds; providing for the transfer of certain functions of the department of education; providing for a general repealer; providing an effective date.

—to Ways and Means.

By Senator Graham—

SB 1076—A bill to be entitled An act relating to eminent domain; adding paragraph (d) to subsection (1) of §259.04, Florida Statutes, 1972 Supplement, to provide that the governor and cabinet as the head of the department of natural resources shall be empowered to acquire by eminent domain any land or water areas, related resources and property which it determines to be necessary for the execution of the comprehensive plans for the conservation and protection of environmentally endangered lands in this state; providing an effective date.

—to Natural Resources and Conservation.

By Senator Graham—

SB 1077— A bill to be entitled An act to amend Section 197.361, Florida Statutes relating to the making of a list or inventory of Murphy Act lands held by the Trustees of the Internal Improvement Trust Fund; deleting provisions for adoption of resolutions by the Trustees and the publication of lists of lands in each county; prohibiting the assessment of costs and attorney fees against the Trustees in actions to quiet title to Murphy Act lands; and providing an effective date.

—to Judiciary.

By Senator Graham—

SB 1078—A bill to be entitled An act relating to the Florida education finance act of 1973; amending §236.084(1)(f) and (m), Florida Statutes, as created by chapter 73-345, Laws of Florida; providing for amortizing of bonded indebtedness incurred and inclusion of voted millage, subsequent to July 1, 1973 in computing district debt service needs; amending §235.211(1) and (3), Florida Statutes, as created by chapter 73-345, Laws of Florida; providing for state developed prototype plans and programs for construction of school facilities; providing an effective date.

—to Governmental Operations.

By Senator Graham—

SB 1079— A bill to be entitled An Act relating to relocation assistance; providing uniform and fair treatment of businesses, families, and farms displaced by non-federally assisted state projects; requiring payment of certain relocation benefits; requiring relocation advisory programs; authorizing rules and procedures by affected agencies; providing authority to the department of community affairs and the department of transportation; authorizing voluntary participation by local governments; providing authorization for state participation in cost of local relocation payments and services; providing appeals procedures; providing severability; providing an effective date;

—to Judiciary.

By Senators Graham, Deeb, Brantley and Lewis—

SB 1080—A bill to be entitled An act relating to building construction in the state; providing for minimum standard building codes; providing the purpose, intent, application and scope of said codes; providing for the adoption of an interim building code for local governments; creating a board of building codes and standards within the department of community affairs; providing for its powers and responsibilities; providing for enforcement and appeals; providing for publication and distribution of the codes; providing for injunctive relief and civil remedies; providing penalties; providing severability; providing an effective date.

—to Governmental Operations.

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

Mr. President	Gordon	Myers	Stolzenburg
Barron	Graham	Peterson	Sykes
Brantley	Gruber	Pettigrew	Trask
Childers	Henderson	Plante	Vogt
Deeb	Johnson	Poston	Ware
de la Parte	Johnston	Saunders	Weber
Firestone	Lane (31st)	Sayler	Williams
Gallen	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Winn
Glisson	McClain	Smathers	Zinkil

Prayer by John Whitcomb, a Senate page from Bradenton, who was presented by the Senate Chaplain:

Our heavenly Father, we ask your blessing on these your servants. Please help them to interpret your will in the laws they make. Please help the citizens of this state to obey these laws.

Thank you for this day you have given us. Thank you for your only son who died on the cross to save our souls.

We ask your blessing on those who are sick and afflicted.

In your son's name we pray, Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Thursday, April 25, 1974:

CS/SB 132	HB 1503	HB 1395	CS/SB 79
HM 2277	CS/HB 2395	HB 580	HB 1974
HB 1364	HB 290	SB 334	HB 1107
HB 812	HB 3031	SB 335	HB 611
HB 304	HB 3030	CS/SB 283	SB 573
HB 346	HB 259	SB 219	

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Health and Rehabilitative Services recommends the following pass: SB 525, HB 1837

The Committee on Ways and Means recommends the following pass:

SB 556 with 5 amendments	HB 282 (cs) HB 1317	HB 1318
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The bills contained in the foregoing reports were placed on the calendar.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 178

The bill with Committee Substitute attached was referred to the Committee on Ways and Means under the original reference.

The Committee on Ways and Means recommends a committee substitute as recommended by Committee on Agriculture for the following: SB 374 with one amendment

The Committee on Ways and Means recommends a committee substitute as recommended by the Committee on Health and Rehabilitative Services for the following: SB 215 with 3 amendments

The Committee on Ways and Means recommends a committee substitute as recommended by Committee on Consumer Affairs for the following: SB 297 with 3 amendments

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Governmental Operations recommends the following not pass: SB 183

The bill was laid on the table.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Zinkil, SB 8 was withdrawn from the Committee on Ways and Means by two-thirds vote and from further consideration of the Senate.

On motion by Senator Lewis, SB 966 was withdrawn from the Committee on Governmental Operations by two-thirds vote and referred to the Committee on Agriculture.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President April 24, 1974

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to House Amendment 7 and passed SB 2, as further amended.

Allen Morris, Clerk

SB 2 as further amended, contained in the above message, passed and was ordered engrossed. The vote was:

Yeas—27

Mr. President	Gordon	Peterson	Vogt
Childers	Gruber	Plante	Ware
Deeb	Johnson	Poston	Weber
de la Parte	Johnston	Scarborough	Wilson
Firestone	Lane (31st)	Sims	Winn
Gallen	Lane (23rd)	Stolzenburg	Zinkil
Gillespie	Lewis	Sykes	

Nays—None

By unanimous consent Senators Williams, Henderson, Pettigrew, McClain, Trask, Glisson, Myers and Saunders were recorded as voting yeas.

The Honorable Mallory E. Horne, President April 24, 1974

I am directed to inform the Senate that the House of Representatives has receded from House Amendment 5 and concurred in Senate Amendment to House Amendment 4 and passed SB 165 as amended.

Allen Morris, Clerk

The bill was ordered engrossed.

The Honorable Mallory E. Horne, President April 24, 1974

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

By Senator Myers and others—

SB 522—A bill to be entitled An act relating to elections; public employees; amending §104.31(1)(d), F.S., to remove the authority of municipalities to regulate certain political activities; creating §104.31(3), F.S., to assure freedom of expression

and participation in the political process by public employees to the extent compatible with the public welfare; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment (1)—On page 2, line 20, strike “the” and insert: a

On motion by Senator Myers, the Senate concurred in the House amendment to SB 522.

SB 522 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—36

Mr. President	Gruber	Peterson	Sykes
Childers	Henderson	Pettigrew	Trask
Deeb	Johnson	Plante	Vogt
de la Parte	Johnston	Poston	Ware
Firestone	Lane (31st)	Sayler	Weber
Gillespie	Lane (23rd)	Scarborough	Williams
Glisson	Lewis	Sims	Wilson
Gordon	McClain	Smathers	Winn
Graham	Myers	Stolzenburg	Zinkil

Nays—None

The Honorable Mallory E. Horne, President April 23, 1974

I am directed to inform the Senate that the House of Representatives has passed HB 3295 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Holloway—

HB 3295—A bill to be entitled An act relating to the fuel allocation office in the department of administration; providing an appropriation and positions for operations of the fuel allocation office during fiscal year 1973-74; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

The Honorable Mallory E. Horne, President April 23, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 352 (cs 352, 36) **HB 1543 (cs)**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations and Representative Holloway and others—

HB 352 (cs 352, 36)—A bill to be entitled An act relating to the public service commission; amending section 350.01, Florida Statutes, to increase the number of public service commissioners from three (3) to five (5); providing for election of the two new members in the general election of November, 1974; designating the chairman as chief administrative officer; authorizing the chairman to assign three (3) or more commissioners for action on a docket; allowing one (1) commissioner to conduct examiner hearings; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By the Committees on Appropriations and Governmental Operations—

HB 1543 (cs)—A bill to be entitled An act relating to the Florida public service commission; adding subsections (2) and (3) to §366.04, Florida Statutes, extending commission jurisdiction over rural electric cooperative and municipal electric utilities for certain purposes; authorizing the commission to

plan and develop a coordinated electric power grid; adding subsections (7) and (8) to §366.05, Florida Statutes, authorizing the commission to require certain reports and to require necessary facilities for the reliability of the energy grid; creating §366.05, Florida Statutes, providing for availability of energy reserves; creating §366.061, Florida Statutes, providing for a study of rate structure by the legislature; providing an appropriation; amending §366.11, Florida Statutes, providing limitations on certain exemptions; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

The Honorable Mallory E. Horne, President April 24, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 2099 **HB 2101** **HB 2834**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Insurance—

HB 2099—A bill to be entitled An act relating to insurance; amending section 627.572(2), Florida Statutes, 1972 Supplement; authorizing health questions to be asked participants in group life insurance; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By the Committee on Insurance—

HB 2101—A bill to be entitled An act relating to the return of driver's license and registration to the department of insurance; amending section 324.201, Florida Statutes, and adding new subsections (2), (3) and (4); providing for a procedure to return driver's licenses and registrations while under suspension; providing for taking of oaths and compelling attendance of witnesses; providing for revocation of suspension if such suspension causes serious hardship and precludes carrying out normal business occupation, trade or employment; providing for operation of motor vehicle on restricted basis; providing for proof of financial responsibility; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

By Representative Papy—

HB 2834—A bill to be entitled An act relating to insurers writing disability insurance; creating §§627.6025 and 627.6575, Florida Statutes; providing that such insurers be required to extend the same coverages to policyholders for both inpatient and outpatient care, except psychological and psychiatric care and services; providing that the determination of whether or not a patient shall be treated as an inpatient or as an outpatient shall lie solely within the discretion of the attending physician; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

The Honorable Mallory E. Horne, President April 23, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1542 (cs 1542, 1370)

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Governmental Operations and Representative Kiser and others—

HB 1542 (cs 1542, 1370)—A bill to be entitled An act relating to the Florida Public Service Commission; amending chapter 350, Florida Statutes, adding new sections 350.061 through 350.0614 to create the office of public counsel and to prescribe the qualifications, duties, staff and compensation of said office; amending section 350.58, Florida Statutes, to require annual reports of public counsel; adding subsection (4) to §364.05, Florida Statutes, subsection (4) to §366.06, Florida

Statutes, and subsection (5) to §367.081, Florida Statutes, allowing the commission to withhold consent of new rate schedules and defer their use for a five (5) month period; providing that new rates or any portion not consented to shall become effective under bond at the end of five (5) months if the commission has not concluded the proceeding; requiring the utility to keep detailed records and make refunds under certain circumstances and requiring interest to be paid on such refunds; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

The Honorable Mallory E. Horne, President April 24, 1974

I am directed to inform the Senate that the House of Representatives has passed as amended—

HB 2796 CS for HB 2481

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Forbes—

HB 2796—A bill to be entitled An act relating to insurance arbitration cases; providing for award of attorney's fees and costs incurred in arbitration cases against insurers; providing an effective date

—was read the first time by title and referred to the Committees on Judiciary and Commerce.

By the Committee on Insurance and Representative Rude (by request) and others—

CS for HB 2481—A bill to be entitled An act relating to disability insurance; amending §627.638, Florida Statutes, 1971, relating to direct payment for hospital and medical services under disability coverage; providing that before payment by an insurer can be made, the hospital, nursing home or other provider of health services shall submit an itemized statement of services rendered; providing that hospitals furnish a copy of a physician's order sheet with said itemized statement; providing for notice to and acknowledgment by the insured of types of services rendered as a condition precedent to payment; providing for objections and for settlement; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

RECONSIDERATION

The motion by Senator Gillespie on April 24 that the Senate reconsider the vote by which—

SB 391—A bill to be entitled An act relating to dedication of roads; amending §337.31(2), Florida Statutes, and adding a new subsection to said section; providing that when private persons, firms, or corporations have constructed a road, and the road has been maintained or kept in repair or worked by a county, municipality or division of road operations, and used by the public, continuously and uninterruptedly for a period of four years, such road shall be deemed dedicated to the public to the extent so worked and used; providing that persons claiming any interest in said road shall have one year to institute suit against the governmental authority assuming control to recover damages; providing an effective date.

—passed as amended on April 24, was taken up and adopted; and the Senate reconsidered the vote.

On motion by Senator Gillespie, the Senate reconsidered the vote by which Amendment 2 was adopted and the amendment failed.

On motion by Senator Johnson, SB 391 was read by title and failed to pass. The vote was:

Yeas—12

Gallen	Lane (31st)	Plante	Scarborough
Henderson	Lewis	Poston	Smathers
Johnson	Peterson	Saylor	Sykes

Nays—24

Mr. President	Gordon	Pettigrew	Ware
Childers	Gruber	Saunders	Weber
Deeb	Johnston	Sims	Williams
Firestone	Lane (23rd)	Stolzenburg	Wilson
Gillespie	McClain	Trask	Winn
Glisson	Myers	Vogt	Zinkil

By unanimous consent Senator Sykes changed his vote from yea to nay.

SPECIAL ORDER

Consideration of CS for SB 132 was deferred.

HM 2277—A memorial requesting the United States Congress and the Veterans Administration to provide cemeteries for veterans in central and south Florida.

—was read the second time in full. On motion by Senator Winn, HM 2277 was unanimously adopted and certified to the House.

HB 1364—A bill to be entitled An act relating to the Forestry Practice Act, amending Section 492.01, Florida Statutes, relating to the registration of a professional forester who engages in the practice of professional forestry as a consultant or who engages in the investigation, appraisal, and evaluation or development of forest management plans; amending Section 492.02 (2), Florida Statutes, providing definitions for the terms "Professional Forestry" or "Practice of Forestry"; and amending Section 492.16, Florida Statutes, by authorizing the board to fix each year the annual renewal fee within specified limits for certificates for registration; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 1364 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Mr. President	Henderson	Plante	Vogt
Childers	Johnson	Poston	Ware
Deeb	Johnston	Saunders	Weber
de la Parte	Lane (31st)	Saylor	Williams
Firestone	Lane (23rd)	Scarborough	Wilson
Gallen	Lewis	Sims	Winn
Gillespie	McClain	Smathers	Zinkil
Glisson	Myers	Stolzenburg	
Gordon	Peterson	Sykes	
Gruber	Pettigrew	Trask	

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

HB 812—A bill to be entitled An act relating to estrays; repealing §707.22, Florida Statutes, 1971, which relates to studhorses and asses running at large, and §707.23, Florida Statutes, 1971, which relates to proceedings when studhorses and asses are not gelded, both as amended by chapter 73-334, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Lane (31st), by two-thirds vote HB 812 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Johnson	Poston	Ware
Childers	Lane (31st)	Saylor	Weber
de la Parte	Lane (23rd)	Scarborough	Williams
Gallen	Lewis	Sims	Wilson
Gillespie	McClain	Smathers	Winn
Glisson	Myers	Stolzenburg	Zinkil
Gordon	Peterson	Sykes	
Gruber	Pettigrew	Trask	
Henderson	Plante	Vogt	

Nays—1

Firestone

By unanimous consent Senator Graham was recorded as voting yea.

Senator McClain moved that SCR 784 be placed on the Special Order Calendar. The motion failed to receive the necessary two-thirds vote for adoption. The vote was:

Yeas—22

Childers	Gordon	McClain	Stolzenburg
de la Parte	Gruber	Peterson	Sykes
Firestone	Henderson	Plante	Ware
Gallen	Johnson	Poston	Zinkil
Gillespie	Lane (31st)	Sayler	
Glisson	Lane (23rd)	Sims	

Nays—12

Mr. President	Saunders	Trask	Williams
Lewis	Scarborough	Vogt	Wilson
Pettigrew	Smathers	Weber	Winn

HB 304—A bill to be entitled An act relating to the interstate compact on juveniles; amending §39.26, Florida Statutes, to add the out-of-state confinement amendment to the compact; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 304 was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

Mr. President	Gordon	Peterson	Sykes
Barron	Graham	Pettigrew	Trask
Brantley	Gruber	Plante	Vogt
Childers	Henderson	Poston	Ware
Deeb	Johnson	Saunders	Weber
de la Parte	Johnston	Sayler	Williams
Firestone	Lane (31st)	Scarborough	Wilson
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	Zinkil
Glisson	Myers	Stolzenburg	

Nays—None

By unanimous consent Senator McClain was recorded as voting yea.

Consideration of House Bills 346 and 1503 was deferred.

CS for HB 2395—A bill to be entitled An act relating to law enforcement officers; requiring any law enforcement officer who arrests any person who appears to be intoxicated to ascertain if said person is wearing identification which indicates that he has a medical disability which would account for his actions; requiring all officers to aid such persons; providing an effective date.

—was read the second time by title. On motion by Senator de la Parte, by two-thirds vote CS for HB 2395 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Johnson	Poston	Ware
Childers	Johnston	Saunders	Weber
de la Parte	Lane (31st)	Sayler	Williams
Firestone	Lane (23rd)	Sims	Wilson
Gallen	Lewis	Smathers	Winn
Gillespie	Myers	Stolzenburg	Zinkil
Gordon	Peterson	Sykes	
Gruber	Pettigrew	Trask	
Henderson	Plante	Vogt	

Nays—None

By unanimous consent Senators McClain, Graham, and Glisson were recorded as voting yea.

HB 290—A bill to be entitled An act relating to public health; repealing §392.241, Florida Statutes, 1971, which authorizes the division of health to establish a tuberculosis hospital in Union County; providing an effective date.

—was read the second time by title. On motion by Senator Lane (31st), by two-thirds vote HB 290 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Henderson	Poston	Ware
Childers	Johnson	Saunders	Weber
Deeb	Johnston	Sayler	Williams
de la Parte	Lane (31st)	Scarborough	Wilson
Firestone	Lane (23rd)	Sims	Winn
Gallen	Lewis	Stolzenburg	Zinkil
Gillespie	Myers	Sykes	
Gordon	Pettigrew	Trask	
Gruber	Plante	Vogt	

Nays—None

By unanimous consent Senators Peterson, Glisson, McClain and Smathers were recorded as voting yea.

HB 3031—A bill to be entitled An act relating to public lands; creating §253.115, Florida Statutes, requiring the board of trustees of the internal improvement trust fund to give public notice of the receipt of an application requesting the board to sell, lease, or exchange any land to which the board holds title; requiring certain notice to riparian owners; requiring a public hearing if objections are filed to an application received by the board; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendments which were moved by Senator Childers and adopted:

Amendment 1—On page 1, line 17, strike everything after the enacting clause and insert: Section 1. Section 253.115, Florida Statutes, is created to read:

253.115 Public notice and hearings.—

(1) After receiving an application in compliance with such forms as may be required by Chapter 253, Florida Statutes, requesting the board to sell, exchange, or lease any land to which it holds title, the board shall give notice of the application by publication in a newspaper published in the county in which the lands are located not less than once a week for three (3) consecutive weeks and mail copies of such notice by certified or registered mail to each owner of land lying within one thousand (1,000) feet of the land proposed to be leased, sold, or exchanged, addressed to such owner as his name and address appears on the latest county tax assessment roll.

(2) If no written objections are filed within thirty (30) days after the date of first publication of the notice and if the board finds that the proposed lease, sale or exchange is not incompatible with the public interest, the board has authority to consummate the contract. However, failure to mail the notice to all land owners as set out in subsection (1) shall not invalidate the conveyance.

(3) If written objections are filed, the board or its designee shall hear and consider the same at a public hearing which shall be held in the county in which the lands are located. If the lands are located in more than one county, the required hearing may be held in any county in which the lands lie. Timely notice of such hearing shall be given by at least one (1) publication in a newspaper published in the county in which the lands are located and by certified or registered mail to each owner of land lying within one thousand (1,000) feet of the land proposed to be leased, sold, or exchanged, addressed to such owner as his name and address appears on the latest county tax assessment roll.

(4) These sections shall not apply to the release of any reservations contained in Murphy Act deeds, nor in board of trustees' deeds, nor to any conveyance of land lying landward of the line of mean high water, the area of which is less than one (1) acre in size, nor to any lands covered by the provisions of sections 253.12(6) and 253.129, Florida Statutes.

Section 2. This act shall take effect October 1, 1974.

Amendment 2—On page 1, lines 10, 11, strike “riparian owners; requiring a public hearing” and insert: certain land owners; requiring a public hearing in the county in which the lands are located

On motion by Senator Childers, by two-thirds vote HB 3031 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

Mr. President	Gordon	Peterson	Sykes
Barron	Graham	Pettigrew	Trask
Brantley	Gruber	Plante	Vogt
Childers	Henderson	Poston	Ware
Deeb	Johnson	Saunders	Weber
de la Parte	Johnston	Saylor	Williams
Firestone	Lane (31st)	Scarborough	Wilson
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	Zinkil
Glisson	Myers	Stolzenburg	

Nays—None

By unanimous consent Senator McClain was recorded as voting yea.

The President Pro Tempore presiding.

HB 3030—A bill to be entitled An act relating to public lands; amending §253.031(8), Florida Statutes, 1973; providing that deeds conveying lands sold by the state, the board of education, and the board of trustees of the internal improvement trust fund shall be personally signed by the officers or trustees making the same; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote HB 3030 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

Barron	Graham	Pettigrew	Trask
Brantley	Gruber	Plante	Vogt
Childers	Henderson	Poston	Ware
Deeb	Johnson	Saunders	Weber
de la Parte	Johnston	Saylor	Williams
Firestone	Lane (31st)	Scarborough	Wilson
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	Zinkil
Glisson	Myers	Stolzenburg	
Gordon	Peterson	Sykes	

Nays—None

By unanimous consent Senator McClain was recorded as voting yea.

HB 259 (cs)—A bill to be entitled An act relating to marine turtles; amending §370.12(1), Florida Statutes, by adding a new sub-paragraph (e); prohibiting the taking, killing, molesting, mutilation or destruction of marine turtles on land or within one-half mile of the coastline; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendments which were moved by Senator Childers and adopted:

Amendment 1—On page 1, line 14, strike everything after the enacting clause and insert: Section 1. Subsection (1) of section 370.12, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See §370.12(1), F. S., for present text.)

370.12 Marine animals; regulations.—

(1) PROTECTION OF MARINE TURTLES, NESTS AND EGGS: PENALTY.—

(a) No person may take, possess, disturb, mutilate, destroy, cause to be destroyed, sell, offer for sale, transfer, molest, or harass any marine turtle nest or eggs at any time. Any person violating this paragraph shall be guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083.

(b) No person, firm or corporation shall take, kill, disturb, mutilate, molest, harass or destroy any marine turtle unless by accident in the course of normal fishing activities. Any turtle accidentally caught will be returned to the water alive immediately. A violation of this paragraph is a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083.

(c) No person, firm or corporation may possess any marine turtle or parts thereof unless they are in possession of an invoice evidencing the fact that said marine turtle or parts thereof have been imported from a foreign country or outside the territorial waters of the state, or under special permit from the division of marine resources for scientific, educational or exhibitional purposes. Violation of this paragraph is a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083.

Section 2. This act shall take effect upon becoming a law.

Amendment 2—On page 1, line 3, strike all the title and insert: A bill to be entitled An act relating to the protection of marine turtles; amending Section 370.12(1), Florida Statutes; providing that certain acts relating to sea turtles are unlawful; prohibiting possession of turtles without invoices; providing penalties; providing an effective date.

On motion by Senator Childers, by two-thirds vote HB 259 (cs) as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

Barron	Graham	Peterson	Trask
Brantley	Gruber	Pettigrew	Vogt
Childers	Henderson	Plante	Ware
Deeb	Johnson	Poston	Weber
de la Parte	Johnston	Saylor	Williams
Firestone	Lane (31st)	Scarborough	Wilson
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	Zinkil
Glisson	McClain	Stolzenburg	
Gordon	Myers	Sykes	

Nays—None

CS for SB 132—A bill to be entitled An act relating to pollution discharge prevention and control; amending chapter 376, Florida Statutes; providing for a new title; expressing legislative intent; providing additional definitions; requiring the department of natural resources to provide enforcement; providing for an individual right of action under this law; requiring registration certificates for terminal facilities; providing for the department to adopt regulations pursuant to this law; repealing §376.08, Florida Statutes, 1971, relating to provisions for a port manager; providing the legislative intent for the Florida coastal protection fund; raising the limit of the fund to thirty-five million dollars (\$35,000,000.00); imposing an excise tax on the handling of all pollutants; providing for use of the moneys in the fund; providing for the liabilities and defenses of registrants; imposing a limitation of liability; establishing arbitration proceedings for the handling of claims for damage; requiring financial responsibility; providing budget procedures; providing for severability of invalid clauses; providing criminal penalties; providing an appropriation of \$10,000,000.00; providing an effective date.

—was read the third time by title, having been read the second time and amended on April 22, referred to the Committee on Ways and Means on point of order, and withdrawn from the Committee on April 23.

Senator Pettigrew raised a point of order that CS for SB 132 having been amended, referred to a committee and subsequently withdrawn from the committee, should be on second reading when brought back to the calendar.

The presiding Officer appointed Senators Firestone, Plante and Saunders as a committee to research the point.

HB 1395 (cs)—A bill to be entitled An act relating to road designation; to provide that a portion of State Road 4A be named the Gandyville Road; authorizing and directing the department of transportation to erect appropriate markers; providing an effective date.

—was read the second time by title. On motion by Senator Poston, by two-thirds vote HB 1395 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Barron	Glisson	McClain	Sykes
Brantley	Graham	Myers	Vogt
Childers	Gruber	Peterson	Ware
Deeb	Henderson	Pettigrew	Weber
de la Parte	Johnson	Poston	Williams
Firestone	Johnston	Scarborough	Wilson
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Smathers	Zinkil

Nays—None

HB 580—A bill to be entitled An act relating to public school system personnel; amending §231.29(2)(a), Florida Statutes, 1972 Supplement, to provide that each individual on annual contract status in any school district in the state shall have his performance assessed at least once a year, while those on continuing contract shall be assessed in depth at least once every three (3) years; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator Graham and adopted:

Amendment 1—On page 2, line 4, strike the period (.) and insert: , and the results of the assessment shall be reviewed with the individual.

Senator Deeb moved the following amendment:

Amendment 2—On page 2, line 2, strike "For each individual on continuing contract status in the district, there shall be an in-depth assessment made at least once every 3 years." and insert: The contract of each individual on continuing contract status shall terminate at the end of 3 years and a new continuing contract shall be considered under the same procedure, rules and regulation as if it were being considered for the first time

Amendment 2 was temporarily deferred.

Senator Plante, for the committee appointed to research the point of order raised by Senator Pettigrew as to CS for SB 132, reported as follows:

Senator Plante: Mr. President, in the Journal of April 22, on page 199 the following order of events took place. Amendment 11, the major amendment offered by Senator Brantley which rewrote the bill, as amended, was adopted. Then a title amendment conforming the title to the major amendment was adopted. A point of order was then raised by Senator Williams and CS for SB 132 with amendments was referred to the Committee on Ways and Means. There was no amendment pending, no amendment being read. Then on a motion by Senator Saunders the bill was withdrawn from the committee. In the calendar of April 24, on page 3, Senate Bills on Third Reading, CS for SB 132 is listed on third reading. Without an amendment pending, it would come back on third reading.

Senator Pettigrew: I just want to make the observation that a point of order would preempt any further effort by any senator who wished to further amend by a motion to amend. A motion to amend would have been in order but a priority would be the raising of a point of order and to me we were circumventing by accepting a point of order . . . sending it to committee and bringing it back out . . . the further opportunity to amend in the same status which otherwise would have been available if the chair had not had the point of order raised.

Senator de la Parte: I would call to your attention that the Chair—I was presiding at the time—was very careful not to accept the point of order until the amendatory process was completed to avoid just what the Senator from the 39th has referred to as a possible problem that might arise. The amendatory process, as I recall, was completed. The point of order had been raised earlier and I recall cautioning a Senator to wait until the amendatory process was completed. That being the case, it is the Chair's ruling that the point of order by the Senator from the 39th is not well taken and the bill is on third reading.

The Senate resumed—

CS for SB 132—A bill to be entitled An act relating to pollution discharge prevention and control; amending chapter 376, Florida Statutes; providing for a new title; expressing legislative intent; providing additional definitions; requiring the department of natural resources to provide enforcement; providing for an individual right of action under this law; requiring registration certificates for terminal facilities; providing for the department to adopt regulations pursuant to this law; repealing §376.08, Florida Statutes, 1971, relating to provisions for a port manager; providing the legislative intent for the Florida coastal protection fund; raising the limit of the fund to thirty-five million dollars (\$35,000,000.00); imposing an excise tax on the handling of all pollutants; providing for use of the moneys in the fund; providing for the liabilities and defenses of registrants; imposing a limitation of liability; establishing arbitration proceedings for the handling of claims for damage; requiring financial responsibility; providing budget procedures; providing for severability of invalid clauses; providing criminal penalties; providing an appropriation of \$10,000,000.00; providing an effective date.

Senators Barron, Graham, Myers and Brantley offered the following amendments which were moved by Senator Barron and adopted by two-thirds vote:

Amendment 13—On page 16, line 22, insert a new subsection 3. to read:

3. *The fund is unable to pay any proven claims against the fund at the end of the fiscal year. Notwithstanding any other provision of this section, the fiscal year following the period in which the fund is unable to pay any proven claims against the fund at the end of the fiscal year, the excise tax shall be and shall remain five cents (5¢) per unit transferred until all outstanding proven claims have been paid and the fund again equals or exceeds ten million dollars (\$10,000,000.00). The fiscal year immediately following the period in which the fund, after levy of the five cents (5¢) excise tax, again is equal to or exceeds ten million dollars (\$10,000,000.00), the excise tax and fund shall be controlled in accordance with subsection (4) (b) (1) of this section, unless otherwise provided, or*

Amendment 14—On page 18, lines 4 and 5, strike "to the limit of liability of the fund per occurrence." and insert: a period after "chapter"

Amendment 15—On page 21, lines 10—12, strike "proceed in the appropriate court for recovery of all proven damages not recovered from the fund." and insert on line 10 following "right to": a pro rata share of all funds received by the fund until the total amount of the proven damages is paid to the claimant.

Amendment 16—On page 21, line 24, following "from" insert: or a judgement against

Amendment 17—On page 21, line 26, following "payment" insert: or judgement

Amendment 18—On page 22, line 2, following "paid" insert: or owed

Amendment 19—On page 22, line 3, following "from" insert: or owed by

Amendment 20—On page 22, line 6, following "for" insert: all

Amendment 21—On page 24, lines 12—14, strike after "(5)" all of lines 12 and 13 and through "occurrence." on line 14.

Amendment 22—On page 24, strike all of line 17 and insert a period after "fund" on line 16

Amendment 23—On page 24, strike all after “*exceed*” on line 19 and all of line 20 and insert: *the present balance in the fund, the immediate award shall be paid on a prorata basis. All claimants paid on a prorata basis shall be paid a pro rata share of all funds received by the fund until the total amount of the proven damages is paid to the claimant.*

Amendment 24—On page 24, lines 23 and 24, strike “*for damages of vessels or terminal facilities.*” and insert: *of vessels, terminal facilities, or the fund for damages.*

Amendment 25—On page 26, strike all of lines 13—20 and insert: *Any claim brought pursuant to this chapter by the fund or any damaged party may be brought directly against the bond, the insurer, or any other person providing a terminal facility or vessel with evidence of financial responsibility.*

Senators Barron, Graham and Brantley offered the following amendments which were moved by Senator Barron and adopted by two-thirds vote:

Amendment 26—On page 16, line 21, strike the period and insert: , or

Amendment 27—On page 16, strike all of lines 22-23 and through the word “*act.*” on line 24 and insert: 4. The Florida coastal protection fund has had appropriated to it by the legislature but not yet repaid state funds from the general revenue fund.

Amendment 28—On page 21, strike after “(d)” all of lines 19—21 and through the word “*chapter.*” on line 22

Amendment 29—On page 22, line 25, strike “*ten (10)*” and insert: *thirty (30)*

Amendment 30—On page 22, line 28, strike “*ten (10)*” and insert: *thirty (30)*

Amendment 31—On page 24, line 26, strike “*registrant’s*”

Amendment 32—On page 27, lines 18—19, strike “, terminal or other registrant” and insert: or terminal facility

Amendment 33—On page 28, lines 1—5, strike everything after the word “*Any*”

Senators Johnston, Sykes and Johnson offered the following amendment which was moved by Senator Johnston and failed:

Amendment 34—On page 15, line 17, after the word “*chapter*” insert: *except gasoline*

The President presiding

Senator Saylor moved the following amendment which failed:

Amendment 35—On page 19, lines 21 and 22, strike “*fourteen million dollars (14,000,000) or one hundred dollars (100) per gross registered ton of such vessel, whichever is the lesser*” and insert: *twenty million dollars (\$20,000,000)*

Senators Ware and Saylor offered the following amendment which was moved by Senator Ware and failed:

Amendment 36—On page 24, line 10, strike “(d) An act or omission of a 3rd party without regard to whether any such act or omission was or was not negligent”

CS for SB 132 as further amended was read by title, passed and ordered engrossed. The vote was:

Yeas—33

Mr. President	Graham	Myers	Sykes
Barron	Gruber	Peterson	Trask
Brantley	Henderson	Plante	Vogt
Childers	Johnson	Poston	Weber
Deeb	Johnston	Saunders	Williams
de la Parte	Lane (31st)	Scarborough	Zinkil
Firestone	Lane (23rd)	Sims	
Glisson	Lewis	Smathers	
Gordon	McClain	Stolzenburg	

Nays—7

Gallen	Pettigrew	Ware	Winn
Gillespie	Saylor	Wilson	

Explanation of vote on CS for SB 132

I have some very basic concerns with CS for SB 132. In my opinion, the third party defense leaves a large loophole for oil spillers to get off the hook. The \$14,000,000 cap is a far cry from the suggested possible damage figure of over two billion dollars reported by the federal government on the Maritime Administration Tanker Program of the U.S. Department of Commerce.

The argument that the shippers cannot get insurance simply will not hold water, much less oil! None of us can go out and buy unlimited liability insurance; yet every time we drive a car or someone walks on our property, we face unlimited liability.

Florida must take into consideration its expanse of beaches which generates income from tourism. Its coastal waters are a source of revenue from sports and commercial fishing. Beach development represents billions in investment dollars and in tax returns.

Let us review the situation. I think the people have reached the limits of their endurance with the oil companies. Isn't it strange that we didn't have an energy crisis until we as a people became concerned about our environment? Isn't it strange that under the auspices of an “energy crisis” the oil companies are now writing their own ticket? Under the guise of the energy crisis the oil companies have received:

1. The Alaskan pipe line;
2. Off-shore oil drilling;
3. Price increases on oil products;
4. Limited liability on oil spills?

Many people find it quite ironic that the gasoline shortage seemed to go away with the outlandish price increases on a gallon of gasoline. I am not surprised that the oil shippers readily agree to a tax to be placed in a clean-up fund. We have all already seen how these taxes have a way of being passed on to the consumer. This is just another way of saying let the people of Florida pay.

Any mother knows that the best way to begin to teach children to be careful and responsible is to say “You spilled it—you clean it up”.

Lori Wilson, 16th District

President Pro Tempore presiding.

On motion by Senator Smathers, by two-thirds vote SCR 820 was placed on the special order calendar.

On motion by Senator Smathers, unanimous consent was obtained to take up out of order—

SCR 820—A concurrent resolution proclaiming the date April 30, 1974, a National Day of Humiliation, Fasting, and Prayer.

—which was read the second time.

Senator Smathers moved the following amendments which were adopted:

Amendment 1—On page 1, strike all of lines 7—20 and insert: That the day of April 30, 1974, is hereby proclaimed as a Day of Humility, Fasting and Prayer, and that the people of the state of Florida are called upon to reaffirm their belief in a supreme being and to humble themselves as they see fit.

Amendment 2—On page 1 in title, strike lines 1 through 12 and insert on line 3 the following:

Senate Concurrent Resolution No. 820—A concurrent resolution proclaiming the date April 30, 1974, a day of humility, fasting and prayer.

WHEREAS, the day April 30, 1974, has been proclaimed a national day of humiliation, fasting and prayer by the Senate of the United States of America, and

WHEREAS, the Legislature of the state of Florida has determined that a day of humility, fasting and prayer is worthy of the recognition of the citizens of our state, NOW, THEREFORE,

On motion by Senator Smathers SCR 820 as amended was read in full, adopted and ordered engrossed. The vote was:

Yeas—34

Barron	Henderson	Pettigrew	Sykes
Brantley	Johnson	Plante	Trask
Childers	Johnston	Poston	Vogt
Deeb	Lane (31st)	Saunders	Ware
de la Parte	Lane (23rd)	Saylor	Weber
Gallen	Lewis	Scarborough	Wilson
Gillespie	McClain	Sims	Winn
Graham	Myers	Smathers	
Gruber	Peterson	Stolzenburg	

Nays—None

On motion by Senator Smathers, the rules were waived and SCR 820 was ordered immediately certified to the House after engrossing.

Senator Sykes moved that the Senate reconsider the vote by which SB 391 failed this day.

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred—

SB 63 with 4 amendments	CS for SB 518 with 1 amend-
SB 133 with 2 amendments	ment
CS for SB 176 with 1 amend-	SB 627 with 1 amendment
ment	SB 683 with 1 amendment
SB 459 with 2 amendments	

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

JOE BROWN, Secretary

The bills were certified to the House.

The Journal of April 24 was corrected and approved as follows:

Page 243, counting from the bottom of column 2, between lines 29 and 30 insert: On page 2, line 15, after "instructor" strike the period and insert: , and

CO-INTRODUCERS

Senator Gruber was recorded as a co-introducer of Senate Bills 705, 599 and 603, Senator Johnson as a co-introducer of SB 892, Senator Sykes as a co-introducer of SB 819.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:00 noon to convene at 8:30 a.m., April 29, 1974, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.