

JOURNAL OF THE FLORIDA SENATE

Monday, May 27, 1974

The Senate was called to order by the President at 10:00 a.m.
A quorum present—39:

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

Prayer by the Senate Chaplain:

We would pause, our God, e'er we enter the last days of our session to remember those who have paid dearly in life and limb, in mental anguish and family sorrow, fighting in the armed services.

We would recite to ourselves the words of a great Army Chaplain (Rev. Studdart Kennedy):

"Let me forget - - - Let me forget,
I am weary of remembrance,
And my brow is ever wet,
With tears of remembrance,
With tears and bloody sweat,
Let me forget.

If ye forget - - - If ye forget,
Then your children must remember,
And their brow will be wet
With the tears of their remembrance,
With their tears and bloody sweat - - -
If ye forget."

So we remember not only the past but the present and the future that we shall never again, so help us God, let the few bear the burden of the crowd.

So may our toil in government be responsible for peace, prosperity and the pursuit of happiness. For God's sake, Amen.

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

INTRODUCTION

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

By Senator Deeb—

SB 1112—A bill to be entitled An act relating to the City of St. Petersburg, Pinellas County; providing definitions; creating a charter commission for the city; providing for membership and organization of the commission; requiring the commission to draft a new city charter; providing for supplies, materials, equipment and facilities; providing for submission of proposed charter to the legislative delegation; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1112.

—to Rules and Calendar.

By Senator Horne—

SB 1113—A bill to be entitled An act relating to the City of Madison, Madison County; amending §6, chapter 23390, Laws of Florida, 1945; extending and defining the boundaries of the city; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1113.

—to Rules and Calendar.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Monday, May 27, 1974, at 10:00 a.m.:

HB 2922	HB 580	CS for CS for	SB 877
SB 353	HB 2099	HB 3096	HB 2580
SB 1020	HB 1911	SB 889	HB 3777
SB 529	SB 403	SB 880	HB 1837
HB 3573	SB 519	SB 633	HB 1554
CS for HB 312			

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar recommends that the following bills make up the Consent Calendar to be heard at 2:00 p.m., May 27, 1974:

SB 553	HB 1485	HB 729	HB 4000
HB 1955	SB 867	HB 3955	SB 765
HB 3551	SB 906	HB 3258	SB 574
HB 3667	SB 115	HB 2622	SB 588
HB 549	HB 3672	HB 3487	HB 3268
HB 2580	SB 873	HB 3488	HB 2926
HB 2359	SB 749	HB 3489	HB 3064
SB 87	SB 716	HB 544	HB 1289
SB 721	HB 3903	HB 1538	HB 3742
SB 828	HB 711	HB 2724	HB 3968
HB 3628	HB 1199	SB 798	SB 562
HB 3063	HB 1941	SB 756	SB 945
SB 886	SB 851	SB 958	SB 1066
HB 3967	HB 3561	HB 2886	SB 997
HB 3428	SB 393	SB 515	SB 1014
SB 524	SB 962	SB 887	SB 1011
HB 3084	SB 791	HB 1782	SB 650
HB 1696	HB 3281	HB 1554	HB 2714
SB 747	SB 666	HB 1936	HB 1474

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Health and Rehabilitative Services recommends the following pass: SB 354 with 2 amendments

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

The Committee on Ways and Means recommends the following pass:

SB 274 with 1 amendment	CS for HB 4026 with 2 amendments
SB 599	CS for HB 2235
SB 628	SB 1004 with 2 amendments
SB 819 with 1 amendment	SB 81
SCR 908	
HB 1857 with 2 amendments	

The Committee on Governmental Operations recommends the following pass:

HB 3638 with 2 amendments HB 3654 with 4 amendments

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

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 619 with 1 amendment.

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 168

The Committee on Ways and Means recommends a Committee Substitute as recommended by Consumer Affairs Committee for SB 732.

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 618 with 1 amendment

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 709

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 230 with 1 amendment

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 905

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

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

- CS for SB 219 with 1 amendment
- CS for SB 504 with 4 amendments
- CS for SB 663 with 2 amendments

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

JOE BROWN, Secretary

The bills were ordered enrolled.

Your Engrossing Clerk to whom was referred—

- CS for SB 818 with 1 amendment
- SB 1012 with 1 amendment

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

JOE BROWN, Secretary

The bills were certified to the House.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

- SB 470
- SB 941

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 27, 1974.

JOE BROWN, Secretary

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Sykes, HB 3500 was withdrawn from the Committee on Ways and Means by two-thirds vote.

On motions by Senator Scarborough, House Bills 3475 and 3323 were withdrawn from the Committee on Judiciary by two-thirds vote.

REQUESTS FOR EXTENSION OF TIME

The Committee on Governmental Operations requests an extension of 10 days for the consideration of the following:

- SB 654 by Senator Wilson
- SB 670 by Senators Zinkil and Johnson
- HB 672 by Representative Hodes
- HB 675 by Representative Hodes
- HB 1187 by Representative Hartnett
- HB 3252 by Representative Holloway
- CS/HB 2707 by Community Affairs Committee
- HB 3654 by Representative MacKay

The Committee on Rules and Calendar requests an extension of 10 days for the consideration of the following:

- CS for House Bills 2672, 2434, SM 901 by Senator Henderson
- 2583 by Governmental Operations Committee

EXECUTIVE BUSINESS

By direction of the President, the following communication and certificate were read:

Honorable Joe Brown
Secretary of the Senate
The Capitol
May 24, 1974

Dear Mr. Brown:

Pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, we are enclosing a certificate listing the name of a person for whom a commission has been prepared and which is subject to confirmation by the Senate.

With kind regards, I remain

Cordially,
RICHARD (DICK) STONE
Secretary of State
By (Mrs.) *Dorothy W. Glisson*
Director, Division of Elections

I, Richard (Dick) Stone Secretary of State of the State of Florida, do hereby certify that pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, a commission which is subject to Confirmation by the Senate has been prepared for the following:

NAME	OFFICE	FOR TERM ENDING
Thomas J. Shave, III Fernandina Beach	Member, St. Johns River Water Management District	July 1, 1977



Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the 24th day of May A. D. 1974

RICHARD (DICK) STONE
Secretary of State

Which was referred to the Committee on Natural Resources and Conservation.

MESSAGE FROM THE GOVERNOR

The Governor advised that he had filed in the office of the Secretary of State CS for SB 830 which he had approved May 24.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

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

- SB 1097
- SB 1096
- SB 1095
- SB 1083
- SB 1099
- SB 1087
- SB 1103
- SB 1090
- SB 1084
- SB 1094

Allen Morris, Clerk

The Honorable Mallory E. Horne, President May 27, 1974

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

- SB 783
- CS for CS for SB 364

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Mallory E. Horne, President May 27, 1974

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

- HB 3461
- HB 4050
- CS for HB's 3113 & 2747
- HB 2736
- CS for HB 2809

Allen Morris, Clerk

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

I am directed to inform the Senate that the House of Representatives has passed HB 4064 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Cunningham and others—

HB 4064—A bill to be entitled An act relating to Volusia County; providing a definition; amending §2 of chapter 20187, Laws of Florida, 1939, and §3 of chapter 18964, Laws of Florida, 1937, as amended, permitting public school teachers to become permanent employees of the district school system of Volusia County by earning district in-service education points equivalent to present educational and occupational tenure requirements; permitting teachers in Volusia County to earn equivalent district in-service education points in lieu of certain educational requirements for purposes of maintaining the status of permanent employees; providing an effective date.

Evidence of notice and publication was established by the Senate as to HB 4064.

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

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

I am directed to inform the Senate that the House of Representatives has adopted as amended HM 3296 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Craig and Tittle—

HM 3296—A memorial to the Congress of the United States, urging Congress to eliminate all funding for the Federal Energy Administration with the deliberate intent to abolish the office.

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

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

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

HB 2284	HB 3977	HB 2637
HB 3924	HB 2696	CS for HB 2375

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Earle and others—

HB 2284—A bill to be entitled An act relating to taxation of intangible personal property; creating subsection (3) of section 199.027, Florida Statutes, providing an exemption of twenty thousand dollars of intangible property owned by natural persons; providing an effective date.

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

By the Committee on Commerce—

HB 3977—A bill to be entitled An act relating to barbers; amending §§476.01, 476.031(3), (6), and (7), 476.05(1) and (2), 476.07(3), 476.09(1), 476.10(1), 476.13, 476.16(1)(b) and (c) and (2)(c), 476.17(2), 476.21, and 476.22(1)(a), (c), and (1) 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 for fees and educational requirements; providing that the board member from the state at large shall be a member of the consuming public; providing an effective date.

—was read the first time by title and placed on the calendar.

By Representative Hair and others—

HB 2637—A bill to be entitled An act relating to state uniform traffic control; amending §316.163(1), (2), and (3), Florida Statutes, 1971, and adding a subsection, to provide that certain disabled persons and their parents or guardians shall be exempt from paying any parking fees at any facility operated by any governmental unit or at any private facility which is supported by public funds; providing that certain disabled persons and their parents or guardians shall be exempt from penalties for parking in loading zones under certain conditions; authorizing the parent or guardian of disabled minors to apply for and receive certain stickers to be displayed on the windshield of authorized motor vehicles; requiring every facility operated by any governmental or private facility which receives public funds and which maintains parking facilities to set aside certain parking areas for the handicapped; providing an effective date.

—was read the first time by title and placed on the calendar.

By the Committee on Retirement, Personnel & Claims—

HB 3924—A bill to be entitled An act relating to pensions; amending §112.05, Florida Statutes, 1973, adding subsection (3) to §238.171, Florida Statutes, 1973, and creating §291.325, Florida Statutes, to provide cost-of-living adjustments to persons receiving benefits under the provisions of chapter 112, Florida Statutes, as retired public officers and employees, benefits or allowances as incapacitated teachers, or benefits under the confederate pension provisions of the statute; providing an effective date.

—was read the first time by title and placed on the calendar.

By Representative D. McDonald—

HB 2696—A bill to be entitled An act relating to public health; amending §381.503(5)(a), Florida Statutes, 1972 Supplement, the community hospital education act, to provide that accreditation by the American Osteopathic Association be included as a standard to be considered pursuant to the funding of hospital programs under said act; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

By the Select Committee on Standards & Conduct and Representative Kiser and others—

CS for HB 2375—A bill to be entitled An Act relating to lobbying by state employees; requiring registration and approval; requiring the recording of time spent in such lobbying; providing exceptions; prohibiting the payment of state funds for lobbying purposes; providing penalties; providing an effective date.

—was read the first time by title and placed on the calendar.

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

I am directed to inform the Senate that the House of Representatives has passed HB 4122 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representatives Martinez and Easley—

HB 4122—A bill to be entitled An act relating to unemployment compensation; amending §443.03(5)(n), Florida Statutes, 1973, and adding paragraph (o) thereto; providing coverage for community college and local government employees; amending §443.04(2)(a), Florida Statutes, 1973, providing for an increase of the maximum weekly benefit amount; adding subsection (6) to §443.08, providing for reimbursement of benefits paid to employees of political subdivisions; amending §443.12(2), Florida Statutes, 1973, providing clarification of rule-making authority; providing an effective date.

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

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

I am directed to inform the Senate that the House of Representatives has passed CS for HB's 2933 & 2844 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Retirement, Personnel & Claims and Representative Brown and others—

CS for HB's 2933 and 2844—A bill to be entitled An act to provide for the relief of the dependents of James Hill and of Vincent Dovico, who perished in the fire at the division of corrections road prison #32 in Jay, Santa Rosa County, on July 16, 1967; providing an appropriation; providing an effective date.

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

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

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

HB 3914 HB 3738

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation and Representative Holloway—

HB 3914—A bill to be entitled An act relating to prestige license plates; amending section 320.0805(8)(a)3., F.S., providing for distinctive license plates for members of various organizations; providing a maximum of eighteen digits on the plate; providing an effective date.

—was read the first time by title and placed on the calendar.

By Representative MacKay—

HB 3738—A bill to be entitled An act relating to the state library; amending §257.01, Florida Statutes, 1973, reducing the membership of the state library council from thirteen (13) to seven (7); amending §257.02(1), Florida Statutes, 1973, providing terms of office for members of the council; amending §257.04, (2), (3), and (4), Florida Statutes, 1973, and adding new subsections thereto; permitting the council to give financial assistance to libraries; requiring the division of library services of the department of state to maintain a state library, maintain and provide certain services for state agencies and provide library services for the blind and physically handicapped; providing an effective date.

—was read the first time by title and placed on the calendar.

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

I am directed to inform the Senate that the House of Representatives has passed CS for HB 3948 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Natural Resources and Representative Fulford—

CS for HB 3948—A bill to be entitled An act relating to the regulation of motorboats; amending §371.021(2), (9), and (11)-(b) and (c), Florida Statutes, 1973, and adding subsection (16) to said section; amending §§371.031, 371.041, 371.051(1)—(9), 371.101, 371.171, 371.55, 371.57(1)(a), (2)(a), (3)(a), and (4)(a), 371.571, 371.62, 371.63, 371.64, 371.645, 371.65(1), (3), (4), (6)—(8) and the introductory paragraph thereof, 371.67(1), 371.75(1) and (3), 371.76(1), (3), and (4), 371.77, 371.78, 371.79, 371.81(1)—(4), (6), and (7), all Florida Statutes; providing changes in definitions; providing for the deletion of references to chapters 370 and 372, Florida Statutes, providing for the deletion of references to the commission; providing for a license fee instead of a tax; providing for registration of all motorboats; providing that certain class motorboats be furnished with additional safety equipment; providing for change

in nomenclature; providing new classifications of motorboats; providing an appropriation and a change in distribution of fees; repealing §371.021(8), Florida Statutes, the definition of commission; repealing §371.051(10), Florida Statutes, relating to application for registration certificates; repealing §371.65(2), Florida Statutes, relating to administrative costs; repealing §371.80, Florida Statutes, relating to the motorboat revolving trust fund; providing an effective date.

—was read the first time by title and placed on the calendar.

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

I am directed to inform the Senate that the House of Representatives has adopted as amended HM 3359 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Randell and others—

HM 3359—A memorial to the Congress of the United States urging Congress to amend, and review the provisions of Public Law 93-234, the Federal Flood Disaster Protection Act of 1973.

—was read the first time by title and placed on the calendar.

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

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

CS for HB 3909 HB 3368 HB 3757
CS for HB 3669 CS for HB's 3406 & 3655

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Retirement, Personnel & Claims and Representative Melvin and others—

CS for HB 3909—A bill to be entitled An act relating to the Florida retirement system and other state retirement systems; amending subsection (3) of §121.011, Florida Statutes, 1973, providing for the preservation of the rights of members of the system when the system is made non-contributory; amending §121.021(6) and (19), Florida Statutes, 1973, and adding subsection (38) to said section, providing definitions; amending §121.051(1) and (2) (a), Florida Statutes, 1973, providing that after the system becomes non-contributory new employees will be eligible to participate in the non-contributory system under certain circumstances; opening up the Florida retirement system to members of other retirement systems; amending §121.071, Florida Statutes, 1973, to provide that certain members of the Florida retirement system shall not be required to make contributions; requiring employers to make contributions in certain cases; providing that no employee's salary shall be reduced in the implementation of the non-contributory plan; authorizing refunds for contributions made by certain members of the system; creating a new paragraph (f) to subsection (7) of §121.091, Florida Statutes, providing for a deferred monthly survivor's benefit for designated beneficiaries of members who die before retirement; amending §121.081, Florida Statutes, 1973, providing for increased interest rates on certain funds in the system; adding subsection (10) to §121.091, Florida Statutes, 1973, requiring that future benefit increases be paid by increased contributions or other adequate funding to the system and that such future benefits be based on sound actuarial figures; amending subsection (4) of §121.101, Florida Statutes, 1973, creating new subsections (5), (6) and (7) and redesignating present subsection (5) as subsection (8), providing annual cost-of-living increases for retirees; establishing procedures for the computation of cost-of-living increases; providing a three percent (3%) cap on such increases; amending paragraph (b) of subsection (1) and paragraph (b) of subsection (2) of §121.111, Florida Statutes, 1973, changing the interest and contribution rates for the purchase of past and prior service credit; amending §121.121(4), Florida Statutes, 1973, changing the interest and contribution rates for the purchase of future service leave of absence credit; creating §121.192, Florida Statutes, to provide for a state retirement actuary; authorizing the division of retirement to hire a full-time attorney; providing an effective date.

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

By Representative Hair and others—

HB 3368—A bill to be entitled An act relating to the fire fighters bargaining act; amending §§447.21(2), 447.22(1), 447.23, 447.24, 447.25, 447.26, 447.29(2), 447.30, and 447.32(2), Florida Statutes; redefining "fire fighter"; providing that special districts be included in the provisions of the fire fighters bargaining act; providing an effective date.

—was read the first time by title and placed on the Calendar.

By Representative Conway—

HB 3757—A bill to be entitled An act relating to community colleges; creating §230.7661, Florida Statutes; providing a procedure for determining the transportation density index; amending §230.767, Florida Statutes; providing procedures for determining state financial support and the annual apportionment to each community college district; repealing §230.766, Florida Statutes, relating to procedures for determining the number of transportation units for community colleges; providing an effective date.

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

By the Committee on Environmental Protection and Representative Kiser—

CS for HB 3669—A bill to be entitled An act relating to the land sales industry; amending subsection (4) of §478.25, Florida Statutes, clarifying the compliance requirement under the Federal Water Pollution Control Act; adding a new paragraph to subsection (4) of §478.25, Florida Statutes, providing for method of determining compliance with subsections 478.121(4) and (5) and 478.25(4), Florida Statutes; providing an effective date.

—was read the first time by title and placed on the calendar.

By the Committee on Health & Rehabilitative Services and Representative P. Thomas and others—

CS for HB's 3406 and 3655—A bill to be entitled An act relating to severely disabled persons; providing legislative intent; providing definitions; providing for the establishment and maintenance by the department of health and rehabilitative services of a central registry of severely disabled persons; providing duties and responsibilities of the department; providing an effective date.

—was read the first time by title and placed on the calendar.

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

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

HB 3352 CS for **HB 3412**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Kershaw and others—

HB 3352—A bill to be entitled An act relating to the state career service system; adding paragraph (d) to §110.061(2), Florida Statutes, 1973, providing for the award of costs, expenses, and attorney's fees to the successful employee appealing from a suspension, reduction in pay, transfer, layoff, demotion or dismissal; providing an effective date.

—was read the first time by title and placed on the calendar.

By the Committee on Criminal Justice and Representative Melvin—

CS for HB 3412—A bill to be entitled An act relating to fraudulent practices; amending section 817.52(3), Florida Statutes, 1973, changing the penalty for failure to redeliver a hired motor vehicle from a misdemeanor of the second degree to a felony of the third degree; removing provision relating to prima facie evidence of fraudulent intent; providing an effective date.

—was read the first time by title and placed on the calendar.

The Honorable Mallory E. Horne, President

May 23, 1974

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

CS for HB 3435 **HB 3242**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Education and Representatives Kutun and others—

CS for HB 3435—A bill to be entitled An act relating to education; amending §229.561, Florida Statutes, 1973; revising the educational research and development program; providing that it be administered by a director of research and development under the commissioner of education; requiring the commissioner of education to annually transmit a two (2) year plan of educational research and development to the legislature; providing duties of the director of research and development; providing for sixteen (16) member board of advisors for educational research and development; providing for specified representation in the membership of the board; providing duties of the board; requiring the board to annually submit a project status report; providing no board member may receive funds from a project supported by research and development funds; providing for the establishment of guidelines and a procedure for the request for project funds; providing for the waiver of any state or district school board regulation which inhibits the success of a project; providing an effective date.

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

By Representative Martinez—

HB 3242—A bill to be entitled An act relating to elections; amending §103.111, Florida Statutes, to provide clarification of the operation of state and county executive committees of political parties; providing the manner for electing delegates to the 1974 Conference on Democratic Organization and Policy; providing for the qualification and election of certain candidates; providing for expense limits; providing an effective date.

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

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

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

HB 3353 **HB 3231**

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Rude—

HB 3353—A bill to be entitled An act relating to architects; amending §§467.02, 467.04, 467.08, 467.10, 467.11, 467.12, 467.19 (1)(b) and 467.15(1), Florida Statutes, 1973 to provide for Executive Secretary and staff of the State Board of Architecture; compensation of Board members; examination schedules; qualification and requirements for examination and registration; registration fee; regulation of practice of architecture by partnerships and corporations; seal of architect; repealing 467.19 (1) (c), Florida Statutes, pertaining to practice of architecture by partnerships and corporations; providing an effective date.

—was read the first time by title and placed on the calendar.

By Representative Holloway and others—

HB 3231—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; providing for appeals; providing for publication and distribution of the codes; providing for injunctive relief; providing for civil remedies; providing for penalties for violations; providing for severability; providing an effective date.

—was read the first time by title and placed on the calendar.

On motion by Senator Poston, the rules were waived and the staff of the Committee on Transportation was granted privileges of the floor.

Senator Plante presiding.

The Honorable Mallory E. Horne, President May 16, 1974

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

By the Committee on Transportation—

SB 171—A bill to be entitled An act relating to operation of a motor vehicle while under the influence of alcohol; amending §322.262(2)(d), Florida Statutes; providing basis for determination of percent of alcohol in blood; providing an effective date.

(amendments attached)

—and requests the concurrence of the Senate.

Allen Morris, Clerk

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

Section 1. Section 316.028, Florida Statutes, 1973, is amended to read:

316.028 Driving while under the influence of alcoholic beverages, model glue, or controlled substances.—

(1) It is unlawful and punishable as provided in subsection (2) for any person who is under the influence of alcoholic beverages, model glue, or any substance controlled under chapter 893, when affected to the extent that his normal faculties are impaired, to drive or be in the actual physical control of any vehicle within this state.

(2) Any person who is convicted of a violation of *subsection (1) this section* shall be punished:

(a) For first conviction thereof, by imprisonment for not more than 6 months or by a fine of not less than \$25 or more than \$500, or by both such fine and imprisonment.

(b) For a second conviction within a period of three years from the date of a prior conviction for violation of this section, by imprisonment for not less than 10 days nor more than 6 months and, in the discretion of the court, a fine of not more than \$500.

(c) For a third or subsequent conviction within a period of five years from the date of conviction of the first of three or more convictions for violations of this section, by imprisonment for not less than 30 days nor more than 12 months and, in the discretion of the court, a fine of not more than \$500.

(d) *Notwithstanding any other penalty provisions of this act, at the discretion of the court, any person convicted of violating this section may be required to attend a driver improvement training course specified by the court in addition to, or in place of any fines imposed under this section.*

(3) *It is unlawful and punishable as provided in subsection (4) for any person with a blood alcohol level of 0.08 per cent or above to drive or be in actual physical control of any vehicle within this state.*

(4) *Any person who is convicted of a violation of subsection (3) of this section shall be punished:*

(a) *For first conviction thereof, by imprisonment for not more than ninety (90) days or by a fine of not more than two hundred fifty dollars (\$250), or by both such fine and imprisonment.*

(b) *For a second conviction within a period of three (3) years from the date of a prior conviction for violation of this section, by imprisonment for not less than ten (10) days nor more than six (6) months and, in the discretion of the court, a fine of not more than five hundred dollars (\$500).*

(c) *For a third or subsequent conviction within a period of five (5) years from the date of conviction of the first of three (3) or more convictions for violations of this section, by imprisonment for not less than thirty (30) days nor more than twelve (12) months and, in the discretion of the court, a fine of not more than five hundred dollars (\$500).*

Section 2. Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), and (j) of subsection (1) of section 322.261, Florida Statutes, 1973, are redesignated as paragraphs (c), (d), (e), (f), (g), (h), (i), (j), and (k), respectively, and a new paragraph (b) is added to said subsection to read:

322.261 Suspension of license; chemical test for intoxication.—

(1)(a) Any person who shall accept the privilege extended by the laws of this state of operating a motor vehicle within this state shall by so operating such vehicle be deemed to have given his consent to submit to an approved chemical test of his breath for the purpose of determining the alcoholic content of his blood if he is lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of alcoholic beverages. The test shall be incidental to a lawful arrest and administered at the request of a peace officer having reasonable cause to believe such person was driving a motor vehicle within this state while under the influence of alcoholic beverages. Such person shall be told that his failure to submit to such a chemical test will result in the suspension of his privilege to operate a motor vehicle for a period of three months.

(b) *Notwithstanding the provisions of paragraph (a), a law enforcement officer may, with the operators consent, give a prearrest breath test for the purpose of determining if said person is in violation of §316.028, but the taking of such prearrest breath test shall not be deemed a compliance with the provisions of paragraph (a).*

Section 3. Subsection (2) of section 322.262, Florida Statutes, 1973, is amended to read:

322.262 Presumption of intoxication; testing methods.—

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving, or in actual physical control of, a vehicle while under the influence of alcoholic beverages, when affected to the extent that his normal faculties were impaired, the results of any test administered in accordance with §322.261 and this section shall be admissible into evidence when otherwise admissible, and the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood or breath shall give rise to the following presumptions:

(a) If there was at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

(b) If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of alcoholic beverages to the extent that his normal faculties were impaired, ~~and~~ but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcoholic beverages to the extent that his normal faculties were impaired. *However, such person who has a blood alcohol level of 0.08 percent or above shall be guilty of driving or being in actual physical control of a motor vehicle with an unlawful blood alcohol level.*

(c) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be prima facie evidence that the person was under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

(d) Percent by weight of alcohol in the blood shall be based upon ~~grams milligrams~~ *grams* of alcohol per one hundred ~~milliliters cubic centimeters~~ *milliliters* of blood.

(e) The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of alcoholic beverages to the extent that his normal faculties were impaired.

(3) Chemical analyses of the person's blood or breath, in order to be considered valid under the provisions of this section, must have been performed according to methods approved by the division of health of the department of health and rehabilitative services and by an individual possessing a valid permit issued by the division of health for this purpose. The division of health is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the division.

(4) Any person charged or tested under the provisions of §322.261 and this section, whether in a municipality or not, will be entitled to a trial by jury on demand. In the event the person so charged is arraigned in a municipal court and demands trial by jury, the municipality will either set up the proper procedure to provide a trial by jury or transfer the cause to a court of competent jurisdiction in the county in which the municipality is located.

Section 4. Paragraph (b) of subsection (1) of section 322-264, Florida Statutes, 1973, is amended to read:

322.264 Habitual traffic offender defined.—An "habitual traffic offender" is any person whose record, as maintained by the department of highway safety and motor vehicles, shows that such person has accumulated the convictions for separate offenses described in subsections (1), (2), and (3), committed within a five-year period:

(1) Three or more convictions, singly or in combination, of any of the following offenses arising out of separate acts:

(b) Driving a motor vehicle or being in actual physical control while having an unlawful blood alcohol level or while under the influence of alcoholic beverages or any substance controlled under chapter 893;

In computing the number of convictions, all convictions during the five years previous to July 1, 1972, will be used, provided at least one conviction occurs after that date. The fact that previous convictions may have resulted in suspension or revocation under another section shall not exempt them from being used for suspension or revocation under this section as an habitual offender.

Section 5. Subsection (2) of section 322.28, Florida Statutes, 1973, is amended to read:

322.28 Period of suspension or revocation.—

(2) In prosecutions for the offense of driving a motor vehicle with an unlawful blood alcohol level as defined in §316.028(3) or while under the influence of alcoholic beverages to the extent that normal faculties are impaired, as defined in §316.028(1), while under the influence of intoxicating liquor, the following provisions shall apply:

(a) Upon conviction of a driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted and shall prescribe the period of such revocation in accordance with the following provisions:

1. Upon first conviction of the offense of driving with an unlawful blood alcohol level as described in §316.028(3), the driver's license or privilege shall be revoked for not less than thirty (30) days nor more than ninety (90) days; and for the first conviction of the offense of driving while under the influence as described in section 316.028(1), the driver's license or privilege shall be revoked for not less than ninety (90) days nor more than one (1) year; except that the court may as part of the sentence restrict the driver's license or privilege to such driving required to and from work and any necessary on-the-job driving required by the employer or occupation, provided however, if such restriction is a part of the sentence, the court shall require the defendant to enroll in and successfully complete a driver improvement course for rehabilitation of drinking drivers and any necessary driving for completion of such drinking driver rehabilitation course shall be allowed under the license restriction. No pleasure, recreational, or other driving shall be permitted by such restriction, and any conviction for

violation of such restriction shall be punishable by mandatory imprisonment for a period of ten (10) days and revocation of the driver's license or privilege for the period imposed in the original sentence, the driver's license or privilege shall be revoked for not less than three months nor more than twelve months.

2. Upon a second conviction within a period of five years from the date of a prior conviction for a violation of the provisions of subsections (1) or (3) of §316.028, or a combination of said subsections, said offense, the driver's license or privilege shall be revoked for not less than six months nor more than twenty-four months.

3. Upon a third or subsequent conviction within a period of five (5) ~~ten~~ years from the date of conviction of the first of three or more convictions for the violation of the provisions of subsections (1) or (3) of §316.028, or a combination of said subsections, for said offense, the driver's license or privilege shall be revoked for not less than one year nor more than five years as provided in §322.27(5).

(b) If the period of revocation shall not be specified by the court at the time of imposing sentence or within thirty days thereafter, the department shall forthwith revoke the driver's license or privilege for the maximum period applicable under subsection (2)(a). The driver may, within thirty days of such revocation by the department, petition the court for further hearing on the period of revocation and the court shall be authorized in such case at its discretion to reopen the case and to determine the period of revocation within the limits specified in said subsection (2)(a).

(c) Any person having his license revoked or suspended by the department may during the period of said revocation or suspension apply to the department for review of said revocation or suspension and restoration of his driving privileges. Upon receipt of said application the department shall provide for a hearing after notice to said applicant within thirty days and may after said hearing and such investigation as may be made, restore the driving privileges subject to such conditions and restrictions as the department may deem proper which shall not extend beyond the original period of revocation or suspension.

(d) The forfeiture of bail bond, not vacated within twenty (20) ~~ten~~ days, in any prosecution for the offense of driving while under the influence of intoxicating liquor to the extent of depriving the defendant of his or her normal faculties, shall be deemed equivalent to a conviction for the purposes of this paragraph and the department shall forthwith revoke the defendant's driver's license or privilege for the maximum period applicable under subsection (2)(a); provided, if the defendant shall subsequently be convicted of said charge, the period of revocation for such conviction shall not exceed the difference between the applicable maximum under subsection (2)(a) and the period imposed under this subsection that shall have actually expired. This subsection shall not apply if an appropriate motion contesting the forfeiture is filed within the twenty (20) day period.

(e) When any driver's license or privilege has been revoked pursuant to the provisions of this section, the department shall not grant a new license until the expiration of the period of revocation so prescribed.

Section 6. Section 322.281, Florida Statutes, is created to read:

322.281 Mandatory adjudication.—Notwithstanding the provisions of §948.01, no court shall withhold adjudication of guilt or imposition of sentence for the offense of driving or being in actual physical control of a motor vehicle, while having an unlawful blood alcohol level or while under the influence of alcoholic beverages, model glue, or any substance controlled by chapter 893.

(2) No trial judge shall accept a plea of guilty to a lesser offense from a person charged under the provisions of this act whose chemical results show a blood alcohol content by weight of .20 percent or more.

Section 7. Section 322.282, Florida Statutes, is created to read:

322.282 Procedure when court revokes and reinstates license or driving privilege on a restricted basis.—When a court revokes and reinstates a license or driving privilege as authorized under §322.28(2)(a)1., the court shall:

(1) Pick up all driver's licenses from the person convicted and revoked, and forward same to the department immediately together with a record of such conviction. The clerk of said court shall also maintain a list of all revocations by said court.

(2) Issue an order of reinstatement, on a form to be furnished by the department, which the person so convicted may personally take to any Florida driver license examining office within seven (7) days from date of conviction, and upon presentation of such court order, a temporary driving permit authorizing driving for employment purposes, as provided in §322.28(2)(a)1., shall be thereupon issued; and upon verification from the driving record that the person so convicted had no previous convictions for the same offense, an operator or chauffeur license shall be issued upon successfully passing the complete examination; provided, however, should the department determine from its records that such conviction was not the person's first such conviction, the temporary permit shall be canceled, and a revocation order shall be issued for the maximum period applicable under §322.28(2)(a)2. and 3.

Section 8. In editing manuscript for the next edition of the official Florida Statutes, the division of statutory revision and indexing of the joint legislative management committee is authorized and directed to amend the cross references in paragraphs (c), (d) and (e) of subsection (1) of §322.261, Florida Statutes, to conform with the provisions of section 2 of this act.

Section 9. This act shall take effect January 1, 1975.

Amendment (2)—On page 1, strike lines 4—8 and insert the following:

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 subsection (d) to §316.028(2), giving the court discretion to require a person convicted of this section to attend driver improvement school in addition to or in place of a fine; 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, prohibiting trial judge accepting lesser plea if blood alcohol level exceeds certain level; 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 an effective date.

Senator Poston moved the following amendment to House Amendment 1 which was adopted:

Amendment 1a—On page 1, line 3, following "316.028" strike the remainder of Amendment 1 and insert: Driving while under the influence of alcoholic beverages, model glue, or controlled substances.—

(1) It is unlawful and punishable as provided in subsection (2) for any person who is under the influence of alcoholic beverages, model glue, or any substance controlled under chapter 893, when affected to the extent that his normal faculties are impaired, to drive or be in the actual physical control of any vehicle within this state.

(2) Any person who is convicted of a violation of subsection (1) of this section shall be punished—

(a) For first conviction thereof, by imprisonment for not more than 6 months or by a fine of not less than \$25 or more than \$500, or by both such fine and imprisonment.

(b) For a second conviction within a period of three years from the date of a prior conviction for violation of this section, by imprisonment for not less than 10 days nor more than 6 months and, in the discretion of the court, a fine of not more than \$500.

(c) For a third or subsequent conviction within a period of five years from the date of conviction of the first of three

or more convictions for violations of this section, by imprisonment for not less than 30 days nor more than 12 months and, in the discretion of the court, a fine of not more than \$500, except as otherwise provided in this section, by imprisonment for not more than twelve months or by a fine of not less than \$25 or more than \$1,000, or by both such fine and imprisonment.

(3) At the discretion of the court, any person convicted of violating subsection (1) of this section may be required to attend a driver improvement court specified by the court in addition to any fine imposed under this section.

Section 2. Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), and (j) of subsection (1) of section 322.261, Florida Statutes, 1973, are redesignated as paragraphs (c), (d), (e), (f), (g), (h), (i), (j), and (k), respectively, and a new paragraph (b) is added to said subsection to read:

322.261 Suspension of license; chemical test for intoxication.—

(1)(a) Any person who shall accept the privilege extended by the laws of this state of operating a motor vehicle within this state shall by so operating such vehicle be deemed to have given his consent to submit to an approved chemical test of his breath for the purpose of determining the alcoholic content of his blood if he is lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of alcoholic beverages. The test shall be incidental to a lawful arrest and administered at the request of a peace officer having reasonable cause to believe such person was driving a motor vehicle within this state while under the influence of alcoholic beverages. Such person shall be told that his failure to submit to such a chemical test will result in the suspension of his privilege to operate a motor vehicle for a period of three months.

(b) Notwithstanding the provisions of paragraph (a), a law enforcement officer may, with the operators consent, give a prearrest breath test for the purpose of determining if said person is in violation of §316.028, but the taking of such prearrest breath test shall not be deemed a compliance with the provisions of paragraph (a). The results of any test administered under this subsection shall not be admissible into evidence in any civil or criminal proceeding. An analysis of a person's breath, in order to be considered valid under the provisions of this section, must have been performed according to methods approved by the division of health of the department of health and rehabilitative services. For this purpose, the division of health is authorized to approve satisfactory techniques or methods.

Section 3. Paragraph (d) of subsection (2) of section 322.262, Florida Statutes, is amended to read:

322.262 Presumption of intoxication; testing methods.—

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving, or in actual physical control of, a vehicle while under the influence of alcoholic beverages, when affected to the extent that his normal faculties were impaired, the results of any test administered in accordance with §322.261 and this section shall be admissible into evidence when otherwise admissible, and the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood or breath shall give rise to the following presumptions:

(d) Per cent by weight of alcohol in the blood shall be based upon grams milligrams of alcohol per one hundred milliliters cubic centimeters of blood.

Section 4. Subsection (5) of Section 322.27, Florida Statutes, 1973, is amended to read:

(5) The department shall revoke the license of any person designated an habitual offender, as set forth in §322.264, and such person shall not be eligible to be relicensed for a minimum of five years from the date of revocation, except as provided for in section 322.271. Any person whose license is revoked may, by petition to the department, show cause why his license should not be revoked.

Section 5. Section 322.271, Florida Statutes, is amended to read:

322.271 Authority to modify revocation or suspension.—

(1)(a) Upon the suspension, cancellation or revocation of the driver's license of any person as authorized or required in this chapter, except a person whose license is revoked as an habitual traffic offender under §322.27(5), the department shall immediately notify the licensee, and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed thirty days after receipt of such request, in the county wherein the licensee resides, unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing a duly authorized agent of the department may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books, papers, and may require a re-examination of the licensee.

(b) A person whose driving privilege has been revoked under section 322.27(5) may, upon expiration of twelve months from the date of such revocation, petition the department for restoration of driving privilege. Upon such petition and after investigation of the person's qualification and fitness and need to drive, the department shall hold an administrative hearing to determine whether driving privilege shall be restored on a restricted basis solely for business or employment purposes.

(2) Upon such hearing the person whose license has been suspended, cancelled or revoked, may show that such cancellation, suspension or revocation of his license causes a serious hardship and precludes his carrying out his normal business occupation, trade, or employment, and that the use of his license in the normal course of his business is necessary to the proper support of himself or his family. The department may require proof of a successful completion of an approved driver training or alcohol education course, and may require letters of recommendation from respected business men in the community, law enforcement officers or judicial officers in determining whether such person should be permitted to operate a motor vehicle on a restricted basis for business use only and in determining whether such person can be trusted to so operate a motor vehicle.

(3) Upon such hearing the department shall either suspend, affirm or modify its order and may restore to the licensee the privilege of driving on a limited or restricted basis, for business or employment use only.

Section 6. Section 322.25, Florida Statutes, is amended by adding a new subsection (7):

322.25 When court to forward license to department and report convictions, court order for reinstatement of driving privileges on a temporary basis.—

(7) Any licensed driver convicted for a first violation of driving or being in the actual physical control of any vehicle within this state while under the influence of alcoholic beverages, model glue, or any substance controlled under chapter 893, when affected to the extent that his normal faculties are impaired and whose license and driving privilege have been revoked as provided in subsection (1) of this section may be issued a court order for reinstatement of a temporary driving permit by the court provided that as a part of the penalty, upon conviction, the defendant is required to enroll in and complete a driver improvement course for the rehabilitation of drinking drivers. The court order for reinstatement shall be on a form provided by the department of highway safety and motor vehicles and must be taken by the person convicted to any Florida driver license examining office within seven days of conviction at which time a temporary driving permit may be issued.

Section 7. Subsection (2) of section 322.28, Florida Statutes, 1973, is amended to read:

322.28 Period of suspension or revocation.—

(2) In prosecutions for the offense of driving a motor vehicle while under the influence of alcoholic beverages to the extent that normal faculties are impaired, as defined in §16.028(1), while under the influence of intoxicating liquor, the following provisions shall apply:

(a) Upon conviction of a driver, the court, along with imposing sentence, shall revoke the driver's license or driving privilege of the person so convicted and shall prescribe the period of such revocation in accordance with the following provisions:

1. Upon first conviction the driver's license or privilege shall be revoked for not less than three months nor more than twelve months.

2. Upon a second conviction within a period of five years from the date of a prior conviction for a violation of the provisions of subsection (1) of §16.028, said offense, the driver's license or privilege shall be revoked for not less than six months nor more than twenty-four months.

3. Upon a third or subsequent conviction within a period of five (5) ~~ten~~ years from the date of conviction of the first of three or more convictions for the violation of the provisions of subsection (1) of §16.028, for said offense, the driver's license or privilege shall be revoked for not less than one year nor more than five years as provided in §322.27(5).

(d) The forfeiture of bail bond, not vacated within twenty (20) ~~ten~~ days, in any prosecution for the offense of driving while under the influence of intoxicating liquor to the extent of depriving the defendant of his or her normal faculties, shall be deemed equivalent to a conviction for the purposes of this paragraph and the department shall forthwith revoke the defendant's driver's license or privilege for the maximum period applicable under subsection (2)(a); provided, if the defendant shall subsequently be convicted of said charge, the period of revocation for such conviction shall not exceed the difference between the applicable maximum under subsection (2)(a) and the period imposed under this subsection that shall have actually expired. This subsection shall not apply if an appropriate motion contesting the forfeiture is filed within the twenty (20) day period.

(e) When any driver's license or privilege has been revoked pursuant to the provisions of this section, the department shall not grant a new license until the expiration of the period of revocation so prescribed, except, the department shall issue a temporary driver's permit to a licensee presenting a court order for reinstatement and a written request for a hearing as established in section 322.271, provided, a record check by the department shows no other convictions for driving or being in actual physical control of a vehicle while under the influence of alcoholic beverages and that the person is otherwise entitled to the issuance of a driver license. Such a temporary driver's permit shall be restricted to business or employment purposes only and shall not be used for pleasure, recreational, and non-essential driving. Should the department determine at a later date from its records that the applicant has previously been convicted for the offense of driving or being in the actual physical control of a vehicle while under the influence of alcoholic beverages, the permit issued under this section shall be cancelled. Upon administrative hearing, if the department determines the applicant is not eligible for modification of revocation, the permit shall be cancelled and the original revocation imposed by the court shall be reimposed. A temporary permit issued pursuant to this section shall be valid for forty-five days unless cancelled as herein provided.

Section 8. Section 322.281, Florida Statutes, is created to read:

322.281 Mandatory adjudication.—

(1) Notwithstanding the provisions of §948.01, no court shall withhold adjudication of guilt or imposition of sentence for the offense of driving or being in actual physical control of a motor vehicle while under the influence of alcoholic beverages, model glue, or any substance controlled by chapter 893.

(2) No trial judge shall accept a plea of guilty to a lesser offense from a person charged under the provisions of this act whose chemical results show a blood alcohol control by weight of .20 percent or more.

Section 9. In editing manuscript for the next edition of the official Florida Statutes, the division of statutory revision and indexing of the joint legislative management committee is authorized and directed to amend the cross references in paragraphs (c), (d) and (e) of subsection (1) of §322.261, Florida Statutes, to conform with the provisions of section 2 of this act.

Section 10. This act shall take effect January 1, 1975.

Senator McClain moved the following amendments to House amendment 1 which were adopted:

Amendment 1b—On page 3, strike line 28 through line 12 on page 4 and insert: (b) 1. Notwithstanding the provisions of §322.261, a law enforcement officer, who has reason to believe that a person's ability to operate a motor vehicle is impaired by alcohol and that the person has been operating a motor vehicle during the period of such impairment, may, with the person's consent, give, or the person may demand, a prearrest breath test for the purpose of determining if said person is in violation of §316.028(1), but the taking of such prearrest breath test shall not be deemed a compliance with the provisions of §322.261(a). The results of any test administered under this section shall not be admissible into evidence in any civil or criminal proceeding. An analysis of a person's breath, in order to be considered valid under the provisions of this section, must have been performed according to methods approved by the division of health of the department of health and rehabilitative services. For this purpose, the division of health is authorized to approve satisfactory techniques or methods.

2. Prior to administering any prearrest breath test, a law enforcement officer shall advise the motor vehicle operator that he has the right to refuse to take such test, and prior to administering such test, a law enforcement officer shall obtain the written consent of the motor vehicle operator.

Amendment 1c—On page 10, strike all language on lines 3—13

Senator Ware moved the following amendment to House Amendment 1 which was adopted:

Amendment 1d—On page 7, line 11 & 12, strike "upon conviction, the defendant is" and insert: the defendant may be

Senator Sims moved the following amendment which was adopted:

Amendment 1e—On page 10, between lines 20 and 21, insert:

Section 10. (1) As used in this section, unless the context clearly indicates otherwise:

(a) "Motor vehicle" means any vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(b) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(c) "Motor-driven cycle" means every motorcycle and every motor scooter with a motor which produces not to exceed five brake horsepower, including every bicycle with motor attached.

(d) "Department" means the department of highway safety and motor vehicles.

(2) No person shall drive a motorcycle or a motor-driven cycle upon a street or highway in this state unless such person has a valid license to operate such motor vehicle. Any valid resident or nonresident drivers or operators license shall be valid for the operation of any rental motor-driven cycle provided such cycle is governed not to exceed twenty-five miles per hour. Before issuing an original license and before renewing an unendorsed license to permit the operation of a motorcycle or a motor-driven cycle, the department shall require every applicant for such a license to successfully pass an examination which shall include a test of the applicant's eyesight, his ability to read and understand official traffic control devices, his knowledge of the traffic laws of this state and the rules of the road governing the operation of motorcycles and motor-driven cycles, and shall include an actual demonstration of his ability to exercise ordinary and reasonable control in the operation of a motorcycle or motor-driven cycle. Such examination shall be held in the county, or a place reasonably adjacent thereto, where the applicant resides.

(3) The license to operate a motorcycle or a motor-driven cycle shall be by endorsement or restriction on the applicant's valid driver license. If the applicant does not have a valid driver license, and his driving privilege is not under cancellation, suspension or revocation, and he qualifies on a motorcycle or motor-driven cycle only, he may be issued a license restricted

to the operation of a motorcycle or motor-driven cycle only. Fees for an original or renewal license or an endorsement issued under the provisions of this section shall be one dollar in addition to any examination and driver license fees required by Chapter 322, Florida Statutes.

(4) Any valid driver license issued prior to the effective date of this section shall be valid for the operation of a motorcycle or motor-driven cycle until the date of expiration.

(5) The department may accept a certification of competence in lieu of a driving test for a motorcycle or motor-driven cycle when such certification is issued by the chief officer of a law enforcement agency for its employees who operate motorcycles or motor-driven cycles in their duties.

(6) The division of driver licenses of the department of highway safety and motor vehicles is hereby directed to develop a plan to implement the requirements of this section and to return such plan to the legislature thirty days prior to the beginning of the regular 1975 session.

(7) Any person convicted for violation of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in §775.082, or §775.083, Florida Statutes.

(Renumber subsequent section)

Senator Poston moved the following amendments to House Amendment 2 which were adopted:

Amendment 2a—Strike entire title and insert: A bill to be entitled An act relating to driving while under the influence; amending the penalty provisions of §316.028, F. S.; adding a new paragraph (b) to §322.261(1), F. S., and redesignating subsequent paragraphs accordingly, to provide for prearrest breath test; amending §322.262(2)(d), F. S., to correct the reference to the measure of weight of alcohol in the blood; amending §322.28(2), F. S., to change time period for computing subsequent conviction penalties, to change the period within which bail bond may be vacated; amending §322.25 and §322.28, F.S., to provide for the issuance of a temporary driving permit; creating §322.281, F. S., providing for mandatory adjudication of driving while under the influence violations; amending subsection (5) of section 322.27, F. S., and section 322.271, F. S., to provide for the issuance of a driving privilege on a restricted basis solely for business or employment purposes after a period of twelve months to those whose privilege has been revoked as habitual offenders; providing an effective date.

Amendment 2b—On page 1, strike all of lines 17—19 and insert: driving permit; amending

Senator Sims moved the following amendment to House Amendment 2 which was adopted:

Amendment 2c—On page 1, lines 4 through 6, strike "An act relating to driving while under the influence; amending the penalty provisions of §316.028, F.S.;" and insert: An act relating to the driving of motor vehicles; 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 for certification of competence for certain law enforcement employees; providing that the department of highway safety and motor vehicles shall develop a plan of implementation; providing a penalty; amending §316.028, Florida Statutes, relating to driving while under the influence, to change the penalties;

On motions by Senator Poston the Senate concurred in House Amendments 1 and 2 as amended to SB 171.

SB 171 passed as further amended and the bill with amendments and the action of the Senate were certified to the House. The vote was:

Yeas—36

Brantley	Glisson	Johnston	Peterson
Childers	Gordon	Lane (31st)	Pettigrew
Deeb	Graham	Lane (23rd)	Plante
Firestone	Gruber	Lewis	Poston
Gallen	Henderson	McClain	Saunders
Gillespie	Johnson	Myers	Saylor

Scarborough	Sykes	Ware	Wilson
Sims	Trask	Weber	Winn
Stolzenburg	Vogt	Williams	Zinkil

Nays—None

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

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

By Senator Trask (by request)—

SB 903—A bill to be entitled An act relating to the land sales industry; amending Section 4(b) of Chapter 73-348, Florida Statutes, relating to unplatted subdivisions and providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment #1—On page 1, strike everything after the enacting clause and insert: Section 1. Subsection (6) of section 478.121, Florida Statutes, 1973, is amended to read:

478.121 Application for registration.—

(6) The registrant of any unplatted subdivision or subdivided lands for which the division has granted a registration prior to July 1, 1973, shall have until January 1, 1975, within which to provide the affirmative showing required by paragraphs (b), (c), (d), (e), and (f) of subsection (1) without additional registration of the subdivision or subdivided lands. The registration of any unplatted subdivision or subdivided lands for which the affirmative showing herein required is not made by January 1, 1975, as herein provided shall be cancelled by the division and shall be of no further force or effect, unless at least thirty percent (30%) of the lots or parcels in such unplatted subdivision or subdivided lands have been subject to deeds, agreements for deeds, installment land sales contracts or other instruments of conveyance properly executed prior to January 1, 1975. However, any lots or parcels within any such unplatted subdivision that were sold, or for which contracts for sale were entered into, prior to January 1, 1975, may be excluded from the plat of such subdivision required by this act.

Section 2. This act shall take effect January 1, 1975.

Amendment #2—On page 1, lines 5—7, strike 4(b) of chapter 73-348, Florida Statutes, relating to unplatted subdivisions and insert: 478.121(6), Florida Statutes, 1973, exempting certain unplatted subdivisions from cancellation of registration;

On motions by Senator Trask, the Senate concurred in House amendments 1 and 2 to SB 903.

SB 903 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—33

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

Nays—3

Saunders Ware Williams

By unanimous consent Senator Smathers was recorded as voting yea.

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

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

By the Committee on Health and Rehabilitative Services and Senator Smathers—

CS for SB 15—A bill to be entitled An act relating to rehabilitation of drug abusers; amending §397.021, Florida Stat-

utes, adding subsections (6), (7), (8) and (9) thereto; creating §§397.052—397.057, Florida Statutes; providing for court ordered treatment of drug abusers; providing procedures for petition, hearing, court ordered treatment, renewal of the order, and discharge; providing for records and their inspection under certain circumstances; providing for payment for care; providing penalties; providing for severability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment (1)—On page 1, line (19), strike everything after the enacting clause and insert the following: Section 1. Section 397.021, Florida Statutes, is amended by adding subsections (5), (6), and (7) to read:

397.021 Definitions.—When used in this chapter, unless the context otherwise requires:

(5) "Drug abuser" means a person who is so habitually dependent on the use of controlled substances as to have lost the power of self-control with respect to their use, and who is either dangerous to himself or others as a result of such abuse or whose judgment has been so impaired as a result of such abuse that he cannot rationally appreciate his need for care.

(6) "Treatment resource" means any licensed public or private facility, service, or program providing treatment or rehabilitation services for drug abusers, including but not limited to, a residential rehabilitation center, a non-residential day-care center, a community mental health center, clinic or program, or a drug dispensing program.

(7) "Controlled substances" means the substances listed in the following sections of §893.03, Florida Statutes:

SCHEDULE I.—

(a), (b), and (c) 1, 2, 3, 7, 8, 13, and 14.

SCHEDULE II.—

(a) 1, 2, and 3, (b), and (c)

SCHEDULE III.—

(a)

SCHEDULE IV.—

(a), (f), (h), and (k)

Section 2. Sections 397.052, 397.053, 397.054, 397.055, 397.056, and 397.057, Florida Statutes are created to read:

397.052 Involuntary treatment.—

(1) A person may be ordered to treatment to an appropriate treatment resource by the circuit court upon the petition of his spouse, parent or guardian, any next of kin, a physician, the head of any state treatment facility or rehabilitation center, the sheriff of the county where such person resides or is found, or any three (3) citizens of the state.

(a) The petition shall allege that the person is an habitual abuser of controlled substances not pursuant to a lawful prescription and has lost the power of self-control with respect to the use of such controlled substances, and that he has threatened, attempted or actually inflicted physical harm on himself or others, or that he is in need of medical treatment and care and that by reason of drug abuse, his judgment has been so impaired that he is incapable of appreciating his need for care and of making a rational decision in regard thereto. A mere refusal to undergo treatment shall not, however, by itself constitute evidence of lack of judgment with respect to the need for care.

(b) The petition shall be accompanied by a certificate of a physician and that of a person possessing training and experience in drug abuse treatment and rehabilitation, said certificates to be based on an examination of the drug abuses made within ten (10) days prior to the filing of the petition. The certificate shall set forth their findings in support of the allegations of the petition. If the person whose treatment is sought has refused to submit to an examination, the fact of such refusal shall be alleged in the petition.

(2) Upon receipt of the petition, the court shall fix a date for a hearing on the issues no later than ten (10) days from the date the petition was received. The court shall give notice of

the hearing to the petitioner, to the person whose treatment is sought, to his next of kin other than the petitioner, to his parents or legal guardian if he is a minor, and to any other person whose presence the court deems advisable. Copies of the petition and certificate shall be delivered to all of the parties, together with the notice of hearing.

(3) At the hearing, the court shall hear all relevant testimony, including testimony of those providing certificates pursuant to subsection (1) of this section. The person whose treatment is sought shall be present unless the court has reason to believe that his presence is likely to be injurious to him; in this event, the court shall appoint a guardian ad litem to represent him throughout the proceeding. The court shall examine the person whose treatment is sought in open court or, if it be deemed advisable, out of court. If the person whose treatment is sought has refused to be examined, he shall be afforded an opportunity to consent to examination by a court appointed physician and by a person possessing training and experience in drug abuse treatment and rehabilitation appointed by the court. If he refuses and there is sufficient evidence to believe that the allegations of the petition are likely to be true, or, in any case, if the court believes that more evidence is necessary, the court may preliminarily order the person to an appropriate treatment resource for a period of not more than five (5) days for purposes of an examination. If after hearing all relevant evidence, including the results of any case findings, the court finds that the grounds for court-ordered treatment have been met by clear and convincing proof, the court shall make a final order stating its findings and ordering the person to treatment at or through a treatment resource deemed appropriate by the court. Except in the case of a person who is ordered to treatment on the grounds that he is likely to inflict physical harm upon himself or others, the court shall not order a person's treatment unless there is sufficient evidence that an appropriate treatment resource is available.

(4) A person ordered to treatment pursuant to this section shall remain under the treatment designated by the court for a period of thirty (30) days unless sooner discharged. At the end of the thirty (30) day period, he shall automatically be discharged unless the treatment resource, prior to the expiration of such period, obtains renewal of the order for treatment upon the same grounds set forth in subsection (1) for a further period of ninety (90) days unless sooner discharged. If a person has been ordered to treatment because he is a drug abuser who is likely to inflict physical harm on himself or others, the treatment resource shall apply for a renewal of the order to treatment unless such likelihood no longer exists.

(a) A person reentered to treatment, who has not been discharged by the treatment resource before the end of the ninety (90) day period, shall automatically be discharged at the expiration of that period unless the treatment resource, prior to the expiration of such period, obtains a court order on the grounds set forth in subsection (1) for renewal of the order for treatment for a further period not to exceed six (6) months.

(b) Upon receipt of a petition for renewal of the order for treatment, the court shall fix a date for hearing no later than ten (10) days from the date the petition was received. Notice of the application and the date of the hearing fixed by the court shall be served on the petitioner, on the person whose treatment is sought, on his next of kin, on one of his parents or his legal guardian if he is a minor, on the original petitioner, if different from the petitioner for renewal of the order for treatment, and on any other person whose presence the court deems advisable. At the hearing the court shall proceed in the manner previously set forth herein.

(5) A person ordered to treatment in and who is in the custody of a treatment resource for care shall be discharged at any time prior to the end of the period for which he has been ordered to treatment when one of the following conditions are met:

(a) In the case of a drug abuser ordered to treatment on the grounds of likelihood of infliction of physical harm upon himself or others, when such likelihood no longer exists, or

(b) In the case of a drug abuser ordered to treatment on the grounds of need of treatment and care, accompanied by incapacity to make a determination respecting such need, either when such incapacity no longer exists or when it is evident that further treatment and care will not bring about further significant improvements in such person's condition.

(6) The person whose treatment is sought shall be informed of his right to contest the application, to be represented by counsel at every stage of proceedings relating to his order to treatment, and to have counsel appointed for him by the court, if he desires the assistance of counsel and is financially unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall appoint counsel for him regardless of his wishes. Further, the person for whom treatment is sought shall be informed of his right to be examined by a physician and a person of his choice who possesses training and experience in drug abuse treatment and rehabilitation. If the person is financially unable to obtain such services and requests such examinations, the court shall provide payment for the required examinations.

(7) A person ordered to treatment under the provisions of this chapter may at any time seek to be discharged from treatment by writ of habeas corpus.

397.053 Records of drug abusers.—

(1) The registration and other records of treatment resources, whether inpatient, intermediate or outpatient, shall remain confidential, and information which has been entered in the records shall be considered confidential information.

(2) No part of the treatment records shall be disclosed without the consent of the person to whom it pertains, but appropriate disclosure may be made without consent to treatment personnel for use in connection with the treatment of such person and to counsel representing the person in any proceeding held pursuant to §397.052. Disclosure may also be made without consent upon court order for purposes unrelated to treatment after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information to be disclosed against the possible harm of disclosure to the person to whom such information pertains.

(3) Notwithstanding the provisions of this section, the secretary of the department or his designee may open patients' records for purposes of significant research into the causes and treatment of drug abuse. The secretary shall not open such records, however, unless application is made by a researcher or research agency of professional repute, and unless the need for the records and the significance of the research for which they are to be used has been demonstrated to his satisfaction. Records shall not be opened under this subsection unless adequate assurances are given that patients' names and other identifying information will not be disclosed by the applicant.

397.054 Visitation and communication of patients.—

(1) Subject to reasonable regulations regarding hours of visitation established by the division or by the agency in charge of a facility, drug abusers who are either voluntary or involuntary patients in any inpatient facility under this chapter shall be allowed opportunity for adequate consultation with counsel, and as much opportunity for continuing contact with family and friends as is consistent with an effective treatment program.

(2) The facility may make reasonable rules regarding the use of the telephone by patients and the receipt of mail and other communications by patients in such facilities.

397.055 Payment for care.—

(1) Reasonable charges and expenses for the care, maintenance and treatment of drug abusers under any provision of this chapter may be made, and reimbursement for such charges and expenses that may be advanced by the state or any political subdivision thereof shall be a lawful charge against the person and estate or property, real, tangible, or intangible, of said person in this state. Such charges and expenses may lawfully be paid from the estate of said person by any authorized personal representative, parent, or legal guardian or said person. However, the payment thereof, in advance or otherwise, shall never be a prerequisite to the care, maintenance, and treatment of any person under any circumstances whatsoever in a public facility. Any suit or action instituted by the state or any political subdivision thereof for the recovery of such charges and expenses against the person or his duly authorized personal representative, parent, or legal guardian shall be brought by the state attorney of the judicial circuit

in which said person was ordered to treatment or by the department of legal affairs or by both such state attorney and department of legal affairs.

(2) Notwithstanding any other provision to the contrary in this chapter, a private hospital or private facility, whether an outpatient or an inpatient unit, shall not be required to accept any person for treatment through court proceedings or otherwise.

(3) Any person assisted under this chapter or his responsible relatives may be required to contribute toward the cost of his subsistence, care or treatment to the extent provided in applicable law and regulations. No person may be discriminated against on the basis of indigence.

397.056 False information or lack of probable cause to secure an order to treatment; penalty.—

(1) Any person who knowingly furnishes false information for the purposes of securing an order to treatment for any person for the treatment of drug abuse is guilty of a felony of the third degree, punishable as provided in sections 775.082, 775.083, or 775.084, Florida Statutes.

(2) Any person who, without probable cause for believing a person to be a drug abuser, causes or conspires with or assists another to cause any person to be ordered to treatment under this chapter, or causes or conspires with or assists another to cause the denial to any person of any right accorded to him under this chapter is guilty of a misdemeanor of the first degree, punishable as provided in §775.082 or 775.083, Florida Statutes.

(3) Any person who, without probable cause for believing a person to be a drug abuser, executes a petition, application, or certificate pursuant to this chapter by which such individual causes or attempts to cause any person to be ordered to treatment is guilty of a misdemeanor of the first degree, punishable as provided in §775.082 or 775.083, Florida Statutes.

397.057 Immunity from personal liability.—The administrator of any treatment resource acting pursuant to the provisions of this chapter, shall be entitled to rely in good faith upon the recommendations made for admission by any individual or any certification with respect to any individual filed in conjunction with judicial proceedings for involuntary treatment of a drug abuser. All persons acting in good faith, reasonably and without negligence in connection with the preparation or execution of petitions, applications, certificates or other documents or the apprehension, detention, discharge, examination, transportation, or treatment of a person under the provisions of this chapter shall be free from all liability, civil or criminal, by reason of such acts.

Section 3. Severability.—If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 4. This act shall take effect July 1, 1974.

Amendment (2)—On page 1, lines 3—15, strike all of lines 3—15 and insert the following: A bill to be entitled An act relating to rehabilitation of drug abusers; amending §397.021, Florida Statutes, adding subsections (5), (6), and (7) thereto; creating §§397.052-397.057, Florida Statutes; providing for court ordered treatment of drug abusers; providing procedures for petition, hearing, court ordered treatment, renewal of the order, and discharge; providing for records and their inspection under certain circumstances; providing for payment for care; providing penalties; providing for severability; providing an effective date.

On motion by Senator Saunders, the Senate concurred in House amendments 1 and 2 to CS for SB 15.

CS for SB 15 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—35

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

Nays—None

By unanimous consent Senator Smathers was recorded as voting yea.

On motion by Senator Sykes, consideration of the message containing CS for SB 79 was deferred.

The President presiding

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

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

By the Committee on Rules and Calendar—

CS for SB 892—A bill to be entitled An act relating to administrative procedures; creating section 120.010, Florida Statutes, providing a short title; creating §120.015, Florida Statutes, providing exemptions; amending section 120.021, Florida Statutes, providing additional definitions; amending section 120.031, Florida Statutes, providing that each agency adopt as a rule a description of its organization and procedures and make specified records available for copying at cost; amending section 120.041, Florida Statutes, providing additional rule making procedures; amending section 120.051, Florida Statutes, providing additional filing and publication procedures; creating section 120.095, Florida Statutes, providing exemption procedures; creating section 120.29, Florida Statutes, providing for administrative determination of the validity of a rule on specified grounds; creating the division of administrative hearings of the department of administration to be headed by a director appointed by the administration commission and confirmed by the senate; creating section 11.60, Florida Statutes, providing for the administrative procedures committee, its membership, powers and duties; providing exemptions; repealing section 120.21(1), Florida Statutes, relating to definitions; repealing section 120.321, Florida Statutes, relating to an exemption; providing legislative intent; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment (1)—On page 2, line 2, strike everything after the enacting clause and insert the following:

Section 1. Chapter 120, Florida Statutes, is amended to read:

(Substantial rewording of Chapter 120. See Chapter 120, Florida Statutes, for present text.)

Chapter 120

Administrative Procedures Act

120.51	Short Title
120.52	Definitions
120.53	Adoption of rules of procedure and public inspection
120.54	Rule-making; adoption procedures
120.55	Rule-making; filing and publication
120.56	Declaratory rulings by agencies
120.57	Decisions which affect substantial interests
120.58	Agency action; evidence, record and subpoenas
120.59	Orders
120.60	Licensing

- 120.61 Representation by counsel
- 120.62 Official recognition
- 120.63 Agency investigations
- 120.64 Exemption from act
- 120.65 Hearing officers
- 120.66 Ex parte communications
- 120.67 Publicity before final action
- 120.68 Judicial review; in general
- 120.69 Judicial review; scope
- 120.70 Enforcement of agency action
- 120.71 Annual reports and repealer
- 120.72 Disqualification of agency personnel
- 120.73 Waiver
- 120.74 Effective dates

120.51 Short title.—This chapter may be known and cited as the "Florida Administrative Procedures Act."

120.52 Definitions.—Is used in this act:

(1) "agency" means

(a) the governor and lieutenant governor in their exercise of all executive powers other than those described in the Constitution;

(b) each other state officer and each state department, departmental unit described in section 20.04, Florida Statutes, commissions, regional planning agencies, boards, districts, and authorities including but not limited to Chapters 160, 163, 373, 298, 380 and 582, Florida Statutes, but not the legislature and courts; and

(c) each other unit of government in the state, including counties and municipalities to the extent they are expressly made subject to this act by statute or existing judicial decisions.

(d) This chapter shall not apply to the industrial relations commission, judges of industrial claims, and unemployment compensation appeals referees as of the time that their rules are set by the supreme court, pursuant to specific legislative authority.

(2) "agency action" means the whole or a part of an agency rule, order, or the equivalent or denial thereof. The term also includes any request made under section 120.54(3).

(3) "agency head" means the person or collegial body in a department or other governmental unit statutorily responsible for final agency action.

(4) "cost" as it applies to copies of documents as provided in this act means the actual cost of printing

(5) "director" means the director of the office of administrative hearings.

(6) "hearing officer" means anyone who presides over a hearing under section 120.57.

(7) "law officer" means a full time employee of the office appointed by the director to assist the agencies in the conduct of their hearings.

(8) "license" means the whole or part of an agency franchise, permit, certification, authority, registration, charter or similar form of permission required by law, but it does not include a license required primarily for revenue purposes where issuance of the license is merely a ministerial act.

(9) "licensing" means the agency process respecting the issuance, denial, renewal, revocation, suspension, annulment, withdrawal, amendment, or imposition of terms for the exercise of a license;

(10) "office" means the office of administrative hearings under the administrative commission.

(11) "official recognition" means the act of an agency in recognizing for any agency order judicially cognizable facts and generally recognized technical or scientific facts within the agency's specialized knowledge;

(12) "order" means the whole or any part of a final agency decision which does not have the effect of a rule and which is not excepted from the definition of a rule under subsection (14), whether affirmative, negative, injunctive or declaratory in form. An agency decision shall be considered final when reduced to writing.

(13) "party" includes (a) specifically named persons whose substantial interests are being determined in the proceeding, (b) any other person who as a matter of constitutional right, provision of statute, or provision of agency regulation is entitled to participate in whole or part in the proceeding or whose substantial interests will be affected by proposed agency action, and who makes an appearance, and (c) any other person, including agency staff, allowed by the agency to intervene or participate in the proceeding as a party. Any agency may by rule authorize limited forms of participation in agency proceedings for persons who are not eligible to become "parties" within the meaning of this act.

(14) "person" means any person described in section 1.01, Florida Statutes, any other unit of government in or outside the state, and any agency described in paragraphs 120.52 (1)(a) and (b) except the legislature and the courts.

(15) "rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of an agency. Rule also includes the amendment or repeal of a prior rule. The term does not include (a) internal management memoranda which do not affect either the private interests of any person or any plan or procedure important to the public, (b) legal memoranda or opinions issued to an agency by the attorney general or agency legal opinions prior to their use in connection with the agency action, (c) the preparation or modification of agency budgets or (d) decisions affecting governance of students within the state university system when decided by students.

120.53 Adoption of Rules of Procedure and Public Inspection.—

(1) In addition to other requirements imposed by law, each agency shall:

(a) adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests;

(b) adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency; and

(c) adopt rules of procedure appropriate for the presentation of arguments concerning issues of law or public policy, and for the presentation of evidence on any pertinent fact that may be in dispute.

(d) adopt rules for the scheduling of meetings, hearings, workshops including the establishing of agendas for all such meetings, hearings, and workshops, provided that an agenda shall be prepared at least seven (7) days before the event by the agency, and made available for distribution upon request of any interested persons. The agenda shall contain the items to be considered at the meeting, hearing or workshop, in the order of presentation. After the agenda has been made available to any interested persons, deviation from the agenda shall be only for unforeseen circumstances and good cause as determined by the head of the agency. In the event of deviation from the scheduled agenda, all interested persons who were in receipt of a copy of the agenda shall be notified of the change.

(2) Each agency shall make available for public inspection and copying at no more than cost:

(a) all rules formulated, adopted, or used by the agency in the discharge of its functions;

(b) all agency orders;

(c) a current subject matter index providing identifying information for the public as to any rule or order issued, adopted, amended or promulgated at any time after the effective date of this act;

(i) all rules promulgated after the effective date of this act shall be indexed within 90 days of promulgation. All rules existing on the effective date of this act shall be indexed by October 1, 1974;

(ii) the secretary of state shall by rule establish uniform indexing procedures to be followed when complying with this sub-paragraph.

(3) No agency rule, order, or decision is valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been made available for public inspection as herein required. This provision is not applicable in favor of any person or party who has actual knowledge thereof.

120.54 Rule-making; adoption procedures.—

(1) Prior to the adoption, amendment or repeal of any rule not described in subsection (7), an agency other than a county school district and community college district shall give notice of its intended action, setting forth a short and plain explanation of the purpose and effect of the proposed rule, and the specific legal authority under which its adoption is authorized.

(a) the notice shall be mailed to all persons named in the proposed rule and to all persons who have made requests of the agency at least fourteen (14) days prior to the mailing for advance notice of its proceedings, and shall give such further notice to those particular classes of persons to whom the intended action is directed as may be prescribed by agency rule. The notice shall contain the address of a location where a text of the proposed rule can be obtained.

(b) the notice shall be published in the Florida administrative weekly not less than fourteen (14) days prior to the intended action.

(2) If the intended action concerns any rule other than one relating exclusively to organization, procedure or practice, then upon the request of any affected person received within fourteen (14) calendar days after the date of publication of the notice, the agency shall provide affected persons an opportunity to present evidence and argument on all issues under consideration as may be appropriate to inform it of the contentions of affected persons.

(3) Any person regulated by an agency or any person representing a class of persons having a substantial interest in an agency rule may petition an agency to promulgate, amend or repeal a rule, or to provide the minimum public information required by section 120.53. Such petition to the agency shall specify the proposed rule or rules requested to be adopted, amended, or repealed pursuant to this subsection. Not later than thirty (30) calendar days after the date of filing a petition, the agency shall initiate rule-making proceedings under this act or otherwise comply with the requested action, or it shall deny the petition with a written statement of its reasons for the denial.

(4) In rule-making proceedings conducted under this act, the agency may take official recognition and it may provide that written data, reports or other documents in its files shall be incorporated into the record of the proceeding. Before completing the record of any proceeding, all parties to the proceeding shall be provided a list of materials officially recognized or incorporated, and they shall be given a reasonable opportunity to examine and to offer written comments upon or written rebuttal to all such materials.

(5) Each rule adopted shall be accompanied by a reference to the specific rule-making authority pursuant to which the rule was adopted and a reference to the section or subsection of law being implemented, interpreted, or made specific, provided, however, that no rule shall be promulgated, the substance of which has previously been a proposed Senate or House bill which has failed to be enacted.

(6) Each rule adopted shall contain only one subject and shall be preceded by a concise statement of the purpose of the rule and reference to the rules repealed or amended, which statement need not be printed in the Florida administrative code.

(7) If an agency finds that an immediate danger to the public health, safety or welfare requires emergency action, the agency may adopt any rule by such abbreviated procedure as is fair under the circumstances and is necessary to protect the public interest, provided

(a) that the procedures do not afford less than the procedural protections afforded by statute, the Florida Constitution or the United States Constitution;

(b) that the agency takes only such action under the extraordinary procedure as is necessary to protect the public interest; and

(c) that the agency publishes in writing at the time of or prior to its action the specific facts and reasons for finding an immediate danger to the public health, safety or welfare and its reasons for concluding that the procedure afforded is fair under the circumstances;

(d) public welfare shall include but shall not be limited to those rules pertaining to perishable fruits and vegetables.

(8)(a) A rule adopted under the procedures described in subsection (7) may not be effective for a period longer than ninety (90) calendar days and shall not be renewable. This shall not preclude the taking of identical action by normal rule-making procedures;

(b) a rule adopted under the procedures described in subsection (7) shall be subject to judicial review, which the courts of this state are authorized to expedite, to the extent set forth in this act and additionally to allow review of the agency's findings of immediate danger, necessity and procedural fairness.

(9) (a) Within ninety (90) days of the effective date of this act the attorney general shall prepare model rules for procedural due process appropriate for use by as many agencies as possible. Neither the attorney general nor any agency shall adopt, amend or repeal the model rules or any part thereof unless he or it otherwise complies with the provisions of sections 120.54 and 120.55 relating to adoption, amendment and repeal of rules.

(b) Within ninety (90) days of promulgation the attorney general's model rules of procedural due process shall become the rules of procedural due process of all agencies who have then not complied with section 120.53(1).

(10) No agency has inherent rulemaking authority.

120.55 Rule-making; filing and publication.—

(1) Each agency, other than county school districts and community college districts, shall file with the department of state three (3) copies of each rule it has adopted, shall also furnish copies thereof to the president of the Senate and the Speaker of the House of Representatives for referral to the substantive committee or committees.

(2) Any rule shall become effective twenty (20) calendar days after filing with the department of state except that:

(a) a later date is the effective date if required by statute or specified in the rule; or

(b) subject to applicable constitutional and statutory provisions, an emergency rule under subsection 120.54(7) becomes effective immediately upon filing, or at a stated date less than twenty (20) days thereafter, if the agency finds that the earlier effective date is necessary because of immediate danger to the public health, safety, or welfare.

(3) The department of state shall:

(a) conduct a systematic and continuing study of the rules of this state for the purpose of reducing their number and bulk, and removing redundancies and unnecessary repetitions, and it shall make such changes in style and form as are required by paragraph (d);

(b) publish, or contract for publication on the basis of competitive bidding, in a permanent compilation entitled Florida administrative code all rules adopted by each agency and complete indices to all matters contained in the code. Supplementation of the code shall be made as often as is practicable, but no less frequently than monthly;

(c) publish, or contract for publication on the basis of competitive bidding, in looseleaf form a weekly pamphlet entitled the Florida administrative weekly which shall contain (i) a summary of and an index to all rules filed during the preceding week, and (ii) all hearing notices required by subsection 120.54(1) showing the time, place and date of the hearing and a summary of all rules proposed for adoption or consideration at the hearing;

(d) prescribe by rule the style and form required for rules submitted for filing and establish the forms and procedures for their certification;

(e) correct grammatical, typographical and like errors not affecting the construction or meaning of the rules;

(f) before making any change in any rules as provided in paragraphs (a) or (e), obtain the advice and consent of the affected agency;

(g) make copies of the Florida administrative code and weekly available for sale at no more than cost.

(4) Each agency shall print or distribute copies of its rules at its own expense or purchase copies for distribution from the secretary of state.

(5) (a) The department of state shall furnish one copy of the Florida administrative code and weekly without charge, upon request, to each federal and state court having jurisdiction or authority over the citizens or residents of the state, each Florida senator, congressman and state legislator, legislative library, each state university library, each law school library in Florida, the state library and each standing committee of the senate and house of representatives of Florida. In addition, three sets shall be made available to the library of the attorney general and to the secretary of the senate and clerk of the house, without cost, and two sets to each other state agency without cost.

(b) the department of state shall furnish one copy of the Florida administrative weekly, at no cost, to all main public libraries in Florida, to all county courthouses and to the head-quarter office of each state agency, for posting or other prominent placement for convenient public inspection.

120.56 Declaratory Rulings by Agencies.—Each agency shall provide by rule for the filing and prompt disposition of petitions for declaratory rulings as to the applicability of any statutory provision or of any rule or order of the agency. Rulings disposing of petitions shall be deemed final agency action.

120.57 Decisions which affect substantial interests.—The provisions of this section shall apply in all proceedings, including rate-making and licensing but excluding state university student conduct and disciplinary hearings wherein students vote upon or have a vote in the final decision, but such decision does not constitute final agency action, in which the substantial interests of a party are determined by an agency. Rule-making proceedings shall be governed solely by section 120.54 unless and to the extent that a party timely asserts that his or its substantial interests will be affected in the proceedings and affirmatively demonstrates to the agency that the proceeding does not provide adequate opportunity to protect those interests. If the agency determines that rule-making proceedings are not adequate to protect a party's interests, it shall convene an additional proceeding, which shall conform to the provisions of this section. The agency may request similarly situated parties to join and participate in such a proceeding. Subsection (1) shall apply whenever and to the extent that the proceeding involves a disputed issue of material fact, of policy, or of the interpretation of a provision having the effect of law. It shall also apply whenever a hearing is required by constitutional right or a statute other than this act. Subsection (2) shall apply in all other cases.

(1) In those instances described as applicable to this subsection, the following procedures shall apply:

(a) All parties shall be afforded an opportunity for hearing after reasonable notice of not less than fourteen (14) days. The notice shall include:

(i) a statement of the time, place and nature of the hearing;

(ii) a statement of the legal authority and jurisdiction under which the hearing is to be held;

(iii) a reference to the particular sections of the statutes and rules involved;

(iv) a short and plain statement of the matters asserted by the agency and by all parties of record at the time of notice is given; provided that if the agency or any party is unable to state the matters in sufficient detail at the time initial notice is given, the notice may be limited to a statement of the issues involved and thereafter, upon timely written application, a more definite and detailed statement shall be furnished not less than three days prior to the date set for the hearing.

(b) In any proceeding under this subsection, opportunity shall be afforded all parties to respond, to present evidence and

argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order or recommended order, and to be represented by counsel. Reasonable opportunity shall also be afforded to parties and other persons to present oral or written communications which shall not be made a part of the record of the proceeding or considered by the agency in its deliberations on the issues, and if the agency at any time proposes to consider or rely upon such material then all parties shall be given an opportunity to cross-examine, challenge or rebut such material.

(c) The record in cases governed by this subsection shall only include:

(i) all pleadings, motions and intermediate rulings, including the notice;

(ii) evidence received or considered;

(iii) a statement of matters officially recognized;

(iv) questions and offers of proof, objections and rulings thereon;

(v) proposed findings and exceptions;

(vi) any decision, opinion, proposed order or report by the officer presiding at the hearing;

(vii) all staff memoranda or data submitted to the hearing officer during the hearing or prior to its disposition (after notice of the submission to all parties);

(viii) all matters placed on the record after an ex parte communication pursuant to subsection 120.66(2);

(ix) the official transcript.

(d) The agency shall, by stenographic or mechanical device, accurately and completely preserve all testimony in the proceeding, and it shall make a full or partial transcript available at no more than actual cost upon the request of any party.

(e) Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.

(2) In those instances not described as applicable to subsection (1):

(a) the agency shall, in accordance with its rules of procedure,

(i) give such notice as is best calculated to inform such persons or parties of the agency's action, whether proposed or already taken, or of its decision to refuse action, together with a summary of the factual, legal and policy grounds therefor;

(ii) afford such persons or parties, or their counsel, at a convenient time and place, an opportunity to present to the agency or hearing officer written evidence in opposition to the agency's action or refusal to act, or a written statement challenging the grounds upon which the agency has chosen to justify its action or inaction;

(iii) if feasible, an opportunity to present oral testimony and argument in lieu of or in addition to written presentations; and

(iv) if the objections of the persons or parties are overruled, provide them within seven (7) calendar days, by the means best calculated to reach them, a written decision explaining why such objections have been overruled.

(b) the record shall only consist of:

(i) the notice and summary of grounds;

(ii) evidence received or considered;

(iii) all written statements submitted by persons and parties;

(iv) any decision overruling objections;

(v) all matters placed on the record after an ex parte communication pursuant to subsection 120.66(2); and

(vi) the official transcript.

(3) Unless precluded by law, informal disposition may be made of any proceeding by stipulation, agreed settlement, or consent order.

(4) This section shall not apply to agency investigations preliminary to agency action.

120.58 Agency action; evidence, record and subpoenas.—

(1) In agency proceedings for a rule or order:

(a) irrelevant, immaterial or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent men in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form, and all oral testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

(b) an agency, its duly empowered presiding officer, or a hearing officer has the power to swear witnesses and take their testimony under oath, to issue subpoenas upon the written request of any party or upon its own motion, and to effect discovery upon the written request of any party or upon its own motion by means of written interrogatories, written and oral depositions of parties or witnesses, and other means available to the courts.

(c) documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.

(d) if a majority of the officials of the agency who are to render the final order have not heard the case or read the record, a decision adverse to a party to the proceeding other than the agency itself shall not be made until a proposal for order is served upon the parties and an opportunity is afforded them to file exceptions and present briefs and oral arguments to the officials who are to render the decision. The proposal for order shall contain findings on each issue of fact and a statement of the reasons for each issue of fact or law necessary to the proposed order, prepared by the individual who conducted the hearing or, if unavailable, by one who has read the record. The parties by written stipulation may waive compliance with this section.

(e) a party shall be permitted to conduct cross-examination when testimony is taken or documents are made a part of the record, for a full and true disclosure of facts.

(2) Any person subject to a subpoena or order directing discovery may, before compliance therewith and upon timely petition, request the agency having jurisdiction of the dispute to invalidate the subpoena or order on the ground that it was not lawfully issued, is unreasonably broad in scope, or encompasses irrelevant material, but the decision of the agency on any such request shall not be considered to be proposed agency action governed by section 120.57 of this act.

(3) Any person failing to comply with a subpoena or order directing discovery issued under the authority of this act shall be deemed in contempt of the agency issuing the subpoena or order and shall be subject to any penalties or acts which the agency is authorized by law to prescribe; provided that no person shall be in contempt while the subpoena or order is being challenged under subsection (2). In the absence of agency action on the default within a reasonable time, the party requesting the subpoena or order may bring proceedings in an appropriate court for enforcement of the subpoena or order, and a failure to comply with an order of the court shall result in a finding of contempt of court. In the absence of statutory authority for remedy the violator may receive a fine not to exceed \$500.

120.59 Orders.—

(1) The final order in a proceeding which affects substantial interests shall be in writing or stated in the record, shall include findings of fact and conclusions of law separately stated, and shall be rendered within ninety days

(a) after the hearing is concluded if conducted by the agency,

(b) after a proposed order is submitted to the agency and mailed to all parties if conducted by a hearing officer, or

(c) after the agency has received the written and oral material it has authorized to be submitted if there has been no hearing. All parties may waive or extend the ninety day period.

(2) Findings of fact, if set forth in a manner which is no more than mere compliance with statutory language, shall be accompanied by a concise and explicit statement of the underlying facts of record which support the findings. If, in accordance with agency rules, a party submitted proposed findings of fact or filed any written application or other request in connection with the proceeding, the order shall include a ruling upon each proposed finding and a brief statement of the grounds for denying the application or request.

(3) If an agency finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, it shall recite such finding in a final order which shall be appealable or enjoined from the date rendered.

(4) Parties shall be notified either personally or by mail of any order and, unless waived, a copy of the final order shall be delivered or mailed to each party or to his attorney of record.

120.60 Licensing.—

(1) Unless otherwise provided by statute enacted subsequent to the effective date of this act, licensing is subject to the provisions of subsection 120.57(1).

(2) When an application for a license is made as required by law, the agency shall conduct the proceedings required with reasonable dispatch and with due regard to the rights and privileges of all affected parties or aggrieved persons. Each agency upon issuing or denying a license shall state with particularity the grounds or basis for the issuance or denial of same.

(3) When a licensee has made timely and sufficient application for the renewal of a license which does not automatically expire by statute, the existing license shall not expire until the application has been finally acted upon by the agency, and, in case the application is denied or the terms of the license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

(4) No revocation, suspension, annulment or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency has given reasonable notice by certified or registered mail to the licensee of facts or conduct which warrant the intended action, and the licensee has been given an opportunity to show compliance with all lawful requirements for the retention of the license.

(5) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency suspension of a license, it must proceed in the manner described in section 120.54(7) and incorporate a finding to that effect in its order. In that case, summary suspension may be ordered, but a formal suspension or revocation proceeding under this section shall also be promptly instituted and acted upon.

120.61 Representation by counsel.—Any person compelled to appear or who appears voluntarily before any hearing officer, agency or representative thereof in the course of an investigation or in any agency proceeding, shall be accorded the right to be accompanied, represented, and advised by counsel or, if permitted by agency rule, by other qualified representatives at his own expense. Every party shall be accorded the right to appear in any agency proceeding in person, by or with counsel, by or with other duly authorized representatives, and in the case of corporations and artificial entities by or with officers and employees.

120.62 Official recognition.—Where official recognition is requested or determined in proceedings which depend upon facts, parties shall be notified either before or during a hearing, or by reference in preliminary reports or otherwise, of the material recognized, including any staff memoranda or data and they shall be afforded an opportunity to examine and contest the material so recognized.

120.63 Agency investigations.—No process, requirement of a report, inspection or other investigative act or demand shall be issued, made or enforced in any manner or for any purpose except as authorized by law. Every person who responds to a request or demand by any agency or representative thereof for written data or for an oral statement shall be entitled to retain a copy of any data submitted and shall be entitled upon payment of lawfully-prescribed costs to procure a transcript of his oral statement.

120.64 Exemption from act.—

(1) Upon application of any agency, the governor may by executive order, pursuant to this chapter, exempt any process or proceeding governed by this act from one or more requirements of this act when:

(a) the agency head has certified that the requirement would conflict with any provisions of federal law or rules with which the agency must comply as a condition to the receipt of federal funds, or in order to permit persons in the state to receive tax benefits under any federal law; or

(b) the governor has found that conformity with the requirements of the part or parts of this act for which exemption is sought would be so inconvenient or impractical as to defeat the purpose of the proceeding and would not be in the public interest in light of the nature of the intended action and the enabling act or other laws affecting the agency.

(2) When the governor exempts an agency from a requirement of this act pursuant to this section, he shall establish alternative procedures to achieve the agency's purpose which shall be consistent, insofar as possible, with the intent and purpose of the act.

(a) Prior to the granting of any exemption authorized by this section, the governor shall hold a public hearing after notice given as provided in subsection 120.54(1), or he may designate the attorney general to hold the required hearing.

(b) An exemption, and any alternative procedure prescribed, shall terminate ninety (90) days following adjournment sine die of the next regular legislative session after issuance of the exemption, and it shall be renewable upon the same or similar facts for no more than ninety (90) days following adjournment sine die of the next regular legislative session following the renewal.

120.65 Hearing Officers.—

(1) There is hereby created the office of administrative hearings within the administration commission to be headed by a director who shall be appointed by the administration commission and confirmed by the senate. The office's operation budget and annual budget request shall be included in that of the administration commission and department of administration, but neither the administration commission nor the department of administration shall control the agency's budget request or operating budget.

(2) A hearing officer or officers assigned by the director as provided in this section shall conduct all hearings under subsection 120.57(1) except for hearings:

(a) before agency heads, other than agency heads within the department of professional and occupational regulation;

(b) before a member of a collegial agency head, other than agency heads within the department of professional and occupational regulation;

(c) before the Industrial Relations Commission, judges of industrial claims, before unemployment compensation appeals referees, regarding drivers licensing pursuant to chapter 322, Florida Statutes, and within the division of family services of the department of health and rehabilitative services;

(d) in which the office is a party. In such cases assistant attorney generals shall be provided as hearing officers.

(3)(a) The director shall appoint, or contract for, and maintain a staff of hearing officers to conduct hearings required by this act or other law. No person may be considered for employment as a full time hearing officer unless he has been a member of the Florida bar for three (3) years.

(b) The agency may conduct the hearing without regard to the provisions of subsection (2) if within two (2) years after the effective date of this act:

(i) the director advises an agency requesting assignment of a hearing officer that the director's staff is insufficient to provide the requested hearing officer within a reasonable time, or

(ii) A full time hearing officer conducts the hearing

(c) The director shall appoint or contract for personnel as required to perform duties imposed upon him by this act.

(d) If such hearing officer is not a full time hearing officer employed by the office a law officer shall be appointed for the duration of the hearing. The law officer shall rule upon offers of proof and questions of evidence, regulate the course of the hearing, and dispose of procedural requests or similar matters.

(4) By rule adopted in accordance with this act, the director may establish further qualifications for hearing officers and shall establish procedures by which candidates will be considered for employment or contract, the manner in which public notice will be given of vacancies in the staff of hearing officers, and procedures for the assignment of hearing officers.

(5) Upon request of any agency the director shall assign hearing officers to conduct hearings with due regard to the expertise required for the particular matter. Any party may request the disqualification of any hearing officer by filing an affidavit with the director, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing can not be accorded. All hearing officers shall be employees of or on contract to the office. If a hearing officer is a full time employee of an agency he shall be compensated by that agency.

(6) (a) A hearing officer who has conducted a hearing shall complete and submit to the agency and all parties a proposed order consisting of his findings of fact, conclusions of law, interpretation of administrative rules, recommended penalty, if applicable, and any other information required by law or agency rule to be contained in the final order. The agency shall allow each party at least ten (10) days in which to submit written exceptions to the proposed order.

(b) The agency may accept the proposed order and adopt it as the agency's final order. The agency in its final order may reject or modify the conclusions of law and interpretation of administrative rules in the proposed order but may not reject or modify the proposed order's findings of fact unless the agency first determines from a review of the complete record that and states with particularity in the order the findings of fact were not based upon competent substantial evidence or that the proceedings upon which said findings were based did not comply with essential requirements of law. The agency may accept or reduce the recommended penalty in the proposed order but may not increase it without a review of the complete record.

In the event a Court, in reversing an agency's order, finds that such agency action was done in bad faith or maliciously then the court may award attorney's fees and court costs to the aggrieved prevailing party.

(c) If the hearing officer assigned to a hearing under subsection (2) becomes unavailable, the director shall assign another hearing officer who shall use any existing record and receive any additional evidence or argument, if any, which the new hearing officer finds necessary.

(d) A hearing officer who is a member of a collegial agency head may participate in the formulation of the agency's final order, provided he has completed all his duties as hearing officer.

(7) Beginning on July 1, 1976, all costs of administering the office shall be paid to the office trust fund on a pro rata basis by the agencies using its services. The office shall submit statements to the agencies no less frequently than quarterly.

(8) The office is authorized to provide hearing officers on a contract basis to any governmental entity for the purpose of conducting any hearing not covered by this section.

(9) The director shall have the authority to promulgate reasonable rules and regulations in regard to his duties as outlined in this act.

120.66 Ex parte communications.—

(1) No ex parte communications relative to the pending agency action or containing threats of reprisal or reward shall be made to a hearing officer involved in the decision by:

(a) an agency head or member of the agency or any other public employee or official engaged in the performance of investigation, prosecution or advocacy in connection with the matter under consideration or a factually-related matter; or

(b) a party to the proceeding, or any person who directly or indirectly would have a substantial interest in the proposed agency action or their authorized representatives and counsel.

(2) A hearing officer who is involved in the decisional process, and who receives ex parte communications in violation of subsection (1), shall place on the record of the pending matter (a) all written communications received, (b) a memorandum stating the substance of all oral communications received, (c) all written responses to the communication, and (d) a memorandum stating the substance of all oral responses made. He shall also promptly advise all parties and the director that such matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be allowed to do so, if such party requests the opportunity for rebuttal within ten (10) days after notice of such communication. The hearing officer may, in his sole discretion, dismiss a proceeding or notwithstanding the requirements of section 120.59 withhold an order until the effect of the communication has been eliminated.

(3) Any ex parte communication made by individuals enumerated in subsection (1) which is not placed on the record of the pending matter shall constitute a violation of this act and shall subject the violator to a fine not to exceed \$500 as determined by the appropriate court of civil jurisdiction, and other disciplinary action as his superiors may determine.

120.67 Publicity before final action.—

Prior to final agency action in any matter, no agency head, agency employee, hearing officer, or party shall make or release any statement or other publicity:

(a) not on the record which is intended to influence the agency's decision;

(b) containing information concerning personal or agency conclusions on the merits of the case.

120.68 Judicial review; in general.—

(1) A party who is adversely affected by final agency action is entitled to judicial review under this act. A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy.

(2) Except in matters for which judicial review by the Supreme Court is expressly authorized by statute, all proceedings for review shall be instituted by filing a petition in the District Court of Appeals in the judicial district where the agency maintains its headquarter office for the official conduct of its business or where the aggrieved party resides. Review proceedings shall be conducted in accordance with the Florida Appellate Rules.

(3) The filing of the petition does not itself stay enforcement of the agency decision. The agency may grant, or the reviewing court may order, a stay upon appropriate terms.

(4) Within 30 days after the service of the petition, or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. The record for judicial review shall be transmitted to the reviewing court as prescribed in the Florida appellate rules.

(5) Judicial review of any agency action shall be confined to the record transmitted, and any additions made thereto in accordance with subsection (7).

(6) The record for judicial review shall be as follows:

(a) In proceedings for review of an agency order after proceedings conducted in accordance with section 120.57, the record transmitted or certified to the reviewing court shall consist of the agency's written document expressing the order,

the statement of reasons therefor, if issued, and the record adduced before the agency under the provisions of subsection 120.57(1)(c).

(b) In proceedings for review of an agency action after proceedings conducted in accordance with section 120.54, the record transmitted or certified to the reviewing court shall consist of the agency's written document expressing the action, the statement of reasons therefor, if issued, and the materials considered by the agency under that section.

(c) In proceedings for review of an agency action after proceedings conducted under the authority of section 120.56, or where there has been no agency proceeding in accordance with section 120.54 or 120.57, the record transmitted or certified to the reviewing court shall consist of the agency's written document expressing the action, and such other written documents identified by the agency as having been considered by it before its action and used as a basis for its action.

120.69 Judicial review; scope.—

(7)(a) In the case of disputed allegations or irregularities in procedure before the agency not shown in the record which, if proved, would warrant reversal or remand, the reviewing court may refer the allegations to a master appointed by the court to take evidence and make findings of fact upon them.

(b) When the agency action is not based on facts found after an opportunity for a hearing, but the reviewing courts find that the validity of the action depends upon disputed facts, the court shall (i) order the agency to conduct a prompt fact-finding proceeding under this act, or (ii) if such agency proceeding cannot be promptly set and concluded, order that a master be appointed to establish the facts relevant to the agency action. Prior to either procedure, the agency shall be afforded a reasonable opportunity to reconsider its determination on the record of the proceedings.

The reviewing court shall deal separately with disputed issues of (a) agency procedure, (b) interpretations of law, (c) determinations of fact, and (d) policy within the agency's exercise of delegated discretion.

(1) The court shall remand the case for further agency action if it finds that either the fairness of the proceedings or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure. The failure of any agency to comply with the requirements of section 120.53 shall be presumed to require remand.

(2) The court shall set aside or modify the agency action if it finds that the agency has erroneously interpreted a provision of law and a correct interpretation compels a particular action, or it shall remand the case to the agency for further action under a correct interpretation of the provision of law.

(3) If the agency's action depends on any fact found by the agency in a proceeding meeting the requirements of section 120.57 of the act, the court shall not substitute its judgment for that of the agency as to the weight of the evidence on any disputed finding of fact. The court shall, however, set aside agency action or remand the case to the agency if it finds that the agency's action depends to any extent on any finding of fact that is not supported by competent substantial evidence on the record.

(4) If the agency's action depends on facts determined pursuant to subsection 120.68(7) the court shall set aside, modify, or order agency action if the facts compel a particular action as a matter of law, or it may remand the case to the agency for further examination and action within the agency's responsibility.

(5) The court shall remand the case to the agency if it finds the agency's exercise of discretion or choice of policy (i) to be outside the range of discretion or policy delegated to the agency by law, (ii) to be inconsistent with an agency rule, an officially stated agency policy, or a prior agency practice argued to and not explained by the agency, or (iii) to be otherwise in violation of a constitutional or statutory provision; but the court shall not substitute its judgment for that of the agency on an issue of discretion or choice of policy.

(6) Unless the court finds a ground for setting aside, modifying, remanding, or ordering agency action under a specified provision of this section, it shall affirm the agency's action.

(7) The reviewing court's decision may be mandatory, prohibitory or declaratory in form, and it shall provide whatever relief is appropriate irrespective of the original form of the petition. The court may order agency action required by law, order agency exercise of discretion when required by law, set aside agency action, remand the case for further agency proceedings, or declare the rights, privileges, obligations, requirements, or procedures at issue between the parties, and may order such ancillary relief as the court finds necessary to redress the effects of official action wrongfully taken or withheld. If the court sets aside agency action or remands the case to the agency for further proceedings, it may make such interlocutory order as the court finds necessary to preserve the interests of any party and the public pending further proceedings or agency action.

120.70 Enforcement of agency action.—

(1) Except as otherwise provided by statute,

(a) any agency may seek enforcement of an action by filing a petition for enforcement as provided in this section in the circuit court where the subject matter of the enforcement is located.

(b) a petition for enforcement of any agency action may be filed by any person who is a resident of the state; provided however that no such action may be commenced (i) prior to sixty days after the petitioner has given notice of the violation of the agency action to the head of the agency concerned, the attorney general and any alleged violator of the agency action; or (ii) if an agency has filed and is diligently prosecuting a petition for enforcement.

(c) a petition for enforcement filed by a nongovernmental person shall be in the name of the State of Florida on the relation of the petitioner, and the doctrines of res judicata and collateral estoppel shall apply thereto.

(d) in an action brought under paragraph (b), the agency whose action is sought to be enforced, if not a party, may intervene as a matter of right.

(2) A petition for enforcement may request (a) declaratory relief, (b) temporary or permanent equitable relief, (c) any fine, forfeiture, penalty or other remedy provided by statute, (d) any combination of the foregoing, or (e) in the absence of any other specific statutory authority a fine not to exceed \$1,000.

(3) After the court has rendered judgment on a petition for enforcement, no other petition shall be filed or adjudicated against the same respondent for enforcement of the same agency action on the basis of the same transaction or occurrence, unless expressly authorized on remand. The doctrines of res judicata and collateral estoppel shall apply, and the court shall make such orders as are necessary to avoid multiplicity of actions.

(4) In all enforcement proceedings:

(a) if enforcement depends on any facts other than appear on the record, the court may ascertain such facts under procedures set forth in subsection 120.68(7).

(b) if petitions for enforcement and for review are pending at the same time in the same or several courts, the court considering the review petition shall order all such actions transferred to and consolidated in one court. Each party shall be under an affirmative duty to notify the court when it becomes aware of multiple proceedings;

(c) should any party willfully fail to comply with an order of the court, the court shall punish it in accordance with the law applicable to contempt committed by a person in the trial of any other action.

(5) In any enforcement proceeding the respondent may assert as a defense (a) the invalidity of any relevant statute, (b) the inapplicability of the administrative determination to respondent, (c) compliance by the respondent, (d) the inappropriateness of the remedy sought by the agency, or (e) any combination of the foregoing. In addition, if the petition for enforcement is filed during the time within which the respondent could petition for judicial review of the agency action, the respondent may assert the invalidity of the agency action.

(6) Notwithstanding any other provision of this section, upon receipt of evidence that an alleged violation of an agency's action presents an imminent and substantial threat to the

public health, safety or welfare, the agency may bring suit for immediate temporary equitable relief in an appropriate circuit court, and the granting of such temporary relief shall not have res judicata or collateral estoppel effect as to further relief sought under a petition for enforcement relating to the same violation.

(7) In any final order on a petition for enforcement the court may award all or part of the costs of litigation (including reasonable attorney and expert witness fees) to the prevailing party whenever the court determines that such an award is appropriate.

(8) If a petitioning citizen is seeking a temporary restraining order or preliminary injunction, or if the court has reasonable grounds to doubt that a petitioning citizen is solvent or has the ability to pay the costs of a judgment which might be rendered against him in an enforcement action brought under this act, the court may order the petitioner to post a surety bond or equivalent security.

120.71 Annual reports and repealer.—

(1) Not later than February 1 of each year, the director shall issue a written report directed to the president of the Florida Senate, the Speaker of the Florida House of Representatives and each member of both houses of the Florida legislature and the administration commission, copies of which shall be made available to the public, containing for the preceding calendar year at least the following information:

(a) subject to subsection (2), the name, title and position of any agency head, employee or representative who has violated or been reported to him as having violated sections 120.66 of this act, or any other provision of this act, together with a brief statement of the violation or alleged violation and any action taken by the director thereon;

(b) a summary of the extent and effect of agencies' utilization of hearing officers, court reporters and other personnel used in proceedings under this act;

(c) his recommendations for change or improvement in the administrative procedures act or any agency's practice or policy with respect thereto.

(2) Prior to his submission of the annual report, the director shall discuss all violations with the alleged violator and the head of his agency, and he shall submit to them a list of the violations which are proposed to be included in the annual report. If the alleged violator's agency head is not available to receive or discuss the alleged violations, the list of violations, clearly designated as such, shall be presumed to have been submitted when it is delivered to the office of the agency head. The alleged violator may submit to the director and the agency head, within twenty (20) days after receipt of the list of violations, his written statement of explanation of rebuttal concerning all violations. If the director finds any complaint to be without merit or frivolous, he shall withhold the alleged violator's name and violation from his annual report.

Section 2. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and for this purpose the provisions of the act are severable.

Section 3. To conform other statutes to this act, the following laws are repealed or amended. This list is not to be considered complete for it is the intent of the legislature that all rule-making and hearings follow the effective date of this be done in accordance with the provisions of this act. Provided, however, that this act is not intended to repeal time requirements provided by law which are not specifically repealed by this section.

(1) Subsections 573.22(4); 573.76(7); 573.827(7); 573.856(7); 573.882(7), Florida Statutes, are hereby repealed.

(2) Subsections 527.12(2), (3), (4), (5); 527.15; 527.16; and 527.17, Florida Statutes, are hereby repealed.

(3) Subsections 633.161(2); 633.162(3), (4); 633.19; and 633.051(1)(b), Florida Statutes, are hereby repealed.

(4) Sections 648.46; 648.47; 648.48; and 648.54, Florida Statutes, are hereby repealed.

(5) Subsections 624.309(3), (4); and sections 624.321; 624.324; 624.325; 624.326; 624.327; 624.329; and 624.419, Florida Statutes, are hereby repealed.

(6) Sections 626.631; 626.976; and subsections 626.974(2), (3), (4), (5), (6), Florida Statutes, are hereby repealed.

(7) Sections 627.371, and 627.391, Florida Statutes, are hereby repealed.

(8) Subsection 631.351(7), Florida Statutes, is hereby repealed.

(9) Section 160.03, Florida Statutes, is created to read:

160.03 Administrative procedures: Action under this chapter shall be taken in accordance with the provisions prescribed in the Florida administrative procedures act, chapter 120, Florida Statutes.

(10) Section 212.14, Florida Statutes, is amended to read:

212.14 Department's powers; hearings, subpoena; distress warrants; time for assessments.—

(1) Any person required to pay a tax imposed under this chapter, or to make a return, either or both, and who renders a return or makes a payment of a tax with intent to deceive or defraud the state, and to prevent the state from collecting the amount of taxes imposed by this chapter, or otherwise fails to comply with the provisions of this chapter for the taxable period for which any return is made, or any tax is paid, or any report is made to the department, may be required by the department to show cause, at a time and place to be set by the department after ten days' notice in writing requiring such books, records or papers as the department may require relating to the business of such person for such tax period, and the department may require such person, or persons, or their employee or employees to give testimony under oath and answer interrogatories by the department, or an assistant, respecting the sale, use, consumption, distribution or storage rental of real or personal property within the state, or admissions collected therein, or the failure to make a true report thereof, as provided by this chapter, or failure to pay the true amount of the tax required to be paid under this chapter. At said hearing, in the event such person fails to produce such books, records or papers, or to appear and answer questions within the scope and investigation relating to matters concerning taxes to be imposed under this chapter, or prevents or impedes his or her agents or employees from giving testimony, then the department is authorized under this chapter to estimate any unpaid deficiencies in taxes to be assessed against such person upon such information as may be available to it and to issue a distress warrant for the collection of such taxes, interest or penalties estimated by him to be due and payable, and such assessment shall be deemed prima facie correct. In such cases said warrant shall be issued to any sheriff in the state where such person owns or possesses any property and such property as may be required to satisfy any such taxes, interest or penalties shall be by such sheriff seized and sold under said distress warrant in the same manner as property is permitted to be seized and sold under distress warrants issued to secure the payments of delinquent taxes hereinafter provided, and the department shall also have the right to writ of garnishment to subject any indebtedness due to the delinquent dealer by a third person in any goods, money, chattels or effects of the delinquent dealer in the hands, possession or control of the third person in the manner provided by law. Respecting the place for the holding of a hearing, by the department or its agents, as provided in this section, the person whose tax return or report being investigated, may by written request to the department require the hearing be set at a place within the judicial circuit of Florida wherein the person's business is located, or within the judicial circuit of Florida wherein such person's books and records are kept.

(11) Section 214.18, Florida Statutes, is amended to read:

214.18 Investigations and hearings.—For the purpose of administering and enforcing the provisions of applicable tax laws, the department or any officer, agent, or employee of the department designated by the executive director in writing or by regulation may:

(1) Hold investigations and hearings concerning any matters;

(2) Require the attendance of any individual, or any officer or employee of a taxpayer, having knowledge of such matters; and

(3) Take testimony and require proof for its information. In the conduct of any investigation or hearing, neither the department nor any officer, agent or employee thereof shall be bound by the technical rules of evidence, and the informality in any proceeding or in the manner of taking testimony shall not invalidate any order, decision, rule, or regulation, made or approved or confirmed by the department. Any officer or employee of the department authorized by the executive director or regulation shall have power to administer oaths. The books, papers, records, and memoranda of the department, or parts thereof, may be proved in any hearing, investigation, or legal proceeding by a reproduced copy thereof, under the certificate of the executive director, and any such reproduced copy shall, without further proof, be admitted into evidence before the department or in any legal proceeding.

214.23 and 214.25, Florida Statutes, are hereby repealed.

(12) Section 253.1242, Florida Statutes, is amended to read:

253.1242 Hearings.—All hearings required by 253.12, 253.122, 253.123, and 253.124 shall be conducted according to the Administrative Procedures Act of Florida parts II and III (~~§120.20—120.28 and 120.30—120.33~~).

(13) Section 253.70, Florida Statutes, is amended to read:

253.70 Public notice and hearings.—

(1) Upon receiving an application under this act that satisfactorily sets forth the information required by §253.69, the board shall give notice of the application by publication in a newspaper published in the county in which the submerged lands are located not less than once a week for three consecutive weeks and mail copies of such notice by certified or registered mail to each riparian owner of upland lying within one thousand feet of the submerged land proposed to be leased, 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 days after the date of first publication of the notice and if the board finds that the proposed lease is not incompatible with the public interest, the board has authority to consummate the lease contract as hereinafter provided. However, failure to mail the notice to the riparian upland owners shall not invalidate such lease.

(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 from which the application was received. Timely notice of such hearing shall be given by at least one publication in a newspaper published in the county in which the submerged lands are located and by certified or registered mail to each riparian owner of upland lying within one thousand feet of the submerged land proposed to be leased, addressed to such owner as his name and address appears on the latest county tax assessment roll shall consider the lease.

(14) Sections 320.274; 320.65; 320.66; and 320.665, Florida Statutes, are hereby repealed.

(15) Section 323.23; Subsections 323.04(2) and 323.54(3), Florida Statutes, are hereby repealed.

(16) Section 330.32 and Subsection 330.30(4), Florida Statutes, are hereby repealed.

(17) Subsection 337.15(2), Florida Statutes, is hereby repealed.

(18) Section 373.126, Florida Statutes, is hereby repealed.

(19) Section 377.31, Florida Statutes, is amended to read:

377.31 Hearings before division.—

(1) The division shall prescribe its rules of order or procedure in hearings or other proceedings before it under this law; but in all hearings, the rules of evidence as established by law shall be applied; provided, however, that the erroneous ruling by the division on the admissibility of evidence shall not of itself invalidate any rule, regulation or order.

(2) No rule, regulation or order, including change, renewal, or extension thereof, shall, in the absence of an emergency, be made by the board under the provisions of this law, except after a public hearing upon at least seven days' public notice given in such manner and form as may be prescribed by the division. Such public hearings shall be held at such time, place

and in such manner as may be prescribed by the division, and any person having any interest in the subject matter of the hearing shall be entitled to be heard.

(2) In the event an emergency is found to exist by the division, which, in its judgment, requires the making, changing, renewal or extension of a rule, regulation or order without first having a hearing, it may do so and such emergency rule, regulation or order shall have the same validity as if a hearing with respect to the same had been held after due notice. The emergency rule, regulation or order permitted by this section shall remain in force no longer than thirty days from its effective date, and, in any event, it shall expire when the rule, regulation or order, made after due notice and hearing with respect to the subject matter of such emergency rule, regulation or order becomes effective.

(4) Should the division elect to give notice by personal service such service may be made by any officer authorized to serve process or by any agent of the division in the same manner as is provided by law for the service of summons in civil actions in the circuit courts of this state. Proof of the service by such officer or agent shall be by the affidavit of the person making personal service.

(5) All rules, regulations and orders made by the division shall be in writing and shall be entered in full in a book to be kept for such purpose by the division which book shall be a public record and be open to inspection at all times during office hours. A certified copy of such rule, regulation or order shall be received in evidence in all courts of this state with the same effect as the original thereof.

(6) Any interested person shall have the right to have the division call a hearing for the purpose of taking action in respect to any matter within the jurisdiction of the division by making a request therefor in writing. Upon the receipt of such request, the division shall promptly call a hearing thereon, and, after such hearing and with all convenient speed and, in any event, within thirty days after the conclusion of such hearing, shall take such action with regard to the subject matter thereof as it may deem appropriate.—

(20) Section 394.457(6), Florida Statutes, is amended to read:

394.457 Operation and administration.—

(6) HEARING EXAMINERS.—

(a) One or more hearing examiners shall be appointed by the secretary to hold hearings for continued hospitalization. Such hearing examiners shall be members of The Florida Bar and shall be compensated by the department;

(b) In the conduct of hearings the hearing examiner shall have the authority to—

1. Administer oaths and affirmations;
2. Sign and issue subpoenas for the appearance of witnesses and production of documents required for the conduct of the hearing;
3. Rule on evidence;
4. Provide for the taking of testimony by deposition.

(c) If a subpoena issued by the hearing examiner is disobeyed, the hearing examiner may apply to the circuit court of the county in which the hearing is held for an order requiring compliance.

(d) An order of the hearing examiner shall be reviewable by the circuit court of the county in which the hearing is held.

(21) Section 397.092, Florida Statutes, is amended to read:

397.092 Refusal of license; renewal; revocation; notice; hearing.—

(1) No license shall be denied, revoked, or suspended except after notice in writing to the applicant or licensee setting forth the particular reasons for the proposed action and provision for a fair hearing, if demanded by the licensee or applicant. Such notice shall be effected by registered or certified

mail with return receipt requested or by personal service. The licensee or applicant, within ten days after receipt of said notice, may request in writing a hearing, by delivering the request to the department in person or by due course of mail. If no such request is made within the time fixed, the department shall proceed to deny, revoke, or suspend said license as set out in the notice of the proposed action.

(2) All hearings under this section shall be held by the department or any agent designated by it within the county in which the licensee or applicant operates or applies for license to operate a DATE center as defined in §397.021(2). A transcript of the proceedings shall be reviewed by the department, which shall enter its decision thereon.

(3) The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the department. The department or any agent designated by it may take testimony concerning any matter within its jurisdiction and may administer oaths for that purpose. The department or its agent shall have the power to issue summons and subpoenas for any witness and subpoenas duces tecum, which shall be served and returned as provided by law. At the hearing, the applicant or licensee shall have the right to cross-examine witnesses against him, to produce witnesses in his defense, and to appear personally or by counsel.

(4) On the basis of any such hearing, or upon the failure of the applicant or licensee to request a hearing, the department shall make a determination specifying its findings of fact and conclusions of law. A copy of such determination shall be sent by registered or certified mail or be personally served upon the applicant or licensee. The determination shall become final unless the applicant or licensee applies for a writ of certiorari in the circuit court of the county where the headquarters of the department is located, within the time and in the manner provided in the Florida appellate rules.

(5) A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless the decision is appealed. Copies of the transcription may be obtained by any interested party on payment of the cost of preparing such copies.

(22) Section 400.121, Florida Statutes, is amended to read:

400.121 Denial, suspension, revocation of license; procedure.—

(1) The division may deny, revoke, or suspend a license or impose an administrative fine for a violation of any provision of §400.102 only after written notice to the applicant or licensee setting forth the particular grounds for the proposed action and a hearing, if demanded by the applicant or licensee.

(2) The notice shall be effected by registered mail, with return receipt requested, or by personal service and may include an order that corrective action be taken within a reasonable time. No such order shall become effective until it is served upon the person or persons named therein and a hearing held, if requested by the applicant or licensee, except that injunctive relief may be sought as provided in §400.125.

(3) The applicant or licensee, within twenty days after receipt of notice, may request a hearing by delivering his request in writing to the division in person or by due course of mail. If no such request is made within the twenty days specified herein, the division shall enter forthwith an appropriate final order.

(4) All hearings under this section shall be held before the director or a person designated by him as hearing examiner within the county in which the licensee or applicant operates or applies for a license to operate a facility as defined herein. If the hearing is conducted by a hearing examiner other than the director, a transcript of the proceedings shall be made. The hearing examiner shall make a report of his findings, conclusions, and recommendations to the division which shall review the report and transcript of the hearing and enter an appropriate final order thereon.

(5) The department shall promulgate rules governing the procedure of hearings. The director or a duly appointed hearing examiner may take testimony concerning any matter within his jurisdiction and may administer oaths for that purpose.

(6) The director or hearing examiner shall have the power to issue summons and subpoena for any witness and subpoena duces tecum, which shall be served as provided by law.

(7) At the hearing, the applicant or licensee shall have the right to examine any witness against him, to produce witnesses in his defense, and to appear personally or by an attorney.

(8)(2) The division, as a part of any final order issued by it under the provisions of this chapter, may impose such fine as it deems proper, except that such fine shall not exceed \$500 for each violation. Each day a violation of this chapter occurs shall constitute a separate violation and shall be subject to separate fine. An action for recovery of the fine may be maintained in the circuit court of the county in which the facility is located, and appeal from any judgment rendered shall be in the manner and within the time provided by the Florida appellate rules for reviewing judgments rendered by circuit courts in action at law.

(9)(3) Any final order rendered by the division shall become effective and binding upon service of a copy of the order upon the applicant or licensee. Such service may be made by certified mail or personal service. The applicant or licensee may apply for a writ of certiorari in the circuit court in the county where the facility is located in the manner and within the time provided in chapter 120, part III.

(10)(4) The division shall send forthwith a copy of any final order issued by it to any federal, state, or local governmental agency which is paying all or part of the costs of a resident within the home affected.

(23) Section 403.051, Florida Statutes, is hereby repealed.

(24) Section 403.052, Florida Statutes, is created to read:

403.052 Board meetings.—

A quorum of the pollution control board shall consist of three members for all meetings except those where rules and regulations are passed upon and §403.121, which shall require a quorum of four, and a majority vote of the entire board shall be required to take action on any matter before the board.

(25) Section 440.56(3), Florida Statutes, is amended to read: 440.56 Safety rules and provisions; penalty.—

(3) Before any such rule or requirement is adopted, amended or repealed, a public hearing shall be held and not less than ten days before the hearing a notice thereof shall be published in such newspapers as the commission may prescribe. Such rule, amendment or repeal shall be promptly published in such manner as the commission may prescribe and shall take effect thirty days after such publication. However, no public hearing shall be required as a prerequisite to the filing of a nondiscretionary rule or requirement when the division is required to adopt, amend, or repeal any rule or requirement pursuant to a federal consensus standard or other mandate from the United States secretary of labor which is binding upon the state under Public Law 91-596, which is the Occupational Safety and Health Act of 1970.

(7) Any person aggrieved by a rule made pursuant to the provisions of this section may commence an action in any court of competent jurisdiction against the division as defendant to set aside such rule on the ground that such rule is unlawful and unreasonable. Such action and pleadings therein shall be governed by the laws and rules of practice applicable to other civil actions in such court. All rules and variations of the commission and division respectively, shall be prima facie lawful and reasonable, and shall not be held invalid because of any technical defect, provided there is substantial compliance with the provisions of this section.

(26) Subsection 212.15(4), Florida Statutes, is amended to read:

212.15 Taxes declared state funds, penalties for embezzlement; due and delinquent dates; appeals.—

(4) "If any taxpayer or person required by this chapter to remit taxes to the department shall feel aggrieved by any action of the department, he shall have the right within thirty days to appeal to the department for rehearing and reexamination and in support thereof may submit such data as may be relevant. All exceptions and objections to the actions of the department must be filed with the department in duplicate at least ten days prior to the date set for such rehearing and reexamination. If the department's decision is determined adversely to the taxpayer or person required by this chapter to remit to the department, such person shall have the right

within thirty days from notice of such determination to have the department's determination reviewed in appropriate proceedings in the circuit court of Leon county, and in such review there shall be no presumption in favor of the department's findings."

(27) Section 206.26, Florida Statutes, is hereby repealed.

Section 206.97, Florida Statutes, is amended to read:

206.97 Applicability of specified sections of part 1.—The provisions of §§206.04, 206.07, 206.075, 206.08, 206.09, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.19, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.23, 206.24, 206.25, 206.26, 206.28, 206.41 (5), 206.49, 206.56, 206.57, 206.58, 206.59, 206.61, 206.62 of part 1 of this chapter, shall, as far as lawful or practicable be applicable to the tax herein levied and imposed and to the collection thereof as if fully set out in this part II. However:

(1) "Distributor" means "dealer."

(2) "Motor fuel" means "special fuel."

(3) No provision of any such section shall apply if it conflicts with any provision of part II of this chapter.

(28) Subsections 449.13(2), (3), (4), Florida Statutes, are hereby repealed.

(29) Section 457.091, Florida Statutes, is hereby repealed.

(30) Sections 458.122 and 458.123, Florida Statutes, and subsections 458.121(2), (3), (4), (5), (6), (7), Florida Statutes, are hereby repealed.

(31) Section 459.141, Florida Statutes, is hereby repealed.

(32) Sections 460.132, 460.134, 460.135, 460.136, 460.137, and subsections 460.133(3), (4), (6), Florida Statutes, are hereby repealed.

(33) Sections 461.09 and 461.10, Florida Statutes, are hereby repealed.

(34) Section 462.15, Florida Statutes, is hereby repealed.

Section 462.151, Florida Statutes, is created to read:

462.151 Revocation of license.—The board may, upon satisfactory proof made that any licentiate has been guilty of any of the charges against him, suspend such licentiate from the practice of naturopathy, and call in the license of said licentiate.

(35) Subsections 464.21(4), (5), and (6), Florida Statutes, are hereby repealed.

(36) Subsections 466.25 (3) and (4), Florida Statutes, are hereby repealed.

(37) Subsections 467.14 (2), (3) and (4), Florida Statutes, are hereby repealed.

(38) Sections 468.132, 468.133, and 468.177, Florida Statutes, are hereby repealed.

Subsections 468.175(3), (4), and (5), Florida Statutes, are hereby repealed.

(39) Sections 470.13 and 470.14, Florida Statutes, are hereby repealed.

(40) Section 471.27, Florida Statutes, is amended to read:

471.27 Procedure for revoking or suspending a certificate or placing certificate holder on probation.—Any person, including a member of the board, may prefer charges against any registrant. Such charges shall be in writing and shall be sworn to by the person making them. They shall be preferred by delivering them, together with six copies thereof, to the secretary of the board, who, shall forthwith furnish each member of the board with a copy of said charges. All charges, unless dismissed by the board as being unfounded or trivial, shall be heard and disposed of by the board within four months after the date upon which they were preferred, except as to cases hereinafter noted. The time and place of said hearing shall be fixed by the board, and a copy of the charges, together with notice of the time and place of the hearing, shall be served upon the person against whom preferred, either personally or by registered mail with return receipt demanded, ad-

dressed to the said person at his last known address as the same appears on the records of the board, at least twenty days before the time fixed for the hearing. When personal service cannot be made as aforesaid, or when registered notice is returned undelivered, the secretary of the board shall cause a short, simple notice to the registrant to be published for four consecutive weeks in a newspaper published in the county wherein the registrant's last known address appears as shown on the records of the board, or if no newspapers be published in said county, then said notice may be published in a newspaper, published in an adjoining county. If said address appears in some state, territory, or country other than the state of Florida, then said notice may be published in the county wherein the board may have its headquarters. Said notices shall contain the name of the registrant, his last known address, the number of his registration certificate under which he has been registered to practice, in Florida, the time of the preferring of the charges, the date set for the hearing of said charges, the nature of the charges, and the place where said hearing will be held. Due proof of service or of publication shall be filed with the secretary of the board and shall be recorded by him in the minutes of the board. The board, for good cause shown, may continue any hearing from time to time and in proper cases to a time beyond the aforesaid four months' period. At any hearing the accused shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to testify and produce evidence and witnesses in his defense. If after such hearings, five or more members of the board present at such hearing find the accused guilty of the charge or charges against him, they shall evidence their finding by so voting, and the board shall thereupon *The board shall have the power to* revoke the certificate of registration of the person so found guilty, and, thereafter, unless a certificate is again issued to him, said person shall not practice professional engineering in the state. Or, in proper cases, and in lieu of revocation, the board may either suspend the certificate of said person so found guilty for a period of time not to exceed two years, during which time said person shall not practice professional engineering in the state unless his certificate is reinstated as hereinafter provided or place said person on probation for a period of time not to exceed two years. The board for good cause shown, and by a vote of five or more of its members, may reissue a certificate to any person whose certificate has been revoked as aforesaid, for which reissue the board shall charge such person the sum of five dollars unless otherwise ordered by the board; and in cases where a certificate has been suspended as aforesaid, the board by a favorable vote of five or more of its members, may reinstate said certificate at any time. Upon the reissue or reinstatement of the certificate of any person, such person shall be entitled to resume the practice of professional engineering in accordance with this chapter.

(41) Section 474.33, Florida Statutes, and subsections 474.34, (4), (5), (6), (7), (8), and (9), Florida Statutes, are hereby repealed.

(42) Sections 475.27, 475.28, 475.30, 475.32, 475.33, 475.35, and 475.40, Florida Statutes, are hereby repealed.

(43) Section 476.15, Florida Statutes, is hereby repealed.

(44) Subsection 479.08(2), Florida Statutes, is hereby repealed.

(45) Section 480.13, Florida Statutes, is hereby repealed.

Section 480.131, Florida Statutes, is created to read:

480.131 Power to revoke, suspend or annul certificates and licenses; review; reissuance of certificates and licenses.—

(1) The Florida board of massage may, upon satisfactory proof that any certificate holder or licensee has been guilty of any of the charges preferred against him, revoke, suspend or annul any certificate or license to do business issued thereunder, upon a vote of two of the three board members.

(2) Any person who shall practice massage after his or her certificate has been revoked, suspended or annulled, shall be deemed to have practiced massage without a certificate and license. However, at any time after six months from date of said conviction, said board may, in the exercise of its reasonable discretion, by a majority vote, issue a new certificate to the person affected, restoring or conferring all of the rights and

privileges of and pertaining to the practice of massage, but the fee shall be the same as upon the issuance of the original certificate.

(46) Section 482.181, Florida Statutes, is hereby repealed.

(47) Subsection 489.09(1), Florida Statutes, is amended to read:

489.09 Revocation.—

(1) The commission may revoke a certificate of registration obtained through error of the commission or fraud on the part of the applicant or if the holder be grossly incompetent, guilty of unethical conduct or has obtained or has sought to obtain anything of value by fraudulent representations in the practice of watchmaking. The commission shall not revoke any certificates of registration until the holder thereof shall have been given thirty days' notice in writing delivered to the holder personally or by transmission to the holder by registered mail addressed at the address of the holder as shown on his certificate of registration, enumerating the charges and specifying the date and place for a hearing by the commission on such charges. At such hearing the holder of the certificates shall have an opportunity to confront witnesses against him and to produce witnesses and other evidence in rebuttal of such charges. Such hearing shall be held in the county wherein the holder of the certificate was employed or engaged in the business of watch making at the time the offense was alleged to have been committed or in the county of the holder's residence. A stenographic record of all proceedings of such hearing shall be made and a transcript kept on file with the commission. If the commission, after such hearing, shall revoke the certificate of registration, the commission shall make an order thereon to be entered among the records of the commission, which order shall become effective when entered among such records but said order may be reviewed by proceedings in certiorari on the petition of the person whose certificate has been revoked to the circuit court of the county in which the hearing was held within sixty days after the date of the entry of such order by the commission.

(48) Sections 493.16, Florida Statutes, and 493.52, Florida Statutes, are hereby repealed.

(49) Subsection 494.05(4) and (5), Florida Statutes, are amended to read:

494.05 Denial, suspension or revocation of licenses.—

* (4) The department may refuse a license if it determines that an applicant does not meet all requirements of §494.04 or has violated any provision of this chapter, except that any applicant aggrieved by such refusal shall be entitled to a hearing after reasonable notice thereof upon filing a written request for such hearing. No license shall be suspended or revoked except after a hearing thereon. A copy of the charges against such licensee shall be served by registered or certified mail addressed to the principal place of business in this state of such licensee or said charges may be served in accordance with the provisions of chapter 48 or chapter 49. The charges shall state the grounds of complaint against the licensee and shall designate a date, not less than ten days from the date on which the copy of charges is mailed or served as aforesaid, upon which date the licensee may file written answer thereto. Thereafter, the department shall give the licensee at least ten days' written notice of the time and place of the hearing. If the licensee fails to file an answer to the charges, the department may proceed to hear and determine the matter on the basis of affidavits or information already appearing in its files. Any order suspending or revoking such license shall recite the grounds upon which the same is based. The order shall be entered upon the records of the department and shall not be effective until thirty days after a copy of such order of suspension or revocation has been served in accordance with chapter 48 or by registered or certified mail furnished to the licensee at such principal place of business.

(5) Any licensee aggrieved by an order issued by the department suspending or revoking his license may apply for a review thereof by filing a petition for certiorari in the circuit court of the county in which said person is licensed within the time and in the manner provided by the Florida appellate rules.

(50) Section 496.05, Florida Statutes, is hereby repealed.

(51) Subsection 193.114(8), Florida Statutes, is hereby repealed.

(52) Subsection 500.20 (2), Florida Statutes, is hereby repealed and all subsequent subsections of section 500.20, Florida Statutes, are renumbered accordingly.

(53) Subparagraphs (1)(b) and (c) of subsection 509.261, Florida Statutes, are hereby repealed.

(54) Subsection 516.05 (4), Florida Statutes, is hereby repealed.

(55) Section 517.031, Florida Statutes, is hereby repealed.

(56) Section 517.20, Florida Statutes, is hereby repealed.

(57) Section 517.24, Florida Statutes, is hereby repealed.

(58) Subsection 520.04 (4), Florida Statutes, is hereby repealed.

(59) Subsection 520.331 (4), Florida Statutes is hereby repealed.

(60) Subsection 520.53 (4), Florida Statutes is hereby repealed.

(61) Subsection 520.94 (4), Florida Statutes, is hereby repealed.

(62) Section 527.12, Florida Statutes, is hereby repealed.

(63) Sections 527.15, 527.16, and 527.17, Florida Statutes, are hereby repealed.

(64) Subsections 527.14 (3) and (4), Florida Statutes, are hereby repealed.

(65) Sections 552.141, 552.181, 552.191, and 552.20, Florida Statutes, are hereby repealed.

Subsections 552.171 (3) and (4), Florida Statutes, are hereby repealed.

(66) Subsections 561.29 (3) and (7), Florida Statutes, are hereby repealed.

(67) Sections 573.08, 573.57, 573.808, 573.837, and 573.863, Florida Statutes, are hereby repealed.

Subsections 573.26 (3), 573.75 (3), 573.826 (3), 573.855 (3), 573.881 (3), and 573.907 (3), Florida Statutes, are hereby repealed.

(68) Section 581.111, Florida Statutes, is hereby repealed.

Section 581.152, Florida Statutes, is amended to read:

581.152 Eradication of burrowing nematode in commercial groves.—

(1) The citrus disease known as spreading decline, caused by the burrowing nematode is hereby declared to be a dangerous public nuisance and a serious threat to the citrus industry of Florida.

(2) (a) The department of agriculture and consumer services is directed to carry out a program of containment or eradication of spreading decline, caused by the burrowing nematode, in all commercial citrus grove areas in Florida. This program shall include the destruction of all trees and plants in commercial citrus groves or adjacent thereto which are infested by the burrowing nematode and the fumigation of the soil in such areas in accord with rules and regulations of the department.

(b) Trees and plants which are known to be hosts to the burrowing nematode but which are not infested with the burrowing nematode shall also be destroyed as a part of the program if their destruction is deemed necessary as provided by the rules and regulations of the department to prevent the spread of the burrowing nematode from an infested area into an uninfested area. Provided, however, no trees shall be destroyed without the owner's consent unless so decreed by a court of competent jurisdiction.

(c) Any grove owner objecting to the destruction of his trees, infested or otherwise, deemed necessary by the department to be destroyed shall, prior to any further action on the

part of the department, have the right to judicial declaration as to the validity of any rule or order requiring such destruction by bringing an action for a declaratory judgment.

(d) Reasonable compensation based on fair market value shall be made by the department for the compulsory destruction of trees in carrying out the program authorized by this section and in providing protection for the commercial citrus industry of Florida.

(e) The amount of compensation to be paid each grove owner for the loss of his trees in accord with this section shall be determined by the department or its agents, and the grove owner shall be paid such compensation upon his written request before the destruction of his trees.

(f) In the event any grove owner deems such compensation to be inadequate or unreasonable he may petition in writing for a hearing before an independent appraisal board which shall be comprised of one member selected by the grove owner, one member selected by the department, and one member selected and mutually agreed upon by the parties. Such board shall make a fair, impartial appraisal of the value of the trees in question and submit same to the department in writing along with the written proceedings of the hearing. Each member of such appraisal board may be compensated by the department in a reasonable amount as determined by the department.

~~(g) The administrative determination of such appraisal board as to the amount of compensation to which a grove owner is entitled may be reviewed by certiorari by the circuit court of the county in which the trees are located in the manner provided for in chapter 50 and the Florida appellate rules.~~

~~(h) Provided, however, in any proceeding instituted by a grove owner objecting to the destruction of his trees, in which the decision of the court is adverse to said grove owner, the compensation for such trees shall be adjudicated in the same proceeding. Pursuant to the procedure herein.~~

~~(3) The department shall conduct public hearings for consideration of rules and regulations and such public hearings shall be held prior to the making or promulgating of rules and regulations. Notice of such public hearing must be given at least fifteen days prior to such hearings. Any person, firm, or corporation with property in, or who is a resident of, the state, affected by the department's rules or regulations, may file his name and address with the department and request that he be furnished with a copy of any proposed rule or regulation, and the department shall, in not less than fifteen days before any public hearing, mail a copy of such proposed rule or regulation to every person so requesting same. Any such person shall have the right to be fully heard in person, or through an attorney, by the department upon any proposed rule or regulation.~~

~~(4)(3) The department is authorized to cooperate with other public agencies both state and federal and with the Florida citrus industry in carrying out the program of containment, eradication and research of spreading decline authorized by this section.~~

(69) Section 582.27, Florida Statutes, is hereby repealed.

(70) Sections 585.37, and 585.45, Florida Statutes, are hereby repealed.

(71)(a) Sections 601.12, 601.58, and 601.71, Florida Statutes, are hereby repealed.

(b) Subsections (4) and (5) of section 601.66, Florida Statutes, are hereby repealed.

(72) Section 617.75, Florida Statutes, is hereby repealed.

(73) Subsections 634.201, (4), (5), (6), (7), and (8), Florida Statutes, are hereby repealed.

(74) Subsections 638.211 (4), (5), (6), (7), and (8), Florida Statutes, are hereby repealed.

(75) Section 665.714, Florida Statutes, is hereby repealed.

Section 665.718, Florida Statutes, is created to read:

665.718 Hearings on conversion plans.—with respect to a conversion arising under §665.710 the department may hold hearing upon the plan of conversion. Following the hearing, the department may approve the terms of the plan of conversion.

All costs to the department resulting from hearings held under this section shall be paid by the association making application for conversion.

(76) Subsection 947.17(6), Florida Statutes, is created to read:

947.17 Procedure in granting parole.—

(6) All proceedings conducted under this chapter shall be in accordance with chapter 120, Florida Statutes.

(77) All statutes inconsistent with this act are hereby repealed; provided that nothing contained in this act shall affect the right to file tariffs with the public service commission under existing laws authorizing interim rates. Statutory revision is hereby authorized to take the necessary action to bring the Florida Statutes in accord with this act.

Section 4. Existing rules and regulations.

(a) All rules and regulations filed with the secretary of state, except those adopted following a public hearing pursuant to subsection 120.041(4), Florida Statutes, 1973, on the effective date of this act shall be subject to a rehearing upon request by any person regulated by the agency or any person representing a class of persons having an interest in an agency rule.

(b) The opportunity for a rehearing under (a) above shall terminate October 1, 1975.

(c) All rules and regulations not filed with the secretary of state on the effective date of this act must be promulgated or repromulgated in accordance with the provisions of this act. All rules and regulations not published in the Florida Administrative Code on the effective date of this act shall be null, void, and unenforceable unless adopted within 180 days after the effective date of this act.

Section 5. Sections 120.72, 120.73, 11.60, and 120.74, Florida Statutes, are created to read:

120.72 Disqualification of agency personnel.—

(1) Any individual serving along or with others as any agency head may be disqualified from serving in an agency proceeding, either voluntarily or involuntarily, for bias, prejudice, interest or other causes. If the disqualified individual holds his position by appointment, the appointing power shall appoint a substitute to serve temporarily in the matter from which the individual is disqualified. If the individual is an elected official, the governor shall appoint a substitute to serve temporarily in the matter from which the individual is disqualified.

(2) Any agency action taken by a duly appointed substitute for a disqualified individual shall be as conclusive and effective as if agency action had been taken by the agency as it was constituted prior to any substitution.

120.73 Waiver.—Any party may file in writing to the agency a waiver of all or any portion of the procedural requirements required by this act.

120.74 Effective dates.—

(1) 120.65 shall take effect January 1, 1975.

(2) All other sections shall take effect October 1, 1974.

Amendment (2)—On page 1, lines 3-30, strike all of the title and insert the following: A bill to be entitled An act relating to administrative procedures; providing a short title; providing for definitions; providing for adoption of rules of procedure and public inspection; providing for rule-making, adoption procedures; providing for rule-making, filing and publication; providing for declaratory rulings by agencies; providing for decisions which affect substantial interests; providing for agency action, evidence, record and subpoenas; providing for orders; providing for licensing; providing for representation by counsel; providing for official recognition; providing for agency investigations; providing for exemption from act; providing for hearing officers and an office of administrative hearings; providing for ex parte communications; providing for publicity before final action; providing for judicial review, in general; providing for judicial review, scope; providing for enforcement of agency action; providing for annual reports and repealer; providing for disqualification of agency per-

sonnel; providing for waiver; providing for model rules of procedural due process; providing for repromulgation of some existing rules and regulations; amending chapter 120, Florida Statutes, repealing and amending inconsistent statutes; providing penalties; and providing an effective date.

On motions by Senator Barron, the Senate refused to concur in House amendments 1 and 2 to CS for SB 892, and the House was requested to recede therefrom and in the event the House refused to recede, a conference committee was requested to adjust the differences between the House and the Senate. The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended and passed HB 2745, as further amended,

By Representatives Richmond and Culbreath—

HB 2745—A bill to be entitled An act relating to the Pasco County Expressway Authority; amending section 348.91, Florida Statutes, as created in chapter 73-226, Laws of Florida, 1973, to provide that the bonds are subject to the corporate income tax; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1 to Senate Amendment 1—On page 2, line 6, insert:

Section 4. Section 348.91, Florida Statutes, as created by chapter 73-226, Laws of Florida, 1973, is hereby amended to read:

348.91 Exemptions from taxation.—The effectuation of the authorized purposes of the authority created under this part is, shall and will be in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and since such authority will be performing essential governmental functions in effectuating such purposes, such authority shall not be required to pay any taxes or assessments of any kind or nature whatsoever upon any property acquired or used by it for such purposes, or upon any rates, fees, rentals, receipts, income, or charges at any time received by it, and the bonds issued by the authority, their transfer and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation of any kind by the state, or by any political subdivision, or taxing agency or instrumentality thereof, provided however that the exemption granted by this section shall not be applicable to any tax imposed by chapter 220, Florida Statutes, on interest, income or profits on debt obligations owned by corporations.

(renumber subsequent subsection)

House Amendment to Senate Amendment 2—On page 1, strike all of lines 1—5 and insert: An act relating to the Pasco County Expressway Authority; amending subsection 2 (g) 1 of section 348.83 and sections 348.84 and 348.91, Florida Statutes; relating to issuance of bonds; relating to the applicability of corporate taxation to bonds; and providing an effective date.

On motions by Senator Peterson, the Senate concurred in the House amendment to Senate Amendment 1 and the House amendment to Senate Amendment 2 to HB 2745.

HB 2745 passed as further amended and was certified to the House. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea.

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

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment A to House Amendment 1 and has amended Senate Amendment C to House Amendment 1, concurred in same as amended and passed SB 277, as further amended,

By Senator Myers and others—

SB 277—A bill to be entitled An act relating to health and rehabilitative services; requiring licenses for child care facilities; providing a short title; establishing legislative intent; providing definitions; establishing licensing standards and providing for legislative review; providing for issuance, renewal and revocation of licenses; providing for provisional licenses; providing for consultation services; providing for hearings upon denial or revocation of licenses; providing for inspection by the department; providing for exemptions; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment (1)

On page 1, line 20—29, strike everything after the enacting clause and insert the following:

Section 1. Legislative intent and declaration of purpose and policy.—It is the legislative intent to protect the health, safety, and well-being of the children of the state. Toward that end, it is the purpose of this act to establish statewide minimum standards for the care and protection of children in child care facilities, to insure maintenance of these standards, and to approve county administration and enforcement to regulate conditions in such facilities through a program of licensing. It shall be the policy of the state to insure protection of children under care in child care facilities, and to encourage and assist in the improvement of child care programs.

Section 2. Definitions.—As used in this act:

Nothing in this act shall give any governmental agency jurisdiction or authority to regulate, supervise or in any way be involved in any church school curriculum or Sunday School program.

(1) "Department" means the department of health and rehabilitative services.

(2) "Secretary" means the secretary of the department of health and rehabilitative services.

(3) "Child care" means the care, protection, and supervision of a child for a period of less than twenty-four (24) hours a day on a regular basis which supplements for the child, in accordance with his individual needs, daily care, enrichment opportunities, and health supervision and where a payment, fee or grant is made for care.

(4) "Child care facility" includes any child care center or child care arrangement that provides child care for more than five (5) children unrelated to the operator and which receives a payment, fee or grant for any of the children receiving care, wherever operated, and whether or not operated for profit, except that the following are not included: public schools and nonpublic schools which are in compliance with the compulsory school attendance law, chapter 232, Florida Statutes; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods.

(5) "Family day care home" means an occupied residence in which day care is regularly provided for no more than five (5) pre-school children and elementary school children from more than one unrelated family including pre-school children living in the home and pre-school children received for day care who are related to the resident caregiver. Elementary school siblings of the pre-school children received for day care may also be cared for outside of school hours provided the total number of children including the caregiver's own and those related to her does not exceed ten (10).

(6) "Operator" means any person ultimately responsible for the overall operation and administration of a child care facility, whether or not he is the owner.

(7) "Local licensing agency" means any agency or individual designated by the county to license child care facilities.

Section 3. Child care advisory council.—

(1) As of July 1, 1974, there is created within the department a child care advisory council to be appointed by the secretary.

(2) This body shall be composed of fifteen members as follows:

(a) Five (5) parents, three (3) of whom shall have children eligible for care in child care facilities;

(b) Five (5) owners and operators of child care facilities, one (1) representing public facilities; and four (4) representing private facilities;

(c) Five (5) members to be representatives of agencies and groups concerned with child care and related services.

(3) The secretary, in appointing representatives to the advisory council, shall take cognizance of the broad range of expertise, experience, and concern throughout the state and shall make every effort to assure that the council membership shall be representative of the total child care spectrum.

(4) All members of the council shall serve terms of three (3) years except that, at the time of the first appointment, five (5) members shall serve for one (1) year, five (5) members shall serve for two (2) years, and five (5) members shall serve for three (3) years. In the case of vacancy, the secretary shall appoint a representative to serve the remainder of the unexpired term. A council member may serve two (2) terms.

(5) Members of the council shall receive no compensation but shall be reimbursed for per diem and travel expenses by the department in accordance with the provisions of section 112.061, Florida Statutes.

(6) The advisory council shall supersede, replace and assume the duties of any other child care advisory body within the department.

Section 4. Duties of the council.—

(1) The child care advisory council shall assist the department in the preparation of state minimum standards for the establishment and operation of child care facilities by January 1, 1975, and shall advise the department in setting up any rules and regulations to carry out the provisions of this act.

(2) All procedures for the adoption of state minimum standards and rules and regulations shall be in conformance with chapter 120, Florida Statutes. In addition, prior to the adoption of minimum standards the council shall hold at least four (4) hearings geographically located around the state with emphasis given to the participation of child care operators and parents.

(3) After minimum standards have been developed and approved the advisory council shall meet at least semiannually.

(4) The advisory council shall review all standards, rules and regulations, and procedures at least once every three (3) years and recommend changes as appropriate.

Section 5. Licensing standards.—The state minimum standards shall be designed to protect the health, sanitation, safety, and well-being of all children under care by ensuring competent personnel, adequate physical surroundings, and healthful food. All standards established under this act shall be in accordance with the appropriate minimum standards used by the state fire marshal for child care facilities. The minimum standards for child care facilities shall include the following areas:

(1) PERSONNEL.—Minimum standards for child care personnel, whether employees or volunteers, which shall include minimum age requirements, periodic health examinations, minimum levels of training in first aid, and ratios of personnel to children.

(2) PHYSICAL FACILITIES.—Minimum standards for building conditions, indoor play space, outdoor play space, napping space, bathroom facilities, food preparation facilities, outdoor equipment and indoor equipment.

(3) **SANITATION AND SAFETY.**—Minimum standards for sanitary and safety conditions, first aid treatment, and emergency procedures.

(4) **NUTRITIONAL PRACTICES.**—Minimum standards for the provisions of meals and/or snacks of a quality and quantity to assure that the nutritional needs of the child are met.

(5) **ADMISSIONS AND RECORD KEEPING.**—Requirements for preadmission and periodic health examinations, requirements for immunizations, requirements for maintaining emergency information and health records on all children. Any child shall be exempt from medical or physical examination, or medical or surgical treatment, upon written request of the parent or guardian of such child who objects to the examination and treatment on religious grounds; provided, however, that the laws, rules and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated.

Section 6. Designation of licensing agency.—

(1) Any county whose licensing standards meet or exceed state minimum standards may:

(a) designate a local licensing agency to license child care facilities in the county; or

(b) contract with the department to delegate the administration of state minimum standards in the county to the department.

(2) Child care facilities in any county whose standards do not meet or exceed state minimum standards shall be subject to licensing by the department under state minimum standards.

Section 7. Approval of licensing agency.—

(1) Within thirty (30) days after the promulgation of state minimum standards, each county shall provide the department with a copy of its standards if they differ from the state minimum standards. At the same time, each county shall provide the department with the administrative procedures it intends to use for the licensing of child care facilities.

(2) The department shall have the authority to determine if local standards meet or exceed state minimum standards. Within sixty (60) days after the county has submitted its standards and procedures, the department shall, upon being satisfied that standards required by this act have been met, shall approve the local licensing agency.

(3) Approval to issue licenses for the department shall be renewed annually. For renewal, the local licensing agency shall submit to the department a copy of the licensing standards and procedures applied and an on-site review may be made if deemed necessary by the department.

(4) If, following an on-site review, the department finds the local licensing agency is not applying the approved standards, the department shall report the specific violations to the county commission of the involved county who shall investigate the violations and take whatever action necessary to correct them.

(5) Licensing of child care facilities, either by a local licensing agency or the department under the provisions of this act shall become effective as of July 1, 1975. Those licensing procedures in operation shall continue until that date.

(6) To insure that accurate statistical data are available, each local licensing agency shall report annually to the department the number of child care centers under its jurisdiction, the number of children served, the ages of children served, and the number of revocations or denials of licenses.

Section 8. Issuance of license.—

(1) **ANNUAL LICENSING.**—After July 1, 1975, every child care facility in the state shall have a license which shall be renewed annually.

(2) **STATE ADMINISTRATION OF LICENSING.**—In any county in which the department has the authority to issue licenses the following procedures shall be applied:

(a) Application for a license or for a renewal of a license to operate a child care facility shall be made in the manner and on the forms prescribed by the department.

(b) Prior to the renewal of a license, the department shall re-examine the child care facility, including in that process the

examination of the premises and those records of the facility as required under Section 5 of this act to determine that minimum standards for licensing continue to be met.

(c) The department shall coordinate all inspections of child care centers. A child care facility is not required to implement a recommendation of one agency that is in conflict with a recommendation of another agency if such conflict arises due to uncoordinated inspections. Any conflict in recommendations shall be resolved by the secretary of the department within fifteen (15) days after written notice that such conflict exists.

(d) The department shall issue or renew a license upon being satisfied that all standards required by this act have been met.

(3) **LOCAL ADMINISTRATION OF LICENSING.**—In any county in which there is a local licensing agency approved by the department the following procedures shall apply:

(a) Application for a license or for renewal of license to operate a child care facility shall be made in the manner and on the forms prescribed by the local licensing agency.

(b) Prior to the renewal of a license, the agency shall re-examine the child care facility, including in that process the examination of the premises and records of the facility as required in Section 5 of this act to determine that minimum standards for licensing continue to be met.

(c) The local agency shall coordinate all inspections of child care facilities. A child care facility is not required to implement a recommendation of one agency that is in conflict with a recommendation of another agency if such conflict arises due to uncoordinated inspections. Any conflict in recommendations shall be resolved by the county commission or its representative within fifteen (15) days after written notice that such conflict exists.

(d) The local licensing agency shall issue a license or renew a license upon being satisfied that all standards required by this act have been met.

Section 9. Provisional license.—

(1) The local licensing agency or the department, whichever is authorized to license child care facilities in a county, may issue a provisional license to applicants for a license or to licensees who are unable to conform to all the standards as provided for in this act.

(2) No provisional license may be issued unless the operator makes adequate provisions for the health and safety of the child and unless the local licensing agency or the department finds that a need exists for the services offered by the child care facility.

(3) The provisional license shall in no event be issued for a period in excess of one (1) year and shall not be subject to renewal.

(4) The provisional license may be suspended if periodic inspection made by the local licensing agency or the department indicates that insufficient progress has been made toward compliance.

Section 10. Hearings upon denial or revocation of license.—

(1) When the department or local licensing agency, whichever is applicable, has reasonable cause to believe that grounds for the denial or revocation of a license exist, it shall notify the applicant or licensee in writing stating the grounds upon which the license is being denied or revoked. If the applicant or licensee makes no written request for a hearing to the local licensing agency or the department, whichever is applicable, within fifteen (15) days from receipt of such notice, the license shall be deemed denied or revoked.

(2) If a request for a hearing is made to the local licensing agency, a hearing shall be held within thirty (30) days and shall be conducted by an individual designated by the county commission.

(3) An applicant or licensee shall have the right to appeal a decision of the local licensing agency or the department to a representative of the department. A hearing shall be held in the county in which the child care program is being

operated or is to be established. The hearing shall be conducted in accordance with the provisions of part I of chapter 120, Florida Statutes.

Section 11. Inspection.—A licensed child care facility shall accord to the department or the local licensing agency, whichever is applicable, the privilege of inspection, including access to facilities, staff and those records required in Section 5 of this act, at reasonable times during regular business hours, to insure compliance with the provisions of this act.

Section 12. License required.—After July 1, 1975, the operation of a child care facility without a license is prohibited. The department or the local licensing agency is empowered to seek an injunction in the circuit court where the facility is located against the continuing operation of a child care facility for the following reasons:

(1) When there is any violation of the standards applied under this act which threatens harm to any child in the child care facility.

(2) When a licensee has repeatedly violated the standards provided for under this act.

(3) If a child care program continues to have children in attendance after the closing date established by the department or the local licensing agency.

Section 13. Family Day Care Homes.—

(1) Family day care homes may be licensed under this act if they are presently being licensed under an existing county licensing ordinance or if the board of county commissioners passes a resolution that family day care homes be licensed. If not subject to license, family day care homes may report annually to the department the following information: the name and address of the home, the name of the operator, the number of children served, and the availability of emergency care.

(2) This information shall be included in a directory to be published annually by the department to inform the public of available child care facilities.

(3) Family day care home operators may avail themselves of supportive services offered by the department.

Section 14. Supportive services.—The department shall provide consultation services, technical assistance and in-service training when requested and as available to operators, licensees, and applicants to help improve programs and facilities for child care, and shall work cooperatively with other organizations and agencies concerned with child care.

Section 15. Funding.—

(1) If the county designates a local agency to be responsible for the licensing of child care centers, the county shall bear the costs involved.

(2) The state will bear the costs of the licensing of child care centers when contracted to do so by a county or when directly responsible for licensing in a county which fails to meet or exceed state minimum standards.

Section 16. Exemptions.—The provisions of this act shall not apply to day care facilities or to day care programs which are an integral part of a church; or church, parochial, private, or public schools conducting regularly scheduled classes, courses of study or educational programs accredited by an organization which publishes and requires compliance with its own standards for health, safety, and sanitation, including but not limited to those schools accredited by or members of the Florida Association of Christian Schools, the Florida Catholic Conference, the Florida Council of Independent Schools, the Southern Association of Schools and Colleges and the State Department of Education. Provided, however, this exemption may only be granted by a local licensing agency now in existence or hereafter created.

Section 17. This act shall take effect July 1, 1974; provided, however, the enforcement of standards pursuant to the promulgation of rules and regulations under this act shall not take effect until July 1, 1975.

Senate Amendment C to House Amendment 1—On page 11, line 26 & 27 strike all of lines 26 & 27 and insert the following: "any local licensing agency may require all day care facilities and day care programs within its jurisdiction to be licensed, the other provisions of this section notwithstanding."

House Amendment to Senate Amendment C to House Amendment 1—Strike (period). and insert: and provided further that the provisions of this section shall not affect any counties or cities with state or local child care licensing programs in existence on the effective date of this act.

Senators Sims, Johnston and Childers offered the following amendment to Senate Amendment C to House Amendment 1 which was moved by Senator Sims:

Amendment 1d—Following the period insert: Those desiring to be included in this act will be authorized to do so by submitting notification to the Department. Once licensed, the center cannot withdraw from the act and continue to operate.

(renumber accordingly)

On motion by Senator Sykes, debate was limited to 3 minutes per side.

Amendment 1d was adopted by the following vote:

Yeas—26

Mr. President	Glisson	Peterson	Trask
Barron	Gruber	Plante	Ware
Childers	Johnson	Poston	Weber
Deeb	Johnston	Saylor	Williams
Firestone	Lane (31st)	Sims	Winn
Gallen	Lane (23rd)	Stolzenburg	
Gillespie	McClain	Sykes	

Nays—9

Brantley	Graham	Pettigrew	Wilson
de la Parte	Lewis	Vogt	
Gordon	Myers		

Senator Ware moved the following amendment to Senate Amendment c to House Amendment 1:

Amendment 1e—Strike new section and insert: Local acts: Nothing herein shall have the effect of repealing local laws in force upon the effective date of this act

Senator de la Parte moved the following substitute amendment for Senate Amendment 1e:

Amendment 1f—Following the period, insert new section 17: Local acts: Nothing herein shall have the effect of repealing local laws and ordinances in force upon the effective date of this act.

(and renumber)

On motion by Senator Sykes, debate was limited to 3 minutes per side on the substitute amendment.

Amendment 1f was adopted.

Senator Deeb moved that the Senate concur in the House amendment to Senate Amendment 1e as amended.

Senator Myers moved as a substitute motion that the Senate refuse to concur in the House Amendment to Senate Amendment 1e as amended and requested a conference committee. The motion failed.

The question recurred on the motion by Senator Deeb and the Senate concurred.

SB 277 passed as further amended and was certified to the House. The vote was:

Yeas—34

Mr. President	Firestone	Gruber	Lewis
Brantley	Gallen	Henderson	McClain
Childers	Gillespie	Johnson	Peterson
Deeb	Glisson	Johnston	Pettigrew
de la Parte	Graham	Lane (23rd)	Plante

Poston	Stolzenburg	Ware	Winn
Sayler	Sykes	Weber	Zinkil
Scarborough	Trask	Williams	
Sims	Vogt	Wilson	

Nays—2

Gordon Myers

By unanimous consent Senator Smathers was recorded as voting yea.

Explanation of vote on SB 277

We voted against SB 277 because it gave a lifetime exemption to church-sponsored and church school day care centers even in counties which may want to have local rules to govern the health and safety of the children in these centers. We have strongly supported statewide minimum standards for day care and co-sponsored this bill in the Senate. But the exemption clause now approved by the Senate is too broad and exempts numerous day care operations that a county should have the right to cover.

*Kenneth M. Myers, 37th District
Jack D. Gordon, 35th District*

RECONSIDERATION

The motion by Senator Plante, that the Senate reconsider the vote by which CS for HB 2179 as amended passed on May 24 was taken up and the Senate refused to reconsider. The vote was:

Yeas—15

de la Parte	Graham	Pettigrew	Williams
Firestone	Lewis	Plante	Wilson
Gallen	Myers	Scarborough	Winn
Gordon	Peterson	Vogt	

Nays—21

Mr. President	Gruber	Saunders	Ware
Barron	Johnson	Sayler	Weber
Brantley	Johnston	Sims	Zinkil
Childers	Lane (23rd)	Stolzenburg	
Gillespie	McClain	Sykes	
Glisson	Poston	Trask	

CS for HB 2179 was certified to the House.

The President introduced to the Senate, Florida Jaycees Roy Franks, Sumter Correctional Institute; Don Fink, Lehigh Acres; Gene Brisson, Naples; Alan Wheeler, Ft. Myers; Pat Patrick, Panama City; Chuck McLaughlin, Orlando; Russ Barakat, Ft. Lauderdale; and Fred Kolesar, president of the Florida Jaycees.

On motion by Senator Barron, unanimous consent was obtained to introduce the following measure out of order:

By Senator Horne—

SCR 1118—A concurrent resolution commending the Florida Jaycees and recognizing their contribution to the people of Florida.

—which was read the first time by title. On motion by Senator Barron, by two-thirds vote SCR 1118 was read the second time in full, adopted and certified to the House. The vote was:

Yeas—37

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

Nays—None

On motion by Senator Scarborough, HB 3475 was placed on the consent calendar.

On motions by Senator Barron, CS for HB 1543 and CS for House Bills 1542 and 1370 were withdrawn from the Committee on Ways and Means by two-thirds vote and referred to the Committee on Rules and Calendar.

On motion by Senator Sykes, HB 3500 was placed on the consent calendar.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:00 noon to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President Pro Tempore at 2:00 p.m. A quorum present—39:

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
Gordon	Myers	Stolzenburg	

EXECUTIVE BUSINESS

By direction of the President Pro Tempore, the following communication was read:

Honorable Mallory E. Horne
President, The Florida Senate
The Capitol
May 23, 1974

Dear Mr. President:

This is to advise that I have appointed Mrs. Jody Tharp Hendry as a member of the Board of Trustees, Edison Junior College, for a term ending May 31, 1975. Attached is her questionnaire for executive appointment and confirmation by the Senate will be appreciated.

With kind regards,

Sincerely,
REUBIN O'D. ASKEW
Governor

Which was referred to the Committee on Rules and Calendar.

On motion by Senator Myers SB 281 was withdrawn from the Committee on Ways and Means by two-thirds vote.

Senator Poston moved that CS for HB 435 be placed on the consent calendar and the motion failed.

Senator Lewis moved that HB 803 be placed on the consent calendar and the motion failed.

Senator Johnston moved that SB 48 be placed on the consent calendar and the motion failed.

On motion by Senator Plante, HB 3619 was placed on the consent calendar.

On motion by Senator Myers, HB 2040 was withdrawn from the Committee on Health and Rehabilitative Services by two-thirds vote and placed on the calendar.

On motion by Senator Henderson the Senate reconsidered the vote by which CS for HB 435 failed to be placed on the consent calendar.

On motion by Senator Ware, SB 712 was withdrawn from the Committee on Ways and Means by two-thirds vote and placed on the calendar.

CONSENT CALENDAR

SB 553—A bill to be entitled An act relating to motor vehicle licenses; amending §§320.04(1), 320.06(7) and 320.0611 (1) and (2), Florida Statutes; reducing from two dollars to fifty cents the charge for issuance of a duplicate registration certificate; providing for a fee of fifty cents for issuance of transfer of registration certificate; providing an effective date.

—was read the second time by title. On motion by Senator Stolzenburg, by two-thirds vote SB 553 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

HB 1955—A bill to be entitled An act relating to the mailing of motor vehicle license plates and registrations; amending §320.031(2), Florida Statutes; providing a fee; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendment which was moved by Senator Stolzenburg and adopted:

Amendment 1—On page 1, line 16, insert: (1) The department and the tax collectors of the several counties of the state may at the request of the applicant use United States mail service to deliver motor vehicle registrations and renewals thereof, license plates and revalidation stickers to applicants.

The Committee on Transportation offered the following amendment which was moved by Senator Stolzenburg:

Amendment 2—On page 1, strike all of line 24 and insert: (3) A mail service charge of twenty-five cents (\$.25), which shall include cost of mailing, shall be collected for registrations and revalidation stickers mailed by the department or tax collector.

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

Senator Stolzenburg moved the following amendment to Amendment 2 which was adopted:

Amendment 2a—On page 1, line 5, strike "Section 2. This act shall take effect June 1, 1974." and insert: Section 2. This act shall take effect July 1, 1974.

Amendment 2 as amended was adopted.

The Committee on Transportation offered the following amendment which was moved by Senator Stolzenburg and adopted:

Amendment 3—On page 1, strike all lines 5 through 7 and insert: license plates, registrations and revalidation stickers; amending §320.031, Florida Statutes; providing an effective date.

On motion by Senator Stolzenburg, by two-thirds vote HB 1955 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Brantley	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 3551—A bill to be entitled An act relating to landlord tenant relationships; creating §83.43(12), Florida Statutes, defining security deposits; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 3551 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

By unanimous consent Senator Graham was recorded as voting yea.

HB 3667—A bill to be entitled An act relating to the landlord tenant relationships; amending §§83.59(2), 83.61 and 83.49(3)(c), Florida Statutes, to provide for advancing the cause on the court calendar; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 3667 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Brantley	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	
Graham	Pettigrew	Trask	

Nays—None

By unanimous consent Senator Gruber was recorded as voting yea.

HB 549—A bill to be entitled An act relating to the Florida retirement system; amending §121.081(1)(c), Florida Statutes, 1972 Supplement, as created by chapter 72-168, Laws of Florida, to provide for retirement credit for an employee in the Cuban Refugee Assistance Program for service prior to January 1, 1968 regardless of the fund from which paid; providing an effective date.

—was read the second time by title. On motion by Senator Pettigrew, by two-thirds vote HB 549 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

By unanimous consent Senator Gruber was recorded as voting yea.

HB 2580—A bill to be entitled An act relating to correctional standards council; amending section 20.19, Florida Statutes, 1971, by creating subsection (21) providing for creation of correctional standards council within the department of health and rehabilitative services; providing minimum qualifications for correctional officers; establishing a correctional officer training program; providing an effective date.

—was read the second time by title. On motion by Senator Pettigrew, by two-thirds vote HB 2580 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

By unanimous consent Senators Gruber, Wilson and Sims were recorded as voting yea.

SB 365 was laid on the table.

HB 2359—A bill to be entitled An act relating to tax on sales, use and other transactions; creating paragraph (j) of subsection (7) of section 212.08, Florida Statutes, 1972 Supplement, exempting certain bait used in the entrapment for commercial purposes of callinectes sapidus and menippe mercenaria from the state sales and use tax; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 2359 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Brantley	Graham	Myers	Stolzenburg
Childers	Henderson	Peterson	Sykes
Deeb	Johnson	Plante	Trask
de la Parte	Johnston	Poston	Vogt
Firestone	Lane (31st)	Saunders	Ware
Gallen	Lane (23rd)	Sayler	Williams
Gillespie	Lewis	Scarborough	Winn
Glisson	McClain	Smathers	Zinkil

Nays—1

Pettigrew

By unanimous consent Senators Gruber, Wilson and Sims were recorded as voting yea.

SB 87 was taken up and on motion by Senator Peterson—

HB 2498—A bill to be entitled An act relating to dressed poultry inspections; repealing §583.18 (4), Florida Statutes, to

remove the inspection fee on dressed poultry sold in this state or used in the preparation of food served to the public; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 2498 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

By unanimous consent Senators Gruber and Wilson were recorded as voting yea.

SB 87 was laid on the table.

SB 721—A bill to be entitled An act relating to solar energy, creating a solar energy center, authorizing research, dissemination of information, and providing demonstrations, providing an appropriation, providing an effective date.

—was read the second time by title.

The Committee on Consumer Affairs offered the following amendment which was moved by Senator Gillespie and adopted:

Amendment 1—On page 2, strike all of lines 1 through 29 and on page 3, line 1, strike line 1 and insert: Section 1. Board of Regents to develop solar energy center plan.

(1) The legislature hereby directs the board of regents of the state university system to develop a plan for a solar energy center and present the plan to the legislature by March 1, 1975. The center shall be termed to advance research and development in solar energy, to disseminate information on the results of such research, and to engage in projects designed to exemplify the capability of solar energy as a resource for meeting state energy needs. The plan shall include:

(a) a proposed location for the center selected after consideration of centers of present technical expertise, availability of equipment and facilities, convenience of location to all of Florida, and other relevant factors,

(b) an organizational structure for the center to allow personnel from all institutions within the state university system and others to participate in center activities, and also to provide the ability to actively seek federal and other funds to support the work of the center and to coordinate cooperative solar energy research efforts within the state university system,

(c) a program proposal and budget for the center which shall cover staff requirements, capital equipment acquisition, buildings and associated facilities and other costs necessary to carry out the intent of this act,

(d) a program to provide ongoing educational services for persons desiring solar energy technical knowledge at the working applications level and at levels requiring high technical competence,

(e) a program to develop methods for testing solar equipment,

(f) a program to develop and participate in demonstration projects and in the design and development of solar energy systems with emphasis on incident solar energy applications,

(g) a program to develop and disseminate information and to maintain an information system on solar energy and solar products, and

(h) a program to provide technical assistance to state agencies in the development of information and standards in the field as required.

(and renumber subsequent Section)

On motion by Senator Gillespie, by two-thirds vote SB 721 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

Brantley	Graham	Plante	Vogt
Childers	Henderson	Poston	Ware
Deeb	Johnson	Saunders	Weber
de la Parte	Johnston	Sayler	Williams
Firestone	Lane (31st)	Sims	Winn
Gallen	Lewis	Smathers	Zinkil
Gillespie	McClain	Stolzenburg	
Glisson	Myers	Sykes	
Gordon	Pettigrew	Trask	

Nays—None

By unanimous consent Senators Gruber, Wilson and Peterson were recorded as voting yea.

SB 828—A bill to be entitled An act relating to volunteer service program; amending section 216.262(1)(f), Florida Statutes, 1973, to exclude from the application of the paragraph meals provided without charge to volunteers under a volunteer service program approved by the department of administration; providing an effective date.

—was read the second time by title. On motion by Senator Gillespie, by two-thirds vote SB 828 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senators Gruber, Peterson and Wilson were recorded as voting yea.

Consideration of HB 3628 was deferred.

HB 3063—A bill to be entitled An act relating to county court judges; providing for the designation of a county court judge to serve as circuit judge in any county where there is no resident circuit judge; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 3063 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senators Gruber, Peterson and Wilson were recorded as voting yea.

SB 410 was laid on the table.

SB 886 was taken up, together with:

By the Committee on Natural Resources and Conservation—

CS for SB 886—A bill to be entitled An act relating to the land sales industry; amending subsection (4) of §478.25, Florida Statutes, clarifying the compliance requirement under the Federal Water Pollution Control Act; adding a new paragraph to subsection (4) of §478.25, Florida Statutes, providing for method of determining compliance with subsection 478.121 (4) and (5) and 478.25(4), Florida Statutes; providing an effective date.

—which was read the first time by title and SB 886 was laid on the table.

On motion by Senator Lane (31st), by two-thirds vote CS for SB 886 was read the second time by title.

Senator McClain moved the following amendment which was adopted:

Amendment 1—On page 1, line 16, strike everything after the enacting clause and insert: Section 1. Subsection (4) of §478.25, Florida Statutes is amended to read:

478.25 Notice of filing and registration.—

(4) Notwithstanding the provision of subsections (4) and (5) of §478.121, the land sales division shall enter an order registering subdivided lands which are otherwise qualified for registration pursuant to this act when:

(a) The applicant submits evidence that has applied for the permits required by chapter 253 and the ~~certifications~~ ~~certificates~~ required by ~~chapter 103~~, the Federal Water Pollution Control Act (Public Law ~~91~~ 92-500), and the ~~administrative rules and regulations of the department of pollution control~~, and

(b) The state agency charged with the responsibility of issuing such permits or certifications has failed within one hundred twenty days of the filing of the applications either:

1. To issue such a permit or certification; or

2. To issue a denial of such application setting forth in writing:

a. The regulations, guidelines, and criteria or standards used in evaluating the application;

b. The reasons for denial and the regulations, guidelines, and criteria the application fails to satisfy; and

c. The action the applicant would have to take to satisfy the agency's permit or certification requirements.

Any subdivider who is issued an order of registration under this subsection shall be required to show in its public offering statement, in a manner prescribed by the division, that it has not been granted the necessary permit, certification, or other authorization which must be granted prior to the construction of a specified improvement.

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

Pending further consideration of CS for SB 886 as amended, on motion by Senator Lane (31st)—

CS for HB 3669—A bill to be entitled An act relating to the land sales industry; amending subsection (4) of §478.25, Florida Statutes, clarifying the compliance requirement under the Federal Water Pollution Control Act; adding a new paragraph to subsection (4) of §478.25, Florida Statutes, providing for method of determining compliance with subsections 478.121(4) and (5) and 478.25(4), Florida Statutes; providing an effective date.

—a companion measure was substituted therefor.

On motion by Senator Lane (31st), by two-thirds vote CS for HB 3669 was read the second time by title.

Senator McClain moved the following title amendment which was adopted:

Amendment 1—On page 1, strike all language on lines 8—11 and on line 12 add "Statutes;"

On motion by Senator Lane (31st), by two-thirds vote HB 3669 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Brantley	Graham	Plante	Trask
Childers	Henderson	Poston	Vogt
Deeb	Johnson	Saunders	Ware
de la Parte	Johnston	Sayler	Weber
Firestone	Lane (31st)	Scarborough	Winn
Gallen	Lewis	Sims	Zinkil
Gillespie	McClain	Smathers	
Glisson	Myers	Stolzenburg	
Gordon	Pettigrew	Sykes	

Nays—None

By unanimous consent Senators Gruber, Wilson and Peterson were recorded as voting yea.

CS for SB 886 was laid on the table.

Consideration of HB 3967 was deferred.

HB 3428—A bill to be entitled An act relating to greyhound dog racing; authorizing any holder of a valid outstanding permit for greyhound dog racing in a county in which there is only one such permit issued to move the location of said permit to another location within a 30 mile radius within the county, providing certain local conditions are met, and providing further that the move is approved by the board of business regulation after a public hearing; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3428 was read the third time by title, passed and certified to the House. The vote was:

Yeas—27

Brantley	Graham	Plante	Vogt
Childers	Johnson	Poston	Ware
Deeb	Johnston	Saunders	Weber
de la Parte	Lane (23rd)	Scarborough	Williams
Gallen	McClain	Sims	Winn
Glisson	Myers	Sykes	Zinkil
Gordon	Pettigrew	Trask	

Nays—5

Firestone	Lane (31st)	Sayler	Smathers
Henderson			

By unanimous consent Senators Gruber, Peterson, Gillespie and Wilson were recorded as voting yea.

The President presiding

On motion by Senator Glisson, HB 2696 was withdrawn from the Committee on Health and Rehabilitative Services by two-thirds vote and placed on the calendar.

SB 524 was taken up and on motion by Senator Glisson—

HB 2696—A bill to be entitled An act relating to public health; amending §381.503(5)(a), Florida Statutes, 1972 Supplement, the community hospital education act, to provide that accreditation by the American Osteopathic Association be included as a standard to be considered pursuant to the funding of hospital programs under said act; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Glisson, by two-thirds vote HB 2696 was read the second time by title and, by two-thirds vote, the third time by title, passed and certified to the House. The vote was:

Yeas—33

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

Nays—None

By unanimous consent Senators Gruber, Peterson, Wilson and Gillespie were recorded as voting yea.

SB 524 was laid on the table.

HB 3084—A bill to be entitled An act relating to chiropractors; creating section 460.165, Florida Statutes; providing that it is unlawful to practice or to advertise to practice chiropractic without a license; amending section 460.26, Florida Statutes; providing that violations of the provisions of this chapter be felonies of the third degree; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendments which were moved by Senator Vogt and adopted:

Amendment 1—On page 2, line 5, insert new Section 3: Section 3. Section 460.17, Florida Statutes, is created to read:

460.17 Limitation on advertising.—It shall be unlawful for any person licensed under the provisions of this chapter to advertise in any publication or public display medium in any manner, directly or indirectly, except as provided by the rules and regulations of the board regarding the announcement of a new office or location, or the display of his professional care, or telephone listings, or change of office hours.

(Renumber subsequent sections.)

Amendment 2—In title, line 10, after "degree"; insert: creating section 460.17, Florida Statutes;

On motion by Senator Vogt, by two-thirds vote HB 3084 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senators Gruber, Peterson, Gillespie and Wilson were recorded as voting yea.

HB 1696—A bill to be entitled An act relating to factory-built housing; amending section 553.36 Florida statutes to re-define factory-built housing and adding other definitions to reflect the recommendations of the national conference of states on building codes and standards; amending section 553.37 Florida statutes, providing that housing approved under this act shall be deemed to comply with the requirements of state regulations, and certain other requirements of state agencies; amending section 553.38, Florida statutes, providing that local government regulations may not conflict with the provisions of this act, nor discriminate between factory-built housing and conventionally-built housing; amending section 553.39, Florida statutes, providing that noncompliance with the act shall be prima facie evidence of irreparable damage in an action for injunctive relief under this act; amending 553.41, Florida

statutes, to provide that alteration, counterfeiting or other misrepresentation of the insignia under this act shall be a felony of the third degree; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Graham and adopted:

Amendment 1—On page 8, line 19, strike the word “the”

Amendment 2—On page 2, line 3, strike “statutes” and insert: Statutes,

Amendment 3—On page 6, line 8, underline “a” in “a state agency”

On motion by Senator Graham, by two-thirds vote HB 1696 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—None

By unanimous consent Senators Gruber, Peterson, Gillespie and Wilson were recorded as voting yea.

Consideration of SB 747 and HB 1485 was deferred.

SR 867—A senate resolution requesting the governor to direct the department of transportation to coordinate a study to determine transportation needs of the state, its counties and its cities; past collections, expenditures and distribution of the 8 cents gas tax; anticipated collections, expenditures and distribution of the 8 cents gas tax; a comparison between past and future distributions; possible alternative sources and methods of collecting revenues; and to submit the study along with recommendations and proposed legislation to the senate transportation committee to review the study and recommendations and report to the senate in advance of the 1976 regular session of the legislature.

—was read the second time.

Senator Sayler moved the following amendment which was adopted:

Amendment 1—On page 3, line 11, strike “transportation committee”

On motion by Senator Poston, SR 867 as amended was read in full, adopted and ordered engrossed. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senators Gruber, Graham, Peterson, Glisson and Wilson were recorded as voting yea.

SB 906 was taken up and on motion by Senator Lane (31st)—

HB 3706—A bill to be entitled An act relating to district mental health boards; amending §894.70(1)(c), Florida Statutes, to provide for physician membership; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Lane (31st), by two-thirds vote HB 3706 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—None

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

SB 906 was laid on the table.

Consideration of SB 115 was deferred.

HB 3672—A bill to be entitled An act relating to the naming of state buildings; authorizing and directing the board of regents to name the union complex at Florida State University “Roscoe R. Oglesby Union”; providing an effective date.

—was read the second time by title. On motion by Senator Gallen, by two-thirds vote HB 3672 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

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

Nays—None

By unanimous consent Senators Gruber, Wilson, Peterson and Glisson were recorded as voting yea.

SB 873—A bill to be entitled An act relating to industrial relations commissioners; amending §§20.17(7) and 440.441, Florida Statutes, 1972 Supplement, providing that industrial relations commissioners have the same qualifications, salaries, and retirement benefits as judges of the district courts of appeal; providing an exception as to qualifications; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote SB 873 was read the third time by title, passed and certified to the House. The vote was:

Yeas—28

Mr. President	Gillespie	Lewis	Sims
Barron	Gordon	McClain	Sykes
Brantley	Graham	Myers	Trask
Childers	Henderson	Pettigrew	Vogt
Deeb	Johnson	Poston	Wilson
Firestone	Johnston	Saunders	Winn
Gallen	Lane (23rd)	Scarborough	Zinkil

Nays—8

Lane (31st)	Sayler	Stolzenburg	Weber
Plante	Smathers	Ware	Williams

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

SB 749—A bill to be entitled An act relating to management information; creating a joint study committee on management information; providing study areas; providing for membership, tenure and staff; providing an effective date.

—was read the second time by title.

The Committee on Rules and Calendar offered the following amendment which was moved by Senator Williams and adopted:

Amendment 1—On page 1, lines 14 and 15 strike the quotation marks (“) around the words “the committee”

Senator Williams moved the following amendment which was adopted:

Amendment 2—On page 1, line 22, strike “ways and means committee”

On motion by Senator Williams, by two-thirds vote SB 749 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

Mr. President	Henderson	Plante	Vogt
Brantley	Johnson	Poston	Ware
Childers	Johnson	Saunders	Weber
Deeb	Lane (31st)	Saylor	Williams
Firestone	Lane (23rd)	Scarborough	Winn
Gallen	Lewis	Smathers	Zinkil
Gillespie	McClain	Stolzenburg	
Gordon	Myers	Sykes	
Graham	Pettigrew	Trask	

Nays—None

By unanimous consent Senators Gruber, Wilson, Peterson and Glisson were recorded as voting yea.

SB 716—A bill to be entitled An act relating to the department of general services; amending §20.22(2), Florida Statutes, establishing the division of administration of the department of general services; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Plante and adopted:

Amendment 1—On page 1, strike lines 11 and 12 and insert: Section 1. Paragraphs (f) and (g) of subsection (2) of section 20.22, Florida Statutes, are amended and paragraph (h) of subsection (2) of section 20.22, Florida Statutes, is created to read:

20.22 Department of general services.—There is created a department of general services.

Senator Williams moved the following amendment which was adopted:

Amendment 2—On page 1, line 19, renumber Section 2 as Section 3 and insert a new Section 2 as follows:

Section 2. Subsection (1) of Section 20.05, Florida Statutes, is renumbered as paragraph (a) of said subsection and paragraph (b) thereof is created to read:

20.05 Heads of departments; powers and duties.—Each head of a department, except as otherwise provided herein, shall:

(1)(b) Have authority, without being relieved of responsibility, to execute any of the powers, duties and functions vested in said department or in any administrative unit thereof through said administrative units and through such assistants and deputies as shall be designated by the head of the department from time to time, unless the head of the department is explicitly required by law to perform the same without delegation.

On motion by Senator Plante, by two-thirds vote SB 716 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—35

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

Nays—None

By unanimous consent Senators Gruber and Graham were recorded as voting yea.

CS for HB 3903—A bill to be entitled An act relating to larceny; creating §811.115, Florida Statutes, providing for the crime of larceny of specified animals; providing a penalty; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice offered the following amendment which was moved by Senator Gallen and adopted:

Amendment 1—On page 1, lines 26 and 27, after the word “genera” strike “cattle (bos), horse (equine)” and insert: bos (cattle), equus (horse)

On motion by Senator Gallen, by two-thirds vote CS for HB 3903 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—None

By unanimous consent Senators Glisson and Gruber were recorded as voting yea.

HB 711—A bill to be entitled An act relating to sales tax on admissions; amending §212.04(2)(b), Florida Statutes, as amended by chapter 72-220, Laws of Florida, to provide an exemption for events sponsored by schools or correctional institutions when only student, faculty or inmate talent is used; providing an effective date.

—was read the second time by title. On motion by Senator Zinkil, by two-thirds vote HB 711 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—None

By unanimous consent Senator Gruber was recorded as voting yea.

HB 1199—A bill to be entitled An act relating to schools; creating §231.085, Florida Statutes, to provide for employment and duties of principals in the public schools; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendments which were moved by Senator Zinkil and adopted:

Amendment 1—On page 2, line 17, strike "reasonable"

Amendment 2—On page 2, line 4, strike "board" and insert: school board

Amendment 3—On page 2, line 11—12, strike "and for the transfer and promotion of pupils" and insert: , for the transfer of pupils within the school, and for the promotion of pupils.

Amendment 4—On page 1, line 27—28, strike "who shall hold valid supervisory or administrative certificates."

On motion by Senator Zinkil, by two-thirds vote HB 1199 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

SB 994 was laid on the table.

HB 1941—A bill to be entitled An act relating to environmental protection; creating an environmental program review committee; providing staff; establishing powers and responsibilities; providing for access to agency information; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 1941 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senator Ware was recorded as voting yea.

On motion by Senator de la Parte, the Senate reconsidered the vote by which HB 1941 passed.

SB 851 was taken up and on motion by Senator Vogt—

CS for HB's 2131 & 2132—A bill to be entitled An act relating to pollution control amending subsection (2) of section 403.031, Florida Statutes, providing for a definition of pollution; adding subsection (12) to section 403.031, Florida Statutes, providing for a definition of effluent limitation; amending subsections (7) and (18) of section 403.061, Florida Statutes, providing for effluent limitations, pretreatment requirements, and standards of performance comparable to federal requirements; providing 100 days to grant or deny NPDES applications and associated state permits; amending subsections (1) and (4) of section 403.087, Florida Statutes, providing for

a five year limit to permits, subject to renewal, providing for the issuance of permits in conformance with the prohibitions in section 124.41 of Volume 40 of the Code of Federal Regulations; amending subsection (3)(b) of section 403.088, Florida Statutes, providing 100 days to grant or deny NPDES applications and associated state permits; amending section 403.111, Florida Statutes, providing for the exemption of effluent data from the confidentiality provision; amending subsection (1) of section 403.141, Florida Statutes, providing for civil penalties, amending section 403.161, Florida Statutes, providing a violation and criminal penalty for falsification of information in applications, records, plans, and reports and tampering with monitoring devices, providing for additional criminal penalties for violations of the act; providing for an effective date.

—a companion measure was substituted therefor and read the second time by title.

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

Amendment 1—On page 2, strike all of lines 17—26 and insert: (2) "Pollution" is the presence in the outdoor atmosphere or waters of the state of any one or more substances, contaminants, or noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Amendment 2—On page 8, lines 5-6, strike "upon becoming law." and insert: July 1, 1974.

On motion by Senator Vogt, by two-thirds vote CS for HB's 2131 and 2132, as amended, was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

By unanimous consent Senator Ware was recorded as voting yea.

SB 851 was laid on the table.

Senator Saunders presiding.

HB 3561—A bill to be entitled An act relating to game and fresh water fish; creating §372.912, Florida Statutes, providing for certain requirements and exceptions for organized poisonous reptile hunts; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 3561 was read the third time by title, passed and certified to the House.

The President presiding.

The vote was:

Yeas—35

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

Nays—None

SB 393—A bill to be entitled An act relating to the bicentennial commission of Florida; amending chapter 13, part V, Florida Statutes; providing authority for a grants-in-aid program; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Trask and adopted:

Amendment 1—On page 1, lines 11 and 12, strike "Section 1. Chapter 13, Part V, Florida Statutes, is amended to read:" and strike underscoring lines 13—20 and insert: Section 1. Section 13.9978, Florida Statutes, is created to read:

Amendment 2—In title, line 5, strike "amending chapter 13, part V" and insert: creating §13.9978

On motion by Senator Trask, by two-thirds vote SB 393 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—34

Mr. President	Gruber	Peterson	Trask
Brantley	Henderson	Plante	Vogt
Childers	Johnson	Poston	Ware
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

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.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote SB 962 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

On motion by Senator Winn, HB 3920 was withdrawn from the Committee on Commerce by two-thirds vote and placed on the calendar.

SB 791 was taken up and on motion by Senator Winn—

HB 3920—A bill to be entitled An act relating to the division of economic development and the division of tourism; amends subsections 1, 2, 3 and 4 of section 288.03, Florida Statutes, removing from the division of economic development certain power and authority relative to tourism; and creates section 288.34, Florida Statutes, granting the division of tourism power and authority to conduct a Florida tourism promotional program; adding subsections (11), (12), (13), (14) and (15) to section 20.17, Florida Statutes, 1973: creating a Florida tourism commission within the division of tourism and providing for the membership, duties, qualifications, and responsibilities of the commission; creating a tourism advisory council within the division of tourism and providing for its membership and duties; provides an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Winn, by two-thirds vote HB 3920 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—None

SB 791 was laid on the table.

HB 3281—A bill to be entitled An act relating to charity racing days; amending §550.03(1), Florida Statutes, 1973, authorizing the board of business regulation to extend the time limitations for jai alai operations at certain frontons to an additional charity day, the proceeds of which shall go to the Civic Opera of Palm Beach; providing an effective date.

—was read the second time by title. On motion by Senator Sykes, by two-thirds vote HB 3281 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

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

Nays—5

Johnston	Saylor	Williams	Zinkil
Saunders			

SB 666 and CS for SB 666 were taken up and on motion by Senator Lane (23rd)—

HB 3353—A bill to be entitled An act relating to architects; amending §§467.02, 467.04, 467.08, 467.10, 467.11, 467.12, 467.19(1)(b) and 467.15(1), Florida Statutes, 1973 to provide for Executive Secretary and staff of the State Board of Architecture; compensation of Board members; examination schedules; qualification and requirements for examination and registration; registration fee; regulation of practice of architecture by partnerships and corporations; seal of architect; repealing 467.19(1) (c), Florida Statutes, pertaining to practice of architecture by partnerships and corporations; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Lane (23rd), by two-thirds vote HB 3353 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

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

Nays—None

SB 666 and CS for SB 666 were laid on the table.

HB 729—A bill to be entitled An act relating to eye enucleation; amending section 736.31, Florida Statutes, to provide that funeral directors who receive a certificate of completion for a course in eye enucleation from the University of South Florida School of Medicine may enucleate eyes; providing an effective date.

—was read the second time by title. On motion by Senator Lane (23rd), by two-thirds vote HB 729 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Gruber	Peterson	Stolzenburg
Brantley	Henderson	Plante	Sykes
Childers	Johnson	Poston	Trask
Firestone	Johnson	Saunders	Vogt
Gallen	Lane (31st)	Sayler	Ware
Gillespie	Lane (23rd)	Scarborough	Wilson
Glisson	Lewis	Sims	Winn
Gordon	Myers	Smathers	Zinkil

Nays—None

HB 3955—A bill to be entitled An act relating to the usury laws; amending 687.03 and 687.11; providing an explanation of which loans are deemed for \$500,000 or more, clarifying method of calculating interest under Chapter 687 and property included with definition; relating to guarantors; and providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 3955 was read the third time by title, passed and certified to the House. The vote was:

Yeas—29

Mr. President	Gordon	Myers	Trask
Brantley	Gruber	Peterson	Vogt
Childers	Johnson	Plante	Ware
Deeb	Johnson	Poston	Weber
Firestone	Lane (31st)	Sayler	Winn
Gallen	Lane (23rd)	Sims	
Gillespie	Lewis	Smathers	
Glisson	McClain	Sykes	

Nays—3

Saunders Stolzenburg Williams

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

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

HB 2886—A bill to be entitled An act relating to real estate brokers; amending sections 475.13, 475.23, and 475.24, Florida Statutes; increasing the registration renewal and reissue fees of real estate brokers, salesmen and branch offices; providing an effective date.

—which was read the second time by title. On motion by Senator Weber, by two-thirds vote HB 2886 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Gruber	Myers	Sykes
Brantley	Henderson	Peterson	Trask
Childers	Johnson	Poston	Vogt
Firestone	Johnson	Saunders	Ware
Gallen	Lane (31st)	Sayler	Weber
Gillespie	Lane (23rd)	Sims	Williams
Glisson	Lewis	Smathers	Wilson
Gordon	McClain	Stolzenburg	Winn

Nays—None

HB 3258—A bill to be entitled An act relating to veterans; amending §292.11, Florida Statutes, 1973, to require that county service officers meet minimum educational standards and that

they be veterans who have been on active duty for a certain period of time or who have satisfied their military obligations in a certain manner and who have been honorably discharged or that they be widows of such veterans; requiring the division of veterans' affairs of the department of community affairs to establish training programs for county service officers and requiring these officers to attend said programs; exempting persons currently employed as county service officers from certain requirements of the act; providing an effective date.

—was read the second time by title.

Senators Peterson, Wilson and Ware offered the following amendments which were adopted on motion by Senator Peterson:

Amendment 1—On page 2, line 5, strike "widow of" and insert: *surviving spouse*

Amendment 2—On page 1, line 11, strike "widows" and insert: *the surviving spouse*

On motion by Senator Johnson, by two-thirds vote HB 3258 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Henderson	Poston	Vogt
Brantley	Johnson	Saunders	Ware
Childers	Johnson	Sayler	Williams
Deeb	Lane (31st)	Scarborough	Wilson
Firestone	Lane (23rd)	Sims	Winn
Gallen	Lewis	Smathers	Zinkil
Gillespie	McClain	Stolzenburg	
Gordon	Myers	Sykes	
Gruber	Peterson	Trask	

Nays—None

HB 2622—A bill to be entitled An act relating to veterans; adding subsection (6) to 292.05, Florida Statutes, 1971, to authorize the division of veterans' affairs of the department of community affairs to administer the provisions of chapter 292, Florida Statutes, relating to veterans, and further authorizing the division to apply for and administer certain federal and state programs beneficial to the interests of veterans of the state; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 2622 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Mr. President	Henderson	Plante	Trask
Brantley	Johnson	Poston	Vogt
Childers	Johnson	Sayler	Ware
Deeb	Lane (23rd)	Scarborough	Williams
Firestone	Lewis	Sims	Wilson
Gillespie	McClain	Smathers	Winn
Gordon	Myers	Stolzenburg	Zinkil
Gruber	Peterson	Sykes	

Nays—None

HB 3487—A bill to be entitled An act relating to clearing corporations as defined in the Uniform Commercial Code; amending §608.421(2)(a) and §678.102(3), Florida Statutes, defining who may hold the capital stock of a clearing corporation; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 3487 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Henderson	Plante	Trask
Brantley	Johnson	Poston	Vogt
Childers	Johnson	Saunders	Ware
Firestone	Lane (31st)	Sayler	Wilson
Gallen	Lane (23rd)	Scarborough	Winn
Gillespie	Lewis	Sims	Zinkil
Glisson	McClain	Smathers	
Gordon	Myers	Stolzenburg	
Gruber	Peterson	Sykes	

Nays—None

HB 3488—A bill to be entitled An act relating to banks and banking; adding paragraph (f) to subsection (5) of §659.20, Florida Statutes, relating to the authority of banks and trust companies to invest in the stock of a clearing corporation as defined in the Uniform Commercial Code; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 3488 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

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

Nays—3

Lewis	Saunders	Williams
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HB 3489—A bill to be entitled An act relating to the authorization for the deposit of securities with clearing corporations; the deposit and transfers of securities held by certain fiduciaries and others; creating §518.115, Florida Statutes, authorizing fiduciaries and custodians for fiduciaries to deposit securities in a clearing corporation and providing methods for transferring securities so deposited; creating §518.116, Florida Statutes, relating to the authority of certain fiduciaries and custodians for fiduciaries to deposit certain securities with a federal reserve bank and providing a method for transferring securities so deposited; and providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 3489 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—None

HB 544—A bill to be entitled An act relating to sentencing for criminal offenses; creating §921.185, Florida Statutes; providing that in imposing sentences for felonies or misdemeanors involving property but not injury or opportunity for injury to persons, courts shall consider restitution a mitigation of the severity of an otherwise appropriate sentence; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 544 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—None

HB 1538 (cs)—A bill to be entitled An act relating to arrest records; providing certain procedures for expunging records if person is acquitted or released without being adjudicated guilty; providing for retention of nonpublic records by department of law enforcement; providing restoration of status; providing exceptions; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice offered the following amendment which was moved by Senator Scarborough:

Amendment 1—On page 1, lines 16—30, strike everything after the enacting clause and insert: Section 1. Any person charged with a criminal offense who is acquitted or released without being found or adjudicated guilty may file a motion with the court wherein the charge was brought to expunge the record of arrest from the official records of the arresting authority. Notice of such motion shall be served upon the prosecuting authority charged with the duty of prosecuting the offense and upon the arresting authority. The court shall issue an order to expunge all official records relating to such arrest, indictment or information, trial, and dismissal or discharge. Provided, however, the court shall require that nonpublic records be retained solely for the purpose of use by law enforcement agencies, the courts, corrections, and applicant or licensing authorities specifically authorized by statute. The effect of such order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or indictment or information. No person as to whom such order has been entered shall be held thereafter under any provision of Florida law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge such arrest in response to any non-judicial inquiry made of him for any purpose.

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

Senator de la Parte moved the following amendment to Amendment 1 which was adopted:

Amendment 1a—Lines 1—3, strike up to and including “cated guilty” and insert: Section 1. Any person arrested and released without formal charges by either indictment or information

Amendment 1 as amended was adopted.

The Committee on Criminal Justice offered the following amendment which was moved by Senator de la Parte and adopted:

Amendment 2—On page 1, line 7, strike “providing for waiver of claims against arresting officer or officers;”

Also, on page 1 line 10: “by department of law enforcement”

Senator de la Parte moved the following title amendment which was adopted:

Amendment 3—Strike all lines 6 and 7 up to word “guilty” and insert: person is arrested and released without formal charges

On motion by Senator de la Parte, by two-thirds vote HB 1538 (cs) as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—None

HB 2724—A bill to be entitled An act relating to trade secrets; making unlawful the theft, embezzlement, or unauthor-

ized 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.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote HB 2724 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

SB 798—A bill to be entitled An act relating to husband and wife premarital examinations; providing for amendment of sections 741.051, 741.055, and 741.056, Florida Statutes, to abolish the requirement of a physical examination as a prerequisite for a marriage license, providing an effective date.

—was read the second time by title.

The Committee on Judiciary offered the following amendment which was moved by Senator Wilson and adopted:

Amendment 1—On page 1, line 9, strike the comma after the word "license" and insert: ; providing that a certificate of an approved serological test for syphilis shall not be executed more than sixty days prior to the application for a marriage license;

Senator Wilson moved the following title amendment which was adopted:

Amendment 2—On page 1, line 5, strike "ammendment" and insert: amendment

On motion by Senator Wilson, by two-thirds vote SB 798 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—35

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

Nays—None

SB 756—A bill to be entitled An act relating to hospitals; providing legislative intent; providing for the establishment of an infection control committee in every licensed hospital; providing powers and duties of the committee; providing an effective date.

—was read the second time by title. On motion by Senator Gruber, by two-thirds vote SB 756 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—None

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.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendments which were moved by Senator Gruber and adopted:

Amendment 1—On page 1, lines 19-20, strike "a hazardous substance, as defined in §501.065, or"

Amendment 2—On page 1, lines 21-24, strike "a situation by which the life or health of any individual may be threatened or impaired, or which may, directly or indirectly, cause the spread of disease." and insert: imminent danger to the life or health of any individual.

On motion by Senator Gruber, by two-thirds vote SB 958 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—36

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

Nays—None

Consideration of SB 515 was deferred.

SB 887—A bill to be entitled An act relating to education; amending 228.071 (2), Florida Statutes; enlarging the scope of the community school program; authorizing use of school facilities for community school programs; providing an effective date.

—was read the second time by title. On motion by Senator Smathers, by two-thirds vote SB 887 was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

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

Nays—1

Plante

Senator Saunders presiding

HB 1782 (cs)—A bill to be entitled An act relating to school bus safety; amending §234.02, Florida Statutes, 1972 Supplement, by adding subsection (3) to said section; eliminating children standing on school buses; providing exceptions under emergency conditions; providing for a study by the department of education to be made to determine costs of providing transportation in hazardous situations within the two mile limit; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendments which were moved by Senator Smathers and adopted:

Amendment 1—On page 2, strike lines 9—17 and insert: *Section 2. School districts are hereby authorized to conduct a study in order to determine the hazardous situations within the two-mile limit for each school, and to report to the department of education and to the legislature on or before January 1, 1975, the projected cost of busing school children living within the two-mile limit who are subjected to the aforesaid hazardous conditions.*

Amendment 2—On page 1, lines 5, 17 & 18, strike "1972 Supplement"

Amendment 3—On page 1, line 27, strike "children standing" and insert: the necessity for children to stand

Amendment 4—On page 1, underline lines 25 to 29

Amendment 5—On page 2, underline lines 1 through 8

Amendment 6—On page 1, lines 9 and 10, strike "department of education" and insert: school districts

Senator Smathers moved the following amendments which were adopted:

Amendment 7—On page 2, line 15, strike "1974" and insert: 1975

Amendment 8—On page 2, line 18, strike "1973" and insert: 1974

On motion by Senator Smathers, by two-thirds vote HB 1782 (cs) as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Brantley	Graham	Myers	Smathers
Childers	Gruber	Peterson	Stolzenburg
Deeb	Johnson	Pettigrew	Sykes
Firestone	Johnston	Plante	Trask
Gallen	Lane (31st)	Poston	Vogt
Gillespie	Lane (23rd)	Sayler	Ware
Glisson	Lewis	Scarborough	Wilson
Gordon	McClain	Sims	Zinkil

Nays—1

Henderson

The President presiding

HB 1554 (cs)—A bill to be entitled An act relating to state officers and employees; authorizing a group health insurance program; amending subsection (2), (7), and (8) of section 112.075, Florida Statutes, and adding a new subsection (10); including personnel employed for eight (8) months or more; providing for promulgation of administrative rules; providing for the deposit of interest and funds in the general revenue fund; providing an effective date.

—was read the second time by title.

Senator Sayler moved the following amendments which were adopted:

Amendment 1—On page 1, line 17, after "subsections" insert: (1),

Amendment 2—On page 1, line 20, after "program.—" insert: (1)(b) The purpose of this section is to authorize a group life, health and accident insurance benefit program for all state officers and all full-time state employees holding salaried positions.

Amendment 3—On page 1, line 5, strike "health insurance program;" and insert:

"life, health and accident insurance benefit program;"

Amendment 4—On page 1, line 6, after "subsection" insert: (1),

On motion by Senator Sayler, by two-thirds vote HB 1554 (cs) as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—1

Zinkil

Consideration of CS for HB 1936 and HB 4000 was deferred.

Senator Scarborough presiding

SB 765—A bill to be entitled An act relating to salt water fisheries and conservation; amending §370.141, Florida Statutes; changing the wording "stone crabs" to "stone crab claws" and, in some instances, the word "shall" to "may"; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Childers, by two-thirds vote SB 765 was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—None

On motion by Senator Childers, HB 3289 was withdrawn from the Committee on Natural Resources and Conservation by two-thirds vote and placed on the calendar.

SB 574 was taken up and on motion by Senator Childers—

CS for HB 3289—A bill to be entitled An act relating to salt water fisheries and conservation; amending section 370.13(1), Florida Statutes, pertaining to parts of stone crabs and prohibiting possession or certain means of transportation of stone crabs; providing only the claws shall be removed and the live animals returned to water in same area where taken; providing permitting procedure for stone crabs to be possessed or transported for educational, exhibitional or scientific purposes; amending section 370.13(2), Florida Statutes, as amended by chapter 73-28, Laws of Florida, adding paragraph (j) to subsection (2); providing for transferring of ownership of stone crab traps; providing an effective date.

—a similar measure was substituted therefor and read the second time by title. On motion by Senator Childers, by two-thirds vote CS for HB 3289 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

By unanimous consent Senator Myers was recorded as voting yea.

SB 574 was laid on the table.

The President presiding

SB 588 was taken up, together with:

By the Committee on Health and Rehabilitative Services—

CS for SB 588—A bill to be entitled An act relating to severely disabled persons; providing legislative intent; providing definitions; providing for the establishment and maintenance by the department of health and rehabilitative services of a central registry of severely disabled persons; providing duties and responsibilities of the department; providing an effective date.

—which was read the first time by title and SB 588 was laid on the table.

On motions by Senator Henderson, by two-thirds vote CS for SB 588 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

By unanimous consent Senator Myers was recorded as voting yea.

HB 2926—A bill to be entitled An act relating to fraudulent practices; amending §817.482, Florida Statutes, 1971, by creating a new subsection (3), renumbering existing subsections (3) and (4) to (4) and (5) and amending the new subsection (5); providing for penalties for possession of equipment used to evade telecommunications service fees; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 2926 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

HB 3268—A bill to be entitled An act relating to public officers and employees amending Section 112.12, Florida Statutes, which authorizes payment of certain insurance premiums by employers of such officers and employees, asserting health insurance is as defined by Section 624.603, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 3268 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

SB 976 was laid on the table.

HB 3064—A bill to be entitled An act relating to the unlawful transmission or publication of telephone credit information; creating section 817.483, Florida Statutes, 1973; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 3064 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—None

HB 1289 (cs)—A bill to be entitled An act relating to the regulation of the practice of law; amending section 454.23, Florida Statutes; providing penalty for unauthorized practice of law; providing an effective date.

—was read the second time by title. On motion by Senator Zinkil, by two-thirds vote HB 1289 (cs) was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—None

CS for HB 3742—A bill to be entitled An act relating to insurance, creating subsection (6), §626.741, Florida Statutes; exempting from certain requirements of §626.741(4), Florida Statutes, any contracts of insurance purchased by a person whose premiums for such insurance in the preceding year of such purchase exceeded two hundred and fifty thousand dollars (\$250,000) in the aggregate; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote CS for HB 3742 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Mr. President	Glisson	Lane (31st)	Poston
Brantley	Gordon	Lane (23rd)	Saunders
Childers	Graham	McClain	Sayler
Deeb	Gruber	Myers	Scarborough
Firestone	Henderson	Peterson	Sims
Gallen	Johnson	Pettigrew	Smathers
Gillespie	Johnston	Plante	Stolzenburg

Sykes	Vogt	Wilson	Winn
Trask	Ware		
Nays—3			
Lewis	Williams	Zinkil	

HB 3968—A bill to be entitled An act relating to statutory construction; creating section 1.04, Florida Statutes; providing for the construction of acts passed during the same session of the legislature.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 3968 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

SB 562—A bill to be entitled An act relating to vital statistics; repealing subsection (2) of section 382.35, Florida Statutes, relating to disclosure of illegitimacy of birth; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote SB 562 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—None

SB 945—A bill to be entitled An act relating to the state university system; providing legislative intent; establishing enrollment limitations and degree program limitations for state universities; providing for board of regents recommendation and legislative approval of new colleges and degree programs within the existing universities; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendments which were moved by Senator Gordon and adopted:

Amendment 1—On page 2, lines 22 and 23, strike after “college” on line 22 to “enrollment” on line 23 and the colon (:) at the end of line 23

Amendment 2—On page 2, line 27, strike all of Section 7 and renumber subsequent sections

Amendment 3—On page 3, line 8, strike “and approval by the legislature”

On motion by Senator Gordon, by two-thirds vote SB 945 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—33

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

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea.

SB 1066 was taken up and on motion by Senator Saunders—

HB 3778—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.

—a companion measure was substituted therefor and read the second time by title.

Senator Saunders moved the following amendment which was adopted:

Amendment 1—On page 1, line 22, strike “; however the Auditor General in his discretion may authorize a local government’s legislative auditor to perform all audits as required by law and further that this provision shall take precedence over any inconsistent general or special laws to the contrary including section 125.01 (1), Florida Statutes, 1973, as amended”

On motion by Senator Saunders, by two-thirds vote HB 3778 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—None

By unanimous consent Senator Smathers was recorded as voting yea.

SB 1066 was laid on the table.

SB 997 was taken up, together with:

By the Committee on Transportation—

CS for SB 997—A bill to be entitled An act relating to outdoor advertising; amending section 479.15, Florida Statutes, adding subsections (b) and (c); providing that no political subdivision shall remove or cause to be removed any advertisement or advertising structure without compensation; providing that such compensation may be paid out of secondary road funds; providing for responsibility of removal of advertisement on federal highway system; providing an effective date.

—which was read the first time by title and SB 997 was laid on the table.

On motions by Senator Poston, by two-thirds vote CS for SB 997 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Graham	Plante	Trask
Brantley	Gruber	Poston	Vogt
Childers	Johnson	Saunders	Weber
Deeb	Johnston	Sayler	Williams
Firestone	Lane (23rd)	Scarborough	Wilson
Gallen	Lewis	Sims	Winn
Gillespie	McClain	Smathers	
Glisson	Myers	Stolzenburg	
Gordon	Peterson	Sykes	

Nays—3

Henderson	Ware	Zinkil
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By unanimous consent Senator Lewis changed his vote from yea to nay.

On motion by Senator Saunders, HB 3614 was withdrawn from the Committee on Health and Rehabilitative Services by two-thirds vote and placed on the calendar.

SB 1014 was taken up and on motion by Senator Saunders—

HB 3614—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.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 3614 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

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

Nays—None

SB 1014 was laid on the table.

SB 1011 was taken up, together with:

By the Committee on Commerce—

CS for SB 1011—A bill to be entitled An act relating to the department of insurance and to non-profit tax exempt corporations and charitable trusts which have been in operation for ten (10) years and which have qualified as an exempt organization under the Internal Revenue Code, 26 U.S.C., §501(c)(3); creating §627.481, Florida Statutes, to authorize such corporations or trusts to obtain a special permit to enter into annuity agreements; providing for the filing of forms and annuity rates; requiring reserves and assets; authorizing re-insurance and specifying certain investments with exceptions; authorizing the department to require certain statements; exempting such corporations or trusts from the provisions of the insurance code in entering into annuity agreements under a special permit; requiring language in certain annuity agreements to protect state assets from recourse by donors and annuitants; providing an effective date.

—which was read the first time by title and SB 1011 was laid on the table.

On motion by Senator Saunders, by two-thirds vote CS for SB 1011 was read the second time by title.

Senator Saunders moved the following title amendments which were adopted:

Amendment 1—On page 1, line 11, following “501(c)(3);” insert: creating §241.74, Florida Statutes;

Amendment 2—On page 1, line 9 strike the words: “or by” and insert: and to

Pending further consideration of CS for SB 1011 as amended, on motion by Senator Saunders, by two-thirds vote CS for HB 3793 was withdrawn from the Committee on Commerce and placed on the calendar. On motion by Senator Saunders—

CS for HB 3793—A bill to be entitled An act relating to the department of insurance and to non-profit tax exempt corporations and charitable trusts which have been in operation for ten (10) years and which have qualified as an exempt organization under the Internal Revenue Code, 26 U.S.C., §501(c)(3); creating §627.481, Florida Statutes, to authorize such corporations or trusts to obtain a special permit to enter into annuity agreements; providing for the filing of forms and annuity rates; requiring reserves and assets; authorizing re-insurance and specifying certain investments with exceptions; authorizing the department to require certain statements; exempting such corporations or trusts from the provisions of the insurance code in entering into annuity agreements under a special permit; requiring language in certain annuity agreements to protect state assets from recourse by donors and annuitants; providing an effective date.

—a companion measure to CS for SB 1011 was substituted therefor and read the second time by title. On motion by Senator Saunders, by two-thirds vote CS for HB 3793 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

CS for SB 1011 was laid on the table.

SB 650—A bill to be entitled An act relating to the payment for indigent patients treated at the shands teaching hospital of the j. hillis miller health center; adding paragraph three (3) to section 241.471, Florida Statutes; providing authority to collect from counties whose indigent patients are brought to the hospital without proper referral; providing authority for the department of banking and finance to withhold monies held in the state treasury for distribution to such counties; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote SB 650 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—3

Glisson	Sayler	Ware
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By unanimous consent Senator Lewis changed his vote from yea to nay.

CS for HB 2714—A bill to be entitled An act relating to migrant farm worker carriers; amending §316.003(63), Florida Statutes, 1972 Supplement; revising the definition of said car-

riers; eliminating the exemption for a crop owner from compliance with safety regulations required of others transporting migrant farm workers; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote CS for HB 2714 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
Firestone	Lane (31st)	Sayler	Williams
Gallen	Lane (23rd)	Scarborough	Wilson
Gillespie	Lewis	Sims	Winn
Glisson	McClain	Smathers	Zinkil
Gordon	Myers	Stolzenburg	
Graham	Peterson	Sykes	
Gruber	Pettigrew	Trask	

Nays—None

Consideration of HB 1474 was deferred.

On motion by Senator Ware, by two-thirds vote HB 3440 was placed on the consent calendar.

HB 3475—A bill to be entitled An act relating to newspapers in which legal and official advertisements may be published, amending §50.031, Florida Statutes, to allow legal and official advertisements to be published in a newspaper which has been in existence for one (1) year and has been entered as second class matter at a post office in the county where published; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3475 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

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

Nays—2

Gillespie Johnston

HB 3500—A bill to be entitled An act relating to historic preservation; creating Part V, chapter 266, Florida Statutes, creating the historic Boca Raton board of commissioners; declaring its purpose and functions; providing for the appointment, terms of office, bonding and payment of the expenses of its members; describing the powers and duties of said board; providing for the establishment of historical districts and an architectural review board for same; providing for the right of eminent domain; and for the coordination of activities with a state division of archives and history; and providing an effective date.

—was read the second time by title. On motion by Senator Sykes, by two-thirds vote HB 3500 was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

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

Nays—4

Firestone Gillespie Henderson Vogt

CS for HB 3619—A bill to be entitled An act relating to insurance; adding a new subsection (5) to §626.970, Florida Statutes, 1973, prohibiting an insurer from charging an additional premium for motor vehicle insurance or cancelling a policy or refusing to renew a policy solely because the insured is handicapped or disabled; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote CS for HB 3619 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—1

Johnson

SB 770 was laid on the table.

HB 3967—A bill to be entitled An act relating to constructive service of process; amending §§49.031(2), 49.10(1) and 49.12, Florida Statutes, to authorize posting of notices of action on behalf of insolvent persons; providing an effective date.

—was read the second time by title. On motion by Senator Gordon, by two-thirds vote HB 3967 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—1

Stolzenburg

SB 853 was laid on the table.

HB 1485 (cs)—A bill to be entitled An act relating to motor carriers; adding subsection (6) of section 323.29, Florida Statutes, permitting chartered counties to regulate and license for hire motor vehicles; providing for uniform rates and charges and minimum standards; providing for retention of certain authority by municipalities; providing for a limitation on certificates and permits; providing for the repeal of such limitation; providing for the validity of prior issued certificates; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were moved by Senator Poston and adopted:

Amendment 1—On page 1: underscore lines 20 through 21

On page 2:

underscore lines 1 through 32

On page 3:

underscore lines 1 through 19

Amendment 2—On page 3, line 19, strike the term: ordinance and insert: ordinance

Amendment 3—On page 1, line 6

On page 1, line 22
On page 1, line 28
On page 2, line 2
On page 2, line 5
On page 2, line 22
On page 2, line 29
On page 3, line 7
On page 3, line 17

following the word "hire" insert: the word "passenger"

Amendment 4—On page 1, line 12: change: "certificates" to "permits"

On page 3, line 12: change: "certificates" to "Permits"
On page 3, line 15: change: "certificates" to "permits"
On page 3, line 16: change: "certificates" to "permits"

Amendment 5—On page 1, line 10: delete: "certificates and"
On page 2, line 28: delete: "certificates and"

On motion by Senator Poston, by two-thirds vote HB 1485 (cs) as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

SB 115 was taken up and on motion by Senator Lane (31st)—

CS for HB 2375—A bill to be entitled An Act relating to lobbying by state employees; requiring registration and approval; requiring the recording of time spent in such lobbying; providing exceptions; prohibiting the payment of state funds for lobbying purposes; providing penalties; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Lane (31st), by two-thirds vote CS for HB 2375 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—None

SB 115 was laid on the table.

HB 4000—A bill to be entitled An act relating to the Florida mental health act; amending §394.457(6)(d), Florida Statutes, 1973, to provide for review of orders of hearing examiners by district courts rather than circuit courts; amending §394.459(1), Florida Statutes, 1973, relating to the rights of patients, to provide an exception, in criminal cases, to the five (5) day limitation on imprisonment; amending §394.467(3)(b), Florida Statutes, 1973, relating to involuntary hospitalization, to provide for committal, to the division of mental health for hospitalization and treatment, of any person adjudicated not guilty by reason of insanity, and to provide that any mentally ill person charged with a misdemeanor shall be admitted for hospitalization and treatment pursuant to part I of chapter 394; amending §394.467(4)(c) and (e), Florida Statutes, 1973, to increase the period of time within which, upon administrative request or petition of the patient or his representative, the hearing shall be held; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote HB 4000 was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

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

Nays—None

HB 3440—A bill to be entitled An act relating to taxation; amending subsections 220.03(1)(h) and (2)(c), Florida Statutes, 1973 Supplement, to redefine the term "Internal Revenue Code"; adding section 220.54, Florida Statutes, specifying the source of funds for certain costs related to administering the income tax code; amending section 220.222(2)(a), Florida Statutes, to clarify the requirements for obtaining an extension or extensions of time within which to file the return required by the Corporation Income Tax Code; amending section 214.40, Florida Statutes, relating to penalties for failure to file timely returns; adding a new subsection providing for the assertion of a penalty for failure to file a tax return even though no tax is shown to be due thereon; adding a new subsection providing that if a penalty is assessed under subsection (1) no penalty will be assessed under subsection (2); amending section 608.27(1)(b), Florida Statutes, to clarify the corporate income tax liability of dissolved corporations; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendments which were moved by Senator Ware and adopted:

Amendment 1—On page 5, between lines 4 and 5, insert the following:

Section 6. Paragraph (c) of subsection (1) of section 220.13, Florida Statutes, 1973, is amended to read:

220.13 Adjusted federal income defined.—

(1) "Adjusted federal income" shall mean an amount equal to the taxpayer's taxable income as defined in subsection (2), or said taxable income of more than one taxpayer as provided in §220.131, for the taxable year, adjusted as follows:

(c) Installment sales.—

1. Unless there has been an election under subparagraph 2., any taxpayer which returns any portion of its income for federal income tax purposes under section 453 of the Internal Revenue Code, whether or not as a dealer, shall file its return under this code, and shall compute its adjusted taxable income, including income derived from transactions treated for federal tax purposes as installment sales, in accordance with the regular method by which the taxpayer accounts, under section 446(c) of the Internal Revenue Code, for transactions which are not installment sales. In preparing its return under this

code, the taxpayer shall adjust taxable income, as defined in subsection (2), by excluding therefrom all installment sale income reported in the taxable year with respect to income realized from installment sales prior to January 1, 1972 and by including therein the full amount of all income realized from installment sales, under an accrual method of accounting, on or after said date. However, for a taxable year which begins before and ends after January 1, 1972, the ratio set forth in subsection 220.12(2) shall not be applied to the taxpayer's apportioned share of installment sale income in computing net income.

2. Any taxpayer which has elected for federal income tax purposes to report any portion of its income on the installment basis under section 453 of the Internal Revenue Code may elect so to return income from installment sales for purposes of this code. However, the election provided by this subparagraph shall only be allowed if:

a. The election is made not later than the due date, including any extensions thereof, for filing the taxpayer's return under this code, in such manner as the department may prescribe; and

b. The taxpayer consents in writing, at the time of its election, to the filing of its return without the adjustments to taxable income which are described in subparagraph 1.

c. *Notwithstanding any other provision of this paragraph (c) if the election is not made for the taxpayer's first taxable year under this code in which a portion of its income is so returned for federal tax purposes, an election under this subparagraph may be made at any time thereafter if the taxpayer files amended returns for all prior periods ending after January 1, 1972, and pays the additional tax that would have been due, including interest from the due date of the original return until the tax due on each amended return is paid, as though an original election under this subparagraph, adjusted as required under subparagraphs 4 and 5, had been timely made. By filing such amended returns, the taxpayer shall be deemed to have waived any statute of limitations defense, and to have made the election as if it had been made on the original return.*

and renumber the remaining sections accordingly.

Amendment 2—In title, line 24, after the semicolon insert: amending Section 220.13 to provide procedure for election of installment sales method of reporting income by amended return;

On motion by Senator Ware, by two-thirds vote HB 3440, as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—36

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

Nays—None

CONFERENCE COMMITTEE ON CS FOR SB 892

The President announced the appointment of Senators Barron, Brantley, Johnson, Lewis and Weber as conferees on the part of the Senate on CS for SB 892.

HB 1474—A bill to be entitled An act relating to elections; amending §101.27(4), Florida Statutes, to provide for the order in which voting machine ballots are arranged; providing an effective date.

—was read the second time by title.

Senator Zinkil moved the following amendment which was adopted:

Amendment 1—On page 1, line 24, strike "October" and insert: July

On motion by Senator Lewis, by two-thirds vote HB 1474 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Glisson	Myers	Smathers
Barron	Graham	Peterson	Sykes
Brantley	Gruber	Pettigrew	Trask
Childers	Henderson	Poston	Ware
Deeb	Johnson	Saunders	Weber
Firestone	Johnston	Saylor	Wilson
Gallen	Lane (31st)	Scarborough	Winn
Gillespie	Lewis	Sims	Zinkil

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea.

CS for HB 3796—A bill to be entitled An act relating to career service; providing for additional exempt positions in each department; amending paragraphs (h) and (k) of subsection (2) of §110.051, Florida Statutes, 1973; providing an effective date.

—was read the second time by title.

Senator Graham moved the following amendment which was adopted:

Amendment 1—On page 1, line 23, strike the second "the" and insert: such

On motion by Senator Graham, by two-thirds vote CS for HB 3796 as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

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

Nays—1

Ware

SB 747 was laid on the table.

HB 3759—A bill to be entitled An act relating to charity racing days; amending subsection (1) of §550.03, Florida Statutes, to provide for an additional charity day for any track or fronton in Hillsborough County with the proceeds of said day to be paid to the Brandon Cultural Center Civic Association; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 3759 was read the third time by title, passed and certified to the House. The vote was:

Yeas—30

Mr. President	Gordon	Myers	Trask
Brantley	Graham	Peterson	Vogt
Childers	Gruber	Pettigrew	Ware
Deeb	Henderson	Poston	Weber
Firestone	Johnson	Saunders	Wilson
Gallen	Lane (23rd)	Sims	Winn
Gillespie	Lewis	Stolzenburg	
Glisson	McClain	Sykes	

Nays—1

Johnston

By unanimous consent Senator Smathers was recorded as voting yea.

HB 435 (cs)—A bill to be entitled An act relating to motor vehicle licenses; creating §320.0806, Florida Statutes, and adding subsections (5) and (6) to §320.0842, Florida Statutes, 1972 Supplement, relating to the issuance by the department of highway safety and motor vehicles of "HP" series license plates to certain handicapped persons; exempting persons who have been issued "HP" or "DV" plates from any parking fees or penalties while parking motor vehicles with said plates; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were moved by Senator Winn and adopted:

Amendment 1—On page 2, strike lines 10 and 11 and insert: highways or in a metered space for a longer period of time than other persons are permitted to park on such streets or highways or in such metered space. However persons not so disabled using a vehicle with an "HP" license plate for their own use shall not have the privileges of this section.

Amendment 2—On page 2, strike line 25 and insert: or in a metered space except in clearly defined bus loading zones or areas posted as "NO PARKING" zones shall be imposed upon any person who is

On motion by Senator Winn, by two-thirds vote HB 435 (cs) as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

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

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea.

On motion by Senator Sykes, unanimous consent was obtained to take up SB 769 out of order. On motion by Senator Sykes—

HB 3530—A bill to be entitled An act relating to bridge designation; providing for designation of the Peter P. Cobb Bridge over the Indian River at Fort Pierce in St. Lucie County; authorizing and directing the department of transportation to affix markers; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Sykes, by two-thirds vote HB 3530 was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

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

Nays—None

SB 769 was laid on the table.

Senator Johnson moved that the rules be waived and a bill relating to court costs and filing fees be admitted for introduction notwithstanding the fact that the deadline for filing bills pursuant to Rule 4.4 had passed.

The motion was referred to the Committee on Rules and Calendar.

By permission the following report was received:

The Committee on Rules and Calendar advises that an emergency exists compelling the introduction and consideration of SB 1120.

Respectfully submitted,
Dempsey J. Barron, Chairman

INTRODUCTION

The following measure was read the first time by title and referred to the committee as indicated:

By Senators Johnson, Myers, McClain, Stolzenburg, Sykes, Weber, Poston, Winn, Zinkil, Graham, Gordon, Pettigrew, Lewis, Lane (23rd), Peterson, Plante, Ware, Johnston, Glisson, Henderson, Firestone, Gruber, Gillespie, Lane (31st), Scarborough, Smathers, Vogt, Sims, Trask and de la Parte—

SB 1120—A bill to be entitled An act relating to court costs and filing fees; amending ss34.041 and 28.241, Florida Statutes, 1973, to provide that service charges may be imposed for the funding of legal aid programs; providing an effective date.

—Rules and Calendar.

On motion by Senator Johnson, SB 1120 was withdrawn from the Committee on Rules and Calendar by two-thirds vote and placed on the calendar.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

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

By the Committee on Health and Rehabilitative Services—

CS for SB 215—A bill to be entitled An act relating to corrections; creating the Florida Correctional Reform Act of 1974; providing legislative intent; providing definitions; creating section 944.023, Florida Statutes, to provide for a plan to be submitted to the legislature by the department of health and rehabilitative services and the parole and probation commission for the operation of the correctional system; creating section 944.024, Florida Statutes, to provide for adult intake and evaluation programs; creating section 944.025, Florida Statutes, to authorize pre-trial intervention programs and describing their content and procedures; creating section 944.026, Florida Statutes, to provide for community based correctional facilities and programs and to provide for a decentralized system of adult intake and evaluation programs; creating section 921.23, Florida Statutes, to prescribe the form and content of pre-sentence investigation reports and to mandate such reports on all adult felony offenders; amending sections 947.24 and 948.04, Florida Statutes, to establish maximum periods of parole and probation, unless otherwise specified by the court; providing for discharge from probation and parole by the commission in certain circumstances; amending section 947.17, Florida Statutes, to provide for procedures relating to parole; providing for certain procedures for placement of inmates in work release programs; amending subsections (2), (3) and (4) of section 948.01, Florida Statutes, relating to pre-sentence investigation reports; providing for non-supervised probation in certain misdemeanor cases; providing for split sentences for felony offenders; authorizing the placement of probationers in community residential programs operated by public or private agencies; amending section 944.09, Florida Statutes, to require the division of corrections to promulgate rules and regulations relating to inmate conduct, disciplinary procedures and inmate rights; creating section 944.55, Florida Statutes, to create an office of vocational education and career development in the division of corrections; creating job placement and vocational training centers and programs in designated institutions of the

division of corrections; creating section 944.56, Florida Statutes, to create a vocational training advisory council to the division of corrections; creating section 944.57, Florida Statutes, to authorize expansion of the manpower development training program in the division of corrections; amending section 945.10, Florida Statutes, relating to the confidentiality of pre-sentence investigation reports; amending section 944.062, Florida Statutes, relating to the reception and medical center; amending section 945.025, Florida Statutes, relating to the jurisdiction of the division of corrections; amending section 945.09, Florida Statutes, relating to the commitment and classification of prisoners; creating sections 944.292 and 944.293, Florida Statutes, to provide for the suspension of certain civil rights upon conviction of a felony and to provide for procedures for application for the restoration of civil rights; amending section 947.01, Florida Statutes, to increase the membership of the parole and probation commission from five to eight; providing for qualifications of the members; amending section 947.10, Florida Statutes, to authorize the appointment of the director of the division of corrections to the parole and probation commission; amending §951.22(1), Florida Statutes, to make it unlawful to possess certain items on the grounds of any county detention facility; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment (1)—On page 4, strike everything after the enacting clause and insert the following:

Section 1. Short title.—This act shall be known and may be cited as “The Florida Correctional Reform Act of 1974.”

Section 2. Legislative intent.—The legislature hereby finds and declares that:

(1) Florida spends each year in excess of sixty million dollars for its state correctional system, but Florida citizens have not received a fair return on that investment. Florida correctional institutions have contributed little to the reduction of crime. To the contrary, crime rates continue to rise; recidivism rates are notoriously high; and large prisons have for the most part become schools for crime, making successful reintegration into the community unlikely.

(2) It is clear that major changes in correctional methods are required. It is essential to abate the use of large institutions and continue the development of community based corrections; to equip judges with more effective evaluative tools to deal with the criminal offender; and to provide alternatives to institutionalization, including the availability of probationers' residences and community correctional centers.

(3) One of the chief factors contributing to the high recidivism rate in the state is the general inability of ex-offenders to find or keep meaningful employment. Although ninety percent of all offenders sent to prison return to society one day, the correctional system has done little to provide the offender with the vocational skills he needs to return to society as a productive citizen. This failure virtually guarantees the probability of return to crime. Vocational training and assistance in job placement must be looked to on a priority basis as an integral part of the process of changing deviant behavior in the institutionalized offender, when such change is determined to be possible.

(4) These changes must not be made out of sympathy for the criminal or out of disregard of the threat of crime to society. They must be made precisely because that threat is too serious to be countered by ineffective methods.

(5) In order to make the correctional system an efficient and effective mechanism, the various agencies involved in the correctional process must coordinate their efforts. Where possible, interagency offices should be physically located within major institutions and should include representatives of the Florida state employment service, the division of vocational rehabilitation, and the parole and probation commission. Duplicative and unnecessary methods of evaluating offenders must be eliminated and areas of responsibility consolidated in order to more economically utilize present scarce resources.

(6) It is the intent of the legislature to:

(a) Provide a mechanism for the early identification, evaluation, and treatment of behavioral disorders of adult offenders coming into contact with the correctional system;

(b) Separate dangerous or repeat offenders from nondangerous offenders, who have potential for rehabilitation; and place dangerous offenders in secure and manageable institutions;

(c) Where possible, divert those individuals from expensive institutional commitment who, by virtue of professional diagnosis and evaluation, can be placed in less costly and more effective environments and programs best suited for their rehabilitation and the protection of society;

(d) Make available to those offenders who are capable of rehabilitation the job training and job placement assistance they need to build meaningful and productive lives when they return to the community.

(e) Provide intensive and meaningful supervision for those on probation so that the condition or situation which caused the person to commit the crime is corrected.

Section 3. Definitions.—As used in this act:

(1) “Department” means the department of health and rehabilitative services.

(2) “Division” means the division of corrections of the department of health and rehabilitative services.

(3) “Commission” means the parole and probation commission.

Section 4. Section 944.023, Florida Statutes, is created to read:

944.023 Correctional improvement plan.—The department of health and rehabilitative services and the parole and probation commission shall jointly submit to the legislature for its approval by January 1, 1975 a detailed plan for the operation of the Florida correctional system. Pursuant to the requirements of this section there shall be included in the plan a detailed analysis and inventory of existing programs, facilities and services dealing with the correction of the criminal offender, comprehensive information relating to population trends, judicial practices, offender profiles, service area resources, needs and capabilities, detention capacity, residential and nonresidential community programs, and an estimate of all direct and indirect operating expenditures and the availability of federal matching monies to effect the intent of this chapter, said cost estimates to be projected through five consecutive fiscal years commencing with fiscal year July 1, 1975. The plan shall clearly define the operational roles and functional responsibilities of the department and the commission as each may be affected by the provisions of the plan.

(1) It shall be the duty of the department to:

(a) Develop a plan for the decentralization of reception and classification facilities for the implementation of a regionally based diagnosis and evaluation capability for adult offenders. The plan shall provide for a system of psychological testing and evaluation as well as medical screening through department resources or with the commission or other public or private agencies through a purchase of services agreement. Priority in planning shall be given to the placement and location of facilities and programs in regions of the state representative of the geographic origin of commitments to the prison system.

(b) Develop plans for comprehensive vocational and educational training of offenders and their evaluation within each institution, program, or facility of the division based upon the identified needs of the offender and the requirements of the employment market to which he shall return upon release.

(c) Develop a plan for the utilization of local jail facilities as short-term confinement resources of the division, for offenders with sentences of three years or less, and for the integration of detention services with community-based programs. Included in this plan shall be the designation of such facilities and programs within a regional framework of the state;

(d) Develop a detailed study of methods to implement diversified alternatives to institutionalization where such alternatives can be safely utilized.

(2) It shall be the duty of the commission to:

(a) Develop, jointly with the department, a mechanism for the evaluation of adult offenders coming before the courts of

the state and for those individuals under the parole or probation supervision of the commission. Priority in the plan shall be given to the following:

1. The utilization of community based resources of the commission and the department for pre-trial intervention analysis or pre-sentence evaluation;

2. A purchase of services arrangement with public or private agencies capable of providing the necessary diagnostic programs;

3. The development of diagnostic and evaluation mechanism internal to the programs of the commission.

(3) Each year, commencing with the 1976 fiscal year, the department and the commission shall each render a written report to the legislature, updating the correctional improvement plan, making recommendations for modification or improvement, and giving a detailed analysis of the manner and method, including funding, by which the legislature can continue to implement the overall goals of the correctional improvement plan.

Section 5. Section 944.024, Florida Statutes, is created to read:

944.024 Adult intake and evaluation.—The state system of adult intake and evaluation shall include the following functions:

(1) The performance of pre-trial investigation where applicable;

(2) Assistance in the evaluation of offenders for diversion from the criminal justice system or referral to residential or non-residential programs;

(3) The provision of secure detention services for pre-trial detainees who are unable to comply with the conditions of release established by the court or who represent a serious threat to the community;

(4) The provision of diagnostic, evaluation, and classification services at the pre-sentence stage to assist the court, the commission, and the department in planning programs for rehabilitation of convicted offenders;

(5) The performance of post-sentence intake by the department. Any physical facility established by the department for the intake and evaluation process prior to the offender's entry into the correctional system shall provide for specific office and work areas for the staff of the commission. The purpose of such a physical center shall be to combine in one place as many of the rehabilitation related functions as possible, including pre-trial and post-trial evaluation, parole and probation services, vocational rehabilitation services, family assistance services of the division of family services, and all other rehabilitative and correctional services dealing with the offender.

Section 6. Section 944.025, Florida Statutes, is created to read:

944.025 Pre-trial intervention program.—

(1) The commission shall supervise pre-trial intervention programs. Such programs shall provide appropriate counseling, education, and supervision and medical and psychological treatment as available and when appropriate for the persons released to such programs.

(2) Any first offender who is charged with any misdemeanor, or a felony of the third degree, is eligible for release to the pre-trial intervention program on the approval of the administrator of the program and the consent of the victim, the state attorney and the judge who presided at the initial appearance hearing of the offender. In no case, however, shall any individual be so released unless, after consultation with his attorney or one made available to him if he is indigent, he has voluntarily agreed to such program, and he has knowingly and intelligently waived his right to speedy trial for the period of his diversion. In no case shall the defendant or the immediate family personally contact the victim or his immediate family to acquire the victim's consent under the provisions of this act.

(3) The criminal charges against an individual admitted to the program shall be continued without final disposition for a period of ninety days from the date the individual was released to the program, if the offender's participation in the program is satisfactory, and for an additional ninety days upon the

request of the program administrator and consent of the state attorney, if the offender's participation in the program is satisfactory.

(4) Resumption of pending criminal proceedings shall be undertaken at any time if the program administrator or state attorney find such individual is not fulfilling his obligations under this plan, or the public interest so requires.

(5) At the end of the intervention period, the administrator shall recommend that the case shall revert to normal channels for prosecution in instances in which the offender's participation in the program has been unsatisfactory, or that he is in need of further supervision, or that dismissal of charges without prejudice shall be entered where prosecution is not deemed necessary. The state attorney shall make the final determination as to whether the prosecution shall continue.

(6) The chief judge in each circuit may appoint an advisory committee for the pre-trial intervention program. Said committee shall be composed of the chief judge or his designate who shall serve as chairman, the state attorney, public defender, program administrator, or their representatives and such other persons as the chairman shall deem appropriate. The committee may also include persons representing any other agencies to which persons released to the pre-trial intervention program may be referred.

(7) The commission may contract for the services and facilities necessary to operate pre-trial intervention programs.

Section 7. Section 944.026, Florida Statutes, is created to read:

944.026 Community based facilities and programs.—

(1) In addition to those facilities and services described elsewhere in this chapter, the department shall develop, provide or contract for a statewide system of community based facilities, services and programs dealing with the rehabilitation of offenders which shall include, but shall not necessarily be limited to:

(a) A system of community correctional centers to be located at various places throughout the state as required. The purpose of these centers is to facilitate the reintegration of offenders back into the community by means of participation in various work release, study release, or other community rehabilitation programs; provided however, no facility shall be constructed, leased or purchased in any county until public hearings have been held in that county. Such public hearings shall be pursuant to uniform rules adopted by the department.

(b) Adult intake and evaluation programs and services where required. It is the intent of this subsection to decentralize the intake and evaluation function of the corrections system so that intake services are located in urban areas of the state.

(c) For the purpose of this act the term "intake and evaluation services" may include a physical center, programs and services carried out in municipal or county jails or other areas of local communities, or a combination of the above.

(d) Drug treatment facilities or services providing in part for secure detention as a part of facilities serving major population centers.

(2) The following facilities or services shall be provided or contracted for by the commission in coordination with the department:

(a) Residential facilities in Dade, Broward, Palm Beach, Duval, Escambia, Leon, Orange, Brevard, Hillsborough, Pinellas, Sarasota or Manatee, and Polk counties in which probationers, participants in pre-trial intervention programs, and others committed to or under the supervision of the commission may reside while working or attending school. A plan shall be established for the phasing in of these residential facilities over a period of five years from and after the effective date of this act. The purpose of these facilities and services is to provide the court with an alternative to commitment to other state correctional institutions and to assist in the supervision of probationers.

(b) Pre-trial intervention programs in appropriate counties to provide early counseling and supervision services to specified first offenders.

Section 8. Section 921.23, Florida Statutes, is created to read:

921.23 Pre-sentence investigation reports.—

(1) Any court of the state having original jurisdiction of criminal actions, where the defendant in a criminal felony case has been found guilty or has entered a plea of nolo contendere or guilty shall refer, and in misdemeanor cases in its discretion may refer, the case to the parole and probation commission for investigation and recommendation. It shall be the duty of the commission to make a report in writing to the court prior to sentencing at a specified time depending upon the circumstances of the offender and the offense. Said report shall include the following:

(a) A complete description of the situation surrounding the criminal activity with which the offender has been charged, including a synopsis of the trial transcript, if one has been made, and, at the offender's discretion, his version and explanation of the act;

(b) The offender's educational background;

(c) The offender's employment background, including any military record, his present employment status and his occupational capabilities;

(d) The social history of the offender, including his family relationships, marital status, interests, and related activities;

(e) Residence history of the offender;

(f) The offender's medical history and, as appropriate, a psychological or psychiatric evaluation;

(g) Information about environments to which the offender might return or to which he could be sent should a sentence of non-incarceration or community supervision be imposed by the court;

(h) Information about any resources available to assist the offender such as treatment centers, residential facilities, vocational training programs, special education programs or services that may preclude or supplement commitment to the division of corrections;

(i) Views of the person preparing the report as to the offender's motivations and ambitions and an assessment of the offender's explanations for his criminal activity;

(j) An explanation of the offender's criminal record, if any, including his version and explanation of any previous offenses;

(k) A recommendation as to disposition by the court. It shall be the duty of the commission to make a written determination as to the reasons for its recommendation. The commission shall include an evaluation of the following factors:

1. The appropriateness or inappropriateness of community facilities, programs, or services for treatment or supervision;

2. The ability or inability of the commission to provide an adequate level of supervision for the offender in the community and a statement of what constitutes an adequate level of supervision;

3. The existence of other treatment modalities which the offender could use but which do not exist at present in the community.

(2) In those instances where a presentence investigation report has been previously compiled, the commission may elect to complete a short form report updating the above information.

(3) All information in the presentence investigation report should be factually presented and verified if reasonably possible by the preparer of the report. On examination at the sentencing hearing, the preparer of the report, if challenged on the issue of verification, shall bear the burden of explaining why it was not possible to verify the challenged information.

Section 9. Section 947.24, Florida Statutes, is amended to read:

947.24 Discharge from parole.—When a person is placed on parole the commission shall determine the period of time the person shall be on parole, ~~and such time shall not to exceed the a maximum term period for which he has been sentenced of two years unless the commission designates a longer period~~

of time in which case it will advise the parolee in writing of the reasons for the extended period. The period of parole shall not in any event exceed the maximum period for which the person has been sentenced. The commission after having retained jurisdiction of a person for a sufficient length of time to evidence satisfactory rehabilitation and cooperation may discharge the person from parole or may relieve a person on parole from making further reports, or may permit such person to leave the state or county, upon determination that such action is in the best interests of the person and of society.

Section 10. Section 948.04, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 948.04, Florida Statutes, for present text.)

948.04 Period of probation; duty of probationer.—

(1) Defendants found guilty of a misdemeanor who are placed on probation shall be under supervision not to exceed six months unless otherwise specified by the court. Defendants found guilty of a felony who are placed on probation shall be under supervision not to exceed two years unless otherwise specified by the court. No defendant placed on probation pursuant to subsection 948.01(4), Florida Statutes, shall be subject to the probation limitations of this subsection.

(2) Parole and probation commission may discharge the offender prior to the expiration of his term of probation provided the parole and probation commission shall notify the court in writing prior to such discharge. If the court does not set the matter for hearing to be held within thirty days from the date of such notice, the offender may be discharged. Upon the termination of the period of probation, the probationer shall be released from probation and shall not be liable to sentence for the crime for which probation was allowed. During the period of probation the probationer shall perform the terms and conditions of his probation.

Section 11. Section 947.17, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 947.17, Florida Statutes, for present text.)

947.17 Procedure of commission.—

(1) Upon the commission's own initiative or within thirty days after receipt of a recommendation of the division that an inmate be paroled, a hearing examiner of the commission shall interview the person. If the hearing was initiated by the division, the commission shall consider the rehabilitation report prepared by the division and all other competent evidence.

(2) If the hearing was initiated by the division, the division shall make its recommendation and report in writing. The report shall contain or have attached the following information if not already in the possession of the commission:

(a) A copy of the indictment or information, and a complete statement of the facts of the crime for which such inmate has been sentenced;

(b) The court in which the inmate was sentenced;

(c) The terms of the sentence;

(d) The name of the presiding judge, the prosecuting officers, the investigating officers, and the attorneys for the inmate convicted if known;

(e) A copy of all diagnosis, evaluation and classification reports which may have been made on the offender at any time;

(f) Any criminal record of such person;

(g) Any record of any involuntary hospitalization of such inmate;

(h) All medical, psychological or psychiatric reports available concerning such inmate;

(i) A report on the conduct and progress of the offender during the time he was detained;

(j) A detailed statement as to what the division has done with respect to the rehabilitation of the offender and its further plans for rehabilitation of the offender;

(k) The reasons the division believes that there is a reasonable probability that the inmate will live and conduct himself as a law abiding person if he is paroled and that his parole will be compatible with public safety and welfare;

(l) The names of agency representatives or other governmental entities which have had direct contact with the offender together with a copy of their written reports, if any; and

(m) Such other information as the commission may request.

(3) Based on the interview, the report and any other competent evidence presented to him, the hearing examiner shall within seven days after the interview recommend in writing whether or not the inmate should be paroled. The hearing examiner shall, in his report to the commission, include a statement of findings of fact and the reasons for his decision.

(4) If the hearing examiner recommends that the inmate be paroled and the commission does not deny the parole within thirty days from the date of the hearing examiner's report, the inmate shall be paroled. The hearing examiner shall orally inform the inmate after the interview of his conclusions as to whether the inmate shall be paroled.

(5) The commission may make such investigations as it deems necessary in order to be fully informed as to such inmate. The commission shall have access to all files and records of the state or any county or city concerning the inmate.

(6) The commission may elect to hold a hearing after receipt of the hearing examiner's report. In such event, the offender and a representative of the division shall appear before the commission and may be heard. Based on the evidence presented at the hearing, including the commission's file and the recommendations and report of the division, the commission shall determine whether the offender shall be paroled.

(7) The commission shall notify the offender of its decision at the hearing or within ten days after the hearing. If the offender is denied parole, whether by the hearing examiner or by the commission, such notification shall contain the reasons for the denial, the conditions and changes precedent to a more favorable consideration where applicable, the date on which the inmate will again be eligible for consideration for parole and the approximate date on which the commission or a hearing examiner will re-interview the inmate; provided, however, that it shall not exceed one year, except as otherwise provided by law.

(8) The division may recommend that a person be placed in a work release program prior to the last twelve months of his confinement. The procedure for acting on this recommendation shall be as provided in this section. If the hearing examiner recommends that the inmate be permitted to be placed in a work release program and the commission does not deny the recommendation within thirty days of the receipt of the hearing examiner's recommendation, the inmate may be placed in the program and the division shall advise the commission of that fact prior to such placement.

Section 12. Subsections (2), (3), and (4) of section 948.01, Florida Statutes, are amended to read:

948.01 When courts may place defendant on probation.—

(2) *Where the penalty for the offense may involve imprisonment in the state prison prior to such hearing the court may shall, prior to such hearing, and in misdemeanor cases may, refer the case to the parole and probation commission for investigation and recommendation. The court, upon such reference shall direct the commission and it shall be the duty of the commission to make an investigation and report in writing at a specified time prior to sentencing to the court upon the circumstances of the offense, the criminal record, the social history, and the present condition of the defendant together with its recommendation, pursuant to the provisions of section 921.28, Florida Statutes.*

(3) If it appears to the court upon a hearing of the matter that the defendant is not likely again to engage in a criminal course of conduct and that the ends of justice and the welfare of society do not require that the defendant shall presently suffer the penalty imposed by law, the court, in its discretion, may either adjudge the defendant to be guilty or stay and withhold the adjudication of guilt and in either case stay and withhold the imposition of sentence upon such defendant, and shall place him upon probation under the supervision and control of the commission for the duration of such probation. And the said commission shall thereupon and thereafter, during the continuance of such probation, have the supervision and control

of the defendant, provided, however, that no defendant placed on probation for a misdemeanor shall be placed under the supervision of the commission unless the court affirmatively and specifically orders such supervision after finding that supervision in the community is necessary to provide adequate protection to the community and to assist in the rehabilitation of the offender, or both.

Section 13. Section 948.01, Florida Statutes, is amended by adding a new subsection (7) to read:

948.01 When courts may place defendant on probation.—

(7) When the court, under any of the foregoing subsections, places the defendant on probation, the court may specify that the defendant serve all or part of the probationary period in a community residential facility under the jurisdiction of the commission or the department, or owned or operated by any public or private entity providing such services.

Section 14. Section 944.09, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 944.09, Florida Statutes, for present text.)

944.09 Supervision of offenders committed to the division; rules and regulations; punishment.—

(1) All persons committed to the division shall be supervised by the division.

(2) The division shall publish rules and regulations and shall make a copy available for review by each employee and inmate. The rules and regulations shall include or relate to:

(a) The rights of inmates;

(b) The rules of conduct to be observed by inmates and the categories of violations according to degrees or levels of severity as well as the degrees of punishment applicable and appropriate to such violations;

(c) Disciplinary procedures and punishment;

(d) Grievance procedures;

(e) Operation and management of the correctional institution or facility and its personnel and functions;

(f) Mail, to and from the state correctional system.

(3) Regulations of the division shall be adopted and filed with the department of state as provided in chapter 120, Florida Statutes.

(4) It shall be the duty of the superintendents to supervise the government, discipline, and policy of the state correctional institutions, and to enforce all orders, rules and regulations.

(5) The division shall cause a record to be kept of violations of rules of conduct; the rule or rules violated; the nature of punishment administered; the authority ordering such punishment; the duration of time during which the offender was subjected to punishment; and the condition of the prisoner's health.

Section 15. Section 944.55, Florida Statutes, is created to read:

944.55 Office of vocational education and career development created; coordination with other agencies.—

There is created in the division an office of vocational education and career development. The head of the office shall be a deputy director for vocational education and career development. The purpose of the office is to coordinate and develop job training and job placement, in cooperation with the parole and probation commission, the division of vocational rehabilitation, the division of vocational education of the department of education, and the Florida state employment service of the department of commerce. The office shall have the capability of evaluating current job training programs and performing follow-up investigations and studies to determine the effectiveness of these programs. Job histories of each offender enrolled in the program shall be maintained, tracing the offender's employment after leaving prison for a period of at least two years. The services of the parole and probation commission shall be utilized in maintaining this follow-up capability.

Section 16. Section 944.56, Florida Statutes, is created to read:

944.56 Vocational training advisory council; composition; purposes.—There is hereby established under the division a vocational training and employment opportunities advisory council composed of seven members as follows:

(a) One member from the division of vocational rehabilitation;

(b) One member from the staff of the parole and probation commission;

(c) One member from the Florida state employment service of the department of commerce;

(d) One member from the department of education;

(e) One member from the state manpower council;

(f) One member from the division of corrections;

(g) One member from the bureau of criminal justice planning and assistance of the department of administration. Members of the council may be reappointed. The purpose of the council is to advise the division on the implementation and operation of its vocational and manpower development programs, to assure the inter-agency coordination required to operate the program, and to determine steps to be taken to more effectively utilize resources available for job training and placement.

Section 17. Section 944.57, Florida Statutes, is created to read:

944.57 Manpower development programs.—Commencing July 1, 1975, the division shall expand the manpower development training program to appropriate institutions designated by the division. The program shall provide for vocational testing and training of offenders in the custody of the division, and shall contain the basic components of the manpower development and training program existing on the effective date of this act in the Apalachee correctional institution. The division is authorized to apply for and receive gifts, grants, and other payments, including property and services, from any governmental or other public or private entity or person to effect the purposes of the manpower programs provided in this chapter.

Section 18. Section 945.30, Florida Statutes, is created to read:

945.30 Payment for cost of supervision and rehabilitation.—Anyone on probation or parole shall be required to contribute ten dollars (\$10) per month toward the cost of his supervision and rehabilitation beginning sixty (60) days from the date he is free to seek employment. The commission may exempt a person from the payment of all or any part of the foregoing contribution if it finds any of the following factors to exist:

(1) The offender has diligently attempted but been unable to obtain employment which provides him sufficient income to make such payments.

(2) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment. Certification of such student status shall be supplied to the commission by the educational institution in which the offender is enrolled.

(3) The offender has an employment handicap, as determined by a physical, psychological, or psychiatric examination acceptable to, or ordered by, the commission.

(4) The offender's age prevents him from obtaining employment.

(5) The offender is responsible for the support of dependents.

(6) Other extenuating circumstances as determined by the commission.

Section 19. Section 944.23, Florida Statutes, 1971, is amended to read:

944.23. Persons authorized to visit state prisons.—The following persons shall be authorized to visit at their pleasure all state correctional institutions: the governor, all cabinet members, members of the council, members of the legislature, judges of state and county courts, and state attorneys, public

defenders and authorized representatives of the parole commission. No other person not otherwise authorized by law shall be permitted to enter a state correctional institution except under such regulations as the division may prescribe. Permission to those who give sufficient evidence to the division that they are bona fide reporters or writers shall not be unreasonably withheld.

Section 20. Subsection (1) of section 944.28, Florida Statutes, 1971, is amended to read:

944.28 Forfeiture of gain time and right to earn gain time in the future.—

(1) If a prisoner is convicted of escape, or if the clemency or parole granted to him ~~When a prisoner escapes or a conditional pardon or parole granted to him by the board of pardons or the parole and probation commission is revoked,~~ the division may ~~shall~~, without notice or hearing, declare a forfeiture of all gain time earned and extra gain time allowed such prisoner, if any, prior to such escape or his release under such ~~clemency conditional pardon or parole,~~ as the case may be.

Section 21. Section 944.291, Florida Statutes, 1971, is amended to read:

(Substantial rewording of section. See §944.291, F.S., 1971, for present text.)

944.291 Prisoner released by reason of gain time allowances.—

(1) A prisoner who has served his term or terms, less allowable statutory gain time deductions and extra good time allowances as provided by law, shall, upon release, be under the supervision and control of the commission as if on parole, but in no event shall such supervision extend beyond the maximum term or terms for which he was actually sentenced.

(2) The provisions of this section shall not apply to prisoners who, at the time of sentence, could not have earned at least one hundred eighty (180) days' gain time.

Section 22. Section 947.21, Florida Statutes, 1971, is amended to read:

947.21 Violations of parole.—

(1) A violation of the terms of parole may render the parolee liable to arrest and a return to prison to serve out the term for which he was sentenced. ~~No part of the time he may have been on parole shall in such event, in any manner diminish the time of such sentence.~~

(2) An offender whose parole is revoked may be credited with any portion of the time he has satisfactorily served on parole at the discretion of the commission.

Section 23. Section 947.25, Florida Statutes, 1971, is amended to read:

947.25 Recommendations for clemency to board of pardons.—When a parolee has, in the opinion of the commission so conducted himself as to deserve clemency ~~a pardon~~ or a commutation of sentence or the remission in whole or in part of any fine, forfeiture or penalty, the commission may recommend that such clemency be extended by order of the governor approved by three (3) members of the cabinet board of pardons to such parolee. In such case the commission shall fully advise the office of the governor ~~said board~~ of the facts upon which such recommendation is based.

Section 24. Section 945.10, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 945.10, Florida Statutes, for present text.)

945.10 Investigations by the parole and probation commission; confidential.—

(1) The parole and probation commission shall furnish the division with a copy of its report of presentence investigation within ten days of the commitment of the offender to the custody of the division.

(2) Except as provided below, such information furnished by the commission in the presentence investigation report shall be confidential and shall be available only to officers and employees of the court, the legislature, the commission, the de-

partment, and public law enforcement agencies in the performance of a public duty or, with the written permission of the commission, to parties establishing a legitimate research purpose. The commission shall promulgate rules and regulations stating what portions of its files, reports, or records are considered confidential and subject to restricted view. The department and the commission shall jointly promulgate rules and regulations to prevent the disclosure of confidential information to unauthorized parties, except as provided above; provided, however, that nothing in this subsection shall alter other provisions of the law relating to the accessibility of inmate records.

(3) No inmate of any institution, facility, or program of the division shall have access to any information contained in the files of the division. The division shall restrict release of information to any person except members of the news media and those listed in §945.10(2), Florida Statutes, when there is reasonable cause to believe that such person may divulge such information to the inmate.

(4) The division and the commission shall mutually cooperate for the proper performance of the respective functions of each agency.

Section 25. Section 944.062, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 944.062, Florida Statutes, for present text.)

944.062 Reception and medical center.—

(1) The Lake Butler reception and medical center may serve as a medical center, a regional intake and evaluation center, may be converted into any other suitable facility, or may serve a combination of any such purposes.

(2) On or before July 1, 1976, a minimum of four intake and evaluation programs shall be established utilizing existing or planned facilities or resources wherever possible. In this regard, the division shall consider as a priority the use of existing municipal or county jails for this purpose wherever practicable.

Section 26. Section 945.025, Florida Statutes, is amended to read:

945.025 Jurisdiction of division.—The division of corrections shall have supervisory and protective care, custody, and control of the inmates, buildings, grounds, property, and all other matters pertaining to the following institutions, facilities, and programs for the imprisonment, correction, and rehabilitation of adult offenders:

- (1) Apalachee Correctional Institution;
- (2) Florida Correctional Institution;
- (3) Glades Correctional Institution;
- (4) Florida State Prison;
- (5) Division of Corrections Road Prisons;
- (6) Sumter Correctional Institution;
- (7) Avon Park Correctional Institution;
- (8) ~~Santa Fe Correctional Farm~~; and Union Correctional Institution;
- (9) Reception and Medical Center, at Lake Butler;
- (10) Cross City Correctional Institution;
- (11) Lake Correctional Institution;
- (12) Brevard Correctional Institution;
- (13) Division of Corrections Community Correctional Centers;
- (14) Division of Corrections Vocational Centers;
- (15) DeSoto Correctional Institution.

(16) In establishing, operating, and utilizing these facilities, the division shall attempt, whenever possible, to avoid the placement of nondangerous offenders with potential for rehabilitation with repeat offenders or dangerous offenders. Medical, mental, and psychological problems shall be diagnosed and

treated whenever possible. All divisions of the department shall cooperate to insure the delivery of services to persons under the division's custody or supervision.

(17) There shall be other correctional facilities including detention facilities of varying levels of security, work-release facilities, and community correctional facilities, halfway houses, and other approved community residential and nonresidential facilities and programs. Any community residential facility may be deemed a part of the state correctional system for purposes of maintaining custody of offenders and for this purpose the division may contract for and purchase the services of such facilities.

Section 27. Section 945.09, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 945.09, Florida Statutes, for present text.)

945.09 Commitment of prisoners; classification; reception and classification program; transfer.—

(1) All prisoners sentenced to the state penitentiary shall be committed by the court to the custody of the division.

(2) All prisoners committed to the custody of the division shall be conveyed to such institution, facility, or program in the correctional system as the division shall direct, in accordance with the division's classification scheme. The division shall establish a program of graduated punishment:

(a) Class I—incorrigible inmates for whom a total lock-up will be required; facilities shall include but not be limited to a portion of the Florida state prison;

(b) Class II—an intermediate class between Class I and Class III for those inmates who have had difficulty in the system but who have not yet proven themselves to be incorrigible;

(c) Class III—inmates for whom there exists hope of rehabilitation.

(3) Each prisoner shall be processed through a reception and evaluation program in the area where the prisoner was committed or where he was incarcerated.

(4) Pursuant to such regulations as the division may provide, the division is authorized to transfer prisoners from one institution to another institution in the correctional system and to classify and reclassify prisoners as circumstances may require.

Section 28. Section 944.292, Florida Statutes, is created to read:

944.292 Suspension of civil rights.—Effective July 1, 1974, upon conviction for a felony, the civil rights of the person convicted shall be suspended until he is discharged from parole or released from the custody of the department of health and rehabilitative services without parole, at which time such civil rights are automatically reinstated. The only civil rights which shall be suspended by conviction are the right to vote, hold public office and serve on a jury.

Section 29. Section 944.293, Florida Statutes, is created to read:

944.293 Initiation of restoration of civil rights.—With respect to those persons convicted of a felony prior to the effective date of this act, the following procedure shall apply: prior to the time an offender is discharged from supervision an authorized agent of the division or the commission, whichever is applicable, shall obtain from the pardon board the necessary application and other forms required for the restoration of civil rights. The authorized agent shall assist the offender in completing these forms, and shall insure that the application and all necessary material is forwarded to the pardon board before the offender is discharged from supervision.

Section 30. Section 947.01, Florida Statutes, is amended to read:

(Substantial rewording of section. See section 947.01, Florida Statutes, for present text.)

947.01 Creation of parole and probation commission; number and qualifications of its members.—

(1) A parole and probation commission, hereinafter called commission, is created to consist of eight citizens who are residents of the state.

(2) Members of the commission:

(a) Seven (7) members shall be residents of the state of Florida who are qualified by their knowledge of penology and allied social sciences to discharge the duties and perform the work of the commission efficiently.

(b) One (1) member shall be the director of the division of corrections of the department of health and rehabilitative services. The director shall participate in the policy-making decisions of the commission only and shall be ineligible for appointment as chairman and shall not participate in making decisions on the granting and revocation of parole. The director shall receive no compensation for his services on the commission and he shall not be required to attend any minimum number of meetings.

Section 31. Section 947.02, Florida Statutes, 1971, is amended to read:

947.02 Commission; appointment.—

(1) The members of the commission shall be appointed in the following manner: *Whenever there is an appointment of a member to the commission to be made or a vacancy to be filled*, the governor and cabinet shall appoint a ~~an examining parole and probation commission qualifications committee~~ which shall consist of five (5) persons having special knowledge of *penology, penal treatment and the administration of criminal justice and offender rehabilitation programs*, and shall designate one member thereof as chairman. The governor and cabinet shall provide for *statewide advertisement of the position and the receiving of applications for the position of member of the commission and shall devise a plan for the determination, by examination and investigation and comprehensive evaluation, of the qualification of applicants. From each examinations and investigations and evaluations said qualifications examining committee shall compile a list of not more than ten persons eligible for said position of member of the commission, and the list Eligibility for membership on the commission shall expire at the end of two years. The qualifications examining committee shall recommend three (3) rank such eligibles on the list in the order of their relative fitness as determined by examination and investigation, to the governor and cabinet who shall make the each appointment to the position of member of the commission from the first those three eligible persons. on the above described list of eligible persons.* The members of the commission shall be certified to the senate by the governor and cabinet for confirmation.

(2) ~~Whenever the term of office of a member of the commission expires, the governor and cabinet may, in their discretion, reappoint the member without requiring him to take an examination.~~

Section 32. Section 947.10, Florida Statutes, is amended to read:

947.10 Business and political activity upon part of members and full-time employees of commission.—No member of the commission and no full time employee thereof shall, during their service upon or under the commission engage in any other business or profession nor hold any other public office; nor shall they serve as the representative of any political party, or any executive committee or other governing body thereof, or as an executive officer or employee of any political committee organization, or association, or be engaged on the behalf of any candidate for public office in the solicitation of votes, or otherwise; *provided, however, that this shall not be deemed to exclude the appointment of the director of the division of corrections to the commission under the terms and conditions set forth in this chapter.*

Section 33. Subsection (1) of section 951.22, Florida Statutes, is amended to read:

951.22 County detention facilities; contraband articles.—

(1) It is unlawful except as duly authorized by the sheriff or officer in charge to introduce into or *possess* upon the grounds of any county detention facility as defined in §951.23 or to give to or receive from any inmate of any such facility wherever said inmate is located at the time or to take or to attempt to take or send therefrom any of the following articles which are hereby declared to be contraband for the purposes of

this act, to wit: Any intoxicating beverage; any narcotic or hypnotic or excitative drug; any firearm or any instrumentality customarily used or which is intended to be used as a dangerous weapon; and any instrumentality of any nature that may be or is intended to be used as an aid in effecting or attempting to effect an escape from a county facility.

Section 34. It is the intent of the legislature that all rule-making procedures by the commission shall be conducted pursuant to the Florida administrative procedures act, chapter 120, Florida Statutes.

Section 35. This act shall take effect July 1, 1974.

Amendment 2—On page 1, title, line 4, strike everything after "A bill to be entitled" and strike all of pages 2 and 3 and insert the following:

An act relating to corrections; creating the Florida Correctional Reform Act of 1974; providing legislative intent; providing definitions; creating section 944.023, Florida Statutes, to provide for a plan to be submitted to the legislature by the department of health and rehabilitative services and the parole and probation commission for the operation of the correctional system; creating section 944.024, Florida Statutes, to provide for adult intake and evaluation programs; creating section 944.025, Florida Statutes, to authorize pre-trial intervention programs and describing their content and procedures; creating section 944.026, Florida Statutes, to provide for community based correctional facilities and programs and to provide for a decentralized system of adult intake and evaluation programs; creating section 921.23, Florida Statutes, to prescribe the form and content of pre-sentence investigation reports and to mandate such reports on all adult felony offenders; amending sections 947.24 and 948.04, Florida Statutes, to establish maximum periods of parole and probation, unless otherwise specified by the court; providing for discharge from probation and parole by the commission in certain circumstances; amending section 947.17, Florida Statutes, to provide for procedures relating to parole; providing for certain procedures for placement of inmates in work release programs; amending subsections (2), (3) and (4) of section 948.01, Florida Statutes, relating to pre-sentence investigation reports; providing for non-supervised probation in certain misdemeanor cases; providing for split sentences for felony offenders; authorizing the placement of probationers in community residential programs operated by public or private agencies; amending section 944.09, Florida Statutes, to require the division of corrections to promulgate rules and regulations relating to inmate conduct, disciplinary procedures and inmate rights; creating section 944.55, Florida Statutes, to create an office of vocational education and career development in the division of corrections; creating job placement and vocational training centers and programs in designated institutions of the division of corrections; creating section 944.56, Florida Statutes, to create a vocational training advisory council to the division of corrections; creating section 944.57, Florida Statutes, to authorize expansion of the manpower development training program in the division of corrections; creating section 945.30, Florida Statutes, to authorize payment for cost of supervision and rehabilitation; amending section 944.23, Florida Statutes, relating to persons authorized to visit state prisons; amending section 944.28, Florida Statutes, relating to forfeiture of gain time and right to earn time in the future; amending section 944.291, Florida Statutes, relating to prisoners released by reason of gain time allowances; amending section 947.21, Florida Statutes, relating to violations of parole; amending section 947.25, Florida Statutes, relating to recommendations for clemency; amending section 945.10, Florida Statutes, relating to the confidentiality of pre-sentence investigation reports; amending section 944.062, Florida Statutes, relating to the reception and medical center; amending section 945.025, Florida Statutes, relating to the jurisdiction of the division of corrections; amending section 945.09, Florida Statutes, relating to the commitment and classification of prisoners; creating sections 944.292 and 944.293, Florida Statutes, to provide for the suspension of certain civil rights upon conviction of a felony and to provide for procedures for application for the restoration of civil rights; amending section 947.01, Florida Statutes, to increase the membership of the parole and probation commission from five to eight; providing for qualifications of the members; amending section 947.02, Florida Statutes, relating to appointment of members to the parole and probation commission; amending sec-

tion 947.10, Florida Statutes, to authorize the appointment of the director of the division of corrections to the parole and probation commission; amending section 924.06, Florida Statutes, to allow appeal of sentence on the grounds that such sentence is an abuse of discretion; creating section 924.061, Florida Statutes, providing procedure to be used in appeal of sentence on grounds that such sentence is an abuse of discretion; amending §951.22(1), Florida Statutes, to make it unlawful to possess certain items on the grounds of any county detention facility; providing for compliance of the parole and probation commission with the administrative procedures act; providing an effective date.

Senator Williams moved the following amendments to House amendment 1 which were adopted:

Amendment 1a—On page 21, lines 19, 23, 24 and 29, strike "office" and insert: bureau

Amendment 1b—On page 21, strike all of line 21 and insert: There is created in the division a bureau of

Senator Myers moved the following amendment to House amendment 1 which was adopted:

Amendment 1c—On page 19, lines 22, insert: (4) Whenever punishment by imprisonment ~~in the county jail~~ for a misdemeanor or a felony, except for a capital felony, is prescribed, the court, in its discretion, may at the time of sentencing direct the defendant to be placed on probation upon completion of any specified period of such sentence. In such case the court shall stay and withhold the imposition of the remainder of sentence imposed upon the defendant, and direct that the defendant be placed upon probation after serving such period as may be imposed by the court.

On motions by Senator Myers, the Senate concurred in House amendment 1 as amended and in House amendment 2 to CS for SB 215.

CS for SB 215 passed as further amended and the action of the Senate was certified to the House. The vote was:

Yeas—35

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

Nays—None

The Honorable Mallory E. Horne, President May 27, 1974

I am directed to inform the Senate that the House of Representatives has passed SB 1118.

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

On motion by Senator Myers, HB 3467 was withdrawn from the Committee on Ways and Means by two-thirds vote.

On motion by Senator Williams, CS for HB's 3277 and 3340 was withdrawn from the Committee on Governmental Operations by two-thirds vote and placed on the calendar.

On motion by Senator Myers, SB 612 was withdrawn from the Committee on Health and Rehabilitative Services by two-thirds vote.

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

Page 515, column 2, between lines 4 and 5 insert: Senator Plante moved the following amendment to House Amendment 1 which was adopted:

Page 531, counting from the bottom of column 2, line 16, after the quotation mark insert: repealing sections

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:05 p.m. to convene at 9:00 a.m., May 28, 1974.

LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE

MAY 20 THROUGH MAY 24

Name & Address	Entity Represented and Address	Legislation Involved; Association with Legislator
Abruzzo, Douglas William Fla. Veterans Assoc. University of Florida Gainesville, 32601	Fla. Veterans Assoc., U. of F. Same	Veterans legislation
Allen, Alice Kay P.O. Box 1081, F.A.M.U. Tallahassee, 32307	Florida A & M University Tallahassee, 32307	Education
Ayes, Willard Box 1148 Ocala, 32670	Marion County and Marion County Bar Association Marion County Court House Ocala	County legislation
Bailey, Willie J. P.O. Box 600 FAMU Tallahassee, 32307	FAMU Student Government Assoc. Same	All
Bambrick, William Jefferson None	Student Government Florida State University Tallahassee, 32304	Student related bills
Bruswood, Earl Thomas 131 N. Gadsden St. P.O. Box 1876 Tallahassee, 32302	Cavanagh Communities Corp. 444 Brickell Ave. Miami, 33101	Environmental
Bruswood, Earl Thomas Same as above	Lehigh Acres Development, Inc. 201 E. Joel Boulevard Lehigh Acres, 33936	Environmental
Bryant, Deborah Lee P.O. Box 1590 Florida A & M Univ. Tallahassee, 32307	Florida A & M University Tallahassee, 32307	Education
Churchill, Lucile M. 4791 Baywood Point Gulfport, 33711	League of Women Voters of Florida 324 Datura Street West Palm Beach, 33401	General
Cohen, Michael Hal 434 Kellum Hall, F.S.U. Tallahassee, 32306	Students Florida State University Tallahassee, 32306	General
Daniel, C. Welborn 798 Montrose Clermont, 32711	Workmens Comp. Sec., Trial Lawyers 330 S. Adams Tallahassee	HB 3096
Davis, Lyndell Ladue Rt. 1, Box 91 DeFuniak Springs, 32433	F.E.A. 208 Pensacola St. Tallahassee, 32304	Education
DeFrances, R. Lawrence Office of Comptroller The Capitol Tallahassee	The Comptroller Same	Securities Legislation

LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE

MAY 20 THROUGH MAY 24 (Continued)

<i>Name & Address</i>	<i>Entity Represented and Address</i>	<i>Legislation Involved; Association with Legislator</i>
Dlugolecki, Walter C. 8000 N.W. 83 St. Gainesville	Fla. Vet. Assoc. (F.S.U.) Same	Veterans legislation
Faddis, Charles F. 6701 Pensacola Blvd. Pensacola, 32505	Self, Florida Real Estate Commission-Winter Park Same	All matters pertaining to real estate
Finkel, Charles A. 801 E. Hallandale Beach Blvd. Hallandale, 33009	Heilicher Brothers of Fla. 13145 N. W. 45th Ave. Opalocka, 33504	Legislation affecting the recording industry
Ford, Edward Joseph U. Of Fla. Dept. of Nuclear Eng.-Nuclear Sciences Center, Rm. 202 Gainesville, 32601	Florida Veterans Association Rm. 308 J.W. Reitz Union University of Florida Gainesville, 32601	Veterans benefits, HB 2233, HB 2234, HB 2238
Ford, Lorraine Marie Her Majesty Beauty Salon 3729 W. University Ave. Gainesville	Veterans Benfits 3817 S.W. 37th St. Gainesville	HB 2233, HB 2234, HB 2238
Gustafson, Joel K. 2655 E. Sunrise Blvd. Ft. Lauderdale, 33304	Association of Executive Recruiting Consultants, Inc. 30 Rockefeller Plaza New York, N.Y. 10020	HB 2739
Hartzog, Bernard 2241 W. Pensacola Apt. 92 Tallahassee, 32308	Florida A & M University Tallahassee	Student Government Assoc.
Hatch, Douglas L. University of Florida Gainesville, 32601	Florida Veterans Assoc. Same	Veterans bills
Hertz, Michael Devon 8000 N.W. 83rd St. Gainesville, 32601	Florida Veterans Assoc. Same	Veterans legislation
Jones, Paul Thomas P.O. Box 191 DeFuniak Springs, 32433	Florida Education Assoc. 208 Pensacola St. Tallahassee	Education
Kane, Thomas Anthony 8000 N.W. 83rd St. Gainesville, 32601	Fla. Veterans Assoc., SFCC Chapter Same	Support Veterans legislation
Kennedy, Terri Jo Elliot Bldg. Tallahassee, 32304	Trustees of the Internal Improvement Trust Fund Same	Agency budget and related legislation
Kirkland, J. G. Box 418 Bellview, 32620	Marion County Same	County legislation

LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE

MAY 20 THROUGH MAY 24 (Continued)

<i>Name & Address</i>	<i>Entity Represented and Address</i>	<i>Legislation Involved; Association with Legislator</i>
Lee, Charles S. P. O. Drawer 7, Maitland, 32751	Florida Audubon Society Same	Environmental legislation
Lowe, Marilyn B. 105 S. "E" St. Pensacola, 32501	F.E.A. 208 W. Pensacola Tallahassee, 32304	Funding, retirement
Manheimer, Douglas Lee University Union Tallahassee, 32303	Student Government Same	Student Government
Mayworth, Paul Wallace 8000 N.W. 83 St. Gainesville, 32601	Fla. Veterans Assoc.-Santa Fe Chapter Same	Veterans legislation
Molina, Albert Romero 10530 S.W. 26 Terrace Miami, 33165	Club Campestre Rincon Criollo, Inc. Same	HB 933
Odom, F. Perry P.O. Box 1170 Tallahassee, 32302	Homebuilders Association of Greater Tampa Chamber of Commerce Bldg. Tampa	Construction industry in Hillsborough County
Ponce, S. Daniel Rm. 235 Carlton Bldg. Tallahassee, 32304	Office of the Comptroller- Division of Securities The Capitol Tallahassee	Securities
Pritchard, Peter Charles Howard P.O. Drawer 7 Maitland, 32751	Florida Audubon Society Same	Environmental legislation
Pylant, Albert W. 8000 N.W. 83rd St. Gainesville, 32601	Fla. Veterans Assoc.- Santa Fe Comm. Chapter Same	Support veterans legislation
Robinson, Dean S. 302 S. Garden Avenue Clearwater, 33516	Pinellas County Housing Authority Same	SB 693 and general
Scott, Hal E. P.O. Drawer 7 Maitland, 32751	Florida Audubon Society Same	Environmental legislation
Stafford, Carlos Bryan State Office Bldg. W. Morse Ave. Winter Park, 52789	Fla. Real Estate Commission Same	All matters pertaining to real estate
Tierney, Michael P. #1 Robben Terrace Daytona Beach, 32018	Florida Veterans Assoc.- Santa Fe C.C. and U. of F. Chapters	Veterans legislation

LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE

MAY 20 THROUGH MAY 24 (Continued)

<i>Name & Address</i>	<i>Entity Represented and Address</i>	<i>Legislation Involved; Association with Legislator</i>
Tollafeld, Scott L. 8000 N. W. 83rd St. Gainesville, 32601	Florida Veterans Assoc.- Santa Fe Chapter Same	Veterans legislation
Trausneck, Edwin J., Jr. Rt. 1 Box 380 Newberry, 32667	FVA University of Florida Gainesville, 32601	Lobbying for FVA
Vickers, Cass D. 131 N. Gadsden Street Tallahassee, 32302	Florida Tax Assessors Assoc. Tax Assessor, c/o F. M. Fisher Santa Rosa County Milton	Tax and county government
Waters, Sunny Collar 8000 N.W. 83 Ave. Gainesville, 32601	Florida Veterans Assoc.- Santa Fe Same	Veterans legislation
Wessel, John N., Jr. P.O. Box 7936 Orlando, 32804	American Legion, Dept. of Fla. Same	SB 155
Willcox, Jeffrey T. 8000 N.W. 83rd St. Gainesville, 32601	SFCC Fla. Veterans Assoc. Same	Veterans interests
Witt, Carter H. 521 Capitol Hill Bldg. Nashville, Tenn. 37219	Ford Motor Company Same	Vehicle regulation
Young, Ivan Harold, III 108 S.E. 7th St., Apt. #1 Gainesville, 32601	Santa Fe Chapter-Florida Veterans Assoc. 8000 N.W. 83rd St. Gainesville, 32601	Veterans legislation
Young, Jerome Broadnax P.O. Box 1481, FAMU Tallahassee, 32307	Florida A. & M. University Tallahassee, 32307	Education