

# JOURNAL OF THE FLORIDA SENATE

Wednesday, May 14, 1975

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

## INTRODUCTION

By Senator Saylor—

**SB 1271**—A bill to be entitled An act relating to counties and municipalities; authorizing counties and municipalities to adopt official maps to identify future locations for streets, public facilities, parks, playgrounds and other public uses, and to reserve the sites for future public acquisitions; providing an effective date.

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

By Senator Dunn (by request)—

**SB 1272**—A bill to be entitled An act relating to child labor; creating s.450.012, Florida Statutes; providing definitions; amending ss.450.021, 450.111, and 232.07, Florida Statutes; modifying and clarifying minimum age for specified employment, the type of employment certificates to be issued, and the prerequisites for each; amending s.450.061(1)(g), Florida Statutes; permitting certain minors to drive farm tractors; amending s.450.081(1) and (4), Florida Statutes; modifying the hours and conditions of employment for specified minors; amending s.450.151, Florida Statutes; increasing the age from 14 to 18 for prohibitions of obscene, immoral, or dangerous employment; amending s.450.161, Florida Statutes, pertaining to ages and times of employment in vocational educational programs; repealing s.450.081(3), Florida Statutes, which provides that the presence of any minor in any place of employment during working hours shall be prima facie evidence of his employment therein; repealing s.450.011, Florida Statutes, which provides exemptions from the chapter; repealing s.450.031, Florida Statutes, which prohibits employment in certain street trades; repealing s.450.041, Florida Statutes, which prohibits employment as messenger; repealing s.450.071, Florida Statutes, which prohibits employment in poolroom, a place alcoholic beverages are manufactured or sold; repealing s.450.091, Florida Statutes, which requires certain facilities to be provided; providing an effective date.

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

By Senator Dunn—

**SB 1273**—A bill to be entitled An act relating to the assistance of small businesses; providing legislative intent and definitions; requiring the Department of Commerce to assist small businesses; providing that a meaningful percentage of state purchasing be procured from such businesses and providing a waiver under certain circumstances; providing for interagency cooperation; requiring submission of an annual report; creating an advisory council; providing an effective date.

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

By Senator Brantley—

**SB 1274**—A bill to be entitled An act relating to the Public Service Commission; repealing ss.347.08, 347.09, 347.10, 347.11, 347.12, 347.13, 347.14, 347.15, 347.16, 347.17, and 347.18, Florida Statutes; relating to regulation by the Public Service Commission of certain bridges, causeways, tunnels, toll highways, and ferries; amending s.350.11, Florida Statutes; redefining common carrier as related to vessels; creating s.350.125, Florida Statutes; requiring a certificate of public convenience and necessity to operate as a common carrier any vessel of 10 tons net or over; specifying contents of applications for certificates and filing fees therefor; specifying notice, hearing and disposition requirements for applications for certificates; providing that the Public Service Commission may consider and act upon an appli-

cation without a hearing in the absence of any protest against said application; providing that such certificates be subject to the provisions of ss.323.041, 323.06, 323.07 and 323.08; providing that ferry applications be controlled by s.350.125, Florida Statutes; providing that certain duties of the commission relating to bridge franchises be transferred to the Department of Transportation; providing an effective date.

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

By Senator Scarborough—

**SB 1275**—A bill to be entitled An act relating to the mechanics' lien law; adding subsections (25)-(30) to s.713.01, adding paragraph (i) to subsection (1) of s.713.08 and amending subsection (3) and paragraph (c) of subsection (4) of said section, amending paragraph (e) of subsection (1) of s.713.13 and adding paragraphs (h) and (i) thereto, and amending subsections (4) and (5) of said section, adding subsection (3) to s.713.16, and amending ss.713.05, 713.06(2)(a) and (c) and (3)(d), 713.23, and 713.24(1) and (4), all Florida Statutes; providing additional definitions; providing that persons in privity with the owner, as defined in said law, shall serve a notice to the construction lender; requiring lienors to serve a notice of commencement to the owner, construction lender, and contractor as a prerequisite perfecting a lien and recording a claim of lien; providing that the lienor shall have a minimum of 7 working days to serve the notice, and providing a form for notification; providing for retainage from the contract price by the owner for final payment to the contractor upon completion of construction and for reduction of same upon 50 percent completion; requiring deposit of earned retainage into a trust fund for the contractor for payment to the contractor and by the contractor to his subcontractors; providing for showing in the claim of lien the names, address, and amount due each lienor owed by the lienor making the claim and including same in the claim of lien form; providing that a claim of lien shall be served on an owner, construction lender, or contractor in accordance with s.713.18, Florida Statutes, relating to the manner of serving notices; requiring that a true copy of the contractor's payment bond, under s.713.23, Florida Statutes, be attached to a notice of commencement; requiring a notice of commencement to contain the name and address of the construction lender and a statement that the improvement described is or is not to be the principal residence of the owner; providing a procedure for the owner, as defined in said law, to record a corrected or amended notice of commencement upon discovery of error in the original or upon making a change therein and for notification of interested parties, and providing that lienors record a corrected and amended claim of lien in accordance therewith; providing that the notice of commencement shall remain effective until the improvement, as defined in said law, has been completed or construction has ceased and the time for recording claims of lien has expired; providing that a contractor, before paying a subcontractor any partial or final payment of the subcontract price, may demand the subcontractor to furnish him an affidavit disclosing his unpaid lienors and the amounts due; providing the form for the contractor's payment bond; providing that the liability of a surety may be increased beyond the penal sum of the payment bond by reasonable attorney's fees; requiring that a true copy of the contractor's payment bond be attached to the notice of commencement; providing that in the event of any error or change in the bond, substitution of a new bond, or cancellation of the bond, a corrected or amended notice of commencement be recorded; providing that, in the event the contractor's payment bond is canceled or the license of the surety insurer is revoked, the contractor is required to immediately obtain a new bond and record an amended notice of commencement in the clerk's office with a copy of the new bond attached thereto; providing for transfer of liens by depositing a sum of money or filing a bond in the clerk's office, either to equal the amount of claim plus 25 percent thereof to cover attorney's fees; providing that such deposit or bond list the lienors and their amounts which shall suffice for transfer of liens without making duplicate copies; requiring anyone having filed a lien transfer bond executed by a surety insurer whose license is subsequently revoked to immediately file a new bond; creating s.713.065, Florida Statutes, relating to construction loans; providing that construction loans for the im-

provement of real property be placed in the control of the construction lender under a binding construction loan agreement with the borrower; providing an effective date.

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

By Senator Gordon—

**SB 1276**—A bill to be entitled An act relating to public health; providing definitions; providing for a state health plan and information system; providing for annual submission of a state health plan and a report on health needs to the legislature; providing for the functions of the state health planning agency; providing for the duties of the Department of Professional and Occupational Regulation relating to the state health information system; providing duties of other state and local governmental agencies; providing for confidentiality of information; 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 J. Thomas—

**SB 1277**—A bill to be entitled An act relating to motor vehicle licenses; amending s.320.06(1)(a), Florida Statutes, 1974 Supplement and adding a new paragraph to said subsection; providing that certain vehicles, trailers or semitrailers shall be excluded from the requirement to purchase 3-year license plates; providing for the issuance of 5-year plates to owners of certain described utility trailers and semitrailers; amending s.320.06(5)(a), Florida Statutes, 1974 Supplement; exempting certain trailers and semitrailers from the requirement to obtain revalidation stickers; adding s.320.06(9), Florida Statutes, 1974 Supplement; providing conditions for the issuance of 5-year plates; providing adjustment procedures for modifying the number of plates required and held by interstate owners; providing for advance funding of the Division of Corrections by the Department of Highway Safety and Motor Vehicles; providing for rule-making authority; providing an effective date.

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

By Senator Poston—

**SB 1278**—A bill to be entitled An act relating to disabled persons; providing definitions; requiring political subdivisions of the state to provide parking spaces for disabled persons; providing specifications relating to the size, configuration, location and identification of parking spaces; providing for the moving of unauthorized vehicles; providing that violations shall be deemed traffic infractions; authorizing the Department of General Services to implement the provisions of this act if local governmental units fail to do so; providing an effective date.

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

By Senator P. Thomas—

**SB 1279**—A bill to be entitled An act relating to the Public Service Commission; amending s.323.31 (2), (6), Florida Statutes; providing that the commission shall consider, with respect to applications for, or assignment or transfer of transportation brokerage licenses, the effect of granting same on existing facilities in the area concerned; providing that such applications may be denied where an affirmative need for the proposed service is not shown; providing an effective date.

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

By Senator Lewis—

**SB 1280**—A bill to be entitled An act relating to the Florida Water Resources Act of 1972; amending s.373.069(4), Florida Statutes, and the introductory paragraph of subsection (3) of said section, and creating subsections (5), (6), (7), (8), (9), (10), (11) and (12) in said section; amending ss.373.0697(4), 373.224, Florida Statutes; changing the effective date relating to the creation of water management districts; providing an effective date.

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

By Senator Renick—

**SB 1281**—A bill to be entitled An act relating to adoption; amending s.63.022(2)(b), (f), (g), (h), (i) and (j), Florida Statutes, relating to legislative intent; amending s.63.032(8), (9) and (10), Florida Statutes, relating to definitions; amending s.63.062, Florida Statutes, specifying persons required to give consent; repealing ss.63.082(3) and 63.092, Florida Statutes, relating to consent forms in placements by an intermediary and report by intermediary of intended placement; amending s.63.102, Florida Statutes, relating to filing of petition; amending s.63.112(2), Florida Statutes, deleting requirement that certain documents be attached to the petition; amending s.63.122(3), (4) and (5), Florida Statutes, specifying to whom notice of the hearing on petition is given; providing certain requirements relating to investigations and reports; repealing ss.63.132 and 63.162(4), Florida Statutes, relating to report of expenditures and receipts and to disclosure of identity of adoptive child or parents; amending s.63.172(1)(a), Florida Statutes, relating to judgment of adoption, protecting rights of natural parent in certain cases; creating s.63.207, Florida Statutes, placing restrictions on out-of-state placements; amending s.63.212, Florida Statutes, to include in penalties the placing of a child except by an agency or the division; providing an effective date.

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

By Senator J. Thomas—

**SB 1282**—A bill to be entitled An act relating to care for life facilities; adding s.651.02(6), Florida Statutes, 1974 Supplement; defining "certificate of authority"; adding s.651.03(2), (3), Florida Statutes; providing licenses and "license" to be synonymous and permits for care for life facilities; providing exemptions; expanding regulations for administration; requiring the Department of Insurance to adopt reasonable standards for care for life facilities; creating s.651.085, Florida Statutes; providing bonding requirements for care for life facilities; amending s.651.10, Florida Statutes; providing for on-site inspections of such facilities; providing for administrative fines; creating s.651.105, Florida Statutes; providing for requests for inspections; creating s.651.114, Florida Statutes; providing for criminal actions and penalties; providing for injunctive actions; providing for duties of state attorneys; providing an effective date.

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

By Senator J. Thomas—

**SB 1283**—A bill to be entitled An act relating to the Florida Cosmetology Law; amending s.477.02(2), (5), Florida Statutes; adding s.477.06(1)(g), Florida Statutes, and adding a new subsection (2) to said section; amending s.477.08(1),(3),(4),(7), Florida Statutes; amending ss.477.17(1), 477.27(10), Florida Statutes; creating s.477.171, Florida Statutes; removing the exemption of schools operated as part of the public school system from the requirements relating to teaching in or operating a school of cosmetology; providing an alternative procedure for qualification for a certificate to practice as a master cosmetologist; providing qualifications and fees for certification as a cosmetologist practicing as a specialist in manicuring, pedicuring and shampooing; changing the term "owner or owners" to "operator or operators" where it relates to a school of cosmetology; providing certain fees; establishing the Consumer Public Information Account and requiring the State Board of Cosmetology to provide consumer information relating to hazards of the industry; repealing s.477.06(2),(3), Florida Statutes, relating to the nonissuance of certificates of registration to practice manicuring and pedicuring in a cosmetology salon; providing an effective date.

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

By Senators Vogt and Wilson—

**SB 1284**—A bill to be entitled An act relating to the Cape Canaveral Hospital District in Brevard County; amending sec-

tions 4(6), 5, 9, 10, 11 and 13 of chapter 59-1121, Laws of Florida, as amended; deleting time by which the Hospital Board must determine the amount required to pay obligations and expenses of next fiscal year; deleting freeholder requirement for board members; providing for majority action; providing for notice of special meetings; providing for open meetings; redesignating board officers; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Graham, Winn, Gordon, Holloway, Myers, Renick, Firestone and Poston—

**SB 1285**—A bill to be entitled An act relating to thoroughbred horse racing; providing legislative intent; providing a special winter common purse pool; providing a summer racing purse allowance by deduction of certain taxes; providing a purse allowance for thoroughbred horse racetracks with an average daily handle less than \$400,000 by deduction of certain taxes; providing deductions from certain taxes due the state for thoroughbred horse racetracks with average daily handles greater than \$400,000; providing deductions from certain taxes due the state for thoroughbred horse racetracks with average daily handles less than \$400,000; amending s.550.081, Florida Statutes; extending the winter thoroughbred horse racing dates for three racetracks located within a 35 mile radius to 144 days and providing for the allocation of said dates to said tracks by the Board of Business Regulation; providing purse requirements for winter horse racing; providing beginning and ending dates of summer thoroughbred racing; repealing s.550.261, Florida Statutes, relating to the winter season purse pool; providing severability; providing an effective date and a termination date.

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

By Senator Graham—

**SB 1286**—A bill to be entitled An act relating to consumer protection; creating the Florida Consumer Class Standing Act; declaring legislative intent; providing definitions and scope; providing for jurisdiction of the circuit court; providing for standing to sue as a class; providing for notice to members of class and procedure for such notice; providing for the conduct of the consumer class action; providing standing to obtain relief for the class as an entity; providing for attorney fees; providing for notification and participation of the attorney general; providing severability; providing an effective date.

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

By Senator Poston—

**SB 1287**—A bill to be entitled An act relating to the mechanics' liens; amending s.713.06(2)(a), (3)(d), (4)(a), Florida Statutes; providing that any lienor has the right to rely on the owner's notice of commencement; providing that notice of lien is not necessary if the owner failed to file a notice of commencement; providing for progress payments to lienors giving notice; providing for priority in payment of liens; amending s.713.08(1)(h) and adding a new subsection (6) to said section; amending s.713.13(6), Florida Statutes; providing that any lienor has a right to rely on the owner's notice of commencement; providing for contents of claim of lien; amending s.713.13(1)(a), Florida Statutes; providing for contents of notice of commencement; amending s.713.18(1)(c), Florida Statutes; providing that service of notice be effective upon mailing; amending s.713.20(2), Florida Statutes; prohibiting waiver of lien before furnishing services or materials; adding s.713.34(5), Florida Statutes; providing that diversion of funds by the contractor be grounds for disciplinary action by the Florida Construction Industry Licensing Board; providing an effective date.

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

By Senator Saylor—

**SB 1288**—A bill to be entitled An act relating to retirement; amending s.121.021(22), Florida Statutes, 1974 Supplement, and

adding a subsection (39) to said section; clarifying the definition of compensation and providing a definition for joint annuitant; amending s.121.081(1)(a), (b), Florida Statutes, 1974 Supplement; delaying until October 1, 1975, the increased cost for the purchase of past service; amending s.121.091(1)(a), (6)(c)-(e), (7)(e), (8), Florida Statutes, 1974 Supplement; limiting benefits to 100 percent of average final compensation; making certain provisions for the payment of benefits under Option 2; clarifying to whom the benefits are paid under Options 3 and 4 upon the death of the member; providing that the retirement option or provisions of retirement may not be changed once benefits have commenced; increasing the interest charged on the repayment of a refund by a surviving spouse; providing certain clarifying instructions for the designation of beneficiaries; amending s.121.111(1)(b), (2)(b), Florida Statutes, 1974 Supplement; clarifying provisions for the purchase of wartime military service credit; increasing the cost of purchasing such service for anyone becoming a member of the retirement system on or after July 1, 1975; providing an effective date.

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

By Senator Gordon—

**SB 1289**—A bill to be entitled An act relating to landlord and tenant; amending s.83.43(10), Florida Statutes, 1974 Supplement; redefining the term "transient occupancy"; adding s.83.43(13), Florida Statutes, 1974 Supplement; providing a definition of "late fee"; adding s.83.46(3), Florida Statutes; providing guidelines for collection of late fees; amending s.83.49, Florida Statutes, 1974 Supplement; deleting time and monetary exceptions in handling of security deposits and advance rents; requiring that tenant receive written notification of where the security deposit is being held and the amount of interest accruing; providing the landlord with procedures for notifying the tenant of any claim brought against him; requiring the landlord to pay double the rent in damages if claim notification is not given the tenant; excluding the tenant from recovery of attorney's fees if he represents himself in an action for right of security deposit; providing for coverage of existing security deposits and advance rents; clarifying existing language with regard to relieving landlord of notice requirements; requiring seller and purchaser of the rental property to establish in writing who is responsible for the return of the tenant's security deposit should the property transfer hands; providing procedures for notifying tenant of this conveyance; requiring the mortgagee of the property to assume responsibility for the return of security deposits in the event of a foreclosure on a mortgage on real property; authorizing the Department of Business Regulation, Division of Hotels and Restaurants, to enforce the provisions of s.83.49; amending s.83.50(1), Florida Statutes; requiring out of state corporations and individuals to appoint a resident agent to receive service of process; adding s.83.51(5), Florida Statutes, prohibiting retaliatory action by landlord against tenant for issuing complaint regarding building, housing or health code violations or for joining a tenant's union; amending s.83.52(4), Florida Statutes; deleting tenant's responsibility for repairing plumbing fixtures; adding s.83.56(1)(c), Florida Statutes; providing tenant with the right to repair or have repaired defects or conditions 20 days after giving the landlord written notice of intent to repair, and subsequently allowing tenant to deduct repair costs from rent; prohibiting protection to the tenant if the tenant prevents the landlord from making repairs; adding s.83.56(8), Florida Statutes; requiring that the landlord make reasonable efforts to mitigate damages if the tenant breaches, defaults or abandons a rental unit; amending s.83.58, Florida Statutes; clarifying judicial right of interpretation in situation where tenant holds over after expiration date of lease; amending s.83.60(2), Florida Statutes; adding the defense of the use of rental monies for tenant repair in an action for possession of a dwelling unit; adding s.83.60(3), Florida Statutes; providing as a defense to an action for summary procedure, a landlord's action in reprisal for a tenant reporting a violation or suspected violation of building, housing and health codes or in reprisal for a tenant joining a tenant's union; making such action a rebuttable presumption if commenced against a tenant within six months after such report; amending s.83.61, Florida Statutes, 1974 Supplement; allowing the court to award funds deposited in the registry to the landlord if the tenant's claims are found not to be meritorious; amending s.83.62, Florida Statutes; providing an exception for a stay of execution in an action for possession by the landlord; extending the time period for posting of notice

of repossession of dwelling; creating s.83.64, Florida Statutes; providing damages, the costs of action and attorney's fees if the landlord does not furnish the tenant with basic services agreed upon in the rental contract or if landlord attempts to regain possession without benefit of judicial process; providing an effective date.

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

By Senators Lewis (by request), Glisson, Plante, Johnston and P. Thomas—

SB 1290—A bill to be entitled An act relating to the Florida Public Employees Relations Commission; amending s.447.205-(1), Florida Statutes, 1974 Supplement; providing that the chairman of the commission shall serve until resignation, expiration of his term, or until removal for cause; amending s.447.207(4),(6), Florida Statutes, 1974 Supplement and adding subsections (7)-(9) to said section; providing for service of notices; providing that the commission shall resolve questions concerning representation of public employees; providing delegation of certain commission powers and duties; providing for a seal; providing that s.286.011, Florida Statutes, and the rule-making provisions of Chapter 120, Florida Statutes, shall not apply to the commission in its quasi-judicial deliberations; creating s.447.208, Florida Statutes; providing hearing procedures; transferring s.447.301(3), Florida Statutes, 1974 Supplement, to s.447.401(2), Florida Statutes, 1974 Supplement; creating s.447.306, Florida Statutes; providing for voluntary recognition; amending s.447.307, Florida Statutes, 1974 Supplement; providing an employer may request determination of a bargaining unit; providing a ministerial hearing by an agent of the commission; amending s.447.309(1),(4),(5), Florida Statutes, 1974 Supplement; providing for contract ratification by members of the bargaining agent; amending s.447.401, Florida Statutes, 1974 Supplement; providing for resolution of grievances in a bargaining unit; amending s.447.403 Florida Statutes, 1974 Supplement; providing 120 days for the resolution of negotiations impasses; amending s.447.407, Florida Statutes, 1974 Supplement; providing for sharing of costs of mediation; amending s.447.501(1)(c), Florida Statutes, 1974 Supplement; providing for an unfair labor practice; amending s.447.503(1)-(4), Florida Statutes, 1974 Supplement; providing for investigations of unfair labor practice charges; providing for appeals and review of unfair labor practice charge dismissals; providing for issuance of charges; providing for hearings by the division of administrative hearings; providing for amendments to unfair labor practice charges; providing for answers to charges; providing for a time limit on filing charges; providing for injunctive relief in circuit court; providing for the hearing officer's order; providing for an appeal to the commission; providing an effective date.

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

By Senators Vogt, J. Thomas, Glisson and Sims—

SB 1291—A bill to be entitled An act relating to nursing; revising chapter 464, Florida Statutes; amending ss.464.011—464.19, 464.21—464.24, Florida Statutes, and creating s.464.122, Florida Statutes; redefining the terms "practice of professional nursing" and "practice of practical nursing"; modifying the membership, composition, and terms of office of the Florida State Board of Nursing and including one public member; deleting certain responsibilities of the Florida State Nurses' Association and the Licensed Practical Nurse Association; providing duties and responsibilities of the board and qualifications for board members; providing for an executive director of the board; granting the board rule-making and subpoena powers; requiring continuing education; providing qualifications for all license applicants; providing for the use of titles associated with professional and practical nursing; providing for the continued licensure of persons licensed on the effective date of the act; providing for the renewal of licenses and relicensing of inactive or nonresident nurses; providing requirements for approval of schools of nursing; repealing s.464.20, Florida Statutes, relating to board survey of schools for practical nurses, and combining the provisions of said section with provisions for board survey of schools for licensed professional nurses; providing grounds for discipline; providing for conduct of disciplinary hearings; providing exceptions; providing violations and penalties; providing an effective date.

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

By Senator Dunn—

SB 1292—A bill to be entitled An act relating to nonprofit corporations; amending s.617.013(2)(g),(h), Florida Statutes, and adding paragraphs (l) and (m) to said subsection; requiring certain additional information be contained in the articles of incorporation; amending ss.617.014, 617.02 and 617.054(2)(b), Florida Statutes; authorizing the Department of State to return original documents after microfilming; providing for amendments to articles of incorporation and filing of such amendments; amending s.617.015(2),(3), Florida Statutes; increasing the fee for certified copies of articles of incorporation; providing that the filing fee for papers relating to merger or consolidation is \$15 for each party; amending s.617.023, Florida Statutes; providing that resident agent may be another corporation; amending s.617.05(1) and 617.13, Florida Statutes; requiring dissolution decree for certain corporations to be filed in circuit court; amending s.617.11(1), Florida Statutes; requiring foreign nonprofit corporations to file certain information with the Department of State; creating ss.617.28 and 617.29, Florida Statutes; requiring annual reports of nonprofit corporations; providing for dissolution or cancellation of certificate for failure to file; providing for restoration of corporations or permits; providing an effective date.

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

By Senator P. Thomas—

SB 1293—A bill to be entitled An act relating to workmen's compensation; amending s.440.02(8)(a), (12), Florida Statutes, 1974 Supplement; amending the definitions of commission and wages; amending s.440.05, Florida Statutes, 1974 Supplement; repealing the posting requirement and requiring notice of election or revocation of election of coverage by a proprietor or partner to be mailed to the Division of Labor; amending the effective date of notices mailed to the division; amending s.440.09(3), Florida Statutes, 1974 Supplement, providing for no compensation for an injury to an employee who is found to have been under influence of any narcotic drugs, barbiturates or other stimulants which impaired the employee's faculties; conforming language; amending s.440.11(1), Florida Statutes; prohibiting comparative negligence as a defense when the employer has failed to secure the payment of workmen's compensation; amending s.440.13(1), (2), Florida Statutes; deleting the word division and inserting judge of industrial claims; amending s.440.15(2)(c), (3)(t), (6)(f), (7), (10)(a), Florida Statutes, 1974 Supplement, providing that certain additional temporary total disability benefits for training and rehabilitation be provided by the employer or carrier, and that such benefits not extend beyond 6 months from the date of loss or loss of use of the member and that they terminate upon the completion of the training or rehabilitation program; deleting the term division and inserting judge of industrial claims where appropriate; repealing credit for prior awards of permanent partial disability not to exceed 6 months; amending s.440.152(1), Florida Statutes, requiring the Division of Labor to make continuous studies of occupational diseases; amending s.440.16, Florida Statutes, 1974 Supplement, deleting the term division and inserting judge of industrial claims where appropriate; deleting references to widow or widower and inserting spouse; extending the age of eligibility for death benefits for dependent children who are full-time students; amending s.440.17, Florida Statutes, authorizing judges of industrial claims to require the appointment of a guardian and to designate a representative to receive the payment of compensation on behalf of another; creating s.440.185, Florida Statutes, requiring the reporting of injuries and accidents and the filing of reports with the Division of Labor; providing penalties; amending s.440.20(2), (5), (8), (9), (10), Florida Statutes, 1974 Supplement; providing for a hearing procedure before a judge of industrial claims for the late payment of compensation; authorizing the Division of Labor to conduct investigations; authorizing the Division of Labor or judge of industrial claims to order payment of award from deposits held by the state treasurer; authorizing the Industrial Relations Commission to promulgate rules of procedure relative to lump sum payments; amending s.440.25(1), (3), (4), (6), Florida Statutes, 1974 Supplement; providing for hearings before judges of industrial claims; providing for the transfer of certain hearings to the most convenient county; deleting the use of registered mail; amending

s.440.28, Florida Statutes, providing for judges of industrial claims to modify prior orders; amending s.440.29, Florida Statutes, 1974 Supplement; providing for procedure before judges of industrial claims; amending s.440.30, Florida Statutes, 1974 Supplement; providing for judges of industrial claims to order the taking of depositions; amending s.440.32, Florida Statutes; authorizing the assessment of costs in frivolous cases by judges of industrial claims; amending s.440.33, Florida Statutes; granting powers necessary to conduct hearings to judges of industrial claims; amending s.440.34(1), (3), Florida Statutes; providing for approval of attorney's fees by judges of industrial claims; amending s.440.41, Florida Statutes; inserting judge of industrial claims; amending s.440.42, Florida Statutes; granting jurisdiction to judges of industrial claims to hear disputes between workmen's compensation insurance carriers; amending s.440.44, Florida Statutes, 1974 Supplement; repealing requirement for fixed portions of salaries of members of the Industrial Relations Commission and the director of Division of Labor to be paid from workmen's compensation and unemployment compensation trust funds; providing that the powers, duties and functions of the bureau chief shall not be a limitation on the authority of the division; deleting the judge of industrial claims from the requirement that the division prescribe their duties and powers; deleting unnecessary language; deleting language referring to members of commission appointed by governor; authorizing the Division of Labor to adopt a seal; requiring the Division of Labor to conduct its hearings in accordance with the requirements of the Administrative Procedures Act, but not to infringe upon the jurisdiction of the judges of industrial claims; amending s.440.45(1),(2), Florida Statutes, 1974 Supplement; deleting requirement that there be at least one judge of industrial claims for each judicial circuit; providing that the appellate district judicial nominating commission in which the judge principally conducts hearings be the commission that reviews the judge's conduct before reappointment; amending s.440.47, Florida Statutes; providing for travel expenses for judges of industrial claims and employees of the industrial relations commission to be paid from the workmen's compensation trust fund; amending s.440.49(1), (2), (3), (4)(b), (e), (g), 1974 Supplement; providing for promulgation of rules for rehabilitation by the Division of Labor; providing for hearings of disputes involving rehabilitation to be heard by judges of industrial claims; defining excess permanent compensation to include death benefits otherwise reimbursable by the Special Disability Trust Fund; providing hearing procedures in cases involving the Special Disability Trust Fund; amending s.440.54, Florida Statutes; deleting the term "division" and inserting "judge of industrial claims"; amending s.440.56, Florida Statutes; providing for promulgation of safety rules and conducting of the safety program by the Division of Labor; providing for certain power and authority of the Division of Labor; increasing time periods for notice of hearings; providing penalties; repealing s.440.18, Florida Statutes, as amended; relating to requirements for filing of certain reports and reporting injuries; repealing s.440.36, Florida Statutes, relating to the requirement for filing of reports and provisions for penalties; providing an effective date.

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

By Senator D. Lane—

SB 1294—A bill to be entitled An act relating to the treatment of tuberculosis; providing legislative intent; providing for a tuberculosis treatment program to be administered by the Division of Health of the Department of Health and Rehabilitative Services; providing powers of the division; providing for the admission of patients to the program; providing a procedure for petition to the circuit court to compel treatment under certain circumstances; providing for the appointment of an examining committee; providing for orders, notice, reports, and hearings; providing for the detention of certain afflicted persons prior to disposition of the court; providing a procedure for appeal from an order committing a person to compulsory tuberculosis treatment; authorizing isolation of tuberculosis patients under certain circumstances in special facilities provided therefor; providing for duties of sheriff; providing for the appointment of counsel to represent afflicted persons who are indigent; providing fees; exempting certain persons upon religious grounds; providing for home quarantine of such exempted persons; repealing chapter 392, Florida Statutes, relating to tuberculosis hospitals; providing an effective date.

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

By Senator Wilson—

SB 1295—A bill to be entitled An act relating to paternity; amending s.39.11(2)(e) and (3)(d), Florida Statutes, 1974 Supplement, relating to powers of the court with reference to dependent and delinquent children; removing the term "illegitimate child" and replacing it with the term "child born out of wedlock"; amending ss.382.17, the introductory paragraph and subsections (1), (2) and (4) of 382.21, and 382.35(2), (3), (4), and (7)(d), Florida Statutes, relating to birth certificates, to replace reference to the legitimacy of children with reference to marital status of the parents; providing that birth certificates may be issued to a child's natural mother or legal guardian; amending ss.742.011, 742.091 and 742.10, Florida Statutes, to remove reference to bastardy proceedings and the term "bastard"; amending s.744.301(1), Florida Statutes, 1974 Supplement, and s.856.04(2), Florida Statutes, relating to guardianship and desertion, respectively, to remove the term "illegitimate child" and to replace it with the term "child born out of wedlock"; directing the Division of Statutory Revision and Indexing of the Joint Legislative Management Committee to change the title of chapter 742, Florida Statutes, from "Bastardy" to "Determination of Paternity"; providing an effective date.

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

By Senator Wilson—

SB 1296—A bill to be entitled An act relating to paternity; amending s.39.11(2)(e), (3)(d), Florida Statutes, 1974 Supplement, relating to powers of the court with reference to dependent and delinquent children; removing the term "illegitimate child" and replacing it with the term "child born out of wedlock"; amending ss.382.17, the introductory paragraph and subsections (1), (2), and (4) of 382.21, and 382.35(2), (3), (4), (7)(d), Florida Statutes, relating to birth certificates; replacing reference to the legitimacy of children with reference to marital status; amending ss.742.011, 742.091 and 742.10, Florida Statutes; removing reference to bastardy proceedings and the term "bastard"; amending s.744.301(1), Florida Statutes, 1974 Supplement, and s.856.04(2), Florida Statutes, relating to guardianship and desertion, respectively; removing the term "illegitimate child" and replacing it with the term "child born out of wedlock"; directing the Statutory Revision and Indexing Division of the Joint Legislative Management Committee to change the title of chapter 742, Florida Statutes, from "Bastardy" to "Determination of Paternity"; providing an effective date.

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

By Senators D. Lane, Sayler and Deeb—

SB 1297—A bill to be entitled An act relating to medical malpractice; creating the Florida Medical Malpractice Mutual Insurance Fund; providing for purpose of fund; providing for board of directors and duties; providing for articles of incorporation and bylaws; providing special powers and duties of board of directors; providing for funding of corporation including tax assessment of members; providing for insurance coverage provided by fund; providing for applicability of fund to professional persons and medical institutions; providing for tax exemptions of fund; providing statute of limitations in malpractice suits; providing mediation panel in every judicial circuit; providing for membership on panel, subject matter jurisdiction and procedures followed by panel; providing for report; providing evidentiary limitations in subsequent malpractice suits; providing statute of limitations on malpractice actions; providing for failure to give informed consent; providing definitions of informed consent; providing for no guaranteed result in any medical procedure and subsequent malpractice suits; providing for structured settlement in malpractice verdicts over \$50,000; providing for payment of portion of verdict amount with amount to be retained by fund; providing for payment from retained amount to injured person; 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 Graham—

SB 1298—A bill to be entitled An act relating to campaign financing; creating part II of chapter 106, Florida Statutes, the "Florida Judiciary Campaign Financing Act"; providing for partial public financing of nonpartisan elections for judicial office; providing definitions; creating the Florida Judiciary Campaign Trust Fund and providing that all qualifying fees paid by candidates for judicial office be deposited therein; providing powers and duties of the secretary of state; providing procedures, including a petitioning process, whereby such candidates may become qualified to direct that payment be made from the fund for certain qualified campaign expenditures; providing for verification of petitions by supervisors of elections and for reimbursement of verification costs; providing for determination of qualification; providing for disbursement of funds; providing for reimbursements from and deposit of surplus funds into the General Revenue Fund; amending s.105.031(3), Florida Statutes, relating to qualification fees for candidates for judicial office, to conform to this act; establishing relationship to other laws; providing an effective date.

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

By Senator Firestone—

SB 1299—A bill to be entitled At act relating to radiation protection; creating ss.290.011-290.061, 290.072-290.191, Florida Statutes, The Florida Radiation Protection Act; providing declaration of policy and definitions; providing designation of a state radiation protection agency; creating the Radiation Protection Advisory Council; authorizing the Department of Health and Rehabilitative Services to perform radiological environmental surveillance; providing powers and duties of the department; authorizing licensing of sources of ionizing radiation; providing rule-making authority for the department; providing for inspections; authorizing training and educational programs; authorizing the department to require records of persons who possess or use sources of ionizing radiation; providing authority to respond to emergencies involving the release of radioactive materials; authorizing the department to impound certain materials in emergencies; authorizing the department to require posting of a bond by licensees; authorizing the department to require a perpetual care trust fund; authorizing the department to charge and collect fees; providing prohibited uses for sources of radiation; providing for injunctive relief; providing penalties; providing severability; repealing ss.290.01, 290.02, 290.03, 290.04, 290.051, 290.06, 290.07, 290.08, 290.09, 290.10, 290.11, 290.12, 290.13, 290.14, 290.15, 290.16, 290.17, 290.18, 290.19, Florida Statutes, relating to the Florida Nuclear Code; 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 Poston—

SB 1300—A bill to be entitled An act relating to independent postsecondary vocational, technical, trade, and business schools; amending s.246.201, Florida Statutes, 1974 Supplement; exempting a school or business regulated by certain state boards; amending s.246.203(1), (8), Florida Statutes, 1974 Supplement, and adding subsections (10), (11) to said section; redefining "school" to include any seminar; changing nomenclature; adding definitions; amending ss.246.205(1), (2), 246.213, Florida Statutes, 1974 Supplement; conforming language; amending s.246.207(1)(f), (i), (j), Florida Statutes, 1974 Supplement and adding paragraph (g) to subsection (2) of said section; providing for board determination of employee salaries; providing for the submission of an annual budget to the governor; providing for the disposition of funds; authorizing the board to provide certain exemptions; amending s.246.209, Florida Statutes, 1974 Supplement; deleting provision providing for the adoption of rules by the State Board of Education; amending s.246.211, Florida Statutes, 1974 Supplement; providing for an annual report by budget category to the governor; amending s.246.215, Florida Statutes, 1974 Supplement; providing licensing procedures; prohibiting the solicitation of students until licensed; providing for the licensing of seminars; amending s.246.217, Florida Statutes, 1974 Supplement; providing for temporary licenses for seminars; amending s.246.219(3), Florida Statutes, 1974 Supplement, and adding subsection (4) to said section; providing license fees; providing for the disposition of fees; creating s.246.220, Florida Statutes; excepting schools

licensed by the board from surety bond or insurance; amending s.246.221, Florida Statutes, 1974 Supplement; providing for conformity with the Administrative Procedure Act; providing for the disposition of school records; amending s.246.223(1), (3), (4), Florida Statutes, 1974 Supplement; providing for annual licensing; providing for the recognition of accrediting agencies; providing for promulgation of regulations upon the board's approval; providing an appropriation; providing an effective date.

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

By Senator Trask (by request)—

SB 1301—A bill to be entitled An act creating the "Florida Psychological and Allied Services Practice Act"; providing definitions and application of the act; creating the Florida Psychological and Allied Practices Board to replace the present Florida State Board of Examiners of Psychology at the expiration of terms of the members of the present board; providing duties and expenses for members of the newly created board; requiring persons to obtain a license to practice psychology, marriage and family counseling, or clinical social work; providing procedures for licensure including classification, qualifications, and examinations; requiring licensed persons to display their licenses in their offices or places of business; authorizing the board to waive certain licensure requirements for certain applicants; providing exemptions from licensure requirements for certain persons; permitting certain persons to use the term "social psychologist"; excluding certain persons from the exemptions from the licensure requirements; providing that licensed psychologists on the effective date of this act shall be deemed licensed under this act; providing qualifications for present psychologists, marriage and family counselors, and clinical social workers; providing for the renewal of licenses; providing procedures for the refusal to grant or renew a license or to revoke or suspend a license; authorizing the board to enjoin violations of this act or a rule or order of the board; providing for the disposition of fees received by the board; providing penalties; providing a patient-psychologist privilege; removing the privilege in certain circumstances; providing for privileged communication between a marriage and family counselor or a clinical social worker and the person counseled; removing the privilege between the clinical social worker and the person counseled in certain circumstances; providing that this act does not permit a licensee to practice medicine; repealing chapter 490, Florida Statutes, as amended, which provides for the regulation and licensure of psychologists; providing an effective date.

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

By Senator Vogt—

SB 1302—A bill to be entitled An act relating to carnival and amusement park rides; creating the Carnival and Amusement Park Rides Safety Act; providing definitions; creating a nine-member Advisory Board on Carnival and Amusement Park Rides Safety within the Department of Agriculture and Consumer Services; providing for the appointment, compensation, powers, and duties of the board; providing for the duties of the department relating to carnival and amusement park rides; requiring the department to adopt rules; requiring the permitting and inspection of rides; providing fees; requiring ride owners to maintain records and file certain reports; prohibiting any person from operating a ride without meeting certain insurance, bonding, or cash security requirement; providing for injunctive relief; providing a penalty; providing exceptions to the operation of this act; authorizing political subdivisions of the state to enact safety regulations for rides; repealing s.616.091(2)(a)-(o), Florida Statutes, relating to trade standards for the operating of shows and amusement devices in public fairs and expositions; providing an effective date.

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

By Senator Graham—

SB 1303—A bill to be entitled An act relating to compensation of county officials; amending s.145.041(1), Florida Statutes;

increasing the salary of certain district school board members; providing an effective date.

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

By Senator Dunn—

SB 1304—A bill to be entitled An act relating to private employment agencies; amending s.449.021, Florida Statutes, to provide a license application fee and contents of said application; amending s.449.022(2)(c), (3), Florida Statutes, to delete the requirement that the annual licensee fee accompany the application; providing a penalty for late renewal of license; amending s.449.023(1), Florida Statutes, to clarify the definition of previous licensee; amending s.449.03, Florida Statutes, to change the time for filing of the required surety bond; amending s.449.08(4), Florida Statutes, to delete the requirement of filing theatrical agency contracts with the Department of State; providing an effective date.

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

By Senator MacKay—

SB 1305—A bill to be entitled An act relating to state agencies; amending s.110.022(3), Florida Statutes; providing for the fingerprinting of applicants for certain career service positions; amending s.215.01, Florida Statutes; providing for the fiscal year to begin October 1, commencing with the 1977-1978 fiscal year; amending s.216.102, Florida Statutes, 1974 Supplement; providing for the filing of state agency balance sheets; amending s.283.10(1), Florida Statutes; providing for bids on class B printing; creating s.287.044, Florida Statutes; providing for purchasing transactions between university departments and bookstores to be exempt from the law relating to state agency purchasing; amending s.287.062(1), (3), Florida Statutes; providing for certification as to emergencies and as to single sources by the designee of the head of any state agency; amending s.287.102, Florida Statutes; providing for out-of-state public printing and increasing the competitive bid minimum; providing an effective date.

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

By Senator MacKay—

SB 1306—A bill to be entitled An act relating to planning and budgeting; amending s.216.192(1), (2), Florida Statutes; providing procedures for the release of appropriations; amending s.216.292, Florida Statutes; providing that appropriations be expended only for the purpose for which appropriated; providing exception; providing procedures for the transfer of appropriations; providing an effective date.

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

By Senator Wilson—

SB 1307—A bill to be entitled An act relating to local government; amending s.171.031(11), Florida Statutes, 1974 Supplement; providing a new definition of "contiguous"; creating s.171.0416, Florida Statutes; providing procedures for municipal annexation; amending ss.171.042(1), and 171.044(1), Florida Statutes, 1974 Supplement; providing proper citations; repealing ss.171.04 and 171.0415, Florida Statutes, 1974 Supplement, relating to procedures for extension of municipal territorial limits and annexation; 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 Senator Poston—

SB 1308—A bill to be entitled An act relating to the Florida Building Codes Act of 1974; amending ss.553.71(3), 553.72, 553.73, Florida Statutes, 1974 Supplement; providing definitions; providing legislative intent; providing an Interim Building Code; adding s.553.76(4), Florida Statutes, 1974 Supplement; providing for general powers; amending s.553.78, Flor-

ida Statutes, 1974 Supplement; providing for adoption of state minimum code by local governments; deleting provisions relating to rules and regulations; amending s.553.79, Florida Statutes, 1974 Supplement; providing for application of state minimum codes; deleting provision relating to the effect of State Minimum Building Codes; providing that State Minimum Building Codes not apply to areas under local building codes; amending s.553.80, Florida Statutes, 1974 Supplement; providing for enforcement of applicable building codes; amending ss.553.83, 553.85, Florida Statutes, 1974 Supplement; providing for injunctive relief by local enforcing agency; providing for the regulation of liquefied petroleum gases; repealing ss. 553.77, 553.81, 553.82 and 553.84, Florida Statutes, 1974 Supplement, relating to specific powers of the Board of Building Codes and Standards and the Department of Community Affairs, appeals to the board, publication and distribution of codes, and statutory civil action; providing an effective date.

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

By Senator Holloway—

SB 1309—A bill to be entitled An act relating to turnpike projects; amending s.340.02, Florida Statutes, to set forth the intent of the legislature to approve every turnpike project before it is begun by the Department of Transportation; amending s.340.03(4), Florida Statutes, to remove reference to certain specific turnpike projects and to provide that the Department of Transportation may make certain expert studies for new or additional turnpike projects; amending s.340.06(10), Florida Statutes, to provide that the department shall follow record keeping and inventory procedures set forth in chapter 273, Florida Statutes, with respect to certain property; amending s.340.12(1), Florida Statutes, 1974 Supplement, to require the department to equalize fees charged on certain toll roads; amending s.340.15, Florida Statutes, to require specific information from the department to the legislature before the issuance of bonds which must be approved by the legislature; amending s.340.16, Florida Statutes, to require all trust agreements entered into by the Department of Transportation with respect to turnpike projects to be secured with the State Board of Administration; amending s.340.23(1), Florida Statutes, 1974 Supplement, to provide that the department adopt all rules and regulations pursuant to chapter 120, Florida Statutes; amending s.340.24(1), Florida Statutes, to provide for cessation of tolls; repealing ss.340.03(1), (2) and (3), 340.031, 340.032, 340.033, 340.06(1), (2), (3), (4), (5), (6), (7), (8), (13), and (17), 340.07, 340.10, 340.24(2) and (3), 340.25, 340.28, 340.32, 340.33, and 340.35, Florida Statutes, relating to provisions in the turnpike projects chapter which grant the Department of Transportation authority to approve bonds or projects without the approval of the legislature and removing provisions which are contrary to the intent of this act that the legislature approve all projects and the department acts upon such approval; providing an effective date.

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

By Senator Gordon—

SB 1310—A bill to be entitled An act relating to the Division of Corrections of the Department of Health and Rehabilitative Services; amending s.945.06, Florida Statutes; changing the term "prison industries" to "correctional industries" and requiring the division to adopt an industrial production and marketing maintenance program with regard to correctional industries to provide a measure of fiscal relief to the Division of Corrections Industrial Trust Fund; authorizing the correctional industries to produce goods which may be used by all political subdivisions of the state; creating s.945.061, Florida Statutes; establishing objectives of the state correctional industries; creating s.945.062, Florida Statutes; providing an overall financing policy with regard to correctional industries; creating s. 945.063, Florida Statutes; requiring the division to establish guidelines for the operation of correctional industries and for the evaluation of such industries along specific lines; requiring the division to seek the advice of private labor and management for specified purposes; amending s.945.16, Florida Statutes; providing that correctional industries goods may be sold to any political subdivision of the state; requiring certain state agencies or divisions to use correctional industries goods under certain circumstances; amending s.945.17, Florida Statutes, relating to the Division of Corrections Industrial Trust Fund,

to conform to this act; amending s.945.18, Florida Statutes; providing for the disposition of certain funds in the Division of Corrections Industrial Trust Fund; amending s.945.19, Florida Statutes; increasing the amount of money which may be used for any one construction project from the fund to \$100,000; authorizing the use of the fund for capital improvements; providing an effective date.

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

By Senators Myers, McClain, J. Thomas, Zinkil and J. Lane—

SB 1311—A bill to be entitled An act relating to pilots and stevedores; creating ss.310.40-310.65, Florida Statutes; providing definitions; creating a State Board of Pilot Commissioners; providing for membership; requiring an oath of office; providing for powers and duties; authorizing the board to employ personnel; providing for licensing of pilots and certification of deputy pilots and requiring a fee; providing for annual fee for such pilots and deputy pilots and percentage fee for pilots; providing quotas for licensed pilots at certain ports and providing for filling of vacancies in number authorized; authorizing the board to revoke or suspend licenses or certificates and discipline pilots and deputy pilots; prohibiting piloting without a license; authorizing pilots to incorporate and limiting liability of such corporations; designating vessels subject to pilotage and providing for rates; providing for investigation of casualties; providing for the appointment, licensing and bond of stevedores; prohibiting unlicensed stevedores; authorizing a master to load his vessel with his own crew; voiding certain charters; prohibiting compensation for awarding vessel to stevedore; prohibiting interference with the loading or unloading of a vessel; amending ss.313.01, 314.01, Florida Statutes, to authorize the appointment of a pilot as harbor master and removing such harbor master as an ex officio member of the Board of Port Wardens and Pilot Commissioners; adding s.20.30(9)(g), Florida Statutes, to assign the State Board of Pilot Commissioners to the Division of Professions of the Department of Professional and Occupational Regulation; amending s.215.37 to add the State Board of Pilot Commissioners to boards financed by fees, licenses and other charges; transferring the functions of the Boards of Port Wardens and Pilot Commissioners to the State Board of Pilot Commissioners and to the port authorities of the state; repealing s.20.30(10)(j), Florida Statutes, relating to the Boards of Port Wardens and Pilot Commissioners; repealing s.314.03, Florida Statutes, relating to harbor master ex officio member of Board of Port Wardens and Pilot Commissioners; repealing ss.310.01-310.34, Florida Statutes relating to pilots and stevedores; repealing chapters 311 and 312, Florida Statutes, relating to regulation of boats to be used by bar pilots and incorporation of pilots; providing severability; providing an effective date.

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

By Senator P. Thomas—

SB 1312—A bill to be entitled An act relating to criminal law; authorizing the court, under certain circumstances, to order a psychiatric examination of the accused at his first appearance; providing an effective date.

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

By Senator Gordon—

SB 1313—A bill to be entitled An act relating to paternity; amending s.39.11(2)(e), (3)(d), Florida Statutes, 1974 Supplement, relating to powers of the court with reference to dependent and delinquent children, to remove the term "illegitimate child" and replacing it with the term "child born out of wedlock"; amending s.382.17, the introductory paragraph and subsections (1), (2) and (4) of s.382.21, s.382.35(2)-(4), (7)(d), Florida Statutes, relating to birth certificates, to revise references with respect to the legitimacy of children; creating s.742.010, Florida Statutes, to provide for the legitimacy of all children of their natural parents; amending ss.742.011, 742.091, 742.10, Florida Statutes, relating to bastardy proceedings; to revise references with respect to the terms "bastard" and "bastardy proceedings"; amending s.744.301(1), Florida Statutes, 1974 Supplement, and s.856.04(2), Florida Statutes,

relating to guardianship and desertion, respectively, to revise references to "illegitimate child"; directing the Division of Statutory Revision and Indexing to change nomenclature; providing an effective date.

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

By Senator Sims—

SB 1314—A bill to be entitled An act relating to motor vehicles; amending s.319.23(5), (6), Florida Statutes; increasing the penalty for delinquent title transfers; providing that the application for certificate of title contain certain data; adding s.320.01(26), Florida Statutes, 1974 Supplement; defining registration period; amending s.320.02(2), Florida Statutes, providing for contents of application; amending s.320.031, Florida Statutes; authorizing mailing of registrations, license plates, and revalidation stickers; providing for a mail service charge and a handling charge; amending s.320.04(1), Florida Statutes, 1974 Supplement; increasing the service charge accruing to the tax collectors and the department; amending s.320.06(1), (2), (4), (5), (6), (8), Florida Statutes, 1974 Supplement; providing for extending the life of the current license plate; providing certain license plates may be transferred from one class of vehicle to another; providing a penalty; providing for 4-year license alphanumeric plates; providing a schedule of staggered registrations; providing a transfer of license plates; eliminating a \$4.50 transfer fee and a 50 cent reflectorization fee; providing for revalidation stickers for 3 successive years; providing minimum refunds; providing a registration and renewal schedule for all other vehicles not categorized by birth month; amending s.320.07(1), (3), Florida Statutes; providing for registration and revalidation during certain months; amending s.320.08(2), (3), Florida Statutes, 1974 Supplement; providing a flat annual license tax on automobiles for private use and on trucks weighing not more than 5,000 pounds; amending s.320.0805(2), (5), (7), Florida Statutes, 1974 Supplement; eliminating certain fees; amending s.320.13(3), Florida Statutes; eliminating a \$4.50 transfer fee; amending s.320.131(1), Florida Statutes; providing use of temporary tags; amending s.320.14(3), (4), Florida Statutes, and adding subsection (5) to said section; providing for fractional year registrations for certain motor vehicles; amending s.320.15, Florida Statutes; providing for pro rata refund on license plates; amending s.320.74, Florida Statutes; deleting provisions with respect to "E" series license plates; providing departmental administrative procedure; amending s.325.12, Florida Statutes; requiring proof of current registration before inspection certificate is issued; providing an effective date.

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

By Senator Hair—

SB 1315—A bill to be entitled An act relating to public defenders; amending s.27.50, Florida Statutes; providing additional qualification requirements for public defenders; amending s.27.51, Florida Statutes; relating to the duties of the public defender, to require him to represent indigent or partially indigent persons charged with certain offenses or when a petition is sought to involuntarily hospitalize such persons as mentally incompetent or retarded; deleting the requirement that the Division of Youth Services represent certain minors alleged to be delinquent; amending s.27.52, Florida Statutes; deleting the procedure for a determination of insolvency; defining the terms "indigent" and "partially indigent"; amending s.27.53(2), (3), Florida Statutes; providing that certain attorneys, other than public defenders, appointed to represent indigent or partially indigent defendants, shall be entitled to certain legal fees; amending s. 27.55, Florida Statutes, relating to the salary of the public defender in any newly created judicial circuit; amending s.27.56(1), Florida Statutes, and adding a subsection to said section; requiring a person who is partially indigent or certain parents or guardians of a minor represented by the public defender to pay certain costs; providing that willful failure to pay is contempt; amending s.27.58, Florida Statutes; providing that part II of chapter 27, Florida Statutes, shall be supplemental to any county or municipal ordinance relating to public defenders or assigned defense counsel; amending s.27.59, Florida Statutes; empowering investigators of public defenders to have certain access to prison-

ers; deleting any time requirement for access to prisoners by the public defender or his assistants or investigators; providing an effective date.

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

By Senator Gallen—

**SB 1316**—A bill to be entitled An act relating to the Florida Probate Code; amending various sections of chapters 731 through 735, Florida Statutes, 1974 Supplement, to provide clarification; creating ss.731.105-731.111, Florida Statutes; providing for in rem proceedings, relating to assets of non-domiciliaries; providing for adversary proceedings; providing for waivers; providing for seal of the court; providing for caveat proceedings; providing for notice to creditors; amending s.731.201, Florida Statutes, 1974 Supplement, providing definitions; amending s.731.301, Florida Statutes, 1974 Supplement, providing for notice, method, time and proof; amending s.731.303, Florida Statutes, 1974 Supplement, providing for virtual representation; and who are bound by others; amending s.732.101, Florida Statutes, 1974 Supplement, providing for evaluating the intestate estate; amending s.732.108, Florida Statutes, 1974 Supplement, providing for rights of adopted persons and children born out of wedlock; amending s.732.201, Florida Statutes, 1974 Supplement, relating to the right of an elective share; creating ss.732.205-732.214, Florida Statutes; restricting the elective share to Florida residents, determining property to be considered, determining the amount, relating to interests in addition to the elective share, relating to assets from which payable, determining who may exercise the election, effect of election, time of election, pre-existing right to dower and proceedings on the election; amending s.732.401, Florida Statutes, 1974 Supplement, providing for the descent of homestead as other intestate property with exceptions; creating s.732.4015, Florida Statutes; providing when homestead may be devised; amending s.732.402, Florida Statutes, 1974 Supplement, providing that exempt property include automobiles and be a net amount; amending s.732.403, Florida Statutes, 1974 Supplement, providing that lineal descendants and ascendants are included in family allowance; amending s.732.502, Florida Statutes, 1974 Supplement, providing that the witnesses to a will and the testator must all be present at same time and repealing prohibition that interested witnesses may not take; amending s.732.508, Florida Statutes, 1974 Supplement, providing that revocation of a codicil presumes to reinstate former provision; creating s.732.6005, Florida Statutes, relating to rules of construction; amending s.732.603, Florida Statutes, 1974 Supplement, providing for anti-lapse according to certain circumstances; amending s.732.801, Florida Statutes, 1974 Supplement, providing that the time for filing a disclaimer is 9 months from the event giving rise to the right to disclaim including the death of the testator; amending s.732.803, Florida Statutes, 1974 Supplement, providing for charitable devises; amending s.733.104, Florida Statutes, 1974 Supplement, providing for the filing of a claim when person dies before expiration of action against him; amending s.733.106, Florida Statutes, 1974 Supplement, providing for costs and attorney's fee relating to services rendered to an estate; amending s.733.109, Florida Statutes, 1974 Supplement, providing for filing a petition for revocation of probate; amending s.733.202, Florida Statutes, 1974 Supplement, providing for contents of petition; amending s.733.203, Florida Statutes, 1974 Supplement, providing when notice is required; amending s.733.208, Florida Statutes, 1974 Supplement, providing that a later will may not be offered after the closing of the estate; amending s.733.210, Florida Statutes, 1974 Supplement, providing for the prompt publishing of a notice of administration and excepting service on those served under s.733.211, Florida Statutes, 1974 Supplement; amending s.733.211, Florida Statutes, 1974 Supplement, providing for service before issue of letters; creating s.733.212, Florida Statutes; requiring probate before a will can be constructed; amending s.733.301, Florida Statutes, 1974 Supplement, providing preference in appointment of personal representative; amending s.733.303, Florida Statutes, 1974 Supplement, providing persons who are not qualified to serve as a personal representative; amending s.733.401, Florida Statutes, 1974 Supplement, providing for issuance of letters and bond; amending s.733.403, Florida Statutes, 1974 Supplement, relating to the determination of the amount of bond depending on assets; amending s.733.504, Florida Statutes, 1974 Supplement, providing the causes of removal of a personal representative; amending s.733.612, Florida Statutes, 1974 Supplement, permitting the personal representative to employ certain persons; amending s.733.617, Florida Statutes, 1974 Supplement,

providing for the determination of compensation of personal representatives and other professionals; creating s.733.619, Florida Statutes; providing individual liability of the personal representative; amending s.733.705, Florida Statutes, 1974 Supplement, providing that personal representative be compelled to pay claims until 5 months after the first publication; amending s.733.810, Florida Statutes, 1974 Supplement, providing for distribution in kind; amending s.733.901, Florida Statutes, 1974 Supplement, providing that a final accounting and petition for distribution and discharge shall be filed within 12 months after issuance of letters unless the time is extended by the court; amending s.735.101, Florida Statutes, 1974 Supplement, providing for family administration of estates less than \$60,000; amending s.735.103, Florida Statutes, 1974 Supplement, providing for the contents of a petition for family administration; creating s.735.107, Florida Statutes; providing for family administration distribution; amending s.735.201, Florida Statutes, 1974 Supplement, providing for summary administration for estates under \$10,000; amending s.735.203, Florida Statutes, 1974 Supplement, providing for petition for summary administration; amending s.735.206, Florida Statutes, 1974 Supplement, providing for summary administration distribution; amending s.735.209, Florida Statutes, 1974 Supplement, providing that joinder is not required in certain circumstances; amending s.735.301, Florida Statutes, 1974 Supplement, providing for disposition without administration; republishing various sections for informational purposes; repealing ss.732.202, 732.203 and 732.204, Florida Statutes, 1974 Supplement, relating to the surviving spouse's right to take elective share, preexisting right to dower and proceedings on such election; repealing s.732.602, Florida Statutes, 1974 Supplement, relating to construction that will passes all property; repealing s.733.102, Florida Statutes, 1974 Supplement, relating to vesting of devises; repealing s.733.618, Florida Statutes, 1974 Supplement, relating to expenses of estate litigation; repealing ss.733.804 and 733.807, Florida Statutes, 1974 Supplement, relating to special provisions for distribution, nonexoneration, abatement and contribution; repealing s.733.902, Florida Statutes, 1974 Supplement, relating to closing estates, discovering of will after settlement of estate; repealing ss.735.102, 735.104-735.106, Florida Statutes, 1974 Supplement, relating to family administration, administration in the same manner as other estates, administrative steps dispensed with, and petition to require administration under chapter 733, Florida Statutes; repealing ss.735.204, 735.205, 735.207 and 735.308, Florida Statutes, 1974 Supplement, relating to summary administration, testate estate, filing of petition, legal effect of order of summary administration and optional publication of notice of entry of order; providing an effective date.

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

By Senator Gallen—

**SB 1317**—A bill to be entitled An act relating to the Florida Guardianship Law; amending various sections of chapter 744, Florida Statutes, 1974 Supplement, to provide clarification and to correct grammar; amending s.744.102(11), Florida Statutes, 1974 Supplement; providing a definition of corporate and non-profit corporate guardianship; creating s.744.106, Florida Statutes; providing that the notice and virtual representation provision of chapter 731, Florida Statutes, 1974 Supplement, shall apply; amending s.744.310, Florida Statutes, 1974 Supplement; providing that a natural guardian may receive personal property of a child received from an estate, trust or insurance policy; amending s.744.305, Florida Statutes, 1974 Supplement; providing for a non-profit corporate guardianship; amending s.744.309, Florida Statutes, 1974 Supplement; providing when a nonresident may be appointed guardian; creating ss.744.3101, 744.3102, 744.3103, 744.3104, and 744.3106, Florida Statutes; providing for adjudication of persons mentally or physically incompetent; prescribing procedure for restoration to mental competency; providing for petition for appointment of guardian; providing for notice of hearing and voluntary guardianship; amending s.744.317, Florida Statutes, 1974 Supplement; providing that a bond shall be required when the amount of a net settlement exceeds \$5,000; amending s.744.321, Florida Statutes, 1974 Supplement; providing that notice of application for support to the Division of Veteran's Affairs shall be at least 15 days before a hearing on an application for support under certain circumstances; amending s. 744.323, Florida Statutes, 1974 Supplement, providing for annual returns by April 1 or 90 days from termination of fiscal year of ward; creating ss.744.329 and 744.330, Florida Statutes; providing for visitors and guardian fees; amending s.744.402,

Florida Statutes, 1974 Supplement; providing for waiver of bond in voluntary guardianships; providing that banks and trust companies shall not be required to file a bond; amending s.744.414, Florida Statutes, 1974 Supplement; providing the guardian may pay certain fees in the final return; amending ss.744.501 and 744.502, Florida Statutes, 1974 Supplement; providing that the election by the guardian to dissent from a will or to exercise any other choice the ward might exercise, does not require the approval of court; providing for the payment of interment and grave marker expenses with court approval; amending s.744.504, Florida Statutes, 1974 Supplement; providing the court may refuse all bids at a sale; amending s.744.505, Florida Statutes, 1974 Supplement; providing that the guardian shall not borrow from the ward; republishing various sections for informational purposes; repealing s.744.3105, Florida Statutes, 1974 Supplement; relating to the petition for appointment of guardian; repealing ss. 744.324 and 744.325, Florida Statutes, 1974 Supplement, relating to examination of and objections to return; providing an effective date.

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

By Senator Gallen—

SB 1318—A bill to be entitled An act relating to trusts; amending various sections of chapter 737, Florida Statutes, 1974 Supplement, providing clarification; amending s.737.205, Florida Statutes, 1974 Supplement, providing that the rules of civil procedure shall apply; amending ss.737.302, 737.402, Florida Statutes, 1974 Supplement, providing that a trustee shall observe the standard of care of a prudent trustee; amending s.737.306, Florida Statutes, 1974 Supplement providing an exception to the personal liability of a trustee; amending s.737.307, Florida Statutes, 1974 Supplement, providing for limitations on proceedings against trustees after annual or periodic accountings; amending s.737.604, Florida Statutes, 1974 Supplement, relating to apportionment of income to include distributions from mutual funds and dividends from saving banks and savings and loan associations; amending s.737.612, Florida Statutes, 1974 Supplement, relating to under productive property providing an allocation when net income is not at least 2 percent of the inventory value; transferring sections 737.601 through 737.615, Florida Statutes, 1974 Supplement, to chapter 738, Florida Statutes; republishing various sections for informational purposes; requiring trustee to submit a final accounting within one year from effective date of this act; providing an effective date.

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

By Senator Graham—

SB 1319—A bill to be entitled An act relating to the coconut palm disease of "lethal yellowing"; providing an appropriation to the University of Florida for research by the Institute of Food and Agricultural Sciences on "lethal yellowing" and development of a disease-resistant replacement stock; providing an appropriation to the Division of Plant Industry of the Department of Agriculture and Consumer Services for the purchase of serum for the treatment of said palms; providing for resale of the serum; providing an appropriation to the Division of Forestry of the Department of Agriculture and Consumer Services for replacement and replanting of palms; providing an appropriation to the Plant Industry Technical Council of said department; providing for a study of research into lethal yellowing and a report to the Department of Agriculture and Consumer Services and to the legislature; providing an effective date.

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

By Senator Lewis—

SB 1320—A bill to be entitled An act relating to the Administrative Procedure Act; adding s.120.52(14), (15), Florida Statutes, 1974 Supplement, to provide definitions for "educational unit" and "hearing officer"; amending s.120.53(1)(d), Florida Statutes, 1974 Supplement, to provide agenda rules for school board meetings; amending s.120.54(1)(a), Florida Statutes, 1974 Supplement, to provide notice procedures for educational units; amending s.120.54(3), Florida Statutes, 1974

Supplement, to delete the requirement that copies of all rules be filed with the Division of Administrative Hearings of the Department of Administration; providing that the division director of said division determine if petitions meet statutory requirements and establishing a time during which a hearing officer must be assigned; providing that the hearing officer's order is final agency action; amending s.120.54(8)(a), Florida Statutes, 1974 Supplement, to require publication of emergency rules in the Florida Administrative Weekly; amending s.120.54(9), Florida Statutes, to provide for separate model rules for educational units; amending s.120.54(10), (11) and (12), Florida Statutes, 1974 Supplement, and adding a new subsection to said section to provide for notification of potential objections to rules; providing for three copies of rules to be filed; providing authority for the Department of State to decline to accept improper rules for filing; providing for a stay of the effective date of specified rules; providing a new effective date for rules of educational units; deleting the requirement that copies of rules be sent to the speaker of the house of representatives and the president of the senate; amending s.120.55(1)(b), Florida Statutes, 1974 Supplement, to delete the requirement that rules of limited geographical application be filed with the Department of State; adding s.120.55(3)(c), Florida Statutes, 1974 Supplement; providing for distribution of certain publications to the Administrative Procedures Committee; amending s.120.56, Florida Statutes, 1974 Supplement, to remove references to declaratory statements and to conform its provisions to s.120.54(3), Florida Statutes, 1974 Supplement; creating s.120.565, Florida Statutes, to provide for declaratory statements; amending s.120.57, Florida Statutes, 1974 Supplement; limiting certain requirements; providing qualifications for agency-designated hearing officers; providing legal assistance for lay hearing officers; providing for petitions for specified hearings to be filed with the agency concerned; providing for representation by other than bar members; providing for oral evidence at informal proceedings; amending s.120.58(1), Florida Statutes, 1974 Supplement, and adding a new paragraph to said subsection, to provide for witness fees; amending s.120.65(2), Florida Statutes, 1974 Supplement, to provide restrictions upon the use of contract hearing officers by the division; amending s.120.68(1), Florida Statutes, 1974 Supplement; providing judicial review; amending s.120.72(4)(a), Florida Statutes, 1974 Supplement, to clarify automatic repeal of specified prior rules; creating s.120.73, Florida Statutes, to preserve rights to circuit court hearings and to declaratory judgments; providing an effective date.

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

By Senator Poston—

SB 1321—A bill to be entitled An act relating to pilots and stevedores; transferring the boards of port wardens and pilot commissioners to the Department of Transportation; amending s.20.23(2)(c), (d), Florida Statutes, and adding paragraph (e) to said subsection; creating the Division of Ports and Waterways of the Department of Transportation; creating ss.310.51-310.75, Florida Statutes; providing definitions; providing for a State Port Authority under the Department of Transportation; providing qualifications of its members; providing for the organization and powers of the division and the authority; providing power to promulgate rules and regulations; authorizing the department to employ personnel; providing quotas for licensed pilots; providing qualifications of applicants to become pilots and deputy pilots; providing for the examination of such applicants; providing for the filling of vacancies among the number of pilots authorized; providing the department with the power to discipline, suspend or revoke a pilot's license or a deputy pilot's certificate; providing for the investigation of casualties; providing for annual fees and a percentage of pilotage; designating the vessels subject to pilotage; providing rates of pilotage for vessels; providing a penalty for piloting without a license; providing that pilots may incorporate themselves; providing for a limitation of liability in certain cases; prohibiting unlicensed stevedores; providing that a master may load his vessel with his own crew; voiding certain charters; prohibiting compensation for awarding vessel to stevedore; prohibiting interference with awarding vessel; providing penalties; amending s.310.28, Florida Statutes; providing for the appointment, licensing and bonds of stevedores; amending s.310.29, Florida Statutes; providing for revocation of stevedores' licenses; amending s.313.01(1), Florida Statutes; deleting harbor masters from membership on a board of port wardens and pilot commissioners; repealing s.20.30(10)(j), Flor-

ida Statutes, relating to boards of pilot commissioners; repealing ss.310.01-310.27, 310.30-310.34, Florida Statutes, relating to pilots and stevedores; repealing chapter 311, Florida Statutes, relating to regulations of boats to be used by bar pilots; repealing chapter 312, Florida Statutes, relating to incorporation of pilots; repealing s.314.03, Florida Statutes, relating to harbor masters as ex-officio members of pilot commissioners board; providing severability; providing an effective date.

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

By Senator Henderson—

SB 1322—A bill to be entitled An act relating to the allocation of horse racing periods of operation; amending s.550.081 (4), Florida Statutes; providing for the awarding of the 1976-1977 season and the 1977-1978 season in 1976; and for the awards thereafter to be made approximately 17 months in advance; providing an effective date.

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

By Senator Poston—

SB 1323—A bill to be entitled An act relating to maintenance dredging of navigation channels; adding s.253.123(3)(c), Florida Statutes; allowing the Trustees of the Internal Improvement Trust Fund to grant dredging permits for up to 10 years for maintenance of navigation channels; requiring dredge permit requests to comply with certain requirements; providing an effective date.

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

By Senator P. Thomas—

SB 1324—A bill to be entitled An act relating to the Florida Retirement System; adding subsection (8) to s.121.051, Florida Statutes, 1973, authorizing certain part-time employees of the legislature to be members of the Florida Retirement System under certain circumstances; 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 Glisson—

SB 1325—A bill to be entitled An act relating to the Florida Retirement System; amending s.121.071(2), Florida Statutes, 1974 Supplement; requiring employers to make contributions for each employee who has retired under a state retirement system and is employed full-time; amending s.121.051(1) and adding s.121.091(9)(f), Florida Statutes, 1974 Supplement; allowing any person who has retired under any state retirement system and is subsequently reemployed full-time for 3 consecutive years to participate in the Florida Retirement System; providing conditions for such participation; 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 Holloway, Poston, Renick and Winn—

SB 1326—A bill to be entitled An act relating to the City of Coral Gables; providing an appropriation from the General Revenue Fund for the acquisition, preservation, and restoration of the Biltmore Complex; 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 Gordon—

SB 1327—A bill to be entitled An act relating to unemployment compensation; repealing paragraph (d) of subsection (1) of section 443.05, Florida Statutes, to provide for elimination of the waiting period; providing an effective date.

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

By Senator Poston—

SB 1328—A bill to be entitled An act relating to the State Minimum Building Codes; adding s.553.73(7), Florida Statutes, 1974 Supplement; providing that requirements of local government building codes more stringent than the Interim State Building Code shall remain in effect and not be amended or revised except to make more stringent; amending s.553.79(3), Florida Statutes, 1974 Supplement; providing that building codes or ordinances more stringent than the State Minimum Building Codes shall remain in effect and not be amended or revised except to make more stringent; providing an effective date.

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

By Senators Peterson and Trask—

SB 1329—A bill to be entitled An act relating to the Yankeetown-Inglis Special Water and Sewerage District in Levy County; providing for a board of commissioners, its powers and duties; confirming the election of the present commissioners and the term of office to which the present commissioners were elected; providing the term of office of future commissioners; providing for the qualifying and election of future commissioners; providing for taxation and financing of the district; providing that all residents within the district subscribe to its services; providing a penalty; repealing special laws in conflict; providing for a referendum.

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

By Senators Sayler, Deeb, Ware and J. Lane—

SB 1330—A bill to be entitled An act relating to Pinellas County, Florida; authorizing said county to operate or contract for the operation of a solid waste disposal and resource recovery system for the disposal of garbage and other waste matter and the recovery of energy and other resources; authorizing Pinellas County to require the use of the facilities of the solid waste disposal and resource recovery system by all of the inhabitants and entities of Pinellas County, including all municipalities; authorizing the governing body to prescribe and collect reasonable charges for the services and facilities of the solid waste disposal and resource recovery system; authorizing the lease of facilities; authorizing emergency disposal by individual political subdivisions; repealing and subordinating any inconsistent or conflicting powers granted to any municipality or other body within Pinellas County; providing for the effect of state general laws; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Wilson and Vogt—

SB 1331—A bill to be entitled An act relating to Orange and Seminole Counties; repealing chapter 69-629, Laws of Florida, which requires the boards of county commissioners of Orange County and Seminole County to jointly furnish legal counsel to the Orange-Seminole Legislative Delegation during any regular or special session of the Florida Legislature; which authorizes the boards of county commissioners of Orange County and Seminole County to jointly or severally employ legal counsel to assist them regarding pending legislation during any regular or special session of the Florida Legislature; which provides for compensation, per diem and an administrative allowance for such counsel furnished and employed; which provides a method by which each county bears a portion of the cost of such compensation, per diem and administrative allowance when counsel is jointly provided; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Wilson—

SB 1332—A bill to be entitled An act relating to Brevard County; providing definitions; creating a wildlife and bird

reservation and sanctuary in Brevard County; fixing the boundaries of said reservation and sanctuary; prohibiting killing, molesting, destroying or injuring wildlife and birds within such reservation and sanctuary; prohibiting discharging or shooting guns; providing for enforcement; providing a penalty; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Wilson—

SB 1333—A bill to be entitled An act relating to Brevard County; repealing the provisions of any special law or municipal charter relating to procedures for adjusting the municipal boundaries of any municipality in Brevard County; providing that adjustments of municipal boundaries conform to general law; providing an exception; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Vogt and Wilson—

SB 1334—A bill to be entitled An act relating to the Seminole County Port Authority; amending sections 2, 3 and 17 of chapter 65-2270, Laws of Florida, to expand the powers of the authority to include bond financing of capital projects for port facilities and industrial or manufacturing plants; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Holloway—

SB 1335—A bill to be entitled An act relating to Monroe County; authorizing traveling expenses and per diem for the Property Appraiser, formerly known as the Tax Assessor, of Monroe County while attending to official business beyond the limits of the county; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator J. Thomas—

SB 1336—A bill to be entitled An act relating to Broward County; providing for legislative intent; providing uniform filing dates for municipal elections; providing uniform election dates for municipal elections; providing for the elimination of primary elections in municipal races; providing that the candidate with the highest number of votes shall be elected and take office within ten days after the election; providing for terms of office; providing for conforming terms of municipal office to the common dates provided in this act; providing canvassing of municipal elections by the county canvassing board; providing an effective date.

Proof of publication of the required notice was attached.

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

SCR 1337 was introduced out of order and adopted on May 12, 1975.

By Senator MacKay—

SB 1338—A bill to be entitled An act relating to the acquisition, construction, erection, building, extending, enlargement, improvement, furnishing, equipping and operating electric generating plants, transmission lines, interconnections and substations for the generation, transmission, and exchanging of electric power and energy by and for the City of Ocala, Marion County, Florida, as a separate bulk power supply utility or system; authorizing the issuance of revenue bonds by the City to pay the cost thereof, payable from revenues derived from the operation

of the system and other funds of the City legally available for such purpose; and providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Vogt—

SB 1339—A bill to be entitled An act relating to Brevard County; amending sections 1 and 2 of chapter 61-1914, Laws of Florida, relating to the taking of fish and other marine life by the use of certain nets from the waters of the Atlantic Ocean which lie adjacent to and within one-quarter mile of the public beaches; allowing the use of gill nets at a distance no closer than 200 yards from any of the public beaches of Brevard County; providing a penalty; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Vogt and Wilson—

SB 1340—A bill to be entitled An act relating to Brevard County; amending section 6, section 12(f), and section 13 of chapter 67-1145, Laws of Florida, also known as the Brevard County Public Works Act; providing that any bonds or certificates of indebtedness issued under the provisions of said act shall bear interest at such rates without limitation as the governing body shall determine to be necessary to sell said bonds; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Winn—

SB 1341—A bill to be entitled An act relating to homestead tax exemption; amending s.196.101, Florida Statutes, to provide a tax exemption for homesteads of blind persons, paraplegics, hemiplegics and other totally and permanently disabled persons who must use a wheelchair for mobility; providing an effective date.

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

By Senator Wilson—

SB 1342—A bill to be entitled An act relating to Brevard County; repealing chapter 69-779, Laws of Florida, entitled "An act relating to Brevard County, authorizing and empowering the Board of Public Instruction of Brevard County to reimburse its members, superintendent and employees of said board for all expenses connected with official duties while traveling within and outside of Brevard County, including out-of-state travel; authorizing per diem subsistence and allowances; authorizing travel reimbursement and procedures relating thereto"; providing that sections 7, 8 and 9 of chapter 69-779, repealing chapters 57-663, 57-1039 and 61-1612, Laws of Florida, shall not be affected by this act; providing that payments heretofore made under the authority of chapter 69-779 shall not be affected by this act; providing an effective date.

Proof of publication of the required notice was attached.

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

By the Committee on Ways and Means—

SB 1343—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1975 and ending June 30, 1976, to pay salaries, other expenses, capital outlay-buildings and improvements, and for other specified purposes of the various agencies of state government; suspending sections 216.262, 216.292, 216.301(2),

27.34(2), 27.54(3), 215.32(2) (c), and 402.17(3), 216.181, 216.192, 216.351, F.S.; providing an effective date.

—was read the first time by title and placed on the calendar without reference.

SCR 1344 was introduced out of order and adopted May 8, 1975.

By Senators Sayler, Ware, Deeb, J. Lane, McClain and Spicola—

SB 1345—A bill to be entitled An act relating to Pinellas County creating a personnel board and a personnel department, establishing a personnel system for employees under the direction and control of the Board of County Commissioners and constitutional officers; describing and defining the duties of the personnel board and the director of personnel; prescribing penalties for the violation of this act and of rules adopted pursuant thereto; repealing Chapters 63-1794, 65-2107, 67-1924, 69-1486, 69-1482 and 74-587; and providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Stolzenburg, J. Thomas, Zinkil, D. Lane and Winn—

SB 1346—A bill to be entitled An act relating to Broward County; relating to budgets of taxing bodies, providing limitations on the amount of monies to be raised from property taxes on real and personal property; providing for limitations on the increase in revenues to be derived from property taxes from year to year, in the amount of 10% per year; providing for further increases in revenues of 5% under certain conditions, subject to limitations and review by the county budget commission, providing for verification of budgets and revenue increases, providing certain limitations and exclusions, providing for a referendum, providing an effective date, providing for retroactive effect.

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

By Senator Vogt—

SB 1347—A bill to be entitled An act relating to Brevard County; amending section 1, article XVIII, chapter 28922, Laws of Florida, 1953, as amended; deleting the \$100,000 encumbrance limitation relating to the Canaveral Port District; providing for a referendum upon petition in cases of encumbrances exceeding \$100,000; providing an effective date.

Proof of publication of the required notice was attached.

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

SCR 1348 was introduced out of order and adopted on May 12.

By Senator Wilson—

SB 1349—A bill to be entitled An act relating to Brevard County; authorizing, empowering, and permitting the District School Board to provide for any or all kinds of life, health, accident, hospitalization, and annuity insurance on a group plan for its retired personnel and their dependents; empowering the board to provide by policy for those persons to be included, the effective dates of implementation, coverages to be provided, required contributions, if any, towards the cost thereof; authorizing the payment of the premiums out of any available funds and providing that any expenditures so made are for a valid school purpose; providing that participation in such group insurance shall be entirely voluntary at all times; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Sayler and Ware—

SB 1350—A bill to be entitled An act annexing to the City of St. Petersburg all lands lying within the following line: from a point of intersection at a north line of the city limit line of the City of St. Petersburg, Pinellas County, Florida, being at 94th Avenue North, and an east line of said city limit line being at the north extension of Locust Street NE, for a point of beginning, run generally northerly and westerly, along said city limit line to a point of intersection with the north right-of-way line of Gandy Boulevard; thence run northeasterly 8360 feet thereon to a point; thence run northwesterly along a line at right angles to said north right-of-way line to a point of intersection on a line lying 1000 feet northerly from, and parallel to, the center-line of said Gandy Boulevard; thence run northeasterly thereon to a point of intersection on the Pinellas County/Hillsborough County boundary line; thence run southerly along said Pinellas County boundary line to a point of intersection with the east extension of a north line of said city limit line at 94th Avenue North; thence run west along said east extension to a northeast corner of said city limit line being at the main ship channel of Tampa Bay; thence continue west along said north city limit line to the point of beginning.

And Also:

All of that portion of I-275 right-of-way bounded on the south by the north line of said city limit line, and bounded on the north by a due east-west line which intersects the center-line of said I-275 at a point lying 6700 feet northeasterly (being measured along said center-line from the point of intersection of same with the north right-of-way line of Ulmerton Road; and providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Vogt and Wilson—

SB 1351—A bill to be entitled An act relating to Brevard County, Florida; relating to oyster and clam conservation; regulating the taking and transportation of oysters and clams from the waters of Brevard County; placing limits on the taking and transportation of oysters and clams from the waters of Brevard County for personal consumption; providing exceptions; providing that violation is a misdemeanor; providing an effective date.

Proof of publication of the required notice was attached.

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

The Senate recessed at 8:45 a.m.

The Senate was called to order by Senator Scarborough at 9:00 a.m. A quorum present—40:

Mr. President	Graham	Myers	Stolzenburg
Brantley	Hair	Peterson	Thomas, J.
Childers, D.	Henderson	Plante	Thomas, P.
Childers, W. D.	Holloway	Poston	Tobiasen
Deeb	Johnston	Renick	Trask
Dunn	Lane, D.	Saunders	Vogt
Firestone	Lane, J.	Sayler	Ware
Gallen	Lewis	Scarborough	Wilson
Glisson	MacKay	Sims	Winn
Gordon	McClain	Spicola	Zinkil

Prayer by Rabbi Stanley J. Garfein, Temple Israel, Tallahassee, who was presented to the Senate by the Senate Chaplain:

Dear God, as Jews and Christians prepare to celebrate Shovuos and Pentecost, we would ask thee for a goodly portion of thy spirit of holiness.

During our deliberations, help us to look for facts, not scapegoats.

Appropriate our resources to meet human needs, not to satisfy our egos.

Trim the fat of apathy and cynicism toward human beings. Allocate concern for those who are trapped in patterns of defeatism. Even as we reward initiative, enable us to reinforce hope and rehabilitation.

Prod us to create a budget that recognizes the holiness of every child that is born, and the preciousness of every person who lives in our state.

Harness our energies to perceive thine image in the dungeons of despair and in the tent cities of displaced souls. Yea, inspire us to redeem thee from exile.

Pour out thy spirit upon us all. Enable us to manifest the persistent, pervasive, and universal quality of thy love. Amen.

#### REPORTS OF COMMITTEES

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1059, with 3 amendments

The Committee on Commerce recommends the following pass: SB 130, SB 376 with 3 amendments

The Committee on Education recommends the following pass: SB 442 with 3 amendments SB 549 SB 741

The Committee on Judiciary-Criminal recommends the following pass: SB 179 with 1 amendment

The Committee on Governmental Operations recommends the following pass:

SB 205	SB 512
SB 336 with 1 amendment	SB 543 with 2 amendments
SB 347 with 1 amendment	SB 555 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 154 with 3 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 658 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Commerce under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 361 with 2 amendments

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1087 with 2 amendments

The Committee on Transportation recommends the following pass: SB 818 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Commerce recommends the following pass: SB 763

The Committee on Health and Rehabilitative Services recommends the following pass: SB 307

The Committee on Transportation recommends the following pass: HB 1381 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Commerce recommends the following pass:

SB 496	SB 824 with 1 amendment
SB 719 with 2 amendments	SB 1004 with 3 amendments
SB 766 with 1 amendment	

The bills were referred to the Committee on Governmental Operations under the original reference.

The Committee on Agriculture recommends the following pass: SB 1042, HB 968, with 2 amendments

The Committee on Governmental Operations recommends the following pass: SB 400 SB 477 SB 678

The Committee on Judiciary-Criminal recommends the following pass:

SB 594 with 2 amendments	SB 1143 with 6 amendments
SB 612	HB 541 with 3 amendments
SB 942	

The Committee on Commerce recommends the following pass:

SB 289	SB 884 with 1 amendment
SB 877	SB 950

The Committee on Health and Rehabilitative Services recommends the following pass: SB 332 with 1 amendment, SB 1183

The Committee on Judiciary-Civil recommends the following pass:

SB 60 with 3 amendments	SB 351
SB 255	SB 628

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

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 765

The bill with Committee Substitute attached was referred to the Committee on Education under the original reference.

The Committee on Transportation recommends a Committee Substitute for the following: SB 686

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

The Committee on Agriculture recommends a Committee Substitute for the following: SB 1221

The bill with Committee Substitute attached was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 1199

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 625

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Commerce under the original reference.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 1215

The bill with Committee Substitute attached was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Commerce recommends a committee substitute as offered by the Judiciary-Criminal Committee for SB 245 with 1 amendment.

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

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 1139

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 705

The Committee on Rules and Calendar recommends a Committee Substitute for the following: SJR 256

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

The Committee on Commerce recommends the following not pass: SB 745

The Committee on Judiciary-Criminal recommends the following not pass: SB 310

The bills contained in the foregoing reports were laid on the table.

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Wednesday, May 14, 1975:

SB 1343	SB 607	SB 16	SB 259
SB 294	SB 344	SB 567	SB 302
SB 505	SB 191	SB 581	SB 430
SB 90	SB 81	SB 265	

*Respectfully submitted,  
Lew Brantley, Chairman*

**ENGROSSING REPORTS**

Your Engrossing Clerk has incorporated amendments to SB 55.

*Joe Brown, Secretary*

The bill was ordered enrolled.

Your Engrossing Clerk has incorporated amendments to SB 629.

*Joe Brown, Secretary*

The bill was immediately certified to the House.

Your Engrossing Clerk has incorporated amendments to—  
SB 311

CS for SB 317

*Joe Brown, Secretary*

The bills were certified to the House.

**ENROLLING REPORT**

SB 55 has been enrolled, signed by the required Constitutional Officers and filed with the Governor on May 13, 1975.

*Joe Brown, Secretary*

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Poston, by two-thirds vote SB 361 was withdrawn from the Committee on Transportation and placed on the calendar.

On motions by Senator Myers, by two-thirds vote Senate Bills 1095, 1102, 1127, 1267, 418 and 354 were withdrawn from the Committee on Governmental Operations.

On motion by Senator J. Thomas, by two-thirds vote SB 956 was withdrawn from the Committee on Commerce and indefinitely postponed.

On motion by Senator Myers, by two-thirds vote HB 686 was withdrawn from the Committee on Governmental Operations and placed on the calendar.

On motions by Senator Myers, by two-thirds vote Senate Bills 543 and 263 were withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Saunders, by two-thirds vote SB 126 was withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Brantley, by two-thirds vote SB 974 was withdrawn from the Committee on Judiciary-Criminal and indefinitely postponed.

On motion by Senator Saylor, by two-thirds vote SB 741 was withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Graham, by two-thirds vote SB 765 was withdrawn from the Committee on Education and placed on the calendar.

On motion by Senator Graham, by two-thirds vote SB 1013 was withdrawn from the Committee on Education.

On motion by Senator P. Thomas, by two-thirds vote SB 836 was withdrawn from the Committees on Transportation and Ways and Means and indefinitely postponed.

On motion by Senator P. Thomas, by two-thirds vote SB 1201 was withdrawn from the Committee on Governmental Operations and indefinitely postponed.

On motions by Senator Myers, by two-thirds vote Senate Bills 868 and 1134 were withdrawn from the Committee on Governmental Operations; SB 810 was withdrawn from the Committees on Governmental Operations and Judiciary-Civil.

On motions by Senator Gallen, by two-thirds vote Senate Bills 810, 868 and 1200 were withdrawn from the Committee on Judiciary-Civil.

On motion by Senator Plante, by two-thirds vote HB 1062 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

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

HB 1062—A bill to be entitled An act relating to the North Orange Memorial Hospital Tax District; amending Section 5 of Chapter 59-1657, Laws of Florida, providing the power to the board of trustees of said tax district to sell and dispose of all of the assets of the district when approved by a vote of the qualified voters of the district; providing for a vote of the qualified voters of the district; providing an effective date.

—which was read the second time by title. On motion by Senator Plante, by two-thirds vote HB 1062 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Brantley	Graham	Peterson	Stolzenburg
Childers, D.	Hair	Plante	Thomas, J.
Childers, W. D.	Henderson	Poston	Thomas, P.
Deeb	Holloway	Renick	Tobiassen
Dunn	Johnston	Saunders	Trask
Firestone	Lane, J.	Saylor	Vogt
Gallen	Lewis	Scarborough	Wilson
Glisson	McClain	Sims	Winn
Gordon	Myers	Spicola	Zinkil

None—None

Senator McClain moved that Senate Bills 186 and 125 be withdrawn from the Committee on Governmental Operations pursuant to Rule 2.14. The motion was carried over under the rule.

On motion by Senator Graham, Rule 2.6 was waived and Subcommittee B of the Committee on Ways and Means was granted permission to meet May 15 from 12:00 noon until 2:00 p.m. to consider certification of judges and Senate Bills 1013, 810, 868 and 1200.

On motion by Senator Saunders, Rule 2.6 was waived and the Committee on Ways and Means was authorized to consider Senate Bills 412, 781, 846, 847, 848, 851, 853, 447, 892, 1159, 130, 1134, 1065, 410 and 336 on May 15.

On motion by Senator Brantley, Rule 2.6 was waived and the Committee on Commerce was authorized to consider SB 51 on May 15.

On motion by Senator Graham, the rules were waived and the Committee on Education was granted permission to meet May 15 from 7:00 a.m. until 9:00 a.m. to consider SB 943.

#### REQUESTS FOR EXTENSION OF TIME

The Committee on Governmental Operations requests an extension of 15 days for the consideration of the following:

SB 488 by Senator Deeb	SB 757 by Senator MacKay, et al
SB 687 by Senator Plante	
SB 689 by Senator Dunn	SB 758 by Senator MacKay, et al
SB 696 by Senator Plante	
SB 186 by Senator McClain	SB 769 by Senator Spicola
CS for	SB 776 by Senator Firestone
SB 529 by Judiciary-Civil Committee and Senator Gordon	SB 783 by Senator Poston
	SB 795 by Senator Wilson
SB 709 by Senator W. D. Childers	SB 804 by Senators McClain and J. Lane
	SB 807 by Senator Trask
SB 710 by Senator Holloway	SB 808 by Senator Spicola
SB 713 by Senator Dunn	SB 810 by Senator Poston
SB 732 by Senator Myers	HB 132 by Representative Melvin
SB 742 by Senator Poston	
SB 751 by Senator Firestone	HB 686 by Representative Williamson
SB 756 by Senator MacKay, et al	

The Committee on Commerce requests an extension of 15 days for the consideration of the following:

SB 337 by Senator Brantley	SB 697 by Senator Glisson
SB 544 by Senator J. Lane	SB 706 by Senator Firestone
SB 685 by Senator Saunders	SB 702 by Senators Myers, Barron, Johnston
SB 691 by Senator J. Thomas	
SB 692 by Senator Glisson	

The Committee on Health and Rehabilitative Services requests an extension of 15 days for the consideration of the following:

SB 43 by Senator Glisson	SB 216 by Senator Poston
SB 93 by Senator Glisson	SB 235 by Senator Myers
SB 97 by Senator McClain	

The Committee on Judiciary-Civil requests an extension of 15 days for the consideration of the following:

SB 249 by Senator Scarborough	SB 840 by Senator McClain
SB 520 by Senator McClain	SB 842 by Senator Scarborough
SB 531 by Senator Peterson	SB 843 by Senator Firestone
SB 693 by Senator Brantley	SB 845 by Senator MacKay
SB 699 by Senator Johnston	SB 860 by Senator Trask
SB 704 by Senator Poston	SB 867 by Senator P. Thomas
SB 711 by Senator Spicola	SB 868 by Senator Renick
SB 716 by Senator Plante	SB 871 by Senator Spicola
SB 721 by Senator W. D. Childers	SB 893 by Senator Vogt
	SB 896 by Senator Glisson
SB 731 by Senator Sims	SB 912 by Senator Sims
SB 734 by Senator Spicola	SB 916 by Senator P. Thomas
SB 735 by Senator Glisson	SB 918 by Senator McClain
SB 737 by Senator Childers	SB 939 by Senator MacKay
SB 749 by Senator Wilson	SB 945 by Senator J. Lane
SB 775 by Senator Winn	SB 946 by Senator MacKay
SB 779 by Senator Holloway	SB 947 by Senator Gordon
SB 786 by Senator Scarborough	SB 954 by Senator Johnston
	SB 959 by Senator Vogt
SB 788 by Senator Holloway	SB 970 by Senator Holloway
SB 797 by Senator D. Lane	SB 980 by Senator Gallen
SB 805 by Senator Poston	SB 987 by Senator Scarborough
SB 806 by Senator Graham	
SB 811 by Senator Wilson	SB 991 by Senator Gordon
SB 816 by Senator Graham	SB 994 by Senator McClain
SB 828 by Senator McClain	SB 995 by Senator McClain

SB 1015 by Senator Scarborough	SB 1161 by Senator McClain
SB 1025 by Senator Hair	SB 1165 by Senator Gordon
SB 1032 by Senator Glisson	SB 1180 by Senator Saunders
SB 1038 by Senator Glisson	SB 1184 by Senator Hair
SB 1039 by Senator P. Thomas	SB 1187 by Senator Gordon
SB 1044 by Senator Gallen	SB 1189 by Senator Wilson
SB 1046 by Senator Lewis	SB 1190 by Senator Hair
SB 1053 by Senator Dunn	SB 1200 by Senator Dunn
SB 1056 by Senator Saunders	SB 1205 by Senator Lane
SB 1069 by Senator Peterson	SB 1219 by Senator Gordon
SB 1076 by Senator McClain	SB 1237 by Senator Graham
SB 1077 by Senator Gallen	SB 1239 by Senator Plante
SB 1088 by Senator Dunn	SB 1248 by Senator Johnston
SB 1094 by Senator P. Thomas	SB 1266 by Senator Dunn
SB 1110 by Senator Gordon	HB 74 by Rep. Redman
SB 1112 by Senator Vogt	HB 152 by Rep. Margolis
SB 1124 by Senator Holloway	HB 249 by Judiciary Committee
SB 1128 by Senator Vogt	HB 298 by Rep. Melvin
SB 1132 by Senator Gallen	HB 370 by Rep. Williamson
SB 1150 by Senator Dunn	HB 371 by Rep. Williamson
SB 1151 by Senator Gordon	HB 747 by Rep. Crabtree
SB 1158 by Senator MacKay	

The Committee on Transportation requests an extension of 15 days for the consideration of the following:

SB 478 by Senator Wilson	SB 253 by Senator Peterson
SB 575 by Senator Lewis	SB 261 by Transportation Committee
SB 610 by Senator Lewis	
SB 220 by Senator Gallen	SB 360 by Senator Zinkil

#### SUBCOMMITTEE REPORT TO STANDING COMMITTEE

The Select Subcommittee on Retirement, Claims and Ratio Study of the Ways and Means Committee recommends favorably:

HB 326	HB 682	HB 753
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#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Dempsey J. Barron, President* May 12, 1975

I am directed to inform the Senate that the House of Representatives has adopted SCR 1348.

*Allen Morris, Clerk*

*The Honorable Dempsey J. Barron, President* May 13, 1975

I am directed to inform the Senate that the House of Representatives has passed SB 426.

*Allen Morris, Clerk*

The bills contained in the above messages were ordered enrolled.

*The Honorable Dempsey J. Barron, President* May 13, 1975

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 27.

*Allen Morris, Clerk*

*The Honorable Dempsey J. Barron, President* May 12, 1975

I am directed to inform the Senate that the House of Representatives has adopted the Conference Committee Report and passed HB 1267 as amended by the Conference Committee Report.

*Allen Morris, Clerk*

By the Committee on Commerce and Representative Forbes and others—

HB 1267—A bill to be entitled An act relating to claims arising out of the rendering of medical care or services; creating s.627.353, Florida Statutes, requiring that all licensed hospitals, physicians, physician's assistants, osteopaths, and podiatrists obtain and maintain medical malpractice insurance or self-insurance within certain limits and provide financial support for a fund to pay claims exceeding the limits prior to

practicing; limiting liability of such person when covered by the required insurance and by the fund; providing for creation of said fund and for administration and defense of the fund by the Department of Insurance; providing that expenses of the department in administering and defending the fund are to be paid out of the fund; providing for the investment of money held in the fund; requiring an adequate defense of claims by insurers or self-insurers; providing an effective date.

(Conference Committee amendments attached to original bill)

*The Honorable Dempsey J. Barron, President* May 13, 1975

I am directed to inform the Senate that the House of Representatives requests the return of HB 1267 and Conference Committee Report thereon.

*Allen Morris, Clerk*

By the Committee on Commerce and Representative Forbes and others—

HB 1267—A bill to be entitled An act relating to claims arising out of the rendering of medical care or services; creating s.627.353, Florida Statutes, requiring that all licensed hospitals, physicians, physician's assistants, osteopaths, and podiatrists obtain and maintain medical malpractice insurance or self-insurance within certain limits and provide financial support for a fund to pay claims exceeding the limits prior to practicing; limiting liability of such person when covered by the required insurance and by the fund; providing for creation of said fund and for administration and defense of the fund by the Department of Insurance; providing that expenses of the department in administering and defending the fund are to be paid out of the fund; providing for the investment of money held in the fund; requiring an adequate defense of claims by insurers or self-insurers; providing an effective date.

On motion by Senator W.D. Childers, HB 1267 together with the Conference Committee Report was returned to the House as requested.

*The Honorable Dempsey J. Barron, President* May 9, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 1908 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Easley—

HB 1908—A bill to be entitled An act relating to motor vehicle noise; amending Section 403.415(4)(b), Florida Statutes, 1974 Supplement, relating to new vehicle noise limits; amending Section 403.415(8), Florida Statutes, 1974 Supplement, relating to replacement equipment; providing an effective date.

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

*The Honorable Dempsey J. Barron, President* May 9, 1975

I am directed to inform the Senate that the House of Representatives has passed— HB 1372 HB 961

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Transportation—

HB 1372—A bill to be entitled An act relating to the Public Service Commission; amending s.323.31(2) and (6), F.S., providing that the commission shall consider, with respect to applications for, or assignment or transfer of, transportation brokerage licenses, the effect of granting same on existing facilities in the area concerned; providing that such applications may be denied where an affirmative need for the proposed service is not shown; providing an effective date.

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

By Representatives Smith and Davis—

HB 961—A bill to be entitled An act relating to thefts from merchants; providing definitions; making persons who remove merchandise civilly liable; making parents or guardians of minors civilly liable for the minor's theft from merchants; providing for merchants to request merchandise be kept in full view; providing an effective date.

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

*The Honorable Dempsey J. Barron, President* May 9, 1975

I am directed to inform the Senate that the House of Representatives has adopted HM 2166 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Hill, Dick Clark and others—

HM 2166—A memorial to the Congress of the United States urging Congress to reject a proposal relating to the lifting of the Cuban Embargo.

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

*The Honorable Dempsey J. Barron, President* May 9, 1975

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

HB 372 HB 798 HB 1223 HB 991

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives James and Moore—

HB 372—A bill to be entitled An act relating to condominiums; amending s.711.11(2)(g), Florida Statutes, 1974 Supplement, providing that condominium bylaws shall provide that assessments shall be made against unit owners on a monthly, bimonthly, or quarterly basis; providing an effective date.

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

By Representative James—

HB 798—A bill to be entitled An act relating to legal holidays; amending ss.(1) of s.683.01, Florida Statutes, providing that Lincoln's birthday is a legal holiday; providing an effective date.

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

By the Committee on Agriculture & General Legislation—

HB 1223—A bill to be entitled An act relating to flue-cured tobacco; amending s.573.876(1), Florida Statutes; providing the rate of assessment on acres or pounds of tobacco produced; providing effective date.

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

By Representative Williams—

HB 991—A bill to be entitled An act relating to county boundaries; amending ss.7.10 and 7.16, Florida Statutes, defining the boundaries of Clay and Duval Counties; providing an effective date.

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

*The Honorable Dempsey J. Barron, President* May 9, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended, by the required constitutional

three-fifths vote of the membership of the House HB 43 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Ogden and Becker—

**HB 43**—A bill to be entitled An act relating to the Florida income tax code; amending s.220.13 (1) (a), Florida Statutes, prohibiting special laws or general laws of local application which grant an exemption for interest earned on state or local bonds; repealing s.220.66, Florida Statutes, relating to the repeal of certain sections to the extent they exempt certain interest income from the corporate income tax; providing an effective date.

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

*The Honorable Dempsey J. Barron, President* May 9, 1975

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

**HB 969**                      **HB 177**                      **HB 1386**

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Avon—

**HB 969**—A bill to be entitled An act relating to witnesses; amending s.918.14(1), Florida Statutes, adding to the types of proceedings for which it is unlawful to tamper with witnesses; providing an effective date.

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

By Representative Redman and others—

**HB 177**—A bill to be entitled An act relating to public assistance; amending s.409.325(1), Florida Statutes, increasing the penalty for fraudulently obtaining, or attempting to obtain, assistance to which a person is not entitled when the aggregate value of the assistance in a 12-month period is \$200 or more; prohibiting persons from knowingly using or receiving any such fraudulently obtained assistance and providing penalties for violation; providing that repayment of any fraudulently obtained assistance shall not constitute grounds for a dismissal of charges; making the introduction into evidence of a state warrant in favor of the defendant prima facie evidence that the defendant received assistance; providing an effective date.

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

By Representative Craig—

**HB 1386**—A bill to be entitled An act relating to the bicentennial commission of Florida; adding a subsection (5) to s.13.9971, Florida Statutes; providing that a quorum shall consist of 10 members; providing an effective date.

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

*The Honorable Dempsey J. Barron, President* May 9, 1975

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

**HB 1309**                      **HB 548**

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Craig—

**HB 1309**—A bill to be entitled An act relating to insurance; adding a new subsection (6) to s.626.970, Florida Statutes, 1974 Supplement, prohibiting an insurer from canceling or refusing to renew a motor vehicle insurance policy, for a certain traffic violation; providing an effective date.

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

By Representative Martin—

**HB 548**—A bill to be entitled An act relating to podiatry; amending s.461.10(1), Florida Statutes, directing the Board of Podiatry Examiners to comply with the provisions of the Administrative Procedure Act with respect to hearings in regard to the suspension or revocation of licenses; changing the voting procedure for license revocation by the Board of Podiatry Examiners from a two-thirds majority vote to a majority vote; providing an effective date.

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

*The Honorable Dempsey J. Barron, President* May 8, 1975

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

**HB 193**                      **HB 1417**

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Brown and others—

**HB 193**—A bill to be entitled An act relating to eminent domain; adding paragraph (d) to subsection (1) of s.259.04, Florida Statutes, to provide that the governor and cabinet as the head of the Department of Natural Resources shall be empowered to acquire by eminent domain certain land or water areas, related resources and property; providing an effective date.

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

By Representative Freeman and others—

**HB 1417**—A bill to be entitled An act relating to taking of marine corals and sea fans; amending s.370.114(1), (2), Florida Statutes, 1974 Supplement; providing that it is unlawful for a person to take, destroy, sell, or possess a certain amount of certain specimens; providing an exception to the limitation on the amount of specimens allowed; providing a penalty; providing an effective date.

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

*The Honorable Dempsey J. Barron, President* May 9, 1975

I am directed to inform the Senate that the House of Representatives has adopted HM 1916 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Select Committee on Military & Veterans Affairs and Representative Mattox and others—

**HM 1916**—A memorial to the Congress of the United States, urging Congress to enact H.R. 3710, authorizing the One Hundred and First Airborne Division Association to erect a memorial in the District of Columbia in honor and in commemoration of the men of the "Screaming Eagles" of the One Hundred and First Airborne Division, United States Army, who have served their country in World War II; Vietnam; and in maintaining peace.

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

*The Honorable Dempsey J. Barron, President* May 9, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 220 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Margolis and Gordon—

HB 220—A bill to be entitled An act relating to landlord and tenant; amending s.83.62, Florida Statutes, providing an increased notification period in an action for possession after entry of judgment in favor of the landlord; providing an effective date.

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

*The Honorable Dempsey J. Barron, President* May 9, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 222 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Judiciary and Representative Cherry—

CS for HB 222—A bill to be entitled An act relating to dissolution of marriage; adding a new subsection (3) to s.61.13, Florida Statutes, to define the "best interests" of the child for the purpose of determining custody of children following dissolution of a marriage; providing an effective date.

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

*The Honorable Dempsey J. Barron, President* May 9, 1975

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

HB 681 HB 803

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Maxwell (by request)—

HB 681—A bill to be entitled An act for the relief of James Reed, Brevard County; providing an appropriation to compensate him for the death of his son, Clarence Russell Reed, as a result of the negligence of the appropriate officials of Brevard County; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Mixson—

HB 803—A bill to be entitled An act relating to the Campbellton-Graceville Hospital Corporation, Jackson County; amending chapter 61-2290, Laws of Florida, to provide for the issuance by the Campbellton-Graceville Hospital Corporation of revenue bonds for the purpose of financing the cost of capital projects; ratifying, confirming, validating, and legalizing Campbellton-Graceville Hospital Corporation hospital tax revenue bonds, dated as of May 1, 1975, and all acts and proceedings taken, had, done, and performed by the board of trustees of such corporation and the officials thereof in connection therewith; providing an effective date.

Proof of publication of the required notice was attached.

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

*The Honorable Dempsey J. Barron, President* May 12, 1975

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

HB 1524

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Mixson—

HB 1524—A bill to be entitled An act relating to Murphy Act lands; amending s.197.361, Florida Statutes; deleting pro-

visions requiring the Board of Trustees of the Internal Improvement Trust Fund to publish a list of such lands in each county and to adopt a resolution relating thereto; prohibiting charging costs and attorney fees to the state in proceedings to quiet title; providing an effective date.

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

*The Honorable Dempsey J. Barron, President* May 12, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1799 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Regulated Industries & Licensing—

HB 1799—A bill to be entitled An act relating to alcoholic beverage licenses; amending subsection (2)(a) of s.561.20, Florida Statutes, providing that food sales in restaurants need not be simultaneous with alcoholic beverage sales, further providing that certain special licenses issued prior to chapter 57-773, Laws of Florida, shall not include package sales as part of a gross income factor; providing an effective date.

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

**SPECIAL ORDER**

Senator Deeb moved that SB 1343 be temporarily deferred and the motion failed.

**The President presiding**

On motion by Senator Saunders, by two-thirds vote HB 2100 was withdrawn from the Committee on Ways and Means and placed on the calendar.

SB 1343 was taken up and on motion by Senator Saunders—

HB 2100—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1975 and ending June 30, 1976, to pay salaries, other expenses, capital outlay-buildings and improvements, and for other specified purposes of the various agencies of state government; suspending sections 216.292, 216.301, 27.34(2), 27.54(3), 215.32(2)(c), 216.011(1)(c), 216.181, and 402.17(3), F.S.; and suspending sections 216.262, 216.351, 216.292, F.S., for the Division of Universities and Administered Funds; providing an effective date.

—a companion measure was substituted therefor and read the second time by title.

Senator Saunders offered the following amendment:

**Amendment 1**—On page 1, strike everything after the enacting clause and insert - (Amendment 1 contained the text of SB 1343 and pursuant to Rule 7.6 the text of the amendment was not set forth in the journal.)

Senator Saunders moved the following amendments to Amendment 1 which were adopted:

**Amendment 1A**—On page 6, Item 103, strike "1,090 Positions" and insert: 1,091 Positions

**Amendment 1B**—On page 18, item 315 P, Proviso Language, last line, after the word "section" strike "237.74" and insert: 237.34

**Amendment 1C**—On page 19, Item 342A, strike the number "11,701" and insert: 11,741

**Amendment 1D**—On page 20 following the last paragraph of proviso language insert: Upon approval of projects related to the funds appropriated in Item 342A for mission oriented research and public service, the Board of Regents may allocate to a grants and donations trust fund the amounts necessary to fund such projects. All allocations related to each project shall include the full amount approved for such project.

**Amendment 1E**—On page 22, strike Item 374A

**Amendment 1F**—On page 23, line 4 in the proviso language following Item 388A strike: "374A" and insert: 374B

**Amendment 1G**—On page 34, line 612C, insert: 14 positions

**Amendment 1H**—On page 46, Item 832, strike "75 positions" and insert: 65 positions

**Amendment 1I**—On page 46, Items 836A and 837, strike Item 836A and amend Item 837 and insert in Item 837: 2 positions

**Amendment 1J**—On page 50, Item 900, strike "567 Positions" and insert: 568 Positions

**Amendment 1K**—On page 68, Section 19, strike Section 19 (Correct reference to previous section number) and insert: Section 19 Provided that none of the officers whose salaries have been fixed in Section 18 shall receive from any county or municipality, except the state attorney in the 11th judicial circuit, any supplementary salary, except as provided elsewhere in this act.

Senators D. Lane, J. Thomas and Zinkil offered the following amendment which was moved by Senator D. Lane and failed:

**Amendment 1L**—On page 1, Section 1, is amended to read: Section 1. The moneys in the following items are appropriated from the named funds for the 1975-76 fiscal year to the state agency indicated, as the amounts to be used to pay the salaries and other expenditures of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes, except that if additional moneys are needed to meet the requirements of a continuing appropriation of a trust fund and additional moneys are available in the named trust fund, the Department of Administration is authorized to approve the expenditure of additional, available moneys in such trust fund in such amount(s) as may be necessary to meet such deficiency; *provided, however, that each state agency shall set aside from its appropriation its prorata share of a mandatory reserve fund which shall total twenty-five million dollars (\$25,000,000.00), which reserve fund shall be available in the event of a revenue shortfall during the 1975-76 fiscal year; provided further, if no revenue shortfall shall have occurred by March 31, 1976, the pro rata contribution to the fund by each state agency shall be released on that date to each agency.*

**Senator W. D. Childers presiding**

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

**Amendment 1M**—On page 2, Item 21, insert: Provided, that the sum of \$70,000 shall be utilized by the Department of Administration to implement resource inventories for use by regional planning councils and other agencies having responsibility for planning.

Senators Saunders and Gordon offered the following amendment to Amendment 1 which was moved by Senator Saunders and adopted:

**Amendment 1N**—On page 2, line 22A, strike "22A Grants and Aids Rural Water and Sewer Matching Grants from General Revenue Fund \$350,000" and insert: Section 31. Funds appropriated in Section 1, Item 26B of Chapter 74-300, Laws of Florida, for Rural Water and Sewer Matching Grants may be certified forward as a fixed capital outlay appropriation. Provided, however, funds not disbursed by June 30, 1977 shall revert to the General Revenue Fund.

**Senator Scarborough presiding**

Senator J. Thomas moved the following amendment to Amendment 1:

**Amendment 1-O**—On page 6, item 98, strike "\$238,391" "19 positions" and insert: \$252,659 21 positions

Amendment 1-O failed by the following vote:

Yeas—15

Childers, D.	Henderson	Plante	Thomas, J.
Deeb	Lane, J.	Scarborough	Thomas, P.
Gallen	McClain	Sims	Trask
Glisson	Peterson	Stolzenburg	

Nays—16

Dunn	Johnston	Poston	Tobiassen
Gordon	Lane, D.	Renick	Vogt
Graham	MacKay	Saunders	Wilson
Hair	Myers	Spicola	Winn

Senator Plante moved the following amendment to Amendment 1 which failed:

**Amendment 1P**—On page 8, line 156, strike "Expenses From General Revenue Fund 775,316" and insert: Expenses From General Revenue Fund 781,748

Senator J. Thomas moved the following amendment to Amendment 1 which failed:

**Amendment 1Q**—On page 6, line 98, strike "238,391 19 Positions" and insert: 245,920 20 positions

Senator Plante moved the following amendment to Amendment 1 which failed:

**Amendment 1R**—On page 13, line 255, strike "2,083,501"

On motion by Senator Dunn, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following resolution out of order:

#### INTRODUCTION

By Senators Dunn, Barron, Brantley, D. Childers, W. D. Childers, Deeb, Firestone, Gallen, Glisson, Gordon, Graham, Hair, Henderson, Holloway, Johnston, D. Lane, J. Lane, Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Saunders, Saylor, Scarborough, Sims, Spicola, Stolzenburg, J. Thomas, P. Thomas, Tobiassen, Trask, Vogt, Ware, Wilson, Winn and Zinkil—

**SCR 1352**—A concurrent resolution commending the Florida Jaycees and recognizing their contribution to the people of Florida.

—was read the first time in full, placed on the calendar, and by unanimous consent taken up out of order.

On motion by Senator Dunn, by two-thirds vote SCR 1352 was read the second time by title and adopted. The vote on adoption was:

Yeas—36

Brantley	Hair	Myers	Spicola
Childers, D.	Henderson	Peterson	Stolzenburg
Childers, W. D.	Holloway	Plante	Thomas, J.
Dunn	Johnston	Poston	Thomas, P.
Firestone	Lane, D.	Renick	Tobiassen
Gallen	Lane, J.	Saunders	Trask
Glisson	Lewis	Saylor	Vogt
Gordon	MacKay	Scarborough	Ware
Graham	McClain	Sims	Wilson

Nays—None

By unanimous consent Senator Deeb was recorded as voting yea.

The Presiding Officer appointed members of the Senate who were Jaycees and former Jaycees as a committee to escort the President of the Florida Jaycees, Richard Anglickis, and other officers of the Florida Jaycees to the chamber. Mr. Anglickis was invited to the rostrum where he addressed the Senate.

On motion by Senator Dunn, the rules were waived and SCR 1352 was ordered immediately certified to the House.

Special Order, continued

The Senate resumed consideration of—

**HB 2100**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1975 and ending June 30, 1976, to pay salaries, other expenses, capital outlay-buildings and improvements, and for other specified purposes of the various agencies of state government; suspending sections 216.292, 216.301, 27.34(2), 27-54(3), 215.32(2)(c), 216.011(1)(c), 216.181, and 402.17(3), F.S.; and suspending sections 216.262, 216.351, 216.292, F.S., for the Division of Universities and administered Funds; providing an effective date.

Senators Vogt, Wilson, Plante, Sims, Dunn and Peterson offered the following amendment to Amendment 1 which was moved by Senator Vogt and failed:

**Amendment 1S**—On page 13, Item 258: strike "144"—insert: 177 strike "1,051,221"—insert: 1,387,154 Item 259: strike "1,375"—insert 3,775 Item 260: strike "290,419"—insert 378,594 Item 262: strike "18,706"—insert 37,506 (and insert the following language after item 263:) The sum of \$445,308 is allocated in items 258 thru 262 to fund the Sanford Crime Lab. Provided, however, no employee entering the state personnel system shall be paid more than comparable existing state positions are paid for similar work.

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

**Amendment 1T**—On page 13, strike Items: "258, 259, 260, 262" and insert:

Item 258		
Salaries and Benefits		177
From General Revenue Fund	1,135,209	
From Operating Trust Fund	991,702	
Item 259		
Other Personal Services		
From General Revenue Fund	1,975	
From Operating Trust Fund	5,925	
Item 260		
Expenses		
From General Revenue Fund	312,463	
From Operating Trust Fund	321,897	
Item 262		
Operating Capital Outlay		
From General Revenue Fund	23,406	
From Operating Trust Fund	26,388	

Senators Gordon and Brantley offered the following amendment to amendment 1 which was moved by Senator Gordon:

**Amendment 1U**—On page 13, Item 264, strike "264 Salaries & Benefits 244 positions From General Revenue Fund 2,777,797" and insert:

264 Salaries & Benefits	231 positions	
From General Revenue Fund		2,626,595

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until final action on Amendment 1U.

Pending consideration of Amendment 1U, Senator Plante moved that the Senate do now adjourn, which was agreed to and the Senate recessed at 12:20 p.m. to reconvene at 2:00 p.m. this day.

AFTERNOON SESSION

The Senate was called to order by the President Pro Tempore at 2:00 p.m. A quorum present—40:

Mr. President	Gallen	Johnston	Peterson
Brantley	Glisson	Lane, D	Plante
Childers, D.	Gordon	Lane, J.	Poston
Childers, W. D.	Graham	Lewis	Renick
Deeb	Hair	MacKay	Saunders
Dunn	Henderson	McClain	Saylor
Firestone	Holloway	Myers	Scarborough

Sims	Thomas, J.	Trask	Wilson
Spicola	Thomas, P.	Vogt	Winn
Stolzenburg	Tobiassen	Ware	Zinkil

Senator Scarborough presiding

The President presiding

The Senate resumed consideration of—

**HB 2100**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1975 and ending June 30, 1976, to pay salaries, other expenses, capital outlay-buildings and improvements, and for other specified purposes of the various agencies of state government; suspending sections 216.292, 216.301, 27.34(2), 27-54(3), 215.32(2)(c), 216.011(1)(c), 216.181, and 402.17(3), F.S.; and suspending sections 216.262, 216.351, 216.292, F.S., for the Division of Universities and administered Funds; providing an effective date.

—together with pending Amendment 1U, which was adopted by the following vote:

Yeas—26

Mr. President	Henderson	Poston	Thomas, P.
Brantley	Holloway	Renick	Tobiassen
Childers, D.	Lane, J.	Saylor	Trask
Childers, W. D.	McClain	Sims	Ware
Glisson	Myers	Spicola	Wilson
Gordon	Peterson	Stolzenburg	
Hair	Plante	Thomas, J.	

Nays—12

Deeb	Graham	MacKay	Vogt
Dunn	Johnston	Saunders	Winn
Firestone	Lewis	Scarborough	Zinkil

The President Pro Tempore presiding

Senator McClain moved that debate on each amendment be limited to 5 minutes per side.

Senator Plante raised a point of order that debate cannot be limited on a matter not before the Senate.

The Presiding Officer ruled the point well taken and the motion out of order.

Senators Vogt and Graham offered the following amendment to Amendment 1 which was moved by Senator Vogt and adopted:

**Amendment 1V**—On page 13, insert after item 263:

The sums of \$111,332 in general revenue and \$333,976 in operating trust funds are allocated in items 258 thru 262 to fund the Sanford Crime Lab for the period beginning July 1, 1975, and ending September 30, 1975.

Provided, however, no employee entering the state personnel system shall be paid more than comparable existing state positions are paid for similar work.

Senators Sims, Gordon and J. Lane offered the following amendment to Amendment 1 which was moved by Senator Sims and failed:

**Amendment 1W**—On page 17, line 315-A, strike "89,298,409" and insert: 888,298,409

Senators Tobiassen and D. Lane offered the following amendment to Amendment 1 which was moved by Senator Tobiassen:

**Amendment 1X**—On page 17, strike Item 315A and insert:

315A Grants and Aids	
Florida Educational Finance Program	
From General Revenue Fund	893,298,409
From Principal State School Trust Fund	4,500,000

From Interest State School Trust Fund .....	3,600,000
From Federal Revenue Sharing Fund .....	54,900,000

Provided that if a reduction in personnel becomes necessary to bring operating costs and expense within the amounts appropriated and available, it is hereby mandated that, in no event, will the administrator-teacher ratio in any school district during the school year 1975-76 be greater than the administrator-teacher ratio in effect in that school district during the year 1974-75 or 1:20, whichever is less.

The amount appropriated in this Item, includes funding public school driver training programs, and moneys to establish a base student value in the Florida Education Program, as amended, cost category 1.00 at a value of \$745.

Amendment 1-X failed by the following vote:

Yeas—11

Childers, W. D.	Gordon	Sims	Tobiassen
Deeb	McClain	Stolzenburg	Trask
Gallen	Poston	Thomas, J.	

Nays—19

Brantley	Holloway	Plante	Spicola
Childers, D.	Johnston	Renick	Vogt
Dunn	Lewis	Saunders	Winn
Graham	MacKay	Sayler	Zinkil
Hair	Peterson	Scarborough	

The President presiding

The President Pro Tempore presiding

On motion by Senator W. D. Childers the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 14, 1975

I am directed to inform the Senate that the House of Representatives has accepted the amended Conference Committee Report as an entirety and passed HB 1267 as amended by the amended Conference Committee Report.

(Conference committee amendments attached to original bill)  
Allen Morris, Clerk

By direction of the President the following Conference Committee Report was read:

AMENDED CONFERENCE COMMITTEE REPORT ON HB 1267

Tallahassee, Florida  
May 13, 1975

The Honorable Dempsey J. Barron  
President of the Senate

The Honorable Donald L. Tucker  
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on Senate amendments to House Bill 1267, same being:

A bill to be entitled an act relating to claims arising out of the rendering of medical care or services; creating s. 627.353, Florida Statutes, requiring that all licensed hospitals, physicians, physician's assistants, osteopaths, and podiatrists obtain and maintain medical malpractice insurance or self-insurance within certain limits and provide financial support for a fund to pay claims exceeding the limits prior to practicing; limiting liability of such person when covered by the required insurance and by the fund; providing for creation of said fund and for administration and defense of

the fund by the Department of Insurance; providing that expenses of the department in administering and defending the fund are to be paid out of the fund; providing for the investment of money held in the fund; requiring an adequate defense of claims by insurers or self-insurers; providing an effective date.

having met, and after full and free conference, have agreed to recommend, and do recommend to their respective Houses as follows:

1. That the Senate recede from its amendments 1 and 2.
2. That the Senate and House of Representatives adopt the Conference Committee amendments attached hereto; and by reference made a part of this report.
3. That the Senate and the House of Representatives pass House Bill 1267 as amended by said Conference Committee amendments.

Wyon D. Childers, Chairman	John R. Forbes
Lew Brantley	John Hill
David C. Lane*	Dennis McDonald
Pat Thomas	Charles Papy, Jr.*
John T. Ware	Paul B. Steinberg

Managers on the part of the Senate  
Managers on the part of the House of Representatives

\*Senator Lane is an alternate sitting in for Senator Gallen who is excused.  
\*Rep. Charles Papy, Jr. is an alternate sitting in for Rep. Richard Hodes who is excused because of illness.

CONFERENCE COMMITTEE AMENDMENTS

1. Pages 1-5 strike Everything after the enacting clause and Insert the following:

Section 1. The short title of this act shall be "The Medical Malpractice Reform Act of 1975".

Section 2. Section 627.352, Florida Statutes, is created to read:

627.352 Medical Liability Insurance Commission.—

(1) The Florida Medical Liability Insurance Commission is hereby created, consisting of the following members: the Insurance Commissioner, the Secretary of the Department of Health and Rehabilitative Services, and twelve members to be appointed. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint four members to the commission. Each shall appoint a member of the legal profession, a provider of health services, a lay citizen and a representative from the insurance industry.

(2) The Insurance Commissioner shall be the chairman of the commission and shall provide records management for the commission. A majority of the commission members shall constitute a quorum for the transaction of any business or the exercise of any power or function of the commission. The affirmative vote by a majority of the quorum present at a duly called and noticed meeting shall be required to exercise any power or function of the commission. Each member shall be entitled to one vote on all matters which may come before the commission. The commission may delegate to one or more of its members such duties as it deems proper.

(3) The Insurance Commissioner and the Secretary of the Department of Health and Rehabilitative Services may designate a representative from his agency to exercise his power and perform his duties, including the right to vote on the commission.

(4) Members of the commission serving as representatives of the general public shall receive mileage and \$20 per diem for attending meetings of the commission. Each member of the commission shall be allowed the necessary and actual expenses which he shall incur in the performance of his duties under this section.

(5) On or before January 1, 1976, the commission, in cooperation and consultation with appropriate state and federal agencies, the medical and legal professions, the insurance industry and representatives of the general public, shall prepare and submit to the Governor and the legislature its report and recommendations.

(a) The goal of the plan shall be to recommend a medical liability insurance system which can be operated at reasonable cost for the purpose of providing prompt, equitable compensation to those sustaining medical injury.

(b) Primary consideration shall be given, but not limited to, establishing an insurance system which can be underwritten by private insurers on a self-supporting basis using actuarially sound rates.

(c) If the commission finds that no insurance system meeting the goal of the plan can be underwritten by private insurers on a self-supporting basis using actuarially sound rates, it shall specify the needed changes in the statutes to create a viable market for medical liability insurance, or self-insurance.

(d) The comprehensive report shall include recommendations to the legislature for reducing the incidence of medical injuries, including establishing standards of care and procedures for peer review; reducing the cost of prosecuting and defending claims and administering the insurance mechanism, changes in existing law governing the eligibility of injured persons for compensation and the amount of compensation, including limitations on the time within which claims may be brought and the elements of loss for which compensation may be recovered and any other matters or procedures which the commission considers relevant to the medical liability insurance problem.

(e) The commission is authorized and encouraged to make interim reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives concerning specific legislative proposals, which need immediate consideration.

Section 3. Section 395.18, Florida Statutes, is created to read:

**395.18 Internal risk management program.**—Every hospital licensed pursuant to this chapter, having in excess of 300 beds, as a part of its administrative functions, shall establish an internal risk management program which shall include the following components:

(1) The investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents causing injury to patients; and

(2) The development of appropriate measures to minimize the risk of injuries and adverse incidents to patients through the cooperative efforts of all personnel; and

(3) The analysis of patient grievances which relate to patient care and the quality of medical services. The risk management program shall be carried out either through a person on the administrative staff of a hospital, as part of his administrative duties; or by a committee of the hospital board of trustees or directors; or by the medical staff in a manner deemed appropriate.

Section 4. Subsection (1) of s.627.355, Florida Statutes, is amended to read:

**627.355 Medical malpractice insurance; purchase.**—

(1) A group or association of physicians or health care facilities, composed of any number of members, organized for purposes other than the purchase of medical malpractice insurance, which has been in continuing existence for a period of at least 2 years, is authorized partially to self-insure against claims of medical malpractice upon obtaining approval from the Department of Insurance and upon complying with the following conditions:

(a) Establishment of a medical malpractice risk management trust fund to provide coverage against professional medical malpractice liability.

(b) Employment of a professional staff and consultants for loss prevention and claims management coordination under a risk management program.

Section 5. Section 768.133, Florida Statutes, is created to read:

**768.133 Medical liability mediation panel.**—

(1) The chief judge of each judicial circuit shall prepare a list of persons to serve on medical liability mediation panels, whose purpose shall be to hear and to facilitate the disposition of all medical malpractice actions arising within the

jurisdiction of the circuit. The number of persons on the list shall be determined by the chief judge but shall be in sufficient numbers to efficiently carry out the intent of this section. All hearings, as hereinafter provided for, shall be before a three-member panel hereinafter referred to as the panel, mediation panel or hearing panel composed as follows: a judicial referee who shall be the presiding member of the hearing panel, a licensed physician and an attorney. The judicial referee shall be a circuit judge. Such appointments shall be made by a "blind" system. The other panel members shall be selected in accordance with the following procedure:

(a) A list of physicians licensed to practice under chapters 458 or 459 shall be prepared by the chief judge. In making the list, the chief judge may accept the recommendations of recognized professional medical societies. The list shall be divided into lists of physicians according to the particular specialty of each if possible.

(b) A list of qualified attorneys shall be prepared by the chief judge. In making the list the chief judge may accept the recommendations of recognized professional legal societies.

(c) Names of physicians and attorneys may be added to or taken off the panel list at any time by the chief judge at his discretion, provided, however, that all names added to the list shall be placed at the bottom of the list.

(d) A physician or attorney selected to be on the hearing panel for a particular case may disqualify himself or be challenged for cause.

(e) A filing fee not to exceed \$25 shall be established by the chief judge in each circuit and shall be paid to the clerk of the circuit court. The filing fee shall be used to meet such incidental expenses as the panel may incur.

(2) Any person or his representative claiming damages by reason of injury, death or monetary loss on account of the alleged malpractice by any medical or osteopathic physician, hospital, or health maintenance organization and against whom he believes there is a reasonable basis for a claim shall submit such claim to the appropriate panel before that claim may be filed in any court of this state. Claims shall be made on forms provided by the circuit court and shall be filed initially with the clerk of that court, with copies mailed to the person against whom the claim is made and to the administrative board licensing such professional. Service of process shall be effected as provided by law. Constructive service of process may be effected as provided by law. All parties named as defendants in the claim shall file an answer to such claim within 20 days of the date of service. No other pleadings shall be allowed. If no answer is filed within such time limit, the jurisdiction of the mediation panel over the subject matter shall terminate, and the parties may proceed in accordance with law. Within 30 days after service of process, the parties shall file with the clerk a document designating the type of medical specialist who should hear the claim. In the event the parties do not agree on the specialist, the judicial referee shall make the determination. In no event shall more than one medical practitioner serve on a mediation panel.

(3) If both parties agree upon a doctor and an attorney to serve on the hearing panel, they may so stipulate. In the event that no agreement is reached within 10 days after determination of the specialty of medical practice involved, the clerk shall mail to the parties and the panel members hereinafter described the names selected at random of five attorneys who are members of the hearing panel and the names selected at random of five physicians of the designated specialty who are members of the hearing panel, or if it is impractical to designate the physicians by specialty, the names selected at random of five physicians without regard to specialty. Thereafter, the panel members so selected shall have 10 days within which to disqualify themselves and the parties shall have the same time in which to challenge panel members for cause. A decision on challenges for cause shall be made by agreement or by the judicial referee. If there are disqualifications or challenges for cause, the clerk shall appoint additional panel members as required. Thereafter, from the list of five attorneys and five physicians, the parties shall agree on one attorney and one physician to serve on the hearing panel. If the parties are unable to agree, each side shall then strike names alternately from the attorneys' list and from the physicians' list separately, with the claimant striking first, until each side has stricken two names from each list. The remaining attorney and physician shall serve on the hearing panel.

(4) The clerk shall, with the advice and cooperation of the parties and their counsel, fix a date, time and place for a hearing on the claim before the hearing panel, provided, however, that the hearing shall be held within 120 days of the date the claim is filed with the clerk, unless for good cause shown upon order of the judicial referee, such time is extended. Such extension shall not exceed six months from the date the claim is filed. If no hearing is held on the merits within 10 months of the date the claim is filed, the jurisdiction of the mediation panel on the subject matter shall terminate and the parties may proceed in accordance with law.

(5) The filing of the claim shall toll any applicable statute of limitations, and such statute of limitations shall remain tolled until the hearing panel issues its written decision, or the jurisdiction of the panel is otherwise terminated. In any event, a party shall have 60 days from the date the decision of the hearing panel is mailed to the parties or the date on which the jurisdiction of the panel is otherwise terminated in which to file a complaint in circuit court.

(6) All parties shall be allowed to utilize any discovery procedure provided for by the Florida Rules of Civil Procedure. Any motion for relief arising out of the use of such discovery procedures shall be decided by the judicial referee. The judicial referee may in his discretion make reasonable limitations on the extent of discovery.

(7) The claim shall be submitted to the hearing panel under such procedural rules as may be established by the Supreme Court, provided that strict adherence to the rules of procedure and evidence applicable in civil cases shall not be required. Witnesses may be called, all testimony shall be under oath, testimony may be taken either orally before the panel or by deposition, copies of records, x-rays and other documents may be produced and considered by the panel and the right to subpoena witnesses and evidence shall obtain as in all other proceedings in the circuit court. The right of cross-examination shall obtain as to all witnesses who testify in person. Both parties shall be entitled, individually and through counsel, to make opening and closing statements. No transcript or record of the proceedings shall be required, but any party may have the proceedings transcribed or recorded. The judge presiding at the hearing shall not preside at any trial arising out of the claim or hear any application in the case not connected with the hearing itself. No other hearing panel member shall participate in a trial arising out of the claim either as counsel or witness.

(8) Within 30 days after the completion of any hearing, the hearing panel shall file a written decision with the clerk of the court who shall thereupon mail copies to all parties concerned and their counsel. The panel shall decide the issue of liability and shall state its conclusion in substantially the following language: "We find the defendant was actionably negligent in his care and/or treatment of the patient and we, therefore, find for the plaintiff"; or "We find the defendant was not actionably negligent in his care and/or treatment of the patient and we, therefore, find for the defendant". The decision shall be signed by all members of the hearing panel; however, any member of the panel may file a written concurring or dissenting opinion.

(9) After a finding of liability, if the adverse parties agree, the panel may continue mediation for the purpose of assisting the parties in reaching a settlement. In such event, the panel shall also make a recommendation as to a reasonable range of damages, if any, which should be awarded in the case. The recommendation as to damages shall include in simple, concise terms some breakdown as to which portion of the damages recommended are attributable to past and estimated future health or custodial care expenses attributable to the alleged malpractice or any of the other elements of damage enumerated in s.768.21, Florida Statutes, for wrongful death or recognized by the Florida Standard Jury Instructions as elements of damages in injuries due to negligence. However, the panel shall not have the right to determine punitive damages. Any findings of damages shall not be admissible in evidence in a subsequent trial.

(10) In the event any party rejects the decision of the hearing panel, the claimant may institute litigation based upon the claim in the appropriate court. Furthermore, in any civil medical malpractice action, the trial on the merits shall be conducted without any reference to insurance, insurance coverage or joinder in the suit of the insurer as a co-defendant.

(11) The conclusion of the hearing panel on the issue of liability may be admitted into evidence in any subsequent trial. However, no specific findings of fact shall be admitted into evidence at trial. Parties may, in the opening statement or argument to the court or jury, comment on the panel's conclusion in the same manner as any other evidence introduced at trial. If there is a dissenting opinion, the numerical vote of the panel shall also be admissible. Panel members may not be called to testify as to the merits of the case. The jury shall be instructed that the conclusion of the hearing panel shall not be binding but shall be accorded such weight as they choose to ascribe to it.

(12) No member of the hearing panel shall be liable in damages for libel, slander or defamation of character of any party to the mediation proceedings for any action taken or recommendation made by such member acting within his official capacity as a member of the hearing panel.

Section 6. The provisions of section 5 of this act shall not be applicable to any case in which formal suit has been instituted prior to the effective date of that section, which shall be July 1, 1975.

Section 7. Subsection (4) of section 95.11, Florida Statutes, 1974 Supplement, is amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(4) WITHIN TWO YEARS.—

(a) An action for professional malpractice, other than medical malpractice, whether founded on contract or tort; provided that the period of limitations shall run from the time the cause of action is discovered or should have been discovered with the exercise of due diligence; provided, however, that the limitation of actions herein for professional malpractice shall be limited to persons in privity with the professional.

(b) An action for medical malpractice shall be commenced within two years from the time the incident occurred giving rise to the action, or within two years from the time the incident is discovered, or should have been discovered with the exercise of due diligence, provided, however, that in no event shall the action be commenced later than four years from the date of the incident or occurrence out of which the cause of action accrued. An action for medical malpractice is defined as a claim in tort or in contract for damages because of the death, injury, or monetary loss to any person arising out of any medical, dental, or surgical diagnosis, treatment, or care by any provider of health care. The limitation of actions within this subsection shall be limited to the health care provider and persons in privity with the provider of health care. In those actions covered by this paragraph where it can be shown that fraud, concealment, or intentional misrepresentation of fact prevented the discovery of the injury within the four-year period, the period of limitations is extended forward two years from the time that the injury is discovered or should have been discovered with the exercise of due diligence, but in no event to exceed seven years from the date the incident giving rise to the injury occurred.

(c) ~~(b)~~ An action to recover wages or overtime or damages or penalties concerning payment of wages and overtime.

(d) ~~(c)~~ An action for wrongful death.

Section 8. Section 768.042, Florida Statutes, is created to read:

768.042 Damages.—In any action brought in the circuit court to recover damages for personal injury or wrongful death, the amount of general damages shall not be stated in the complaint, but the amount of special damages, if any, may be specifically pleaded and the requisite jurisdictional amount established for filing in any court of competent jurisdiction.

Section 9. The provisions of section 8 of this act shall not apply to any complaint filed prior to the effective date of this act.

Section 10. Section 725.01, Florida Statutes, is amended to read:

725.01 Promise to pay another's debt, etc.—No action shall be brought whereby to charge any executor or administrator upon any special promise to answer or pay any debt or dam-

ages out of his own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriage of another person or to charge any person upon any agreement made upon consideration of marriage, or upon any contract for the sale of lands, tenements or hereditaments, or of any uncertain interest in or concerning them, or for any lease thereof for a period longer than one year, or upon any agreement that is not to be performed within the space of one year from the making thereof, or whereby to charge any health care provider upon any guarantee, warranty or assurance as to the results of any medical, surgical or diagnostic procedure, performed by any physician licensed under chapter 458, Florida Statutes, osteopath licensed under chapter 459, Florida Statutes, chiropractor licensed under chapter 460, Florida Statutes, podiatrist licensed under chapter 461, Florida Statutes, or dentist licensed under chapter 466, Florida Statutes, unless the agreement or promise upon which such action shall be brought, or some note or memorandum thereof shall be in writing and signed by the party to be charged therewith or by some other person by him thereunto lawfully authorized.

Section 11. Section 768.132, Florida Statutes, is created to read:

*768.132 Florida medical consent law.—*

(1) This section shall be known and cited as the "Florida Medical Consent Law".

(2) In any medical treatment activity not covered by s.768-13, Florida Statutes, entitled "the Good Samaritan Act", this act shall govern.

(3) No recovery shall be allowed in any court in this state against any physician licensed under chapter 458, Florida Statutes, osteopath licensed under chapter 459, Florida Statutes, chiropractor licensed under chapter 460, Florida Statutes, podiatrist licensed under chapter 461, Florida Statutes, or dentist licensed under chapter 466, Florida Statutes, in an action brought for treating, examining, or operating on a patient without his informed consent where:

(a) The action of the physician, osteopath, chiropractor, podiatrist, or dentist in obtaining the consent of the patient or another person authorized to give consent for the patient was in accordance with an accepted standard of medical practice among members of the medical profession with similar training and experience in the same or similar medical community; and

(b) A reasonable individual from the information provided by the physician, osteopath, chiropractor, podiatrist, or dentist under the circumstances, would have a general understanding of the procedure and medically acceptable alternative procedures or treatments and substantial risks and hazards inherent in the proposed treatment or procedures which are recognized among other physicians, osteopaths, chiropractors, podiatrists, or dentists in the same or similar community who perform similar treatments or procedures; or

(c) The patient would reasonably, under all the surrounding circumstances, have undergone such treatment or procedure had he been advised by the physician, osteopath, chiropractor, podiatrist, or dentist in accordance with the provisions of paragraphs (a) and (b) of this section.

(4)(a) A consent which is evidenced in writing and meets the requirements of subsection (3), shall, if validly signed by the patient or another authorized person, be conclusively presumed to be valid consent. This presumption may be rebutted if there was a fraudulent misrepresentation of a material fact in obtaining the signature.

(b) A valid signature is one which is given by a person who under all the surrounding circumstances is mentally and physically competent to give consent.

Section 12. Subsection (5) of s.458.1201, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to said section; paragraph (m) of subsection (1) of said section is amended and paragraphs (o) and (p) are added to said subsection; paragraphs (c) and (d) are added to subsection (2) of said section; paragraph (a) of subsection (3) of said section is amended to read:

458.1201 Denial, suspension, revocation of license; disciplinary powers.—

(1) The board shall have authority to deny an application for a license or to discipline a physician licensed under this chapter or any antecedent law who, after hearing has been adjudged unqualified or guilty of any of the following:

(m) Being guilty of immoral or unprofessional conduct, *incompetence, negligence, or willful misconduct*. Unprofessional conduct shall include any departure from, or the failure to conform to, the ~~minimal~~ standards of acceptable and prevailing medical practice in his area of expertise as determined by the board, in which proceeding actual injury to a patient need not be established; ~~or the committing by a physician of any act contrary to honesty, justice, or good morals, when whether~~ the same is committed in the course of his practice ~~or otherwise~~, and whether committed within or without this state;

(o) Being found liable for medical malpractice or any personal injury resulting from an act or omission committed or omitted by a person in his capacity as a physician licensed pursuant to this chapter.

(p) Being removed or suspended or having disciplinary action taken by his peers within any professional medical association, society, professional standards review organization established pursuant to section 249F of Public Law 92-603, or similarly constituted professional body, whether or not such association, society, organization, or body is local, regional, state, national, or international in scope, or by being disciplined by a licensed hospital or medical staff of said hospital for immoral or unprofessional conduct or willful misconduct or negligence by a person in his capacity as a physician licensed pursuant to this chapter. Any body taking action as set forth in this paragraph shall report such action to the board within 30 days of its occurrence or be subject to a fine assessed by the board in an amount not exceeding \$500.

(2)(c) In any proceeding under subsection (1) of this section the board may appoint one or more licensed physicians to act for the board in investigating the conduct or competence of a physician.

(d) There shall be no liability on the part of, and no cause of action of any nature shall arise against the board, its agents, its employees, or any organization or its members identified in paragraph (p) of subsection (1) of this section, for any statements made by them in any reports or communications concerning an investigation of the conduct or competence of a physician.

(3)(a) When the board finds any person unqualified or guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following:

1. Deny his application for a license;
2. Permanently withhold issuance of a license;
3. Administer a public or private reprimand;
4. Suspend or limit or restrict his license to practice medicine for a period of up to five years;
5. Revoke indefinitely his license to practice medicine;
6. Require him to submit to the care, counseling, or treatment of physicians designated by the board;
7. Require him to participate in a program of continuing education prescribed by the board;
8. Require him to practice under the direction of a physician in a public institution, public or private health care program, or private practice for a period of time specified by the board.

(5) The board shall report to the President of the Senate and the Speaker of the House of Representatives, on February 1 of each year beginning February 1, 1976, the status of the actions taken by the board in carrying out its responsibilities assigned to it under this section.

(6)(5) The provisions of this section are enacted in the public welfare and shall be liberally construed so as to advance the remedy.

Section 13. Section 395.065, Florida Statutes, is created to read:

*395.065 Hospital disciplinary powers.—*

(1) The medical staff of any hospital licensed pursuant to chapter 395, Florida Statutes, is authorized to suspend, deny, revoke, or curtail the staff privileges of any staff member for good cause, which shall include, but not be limited to:

(a) Incompetence;

(b) Negligence;

(c) Being found an habitual user of intoxicants or drugs to the extent that the physician is deemed dangerous to himself or others; or

(d) Being found liable by a court of competent jurisdiction for medical malpractice.

Provided, however, that the procedures for such actions shall comply with the standards outlined by the Joint Commission of Accreditation of Hospitals and the Principles of Participation in the Federal Health Insurance Program for the Aged.

(2) There shall be no liability on the part of and no cause of action of any nature shall arise against any hospital, hospital medical staff or hospital disciplinary body, its agents or employees, for any action taken in good faith and without malice in carrying out the provisions of this act.

Section 14. Subsection (8) of s.627.351, Florida Statutes, is created to read:

627.351 Insurance risk apportionment plan.—

(8)(a) The Department of Insurance shall, after consultation with insurers as set forth in paragraph (b), adopt a temporary joint underwriting plan as set forth in paragraph (d).

(b) Entities licensed to issue casualty insurance as defined in s.624.605(1)(b), (j), and (p), Florida Statutes, and self-insurers authorized to issue medical malpractice insurance under s.627.355, Florida Statutes, shall participate in the plan and shall be members of the Temporary Joint Underwriting Association.

(c) The joint underwriting association shall operate subject to the supervision and approval of a board of governors consisting of representatives of five of the insurers participating in the joint underwriting association, an attorney to be named by the Florida Bar, a physician to be named by the Florida Medical Association, a hospital representative to be named by the Florida Hospital Association, and the Insurance Commissioner or his designated representative employed by the Department of Insurance. The Insurance Commissioner or his representative shall be the chairman of the board.

(d) The temporary joint underwriting plan shall function for a period not exceeding three years from the date of its adoption by the Department of Insurance and if still in existence at the end of such three-year period, it shall automatically terminate. The plan shall provide professional liability or malpractice coverage in a standard policy form for all hospitals licensed under chapter 395, Florida Statutes, physicians licensed under chapter 458, Florida Statutes, osteopaths licensed under chapter 459, Florida Statutes, podiatrists licensed under chapter 461, Florida Statutes, dentists licensed under chapter 466, Florida Statutes, nurses licensed under chapter 464, Florida Statutes, and nursing homes licensed under chapter 400, Florida Statutes, or professional associations of such persons. The plan shall include, but not be limited to, the following:

1. Rules for the classification of risks and rates which reflect past and prospective loss and expense experience in different areas of practice and in different geographical areas.

2. A rating plan which reasonably recognizes the prior claims experience of insureds.

3. Provisions as to rates for insureds who are retired, semi-retired, the estate of a deceased insured, or part-time professionals.

4. Protection in an amount to be determined by the Insurance Commissioner and for those hospitals licensed under chapter 395, Florida Statutes, whose policies have been cancelled since April 1, 1975, that have not been able to otherwise secure coverage in the standard market shall provide continuous coverage at the limits available in the plan from the above date.

5. Rules to implement the orderly dissolution of the plan at its termination.

6. The Insurance Commissioner may, in his discretion, require that insurers participating in the joint underwriting association offer excess coverage.

(e) Premium contingency assessment.—

1. In the event an underwriting deficit exists at the end of any year the plan is in effect, each policyholder shall pay to the association a premium contingency assessment not to exceed one-third of the annual premium payment paid by such policyholder to the association. The association shall cancel the policy of any policyholder who fails to pay the premium contingency assessment.

2. Any deficit sustained under the plan shall first be recovered through the premium contingency assessment. Concurrently, the rates for insureds shall be adjusted for the next year so as to be actuarially sound.

3. If there be any remaining deficit under the plan after maximum collection of the premium contingency assessment, such deficit shall be recovered from the companies participating in the plan in the proportion that the net direct premiums of each such member written during the preceding calendar year bears to the aggregate net direct premiums written in this state by all members of the association. Premiums as used herein shall mean premiums for the lines of insurance defined in s.624.605(1) (b), (j), and (p), Florida Statutes, including premiums for such coverage issued under package policies.

(f) The plan shall provide for one or more insurers able and willing to provide policy service through licensed resident agents and claims service on behalf of all other insurers participating in the plan.

(g) The Department of Insurance, prior to termination of the plan, shall determine whether a need reasonably exists for continuing coverage for those who have been insured by the plan, as to claims solely for incidents which occurred during the existence of the plan. If such need is found, the Department of Insurance shall establish a plan for the purchase of such coverage for a reasonable time, prior to termination of the plan.

(h) All books, records, documents or audits relating to the joint underwriting association or its operation shall be open to public inspection.

Section 15. Section 627.353, Florida Statutes, is created to read:

627.353 Limitation of liability and patient's compensation fund.—

(1) LIMITATION OF LIABILITY.—

(a) All hospitals licensed under chapter 395, Florida Statutes, shall, unless exempted under paragraph (c) of this section, and all physicians and physician's assistants licensed under chapter 458, Florida Statutes, osteopaths licensed under chapter 459, Florida Statutes, and podiatrists licensed under chapter 461, Florida Statutes, may, pay the yearly assessment into the patient's compensation fund pursuant to subsection (2) of this section prior to practicing during any year.

(b) Said licensed hospital, physician, physician's assistant, osteopath, or podiatrist shall not be liable for an amount in excess of \$100,000 for claims arising out of the rendering of medical care or services in this state if at the time the incident occurred giving rise to the cause of the claim the hospital, physician, physician's assistant, osteopath or podiatrist:

1. had posted bond in the amount of \$100,000, proved financial responsibility in the amount of \$100,000 to the satisfaction of the Insurance Commissioner through the establishment of an appropriate escrow account, obtained medical malpractice insurance in the amount of \$100,000 or more from private insurers or the joint underwriting association established under section 14 of this act, or obtained self-insurance as provided in s.627.355, Florida Statutes, providing coverage in an amount of \$100,000 or more, and

2. Had paid for the year in which the incident occurred for which the claim was filed the fee required pursuant to subsection (2) of this section.

(c) Any hospital that can meet one of the following provisions demonstrating financial responsibility to meet claims arising out of the rendering of medical care or services in this state shall not be required to participate in the fund:

1. Post bond in an amount equivalent to \$10,000 for each hospital bed in said hospital not to exceed \$2,500,000; or

2. Prove financial responsibility in an amount equivalent to \$10,000 for each hospital bed in said hospital not to exceed \$2,500,000 to the satisfaction of the Insurance Commissioner through the establishment of an appropriate escrow account; or

3. Obtain professional liability coverage in an amount equivalent to \$10,000 or more for each bed in said hospital from a private insurer, from the joint underwriting association established under section 14 of this act, or through a plan of self-insurance as provided in s.627.355, Florida Statutes; provided, however, no hospital shall be required to obtain such coverage in an amount exceeding \$2,500,000.

(d) Any licensed hospital, physician, physician's assistant, osteopath, or podiatrist who does not meet the provisions of paragraph (b) of this subsection shall be subject to liability under law without regard to the provisions of this section.

## (2) PATIENT'S COMPENSATION FUND.—

(a) *The fund.*—There is created a "Florida Patient's Compensation Fund" hereinafter referred to as the "Fund", for the purpose of paying that portion of any medical malpractice claim which is in excess of \$100,000 as set forth in paragraph (b) of subsection (1) of this section. The Fund shall be liable only for payment of claims against hospitals, physicians, physician's assistants, osteopaths and podiatrists in compliance with the provisions of paragraph (b) of subsection (1) of this section, and reasonable and necessary expenses incurred in payment of claims and fund administrative expenses.

(b) *Fund administration and operation.*—Management of the fund shall be vested with the joint underwriting association authorized by section 14 of this act, hereinafter referred to as the JUA. The JUA shall operate subject to the supervision and approval of a board of governors consisting of representatives of five of the insurers participating in the JUA, an attorney to be named by the Florida Bar, a physician to be named by the Florida Medical Association, a hospital representative to be named by the Florida Hospital Association, and the Insurance Commissioner or his designated representative employed by the Department of Insurance. The Insurance Commissioner or his representative shall be the chairman of the board. In the event of termination or dissolution of said JUA with respect to providing professional liability or malpractice insurance, the JUA shall continue to operate for the purpose of fund management as provided in this subsection.

pital, physician, physician's assistant, osteopath or podiatrist

(c) *Fees and assessments.*—Annually, each licensed hospital, physician, physician's assistant, osteopath, or podiatrist covered under the fund shall pay a fee for deposit into the fund in the amount of \$1,000 for any individual and \$300 per bed for any hospital. The fee charged after the first year of operation shall consist of a base fee of \$500 for any individual and \$300 per bed for any hospital. In addition, after the first year of operation additional fees shall be assessed based on the following considerations:

1. Past and prospective loss and expense experience in different types of practice and in different geographical areas within the state.

2. The prior claims experience of persons or hospitals covered under the fund.

3. Risk factors for persons who are retired, semi-retired or part-time professionals.

Said base fees may be adjusted downward for any fiscal year in which a lesser amount would be adequate and in which the additional fee would not be necessary to maintain the solvency of the fund. Said additional fee shall be based on not more than two geographical areas with three categories of practice and with a fourth category which contemplates individual risk rating for hospitals. The fund shall be maintained at not more than \$25,000,000. Fees shall be set by the Insurance Commissioner after consultation with the JUA. Noth-

ing contained herein shall be construed as imposing liability for payment of any part of a fund deficit on the JUA or its member insurers. If the JUA determines that the amount of money in the fund is not sufficient to satisfy the claims made against the fund in a given fiscal year, the JUA shall certify the amount of the projected insufficiency to the Insurance Commissioner and shall request the Insurance Commissioner to levy a deficit assessment against all participants in the fund for that fiscal year. The Insurance Commissioner shall levy such deficit assessment against such participants in amounts that fairly reflect the classifications prescribed above and which are sufficient to obtain the money necessary to meet all claims for said fiscal year.

## (d) Fund accounting and audit.—

1. Monies shall be withdrawn from the fund only upon vouchers approved by the JUA as authorized by the Board of Governors.

2. All books, records, and audits of the fund shall be open for reasonable inspection to the general public.

3. Persons authorized to receive deposits, withdraw, issue vouchers or otherwise disburse any fund monies shall post a blanket fidelity bond in an amount reasonably sufficient to protect fund assets. The cost of such bond shall be paid from the fund.

4. Annually, the JUA shall furnish an audited financial report to all fund participants and to the Department of Insurance and to the Joint Legislative Auditing Committee. The report shall be prepared in accordance with accepted accounting procedures and shall include income and such other information as may be required by the Department of Insurance or the Joint Legislative Auditing Committee.

5. Monies held in the fund shall be invested in short-term interest bearing investments by the JUA as administrator, provided that in no case shall said moneys be invested in the stock of any insurer participating in the JUA or in the parent company or company owning a controlling interest of said insurer. All income derived from such investments shall be credited to the fund.

6. Any person or hospital participating in the fund may withdraw from such participation at the end of any fiscal year; however, such person or hospital shall remain subject to any deficit assessment pertaining to any year in which such person or hospital participated in the fund.

## (e) Claims procedures.—

1. Any person may file an action for damages arising out of the rendering of medical care or services against a person covered under the fund provided that the person filing the claim shall not recover against the fund any portion of a judgment for damages arising out of the rendering of medical care or services against a person covered under the fund unless the fund was named as a defendant in the suit. If after reviewing the facts upon which the claim is based it appears that the claim will exceed \$100,000, the fund shall appear and actively defend itself when named as a defendant in the suit. In so defending, the fund shall retain counsel and pay out of the fund attorney's fees and expenses including court costs incurred in defending the fund. The attorney or law firm retained to defend the fund shall not be retained or employed by the JUA to perform legal services for the JUA other than those directly connected with the fund. The fund is authorized to negotiate with any claimants having a judgment exceeding \$500,000 to reach an agreement as to the manner in which that portion of the judgment exceeding \$500,000 is to be paid. Any judgment affecting the fund may be appealed under the Florida Appellate Rules of Procedure as with any defendant.

2. It shall be the responsibility of the insurer or self-insurer providing insurance or self-insurance for a hospital, physician, physician's assistant, osteopath or podiatrist who is also covered by the fund to provide an adequate defense on any claim filed that potentially affects the fund with respect to such insurance contract or self-insurance contract. The insurer shall act in a fiduciary relationship with respect to any claim affecting the fund. No settlement exceeding \$100,000, or any other amount which could require payment by the fund, shall be agreed to unless approved by the JUA.

3. A person who has recovered a final judgment or a settlement approved by the JUA against a hospital, physician, physician's assistant, osteopath or podiatrist, who is covered by the fund may file a claim with the JUA to recover that

portion of such judgment or settlement which is in excess of \$100,000 as set forth in paragraph (b) of subsection (1) of this section. In the event the fund incurs liability exceeding \$1,000,000 to any person under a single occurrence the fund shall pay not more than \$1,000,000 per year until the claim has been paid in full.

4. Claims filed against the fund shall be paid in the order received within 90 days after filing unless appealed by the fund. If the fund does not have enough money to pay all of the claims, claims received after the funds are exhausted shall be immediately payable the following year in the order in which they were received.

5. If a person or hospital participating in the fund has coverage in excess of \$100,000, he shall be liable for losses up to the amount of his coverage, and he shall receive an appropriate reduction of his assessment for the fund. Such reduction shall be granted only after that person has proved to the satisfaction of the JUA that he has such coverage.

Section 16. 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 17. This act shall take effect upon becoming law.

2. Page 1 lines 3-22 strike  
All of lines 3 through 22  
And insert the following:

A bill to be entitled An act relating to medical liability insurance and civil law revisions concerning medical malpractice actions; providing a short title; creating s.627.352, Florida Statutes, relating to the creation of a medical liability insurance study commission; creating s.395.18, Florida Statutes, authorizing certain hospitals to establish internal risk management programs; amending subsection (1) of s.627.355, Florida Statutes, to allow total self-insurance by a group or association of physicians or health care facilities organized for any purpose; creating s.768.133, Florida Statutes, providing for the establishment of medical liability mediation panels in each judicial circuit; providing for the filing, hearing and disposition of claims, and providing a filing fee; providing for legal proceedings subsequent to the decision of the mediation panels; amending s.95.11(4), Florida Statutes, 1974 Supplement, relating to the statute of limitations, to provide that actions for medical malpractice shall be commenced within two years from the time the incident occurred or the injury is discovered but not to exceed four years from the date the incident occurred; providing exceptions for fraud and misrepresentation; creating s.768.042, Florida Statutes, to prohibit the stating of the amount of general damages in any complaint for recovery of damages for personal injury or wrongful death; amending s.725.01, Florida Statutes, to provide that medical guarantees shall be governed by the Statute of Frauds; creating s.768.132, Florida Statutes, entitled the "Florida Medical Consent Law"; covering consent in all cases not covered by s.768.13, Florida Statutes, entitled the "Good Samaritan Act"; setting standards for information necessary for consent; providing a presumption where a valid consent was given; amending s.458.1201(1)(m), Florida Statutes, and adding paragraphs (o) and (p) to said section; providing that the State Board of Medical Examiners determine standards of acceptable and prevailing medical practice; authorizing board action in medical malpractice cases and certain disciplinary cases; providing for a civil penalty; adding paragraphs (c) and (d) to s.458.1201(2), Florida Statutes; providing for appointment of licensed physicians to act for the board; providing for immunity from liability for investigations conducted pursuant to this act; amending s.458.1201(3)(a), Florida Statutes; authorizing board to require physicians to participate in continuing education programs; authorizing board to require physicians to practice under the direction of a physician in certain locations; adding s.458.1201(5), Florida Statutes; requiring the board to report to the legislature; creating s.395.065, Florida Statutes, providing for hospital disciplinary powers; adding subsection (8) to s.627.351, Florida Statutes, to provide for a joint underwriting plan offering medical malpractice insurance coverage to be set up by the Department of Insurance and underwritten by insurers writing casualty insurance as defined in s.624.605 (1)(b), (j), and (p), Florida Statutes, and self-insurers authorized under s.627.355, Florida Statutes; creating s.627.353, Flor-

ida Statutes, to provide for the limitation of liability when certain provisions are met for any licensed hospital, physician, physician's assistant, osteopath or podiatrist for the amount of any settlement approved by the joint underwriting association established under s.627.351(8), Florida Statutes, or any judgment exceeding \$100,000 for any claim arising out of the rendering of medical care or services; creating a patient's compensation fund to be administered by said joint underwriting association subject to supervision by a board of governors to provide coverage for the amount of any such settlement or judgment affected by said limitation of liability; providing for fees to support the fund including an assessment against participants for deficits; providing for costs in administering or defending the fund; providing claims procedures; providing an effective date.

WHEREAS, the cost of purchasing medical professional liability insurance for doctors and other health care providers has skyrocketed in the past few months; and

WHEREAS, it is not uncommon to find physicians in high-risk categories paying premiums in excess of \$20,000 annually; and

WHEREAS, the consumer ultimately must bear the financial burdens created by the high cost of insurance; and

WHEREAS, without some legislative relief, doctors will be forced to curtail their practices, retire, or practice defensive medicine at increased cost to the citizens of Florida; and

WHEREAS, the problem has reached crisis proportion in Florida, NOW THEREFORE,

On motion by Senator W. D. Childers, by two-thirds vote the report of the Conference Committee on HB 1267 was read a second time.

On motion by Senator W. D. Childers the Conference Committee Report was adopted, and HB 1267 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—40

Mr. President	Graham	Myers	Stolzenburg
Brantley	Hair	Peterson	Thomas, J.
Childers, D.	Henderson	Plante	Thomas, P.
Childers, W. D.	Holloway	Poston	Tobiassen
Deeb	Johnston	Renick	Trask
Dunn	Lane, D.	Saunders	Vogt
Firestone	Lane, J.	Saylor	Ware
Gallen	Lewis	Scarborough	Wilson
Glisson	MacKay	Sims	Winn
Gordon	McClain	Spicola	Zinkil

Nays—None

On motion by Senator W. D. Childers, the rules were waived and HB 1267 together with the Conference Committee Report was immediately certified to the House.

*The Honorable Dempsey J. Barron, President* May 13, 1975

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

HB 2101

HB 1603

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Regulated Industries & Licensing and Representative Avon—

HB 2101—A bill to be entitled An act relating to pari-mutuel wagering; creating a new section to Chapter 550, Florida Statutes, providing for an increase of four-tenths of one percent of monies withheld from pari-mutuel pools on harness horse racing for the purposes of providing funds for daily operational expenses of said tracks; providing an effective date; providing a termination date.

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

By Representative Melvin and others—

HB 1603—A bill to be entitled An act relating to quarter horse racing; amending s.550.33(7), Florida Statutes, 1974 Supplement, relating to the substitution of races of other breeds of horses; removing a restriction relating to the number of daily races permitted comprised of thoroughbred horses registered with the Jockey Club; providing an effective date.

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

*The Honorable Dempsey J. Barron, President* May 15, 1975

I am directed to inform the Senate that the House of Representatives has passed—HB 2072 CS for HB 2004 CS for HB 2005

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Regulated Industries & Licensing and Representative Avon—

HB 2072—A bill to be entitled An act establishing a joint interim legislative and executive study committee for the purpose of conducting a study of the legal and economic feasibility of creating a Horse Racing Trust of Florida for the purpose of acquiring, owning, operating and maintaining facilities for horse racing in the state; providing duties and responsibilities of the interim committee; providing for use of staff services; providing an effective date.

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

By the Committees on Appropriations and Regulated Industries & Licensing and Representative Avon—

CS for HB 2004—A bill to be entitled An act relating to dog and horse tracks and jai alai frontons; amending sections 550.16(2), 550.162(2), 550.42(3), and 551.09(2), Florida Statutes, to increase the commission on a pari-mutuel pool from running horse races, dog races and jai alai from 17 percent to 17.4 percent; increasing the state's share from a pari-mutuel pool four-tenths percent; conforming language relating to dog racing dates; providing for severability; providing an effective date; providing a termination date.

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

By the Committees on Appropriations and Regulated Industries & Licensing and Representative Avon—

CS for HB 2005—A bill to be entitled An act relating to thoroughbred horse racing; providing legislative intent; creating a new section to chapter 550, Florida Statutes, creating a special winter common purse pool; creating a new section to chapter 550, Florida Statutes, relating to a summer racing purse allowance; creating a new section to chapter 550, Florida Statutes, relating to a purse allowance for thoroughbred horse race-tracks with an average daily handle less than \$400,000; creating a new section to chapter 550, Florida Statutes, relating to deductions from taxes due the state for thoroughbred horse race-tracks with average daily handles greater than \$400,000; creating a new section to chapter 550, Florida Statutes, relating to deductions from taxes due the state for thoroughbred horse racetracks with average daily handles less than \$400,000; amending s.550.081, Florida Statutes, extending the winter thoroughbred horse racing dates for three racetracks located within a 35 mile radius from 120 to 144 days and providing for the allocation of said dates to said tracks by the Board of Business Regulation; creating a new section to Chapter 550, Florida Statutes, relating to purse requirements for winter horse racing, repealing s.550.261, Florida Statutes, relating to the winter common purse pool; creating a new section to chapter 550, Florida Statutes, relating to the beginning and ending dates of summer thoroughbred racing as provided by s.550.41, Florida Statutes, 1974 Supplement; providing for severability; providing an effective date; providing a termination date.

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

*The Honorable Dempsey J. Barron, President* May 13, 1975

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

HB 2073 HB 1924

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Regulated Industries & Licensing—

HB 2073—A bill to be entitled An act relating to pari-mutuel wagering permittees; amending s.550.12, Florida Statutes, to provide a uniform reporting system whereby pari-mutuel permittees shall submit to the Division of Pari-Mutuel Wagering of the Department of Business Regulation uniform operational and financial data and an appraisal of the fair value of the racing plant and the properties used and useful in the conduct and operation of the business of the pari-mutuel permittee; providing an effective date.

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

By the Committee on Elections—

HB 1924—A bill to be entitled An act relating to the Florida presidential preference primary; amending s.103.101(3)(a), (6), and (11), Florida Statutes; deleting designees of members of a Presidential Candidate Selection Committee as substitute members of the committee; providing that the time for filing a list of delegates may be provided by party rule; increasing the percentage of delegates who shall be elected from congressional districts and increasing the percentage of delegates who may be elected by the state executive committee; providing an alternative method for allocation of delegates; providing an effective date.

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

On motions by Senator W. D. Childers, by two-thirds vote House Bills 2073, 2101, 1603, 2072, CS for HB 2004, and CS for HB 2005 were withdrawn from the Committee on Commerce.

On motion by Senator Saunders, Rule 2.6 was waived and the Committee on Ways and Means was authorized to consider House Bills 2073, 2101, 1603, 2072, CS for HB 2004 and CS for HB 2005 on May 15.

*The Honorable Dempsey J. Barron, President* May 14, 1975

I am directed to inform the Senate that the House of Representatives has passed SB 470.

*Allen Morris, Clerk*

*The Honorable Dempsey J. Barron, President* May 14, 1975

I am directed to inform the Senate that the House of Representatives has adopted SCR 1352.

*Allen Morris, Clerk*

The bills contained in the above messages were ordered enrolled.

The President announced he will serve as a member of the Select Committee to consider the confirmation of the appointment of O. J. Keller, Jr., as Secretary of the Department of Health and Rehabilitative Services.

On motion by Senator Deeb, the rules were waived and the Senate immediately reconsidered the vote by which—

SB 553—A bill to be entitled An act relating to the collection of delinquent personal property taxes; amending ss.197.062(2), 197.086(1), (2), 197.092, Florida Statutes; providing procedure for the collection of unpaid personal property taxes; providing for notice; requiring petition filed in circuit court; authorizing the tax collector or his deputies to levy upon personal property

for the collection of unpaid personal property taxes after hearing; providing an effective date.

—as amended passed on May 12.

Senator McClain moved the following title amendment which was adopted:

**Amendment 1**—On page 1, line 6, after "197.062(2)" insert: 197.076(1), (2),

On motion by Senator Deeb, SB 553 as further amended was read by title, passed and ordered engrossed. The vote on passage was:

Yeas—31

Mr. President	Hair	Plante	Thomas, J.
Brantley	Henderson	Poston	Thomas, P.
Childers, D.	Holloway	Renick	Trask
Childers, W. D.	Lane, D.	Saunders	Vogt
Deeb	Lane, J.	Sayler	Ware
Dunn	McClain	Scarborough	Wilson
Glisson	Myers	Sims	Winn
Gordon	Peterson	Stolzenburg	

Nays—7

Firestone	Graham	Lewis	Zinkil
Gallen	Johnston	Spicola	

By unanimous consent Senator MacKay was recorded as voting yea.

The Senate resumed consideration of—

**HB 2100**—An act making appropriations; providing moneys for the annual period beginning July 1, 1975 and ending June 30, 1976, to pay salaries, other expenses, capital outlay-buildings and improvements, and for other specified purposes of the various agencies of state government; suspending sections 216.292, 216.301, 27.34(2), 27.54(3), 215.32(2)(c), 216.011(1)(c), 216.181, and 402.17(3), F.S.; and suspending sections 216.262, 216.351, 216.292, F.S., for the Division of Universities and Administered Funds; providing an effective date.

Senators Vogt, Wilson, W. D. Childers and Tobiassen offered the following amendment to Amendment 1 which was moved by Senator Vogt and adopted:

**Amendment 1Y**—On page 17, ITEM 315D, insert: these funds shall be used to provide support for the diagnostic centers as provided in Section 229.832 and for two new centers in Okaloosa and Brevard Counties.

Senator Plante moved the following amendment to Amendment 1 which failed:

**Amendment 1Z**—On page 18, item 325, strike "146, 781, 481" and insert: 146, 581, 481

Senator Gordon moved the following amendment to Amendment 1 which failed:

**Amendment 1AA**—On page 18, line 325, after 2nd paragraph insert: Provided that in order to assure that priority will be given to quality instructional programs, each community college shall abolish at least 15% of its totally administrative positions and the funds thus made available shall be used for direct instructional expenses.

The President was recorded as voting yea.

Senator Glisson moved the following amendments to Amendment 1 which failed:

**Amendment 1BB**—On page 19, line 329, strike "3,959,640" and insert: 3,999,640

**Amendment 1CC**—On page 19, line 329, strike "3,959,640" and insert: 3,979,640

Senators Vogt, Wilson, Henderson and Firestone offered the following amendment to Amendment 1 which was moved by Senator Vogt and adopted:

**Amendment 1DD**—On page 19, insert (under item 342 A): Of the funds appropriated in item 342A, the Board of Regents shall allocate \$1,000,000 to the Solar Energy Center at Cape Canaveral.

Senator Gordon moved the following amendment to Amendment 1:

**Amendment 1EE**—On page 20, line 342-A, after the paragraph ending "the next biennium." insert: It is further the intent of the legislature that in the course of reordering priorities and insuring quality programs that at least 15% of the prior year's totally administrative positions in each university shall be abolished and the funds thus made available shall be used for direct instructional expenses.

Senator Saunders raised a point of order that Amendment 1EE is a substantive amendment and thereby out of order since the courts have previously ruled substantive law cannot be passed in the appropriations bill.

The Presiding Officer ruled the point not well taken.

Senator Hair presiding

The question recurred on Amendment 1EE which was adopted by the following vote:

Yeas—19

Brantley	Glisson	Lane, J.	Tobiassen
Childers, D.	Gordon	McClain	Trask
Childers, W. D.	Henderson	Scarborough	Wilson
Deeb	Johnston	Sims	Zinkil
Gallen	Lane, D.	Thomas, J.	

Nays—15

Dunn	Lewis	Plante	Sayler
Graham	MacKay	Poston	Thomas, P.
Hair	Myers	Renick	Vogt
Holloway	Peterson	Saunders	

By unanimous consent the President was recorded as voting yea, and Senators Firestone and Spicola as voting nay.

Senator Plante moved the following amendment to Amendment 1:

**Amendment 1FF**—On page 21, item 347-A, strike "From Federal Revenue Sharing Fund 2,400,000" and insert: From Federal Revenue Sharing Fund 1,000,000

Amendment 1FF failed by the following vote:

Yeas—17

Mr. President	McClain	Sims	Ware
Glisson	Myers	Spicola	Wilson
Henderson	Plante	Thomas, J.	
Lane, D.	Sayler	Tobiassen	
Lewis	Scarborough	Vogt	

Nays—18

Brantley	Hair	Peterson	Thomas, P.
Childers, D.	Holloway	Poston	Trask
Childers, W. D.	Johnston	Renick	Zinkil
Gallen	Lane, J.	Saunders	
Graham	MacKay	Stolzenburg	

The President presiding

Senator Zinkil moved that the Senate reconsider the vote by which Amendment 1X failed this day and the motion failed by the following vote:

Yeas—17

Mr. President Gallen  
 Brantley Glisson  
 Childers, D. Henderson  
 Childers, W. D. Lane, D.  
 Deeb McClain

Sayler  
 Sims  
 Thomas, J.  
 Tobiassen  
 Trask

Ware  
 Zinkil

Nays—22

Dunn Lane, J.  
 Firestone Lewis  
 Graham MacKay  
 Hair Myers  
 Holloway Peterson  
 Johnston Plante

Poston  
 Renick  
 Saunders  
 Scarborough  
 Spicola  
 Stolzenburg

Thomas, P.  
 Vogt  
 Wilson  
 Winn

Senator Gordon moved the following amendment to Amendment 1:

**Amendment 1GG**—On page 24, Item 390, strike “Salaries & Benefits 52 positions From General Revenue Fund 636,546” and insert:

Salaries & Benefits	53 positions	
From General Revenue Fund		654,546

CO-INTRODUCERS

Senator Glisson was recorded as a co-introducer of Senate Bills 1127 and 946, Senator Renick as a co-introducer of Senate Bills 1073, 1059 and CS for SB 23, Senator Holloway as a co-introducer of SB 1189, Senator McClain as a co-introducer of Senate Bills 927 and 946, Senator D. Lane as a co-introducer of SB 1102, Senator Wilson as a co-introducer of SB 1291 and Senators Peterson and Plante as co-introducers of SB 1073.

The Journal of May 12 was corrected and approved as follows:

Page 282, column 1, line 18, before “SB” insert: CS for

Page 285, column 2, line 15, strike “as amended” and “ordered” and on line 16, strike “engrossed” and insert: certified to the House

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:00 p.m. to convene at 8:30 a.m., May 15 and 16, 1975 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m., May 16, 1975.