

JOURNAL OF THE FLORIDA SENATE

Wednesday, April 9, 1975

The Senate was called to order by the President at 10:00 a.m. A quorum present—40:

Mr. President	Graham	Myers	Stolzenburg
Brantley	Hair	Peterson	Thomas (30th)
Childers (28th)	Henderson	Plante	Thomas (4th)
Childers (1st)	Holloway	Poston	Tobiassen
Deeb	Johnston	Renick	Trask
Dunn	Lane (31st)	Saunders	Vogt
Firestone	Lane (23rd)	Sayler	Ware
Gallen	Lewis	Scarborough	Wilson
Glisson	MacKay	Sims	Winn
Gordon	McClain	Spicola	Zinkil

Prayer by the Senate Chaplain:

Almighty God, these your servants have had heavy responsibilities placed upon them and they have willingly accepted the corresponding challenge.

Grant them the wisdom that can be born of debate and dialogue.

Grant them also from day to day the emotional strength and renewal so necessary for sound thinking and decisions.

Thus our God will the people be well governed and our Senators well rewarded for their labors. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Wednesday, April 9, 1975:

SB 165	SB 138	SB 15	SB 148
SB 169	SB 49	SB 132	

*Respectfully submitted,
Lew Brantley, Chairman*

MOTION RELATING TO COMMITTEE REFERENCE

On motion by Senator McClain, by two-thirds vote SB 63 was withdrawn from the Committee on Judiciary-Civil and indefinitely postponed.

On motion by Senator Lewis the rules were waived and the Committee on Natural Resources and Conservation was permitted to meet until 2:00 April 10 in lieu of 12 noon as previously scheduled.

On motion by Senator Gordon, the rules were waived and staff members Larry Carnes and Ray Wilson of the Committee on Health and Rehabilitative Services were granted privileges of the floor.

SPECIAL ORDER

SB 165 was taken up, together with:

By the Committee on Health and Rehabilitative Services and Senators Barron, Vogt, Myers, Renick, Childers (28th), Zinkil, Plante, Wilson, Deeb, Thomas (30th), Sims, Dunn, Firestone, Thomas (4th), MacKay, Johnston, Sayler, Lewis, Lane (23rd) and Spicola—

CS for SB 165—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s.20.04(3), Florida Statutes, and s.20.19, Florida Statutes, 1974 Supplement; reorganizing the structure of the department; providing for district advisory councils; adding s.110.051(2)(n), Florida Statutes, 1974 Supplement; exempting specified positions from the career service; providing additional powers and duties of the department; providing for automatic repeal of existing rules and regulations as of a specified date; establishing the location of department headquarters; repealing s.381.021, Florida Statutes, relating to the headquarters of the Division of Health; providing an effective date.

—which was read the first time by title and SB 165 was laid on the table.

On motion by Senator Gordon, by two-thirds vote CS for SB 165 was read the second time by title.

Senator Childers (1st) presiding

The President presiding

Senator Hair presiding

The President presiding

Senators Brantley, Hair and Childers (1st) offered the following amendments which were moved by Senator Brantley and adopted:

Amendment 1—On page 12, line 8, insert: Such internal reorganization shall be completed prior to July 1, 1976.

Amendment 2—On page 12, between lines 29 and 30 insert: (4) The department is authorized to allocate the duties and functions of the department among the units which are established by this act, and may, prior to July 1, 1976, establish bureaus, sections, and subsections within the divisions without the approval of the Department of Administration. No new bureaus, sections, or subsections may be established within such divisions after July 1, 1976, until approved by the Department of Administration or by law.

Senator Thomas (4th) moved the following amendment which was adopted:

Amendment 3—On page 6, line 9, after the word "appoint" insert: , subject to senate confirmation,

Amendment 4 was withdrawn.

Senator Dunn moved the following amendment which failed:

Amendment 5—On page 2, line 26, strike "secretary" and insert: governor

Senator Saunders moved the following amendment which was adopted:

Amendment 6—On page 3, line 13, strike "and responsibility"

Senator Glisson moved the following amendment which failed:

Amendment 7—On page 4, line 9, strike the period and insert: and shall appoint an undersecretary for each: family services, aging, health, childrens medical services, mental health, retardation, vocational rehabilitation, youth services, and general medical services.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:05 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—37:

Mr. President	Hair	Plante	Tobiassen
Brantley	Holloway	Poston	Trask
Childers (28th)	Johnston	Renick	Vogt
Childers (1st)	Lane (31st)	Saunders	Ware
Dunn	Lane (23rd)	Sayler	Wilson
Firestone	Lewis	Sims	Winn
Gallen	MacKay	Spicola	Zinkil
Glisson	McClain	Stolzenburg	
Gordon	Myers	Thomas (30th)	
Graham	Peterson	Thomas (4th)	

Excused: Senator Scarborough until 2:30 p.m.

SPECIAL ORDER, continued

The Senate resumed—

CS for SB 165—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s.20.04(3), Florida Statutes, and s.20.19, Florida Statutes, 1974 Supplement; reorganizing the structure of the department; providing for district advisory councils; adding s.110.051(2)(n), Florida Statutes, 1974 Supplement; exempting specified positions from the career service; providing additional powers and duties of the department; providing for automatic repeal of existing rules and regulations as of a specified date; establishing the location of department headquarters; repealing s.381.021, Florida Statutes, relating to the headquarters of the Division of Health; providing an effective date.

Senator Brantley moved the following amendment:

Amendment 8—On page 3, line 5, after the word “secretary” insert: and each of whom shall be subject to confirmation by the senate

Amendment 8 was adopted by the following vote:

Yeas—28

Mr. President	Glisson	McClain	Thomas (30th)
Brantley	Gordon	Peterson	Thomas (4th)
Childers (28th)	Hair	Plante	Tobiassen
Childers (1st)	Holloway	Poston	Trask
Dunn	Johnston	Renick	Vogt
Firestone	Lewis	Sayler	Ware
Gallen	MacKay	Spicola	Wilson

Nays—8

Graham	Lane (23rd)	Saunders	Winn
Lane (31st)	Myers	Sims	Zinkil

Senator Saunders moved the following amendment which was adopted:

Amendment 9—On page 6, strike all of lines 4, 5, 6, 7 and 8

Senator Winn moved the following amendment which was adopted:

Amendment 10—On page 8, line 17, after “agencies” insert: or organizations

Senators Peterson and Sayler offered the following amendment which was moved by Senator Sayler:

Amendment 11—On page 10, line 20, strike “the district administrators and the district program managers” insert: and the district administrators

Amendment 11 failed by the following vote:

Yeas—14

Deeb	Peterson	Stolzenburg	Ware
Glisson	Plante	Thomas (30th)	Zinkil
Johnston	Sayler	Thomas (4th)	
Lane (23rd)	Spicola	Tobiassen	

Nays—23

Mr. President	Gordon	MacKay	Sims
Brantley	Graham	McClain	Trask
Childers (28th)	Hair	Myers	Vogt
Childers (1st)	Holloway	Poston	Wilson
Dunn	Lane (31st)	Renick	Winn
Gallen	Lewis	Scarborough	

Senator Plante moved that the Senate reconsider the vote by which Amendment 3 was adopted and the motion failed.

Senator Lewis moved the following amendment which was adopted:

Amendment 12—On page 11, line 6, strike “whenever possible, the” and insert: The

Senators Hair, Scarborough and Brantley offered the following amendment which was moved by Senator Hair and failed:

Amendment 13—On page 11, line 24, after the period insert: Provided, however, that not more than 200 employees shall be transferred from Jacksonville to other locations in the state to carry out the provisions of this subsection. Employees whose positions are abolished or transferred from Jacksonville to another location shall, when otherwise qualified, be given priority consideration for any new positions created under this reorganization or for any other positions vacant in state government within district 4 established in s.20.19(4)(a), Florida Statutes. Any employee transferred shall be entitled to reasonable expenses for required moves.

Senator Saunders moved the following amendment which was adopted:

Amendment 14—On page 10, strike all of lines 22 through 31 and insert: Rehabilitative Services.

Senator Glisson moved the following amendment which failed:

Amendment 15—On page 13, between lines 17 and 18 insert: Section 12. The secretary may, by rule, depart from the internal structure established by this act for a period not to exceed 1 year, with respect to any function of the department if necessary to assure continued federal participation in funding of authorized programs.

(Renumber subsequent sections)

Senator MacKay moved the following amendment which was adopted:

Amendment 16—On page 12, line 19, insert after the word “authorized”: , for fiscal year 1975-76,

Senators Vogt and Lewis offered the following amendment which was moved by Senator Vogt and adopted:

Amendment 17—On page 13, between lines 19 and 20, insert: Section 13. Nothing in this act shall affect the powers and authorities granted to the several counties of the state and the county commissions thereof by chapter 154, Florida Statutes, except to substitute the Department of Health and Rehabilitative Services in place of the Division of Health as a party in interest in any agreements provided for in that chapter.

(Renumber subsequent section)

Senator Gordon moved the following amendment which was adopted:

Amendment 18—In Section 8(4) strike “within the divisions” and on line 7, strike “within such divisions”

Senator Myers moved that the Senate reconsider the vote by which Amendment 14 was adopted and the motion failed.

Senator Vogt moved the following title amendment which was adopted:

Amendment 19—On page 1, line 19, after the semicolon insert: providing that nothing in this act shall affect the powers of the counties over county public health facilities;

On motion by Senator Gordon, by two-thirds vote CS for SB 165 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—36

Mr. President	Graham	Myers	Thomas (30th)
Brantley	Henderson	Peterson	Thomas (4th)
Childers (28th)	Holloway	Plante	Tobiassen
Childers (1st)	Johnston	Poston	Trask
Deeb	Lane (31st)	Renick	Vogt
Dunn	Lane (23rd)	Saunders	Ware
Firestone	Lewis	Sayler	Wilson
Gallen	MacKay	Sims	Winn
Gordon	McClain	Spicola	Zinkil

Nays—3

Glisson Hair Scarborough

SB 169 was taken up, together with:

By the Committee on Health and Rehabilitative Services and Senators Barron, Vogt, Renick, Sims, Thomas (30th), Childers (28th), Myers, Wilson, Zinkil, Hair, Thomas (4th), MacKay, Lewis, Lane (23rd) and Spicola—

CS for SB 169—A bill to be entitled An act relating to correctional reorganization; creating s. 20.315, Florida Statutes, to create a Department of Corrections; providing for the internal structure of the department; providing for adult corrections district advisory councils; transferring the Division of Corrections, the Vocational Training Advisory Council of the Department of Health and Rehabilitative Services and the functions of the Parole and Probation Commission relating to the supervision of parolees and probationers to the new department; amending s.20.32(1), Florida Statutes, redesignating the Parole and Probation Commission as the Parole Commission and providing its powers; adding s.110.051(2)(n), Florida Statutes, to exempt specified positions from the career service; providing duties of the Department of Administration; providing certain duties of the Department of Corrections; providing for discharges from commitments; providing for commitments; providing duties of the Department of Health and Rehabilitative Services; providing for continuing effectiveness of specified rules; providing severability; adding s.921.231(4), Florida Statutes, 1974 Supplement; providing requirements for nonconfidential portion of presentence investigation reports; amending s.944.024(1), Florida Statutes, 1974 Supplement; providing a procedure for the performance of pretrial investigations; amending s.945.10(4), Florida Statutes, 1974 Supplement; providing for cooperation of the Department of Corrections, the Department of Health and Rehabilitative Services, and the Parole Commission; providing for information on released felons by the Parole Commission; repealing s.947.081, Florida Statutes, relating to the Department of Community Services of the Parole and Probation Commission; providing an effective date.

—which was read the first time by title and SB 169 was laid on the table.

On motion by Senator Gordon, by two-thirds vote CS for SB 169 was read the second time by title.

Senator Johnston presiding

Senator McClain moved the following amendment:

Amendment 1—On page 3, lines 11 and 12, strike “the coordination and provision of all services in probation and parole supervision,”

The President presiding

Senator Renick presiding

The President presiding

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until 6:00 p.m. or until final action on CS for SB 169, whichever occurred first.

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

INTRODUCTION

By Senator Brantley—

SB 272—A bill to be entitled An act relating to transportation; authorizing Florida's participation in the Multi-Mode Transportation Corridor Advisory Board; providing an appropriation; providing for appointment of board representatives; providing an effective date.

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

By Senator Brantley—

SB 273—A bill to be entitled An act relating to corporations; amending s.608.03(2)(i), Florida Statutes; adding s.608.03(2)(k), Florida Statutes; requiring disclosure of at least one subscriber as both an investor and a director, or a subscriber of shares of stock; requiring disclosure of any investor who is a public officer; providing an effective date.

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

By Senator Brantley—

SB 274—A bill to be entitled An act relating to public officers and employees; amending s.112.313(3), Florida Statutes, 1974 Supplement, to require disclosure of a material interest in a business operating under a state-issued privilege or an interest in an application for a bank charter, alcoholic beverage license or pari-mutuel permit; providing an effective date.

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

By Senators Poston, Zinkil, Hair and Stolzenburg—

SB 275—A bill to be entitled An act relating to the interstate highway system; amending s.337.34(2), Florida Statutes; providing that full reimbursement of the federal share of the loan for interstate highway purposes be made to the General Revenue Fund upon completion of the interstate highway system in Florida; providing an effective date.

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

By Senator Ware—

SB 276—A bill to be entitled An act relating to malpractice insurance; amending s.627.355, Florida Statutes, relating to medical malpractice self-insurance, to extend the application of its provisions to authorize any group of persons or entities to organize to partially self-insure against malpractice claims; providing an effective date.

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

By Senator Thomas (30th)—

SB 277—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; providing legislative intent; creating a group living home trust fund to be used by the department for granting loans to group living homes providing care to mentally retarded or developmentally disabled persons; requiring the department to promulgate standards of eligibility to receive such loans; providing for the repayment of such loans; providing that loans constitute a priority lien in favor of the state against the property of group living home if the home ceases to perform in compliance with its contract; providing an effective date.

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

By Senator Thomas (30th)—

SB 278—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; providing definitions; requiring the Department of Health and Rehabilitative Services to establish a coordinated foster care program for the maintenance and supervision of adults or children; requiring the Department to establish and implement a uniform schedule of foster care payments for all foster care programs in the Department; requiring and authorizing the inclusion of certain items within such payments; requiring the Department to present a plan for the foster care program and uniform schedule of payments to the 1976 legislative session; providing effective dates.

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

By Senator Scarborough—

SB 279—A bill to be entitled An act relating to parole and probation; amending s.947.16(2), Florida Statutes; providing for the concurrence of the court and the prosecuting attorney before parole; providing an effective date.

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

By Senator Brantley—

SB 280—A bill to be entitled An act relating to banks and banking; creating s.659.062, Florida Statutes; relating, among other things, to the electronic transfer of funds, authorizing banks to use the facilities of remote financial service units and providing for the sharing of the use thereof by other banks; defining terms; providing for notice to the Department of Banking and Finance; providing for permissive sharing of remote service terminals by banks and savings and loan associations; providing that remote financial service units shall be disregarded by the department in considering applications for authority to organize a new bank or to establish any other banking facility; providing that remote financial service units and the associated systems and equipment by which the same are operated shall not be considered to be a branch of any bank using or participating in the use thereof; prohibiting the use in this state of any remote financial service unit or associated system by any bank which does not have its principal office and place of business in this state; requiring the maintenance of safeguards to insure the safety of funds; providing an effective date.

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

By Senator Firestone—

SB 281—A bill to be entitled An act relating to criminal justice; amending s.903.03, Florida Statutes; providing for release on recognizance; creating ss.903.025, 903.031—903.035, Florida Statutes; defining "release on recognizance"; providing conditions of such release; providing for appellate review of conditions of release; providing penalties; providing standards for money bail; providing an effective date.

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

By Senators Myers and Vogt—

SB 282—A bill to be entitled An act relating to medical malpractice actions; creating s.43.50, Florida Statutes; providing for appointment of professional liability mediation panels in each judicial circuit to hear medical malpractice actions; providing for selection of panel members; providing for hearings; providing procedure; providing for written decisions; providing for payment of damages; providing for appeal; providing for preparation of recommendations; providing applicability; providing an effective date.

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

By Senators Myers and Vogt—

SB 283—A bill to be entitled An act relating to medical malpractice insurance; creating part XVI, chapter 627, Florida Statutes, consisting of ss.627.910—627.919; providing legislative intent and definitions; creating the Joint Underwriting Association consisting of all insurers writing malpractice or liability insurance within the state; providing powers of the association; providing for the Department of Insurance to adopt and promulgate a plan of operation for the provision of medical malpractice insurance; providing that any licensed physician or hospital is entitled to apply to the association for coverage and that such insurance shall be issued if the applicant meets the association's underwriting standards and pays a premium; providing rate standards; providing for the department to approve rates; providing for recoupment of deficits pursuant to the plan of operation by an assessment upon the policyholder or a rate increase applicable prospectively; providing that the association offer policies on both a claims made and occurrence basis; providing for participation of all insurers who are association members; providing for 15 directors to be elected annually by the association membership; providing

for appeal and judicial review; providing for privileged communications; providing for the association to file a statement annually with the department; providing for the department to make an examination into the affairs of the association at least annually; providing severability; providing an effective date.

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

By Senator Thomas (30th)—

SB 284—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s.402.17 (3), Florida Statutes, requiring money received by the Department of Health and Rehabilitative Services or by a director for the care and maintenance of any patient or inmate to be deposited in a trust fund for use by the department; deleting the options to deposit such moneys to the general revenue fund or to a trust fund requiring the approval of the Department of Administration; providing an effective date.

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

By Senator Scarborough—

SB 285—A bill to be entitled An act relating to greyhound dog racing; requiring each holder of a valid permit for greyhound dog racing to pay purses equivalent to 4 percent of the gross pari-mutuel pool, including all special wagering pools to the owners or operators of the kennels; providing grounds for revocation of license; providing an effective date.

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

By Senator Deeb—

SB 286—A bill to be entitled An act relating to criminal law; creating s.776.055, Florida Statutes; providing conditions under which homicide is justifiable; repealing s.776.021, Florida Statutes, 1974 Supplement, relating to the use of force in defense of dwelling; repealing s.776.05, Florida Statutes, 1974 Supplement, relating to use of force by a law enforcement officer, and anyone assisting him, in making an arrest; providing an effective date.

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

By Senator Thomas (30th)—

SB 287—A bill to be entitled An act relating to the Division of Health; amending s.381.061(9), Florida Statutes, requiring the division to make quarterly health and sanitation inspections of all residential treatment centers and hospitals under the control of the Department of Health and Rehabilitative Services; providing an effective date.

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

By Senator Scarborough—

SB 288—A bill to be entitled An act relating to the Department of Business Regulation; adding s.20.16(3)(c), Florida Statutes; providing for the appointment of a five-member Greyhound Advisory Committee; providing an effective date.

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

By Senator Brantley—

SB 289—A bill to be entitled An act relating to the bank deposits and collections article of the uniform commercial code; amending s.674.104(1)(g), Florida Statutes, to include in the definition of the term "item", electronically recorded, stored or transmitted messages for the payment of money; providing an effective date.

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

By Senator Sims—

SB 290—A bill to be entitled An act relating to the Real Estate License Law; amending s.475.04(2), Florida Statutes; to authorize the publication and sale of a handbook by the Florida Real Estate Commission; providing an effective date.

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

By Senator Sims—

SB 291—A bill to be entitled An act relating to the Real Estate License Law; amending ss.475.01(4), (5), 475.20, 475.21, Florida Statutes; to permit a registrant to renew registration and obtain certificates thereon at any time during a twelve month period immediately subsequent to an expired license or suspension period; and to provide a fee therefor; and providing an effective date.

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

By Senator Spicola (by request)—

SB 292—A bill to be entitled An act relating to retired justices and judges; amending s.25.073(1), (2), Florida Statutes; providing for the compensation to be paid to a retired justice or judge when assigned to active judicial service; providing an effective date.

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

By Senator Sims—

SB 293—A bill to be entitled An act relating to the Real Estate License Law; amending s.475.08, Florida Statutes, to provide compensation to the members of the Florida Real Estate Commission for the time spent away from their offices in the performance of their duties as members; providing an effective date.

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

By Senator Sims—

SB 294—A bill to be entitled An act relating to the Real Estate License Law; amending ss.475.01(4), (5), 475.14, 475.25(2), 475.26, 475.27, 475.40, Florida Statutes; amending definitions; providing for retention of registration on becoming a nonresident of this state; providing for an examiner and for notice and venue in suspension or revocation of such nonresidents' registrations; providing an effective date.

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

By Senator Henderson—

SB 295—A bill to be entitled An act relating to the ad hoc council for red tide research; amending s.369.15(1), Florida Statutes, 1974 Supplement; authorizing the council to employ secretarial help and incur expenses; providing an appropriation; providing an effective date.

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

By Senators Spicola, McClain and Lane (23rd)—

SB 296—A bill to be entitled An act designating and naming the 22nd Street Causeway Bridge located in Hillsborough County, Florida, the "Victor George Licata Bridge"; providing for a suitable plaque to be installed by the Department of Transportation; providing an effective date.

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

By Senator McClain—

SB 297—A bill to be entitled An act relating to weapons and firearms; adding s.790.001(14), (15), Florida Statutes; providing definitions; amending s.790.07, Florida Statutes; pro-

viding for a mandatory minimum 5-year sentence for certain offenses; creating s.790.27, Florida Statutes; prohibiting the manufacture, assembly, sale, use or possession of certain handguns; providing penalties; providing exceptions; requiring a report; providing for injunctive relief and a civil penalty; providing an effective date.

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

By Senator Sims—

SJR 298—A joint resolution proposing an amendment to Section 5, Article IV of the State Constitution, relating to the attorney general, to provide for appointment of the attorney general by the governor.

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

By Senator Sims—

SB 299—A bill to be entitled An act relating to the Real Estate License Law; amending ss.475.04(2), 475.17(2), (3), Florida Statutes; providing for additional educational requisites for applicants for registration as real estate salesmen or brokers; providing an effective date.

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

By Senator Sims—

SJR 300—A joint resolution proposing the repeal of Section 2, Article IV, amendments to Section 2, Article II, Section 17, Article III and Sections 3, 5, and 6, Article IV, and the addition of Section 18, Article XII, of the State Constitution, abolishing the office of lieutenant governor and providing for succession to the office of governor and acting governor.

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

By Senators Sayler and Lane (23rd)—

SB 301—A bill to be entitled An act relating to the sewage treatment facilities revolving loan program; amending s.403.1835(1), (2), (3), (7), Florida Statutes; authorizing the revolving loan fund to be used for solid waste disposal and resource recovery facilities; repealing s.403.1835(8), Florida Statutes, which provides for the reversion of the cash balance in the loan fund to the General Revenue Fund; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

By the Committee on Education—

SB 302—A bill to be entitled An act relating to driver education; amending s.233.063, Florida Statutes, 1974 Supplement; requiring a driver education course be made available to any secondary school student; providing procedures for offering such a course; providing funding; requiring the district school board to prescribe standards; amending s.488.04, Florida Statutes; providing that an instructor's certificate is valid for use in connection with a school district's driver education course; repealing s.322.111, Florida Statutes, requiring a minor to successfully complete a driver education course before being issued a license; providing an effective date.

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

By Senator Plante—

SB 303—A bill to be entitled An act relating to laws which authorize the levy of taxes or assessments for certain purposes on state lands; repealing s.298.36(3), Florida Statutes, which authorizes the assessment of taxes on lands belonging to the state; repealing s.373.543(1), Florida Statutes, which authorizes taxes to be assessed by water management districts against land held by the Board of Trustees of the Internal Improvement Trust Fund; repealing all general, special or local laws inso-

far as they authorize assessment of taxes on state lands for certain purposes; providing a rule of statutory construction for laws authorizing the imposition of taxes; amending s.196.31, Florida Statutes; providing that said section does not authorize any tax on state lands for certain purposes; providing an effective date.

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

SPECIAL ORDER, continued

The Senate resumed consideration of—

CS for SB 169—A bill to be entitled An act relating to correctional reorganization; creating s.20.315, Florida Statutes, to create a Department of Corrections; providing for the internal structure of the department; providing for adult corrections district advisory councils; transferring the Division of Corrections, the Vocational Training Advisory Council of the Department of Health and Rehabilitative Services and the functions of the Parole and Probation Commission relating to the supervision of parolees and probationers to the new department; amending s.20.32(1), Florida Statutes, redesignating the Parole and Probation Commission as the Parole Commission and providing its powers; adding s.110.051(2)(n), Florida Statutes, to exempt specified positions from the career service; providing duties of the Department of Administration; providing certain duties of the Department of Corrections; providing for discharges from commitments; providing for commitments; providing duties of the Department of Health and Rehabilitative Services; providing for continuing effectiveness of specified rules; providing severability; adding s.921.231(4), Florida Statutes, 1974 Supplement; providing requirements for nonconfidential portion of presentence investigation reports; amending s.944.024(1), Florida Statutes, 1974 Supplement; providing a procedure for the performance of pretrial investigations; amending s.945.10(4), Florida Statutes, 1974 Supplement; providing for cooperation of the Department of Corrections, the Department of Health and Rehabilitative Services, and the Parole Commission; providing for information on released felons by the Parole Commission; repealing s.947.081, Florida Statutes, relating to the Department of Community Services of the Parole and Probation Commission; providing an effective date.

Senator Plante moved that the rules be waived and the Senate adjourn upon final action on Amendment 1 and the reading of the next amendment. The motion failed by the following vote:

Yeas—5

Deeb	Plante	Stolzenburg	Ware
Henderson			

Nays—30

Mr. President	Hair	Peterson	Tobiassen
Brantley	Holloway	Poston	Trask
Childers (28th)	Johnston	Renick	Vogt
Childers (1st)	Lane (23rd)	Saunders	Wilson
Firestone	Lewis	Scarborough	Winn
Gallen	MacKay	Sims	Zinkil
Gordon	McClain	Spicola	
Graham	Myers	Thomas (4th)	

The question recurred on Amendment 1 which failed by the following vote:

Yeas—16

Childers (1st)	Henderson	Sayler	Thomas (4th)
Deeb	McClain	Spicola	Tobiassen
Gallen	Peterson	Stolzenburg	Trask
Glisson	Plante	Thomas (30th)	Ware

Nays—23

Mr. President	Graham	MacKay	Sims
Brantley	Hair	Myers	Vogt
Childers (28th)	Holloway	Poston	Wilson
Dunn	Johnston	Renick	Winn
Firestone	Lane (23rd)	Saunders	Zinkil
Gordon	Lewis	Scarborough	

Senator Saunders moved the following amendment which was adopted:

Amendment 2—On page 13, line 2, strike “his” and insert: the

Senators Thomas (4th), Sayler, and Barron offered the following amendment which was moved by Senator Thomas (4th) and failed:

Amendment 3—On page 2, line 20, strike the period and insert: , Parole and Probation

Senator Tobiassen presiding

Senator Dunn moved the following amendment which failed:

Amendment 4—On page 3, strike lines 6 and 7 and insert: The secretary shall appoint, subject to confirmation by the senate, a director of each division of the department.

Senator Saunders moved the following amendment which was adopted:

Amendment 5—On page 9, strike all of lines 14 through 23 and insert: managers of the Department of Corrections.

Senators Brantley and Childers (1st) offered the following amendments which were moved by Senator Brantley and adopted:

Amendment 6—On page 10, line 26, insert: Such internal reorganization shall be completed prior to July 1, 1976.

Amendment 7—On page 11, between lines 5 and 6, insert: (3) The department is authorized to allocate the duties and functions of the department among the units which are established by this act, and may, prior to July 1, 1976, establish bureaus, sections, and subsections within the divisions without the approval of the Department of Administration. No new bureaus, sections, or subsections may be established within such division after July 1, 1976, until approved by the Department of Administration or by law.

The President presiding

Senators Wilson, Saunders, and Childers (1st) offered the following amendments which were moved by Senator Wilson and adopted:

Amendment 8—On page 2, line 29, strike “to him”

Amendment 9—On page 5, line 21, strike “him” “his”

Amendment 10—On page 9, lines 22 and 23, strike “in which he serves.” and insert: a period after “district”.

Amendment 11—On page 9, line 28, strike “his” and insert: the offender’s

Amendment 12—On page 10, line 3, strike “he” and insert: the secretary

Amendment 13—On page 12, lines 15 and 17, strike “his” and insert: the offender’s

Senator Graham moved the following amendment which was adopted:

Amendment 14—On page 8, between lines 13 and 14, insert: (3) All powers, duties, and functions of the Division of Corrections of the Department of Health and Rehabilitative Services, as they relate to the planning and budgeting of educational programs, as defined in s.402.22, Florida Statutes, shall be transferred by a type four transfer, as defined in s.20.06(4), Florida Statutes, to the Department of Corrections.

Renumber remaining subsections.

Senators Childers (1st) and Tobiassen offered the following amendment which was moved by Senator Childers (1st) and adopted:

Amendment 15—On page 10, line 13 after the word “thereunder.” insert: The Department of Corrections shall notify the

Parole and Probation Commission of all violations of parole conditions and provide reports connected thereto as may be requested by the Commission.

Senator Gordon moved the following amendment which was adopted:

Amendment 16—On page 13, between lines 4 and 5 insert: Section 18. The Parole and Probation Commission and the Division of Corrections shall submit to the Department of Administration by September 1, 1975 a plan for the phase-in of the personnel and services to be transferred as provided herein. Said plan shall provide for the assumption of all adult corrections services by the Department of Corrections by January 1, 1976.

Renumber subsequent sections.

Senator Gallen moved the following amendment:

Amendment 17—On page 13, line 4, add: Provided that clients of the Department of Corrections shall not be confined in mental institutions or mental health facilities of the Department of Health and Rehabilitative Services without prior legislative approval.

Senator Gordon announced that Subcommittee A of the Committee on Ways and Means would not meet as scheduled this day.

Senator Plante announced that Subcommittee C of the Committee on Ways and Means would not meet as scheduled this day.

The Journal of April 8 was corrected and approved.

CO-INTRODUCERS

Senators Thomas (30th) and Lane (23rd) were recorded as co-introducers of SJR 270 and SB 271, Senator Hair as a co-introducer of SB 124, Senator Lane (23rd) as a co-introducer of SB 178, Senator Poston as a co-introducer of SB 226, Senator Gordon as co-introducer of SB 156 and Senator Tobiassen as a co-introducer of Senate Bills 176, 195, 199 and 202.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 6:01 p.m. to convene at 8:30 a.m., April 10 and at 8:30 a.m. April 11, 1975 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 10:00 a.m. April 11, 1975.