

JOURNAL OF THE FLORIDA SENATE

Monday, June 2, 1975

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

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

Excused: Senator Scarborough because of illness.

Prayer by the Senate Chaplain:

Our Father the apostle of old could declare that "He had fought a good fight and finished his course . . ."

These your servants have struggled hard with problems of state. They have frequently been in opposition to each other yet through the democratic processes they have passed legislation needed for our state.

Grant them in these closing days a sense of accomplishment, relief from frustration in the awareness that history will continue to proceed though not always at our chosen pace.

May your blessing attend them in their constituencies: May their ears and hearts ever be open to the needs of people: May they dream dreams of social betterment and see visions of a greater state. Amen.

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

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Monday, June 2, 1975:

HB 470	SB 1311	SB 759	CS/HB 256
HB 2151	SB 928	CS/HB 1759	SB 1134
SB 361	SB 590	SB 1265	SB 583
SB 325	SB 807	HB 2284	SB 607
SB 572	HB 1780	HB 182	SB 267
SB 524	HB 1289	HB 970	CS/SB 418
CS for CS for	HB 2082	HB 809	HB 2201
HB 984	SB 936	SB 559	SB 1195
SB 1013	SB 509	SB 245	HB 1765
HB 1909	HB 1100	HB 215	
CS for HB	CS/HB 660	SB 1007	
1572	HB 2099	HB 435	

Respectfully submitted,
Lew Brantley, Chairman

The Committee on Rules and Calendar recommends that the following bills be placed on Local Bill Calendar for Monday, June 2, 1975:

HB 1894	HB 2256	HB 2231	HB 2130
HB 2330	HB 2296	HB 933	HB 2179
HB 2266	HB 2261	HB 2189	HB 2205
SB 1382	HB 2298	SB 1385	HB 2268
HB 2257	HB 2292	SB 832	HB 2269
HB 2293	HB 2294	HB 1797	HB 1420
HB 2297	HB 2291	HB 2017	SB 653
HB 2295	HB 2270	HB 2018	HB 2077
HB 2263	HB 2274	HB 2019	HB 2203
HB 2299	HB 2188	HB 2020	HB 1574

Respectfully submitted,
Lew Brantley, Chairman

ENGROSSING REPORTS

Your Engrossing Clerk has incorporated amendments to—

SB 44	SB 115	SB 131	SB 1330
SB 255	SB 49	SB 568	SB 1351
CS for SB 158	SB 41	SB 830	SB 1381

Joe Brown, Secretary

The bills were ordered enrolled.

ENROLLING REPORTS

SB 148 SB 289 SB 440

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 2, 1975.

Joe Brown, Secretary

SB 1368 has been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 2, 1975.

Joe Brown, Secretary

By unanimous consent Senator Hair was recorded as voting yea on Senate Bills 1059, 1330, 830, 1351 and House Bills 682 and 753 which passed the Senate May 30; and CS for SB 174, SB 148, HB 855 and CS for HB's 22, 62 and 116 which passed the Senate May 29.

By unanimous consent Senators Hair and Brantley changed their votes from yea to nay on SB 591 which passed the Senate May 30.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator W. D. Childers, by two-thirds vote HB 1004 was withdrawn from the Committee on Transportation and placed on the calendar.

On motion by Senator W. D. Childers, by two-thirds vote HB 1641 was withdrawn from the Committee on Agriculture and placed on the calendar.

On motion by Senator Sims, by two-thirds vote HB 1372 was withdrawn from the Committee on Commerce and placed on the calendar.

On motion by Senate Henderson, by two-thirds vote HB 2242 was withdrawn from the Committee on Commerce and placed on the calendar.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Secretary announced that the Governor had transmitted to the Senate the Health Element of the State Comprehensive Plan prepared by the Department of Administration and the Department of Health and Rehabilitative Services pursuant to Chapter 23, Florida Statutes.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 30, 1975

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to HB 228, HB 10, HB 1087, HB 855, HB 1395 and passed as amended.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President May 30, 1975

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

HB 1421	HB 2279
HB 2155	HB 1384
HB 541	HB 782

HB 1263
 HB 2156
 HB 85
 CS for HB 173
 CS for HB 738
 HB 1361
 HB 240

CS for HB's 188 & 190
 HB 2158
 CS for HB 545
 HB 193
 HB 588
 HB 770
 CS for HB's 22, 62 & 116

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President May 30, 1975

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to HB 1280, HB 429, HB 530, HB 1259 and passed as amended.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President May 30, 1975

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1, 2 and 5 and passed SB 1345 as amended.

Allen Morris, Clerk

The bill was ordered engrossed.

The Honorable Dempsey J. Barron, President May 30, 1975

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

By Senator Trask and others—

SB 777—A bill to be entitled An act relating to adult congregate living facilities; creating the "Adult Congregate Living Facilities Act"; providing a purpose and definitions; authorizing the Department of Health and Rehabilitative Services to license certain facilities; providing exemptions; requiring facilities to obtain and display a license; providing for application and fees; providing grounds for action by the department against facilities; providing for expiration, renewal, denial, suspension, or revocation of licenses; authorizing injunctive proceedings in certain cases; providing for contracts; providing for handling of property and personal affairs of residents; providing procedures pursuant to the closing of a facility; providing the right of entry and inspection; providing for the appointment of an ad hoc committee; providing for the promulgation of rules to establish minimum standards; specifying prohibited acts, providing a penalty; providing reasonable time for existing facilities to comply; amending s.509.241(1)(b) and (2)(b), Florida Statutes, exempting adult congregate living facilities from public lodging and food service establishment licensing requirements; repealing ss.400.021(8) and 400.041(2), Florida Statutes, relating to homes for the aged; designating this act as Part II of Chapter 400, Florida Statutes; providing appropriation from and repayment to the General Revenue Fund; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 2, line 3, insert: after the word "statutes"; providing legislative intent; providing definitions; creating a state nursing home ombudsman committee; providing duties; providing for membership; creating regional nursing home ombudsman committees; providing duties; providing membership; providing for procedures for receiving complaints; providing for investigating procedures; providing procedures for resolving a complaint; providing for confidentiality; providing that members not be required to testify; providing for immunity for complainants; providing a penalty; providing an appropriation;

House Amendment 2—On page 14, line 19, Insert a new section 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34 and renumber the subsequent sections.

Section 23. Legislative intent.—The legislature finds and declares that conditions in nursing homes in Florida are such that the personal and health care needs of residents are not insured either by regulation of the Department of Health and Rehabilitative Services or the good faith of the nursing home

industry. Furthermore, there is no formal mechanism whereby a nursing home resident or his representative may make a complaint against a nursing home facility or its employees. The legislature declares further that concerned citizens are more effective advocates of the rights of others than government agencies.

It is the intent of the legislature, therefore, to provide an alternative to the present method of correcting nursing home deficiencies by establishing voluntary citizen nursing home ombudsman committees at the state and regional level to receive, investigate, and resolve complaints against nursing home facilities. It is the intent of the legislature that the environment in nursing home facilities should be conducive to the dignity and independence of residents.

Section 24. Definitions.—

(1) "Department" means the Department of Health and Rehabilitative Services.

(2) "Nursing home facility" means any facility licensed according to Chapter 400, Florida Statutes.

Section 25. Establishment of a state nursing home ombudsman committee; duties; membership.—

(1) There is hereby created in the office of the Governor a state nursing home ombudsman committee hereafter referred to as state ombudsman committee.

(2) Duties.—The duties of the state ombudsman committee shall be:

(a) To help establish and coordinate the regional ombudsman committees throughout the state.

(b) To serve as an appellate body in receiving from the regional ombudsman committees complaints not resolved at the regional level.

(c) To develop procedures for eliciting, receiving, responding to and resolving complaints made by and on behalf of nursing home facility residents.

(d) To elicit and coordinate state, local, and voluntary organizational assistance for the purpose of improving the care received by residents of a nursing home facility.

(e) To prepare an annual report to the president of the senate, the speaker of the house, and the governor containing an appraisal of the problems of nursing home facility residents, and recommendations for improving nursing home facility care and treatment.

(3) Membership.—The state ombudsman committee shall be composed of seven members appointed by the governor to include the following: one physician who includes in his practice elderly patients; one registered nurse; one nursing home administrator; two representatives who are or represent nursing home residents; one attorney and one professional social worker. The governor shall elicit nominations from related professional organizations. Except for the nursing home administrator and the registered nurse, each member of the state ombudsman committee shall certify to having no association with a nursing home facility for reward or profit.

(4) Terms of office.—All members shall serve two year terms except that at the time of first appointment, four of the members shall be appointed to two year terms and three of the members shall be appointed to a one year term. A member may serve two consecutive terms. Any vacancy which occurs shall be filled by the governor. The term of any member missing three consecutive regular meetings without cause shall be declared vacant.

(5) The state ombudsman committee shall elect from its second year members a chairman for a term of one year. The chairman shall select a secretary from among the members. The secretary shall chair the committee in the absence of the chairman.

(6) The state ombudsman committee shall meet upon the call of the chairman at least quarterly or more frequently as needed.

(7) Members shall receive no compensation but shall be reimbursed for per diem and travel expenses as provided for in s.112.061, F.S.

(8) The state ombudsman committee is authorized to call upon appropriate agencies of state government for such pro-

professional assistance as may be needed in the discharge of its duties, including assistance from any adult protective services programs of the department as provided for under s.409.026, F.S. and s.828.043, F.S.

Section 26. Regional nursing home ombudsman committees; duties; membership.—

(1) There shall be at least one nursing home ombudsman committee in each of the regions of the department.

(2) Duties.—The duties of the regional ombudsman committee are:

(a) To serve as a third-party mechanism for protecting the health, safety, welfare, and civil and human rights of residents of a nursing home facility.

(b) To discover, investigate and determine the existence of abuse and neglect in any nursing home facility and to use the procedures provided for in s.828.043, F.S., when applicable.

(c) To elicit, receive, respond to and resolve complaints made by, or on behalf of, nursing home residents.

(d) To review for their effect on the rights of nursing home residents all existing or proposed rules and regulations relating to nursing homes; and

(e) To enter any nursing home facility pursuant to an investigation to obtain information regarding a specific complaint or problem.

(3) Membership.—Each regional ombudsman committee shall be composed of seven members appointed by the governor from the region to include the following: one medical doctor specializing in geriatrics; one registered nurse; one nursing home administrator; two nursing home residents or representatives of nursing home residents; one attorney and one professional social worker. The governor shall elicit nominations from related professional organizations. Except for the nursing home administrator and the nurse, each member of the committee shall certify to having no association with a nursing home facility for reward or profit.

(4) Terms of office.—All members shall serve two year terms except that at the time of first appointment, four of the members shall be appointed to two year terms and three of the members shall be appointed to one year terms. A member may serve two consecutive terms. Any vacancy which occurs shall be filled by the governor. The term of any member missing three consecutive regular meetings without cause shall be declared vacant.

(5) The regional ombudsman committee shall elect from its second year members a chairman for a term of one year. The chairman shall select a secretary from among the members of the committee. The secretary shall chair the committee in the absence of the chairman.

(6) The regional ombudsman committee shall meet upon the call of the chairman at least once a month or more frequently as needed to handle emergency situations.

(7) A member of a regional ombudsman committee shall receive no compensation but shall be reimbursed for travel expenses outside the county of residence as provided for in accordance with the provisions of s.112.061, F.S.

(8) The regional ombudsman committees are authorized to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of their duties. All state agencies shall cooperate with the regional ombudsman committees in providing requested information and agency representatives at committee meetings.

Section 27. Procedures for receiving complaints.—

(1) The state ombudsman committee shall establish state and regional procedures for receiving complaints against a nursing home facility or its employee.

(2) These procedures shall be posted in full view in every nursing home facility. Every resident or representative of a resident shall receive upon admission to a nursing home facility a printed copy of the procedures of the state and the regional ombudsman committee.

Section 28. Investigation of complaints.—

(1) A regional ombudsman committee shall investigate any complaint of a resident or resident's representative based on an action by an administrator or employee of a nursing home facility which might be:

(a) Contrary to law.

(b) Unreasonable, unfair, oppressive, or unnecessarily discriminatory, even though in accordance with law.

(c) Based on a mistake of fact.

(d) Based on improper or irrelevant grounds.

(e) Unaccompanied by an adequate statement of reasons.

(f) Performed in an inefficient manner, or

(g) Otherwise erroneous.

(2) In an investigation both the state and regional ombudsman committees have the authority to:

(a) Make inquiries and obtain information as is necessary to carry out the purposes of this act.

(b) Enter without notice to inspect the premises of a nursing home facility for purposes of investigating a specific complaint.

(c) Hold hearings.

Section 29. Procedures for resolving a complaint.—

(1) Any complaint deemed valid and requiring remedial action by the regional ombudsman committee shall be identified and brought in writing to the attention of the nursing home administrator. Upon receipt of such document the administrator, in concurrence with the committee chairman, shall establish target dates for taking appropriate remedial action. If by the target date, the remedial action is not completed or forthcoming, the committee may:

(a) Extend the target date if the committee has reason to believe such action would facilitate the resolution of the complaint.

(b) Make public the complaint, the committee's recommendations, and the response of the nursing home facility; however, in no case shall the names of individuals involved in the complaint be disclosed.

(c) Refer the complaint to the state ombudsman committee.

(2) Upon referral from the regional ombudsman committee, the state ombudsman committee assumes the responsibility for the disposition of the complaint. If a nursing home facility fails to take action on a complaint found valid by the state ombudsman committee, the state committee may:

(a) Make public the complaint, the committee's recommendations and the response of the nursing home facility; however, in no case shall the names of the individuals involved in the complaint be disclosed.

(b) Recommend to the department changes in rules and regulations for inspecting and licensing nursing home facilities.

(c) Refer the complaint to the state's attorney for prosecution if there is reason to believe the nursing home facility or its employee is guilty of a criminal act.

(d) Recommend to the department that the nursing home no longer receive payments under the state medical assistance program (medicaid); or

(e) Recommend that the Division of Health initiate procedures for revocation of license in accordance with s.400.121, F.S. and Chapter 120, F.S.

Section 30. Confidentiality.—All matters before the state or regional nursing home ombudsman committees concerning abuse or denial of rights of an individual client of a nursing home facility shall be confidential and exempt from the provisions of Chapter 119, F.S. All other matters before the committee shall be open to the public and subject to Chapter 119, F.S.

Section 31. Members of any nursing home ombudsman committee shall not be required to testify in any court with respect

to matters held to be confidential under section 8 except as may be necessary to enforce the provisions of this act.

Section 32. Immunity.—Any person making a complaint pursuant to this act who does so in good faith shall be immune from any liability, civil or criminal, that otherwise might be incurred or imposed.

Section 33. Penalty.—Anyone knowingly or willfully taking action against a person making a complaint under this act is guilty of a misdemeanor of the second degree punishable as provided in s.775.083, F.S.

Section 34. There is appropriated a sum of \$25,000 for the purpose of implementing this act.

House Amendment 3—On page 2, line 3 strike providing an effective date, and insert: relating to home health agencies; creating the "Home Health Services Act"; providing a purpose and definitions; authorizing the Department of Health and Rehabilitative Services to license certain agencies; providing exemptions; requiring agencies to obtain and display a license; providing for application and fees; providing grounds for denial, suspension, revocation; providing for expiration and renewal of licenses; authorizing injunctive procedures; providing the right of inspection; providing for the establishment and review of a plan of treatment; providing for clinical records; providing for confidentiality; providing for the promulgation of rules to establish minimum standards; specifying prohibited acts; providing a penalty; providing reasonable time for agencies to comply; providing an effective date.

House Amendment 4—On page 14, line 19, strike all of section 35 and insert the following: Section 35. Short title.—This act shall be known and may be cited as the "Home Health Services Act."

Section 36. Purpose.—The purpose of this act is to provide for the development, establishment, and enforcement of basic standards which will insure the safe and adequate care of persons receiving health services in their own homes.

Section 37. Definitions.—When used in this act, unless the context otherwise requires:

(1) "Department" means the Department of Health and Rehabilitative Services.

(2) "Home health agency," hereinafter referred to as "agency," means any public agency or private organization, or a subdivision of such an agency or organization, whether operated for profit or not, which provides home health services.

(3) "Home health services," hereinafter referred to as "services," means health and medical services and medical supplies furnished to an individual by a home health agency or by others under arrangements with the agency, on a visiting basis, in a place of residence used as an individual's home. Such services may include but are not limited to the following:

- (a) Part-time or intermittent nursing care;
- (b) Physical, occupational, or speech therapy;
- (c) Medical social services, homemaker services, home health aide services, and nutritional guidance; and
- (d) Medical supplies, other than drugs and biologicals prescribed by a physician, and the use of medical appliances.

Section 38. Agencies to be licensed.—Any agency providing home health services as defined in this act shall be licensed by the department to operate in this state; provided, however, any agency or organization operated by an agency of the federal government shall be exempt from the provisions of this act.

Section 39. License required; fee; display.—

(1) It is unlawful to operate an agency without first obtaining from the department a license authorizing such operation.

(2) The annual license fee required of an agency shall be in an amount determined by the department but shall not exceed \$100; provided, however, counties or municipalities applying for licenses under this act shall be exempt from the payment of license fees.

(3) The license shall be displayed in a conspicuous place inside the agency and shall be valid only in the possession of the individual, firm, partnership, association, or corporation to whom it is issued and shall not be subject to sale, assignment, or other transfer, voluntary or involuntary, nor shall a license be valid for any agency other than that for which originally issued.

Section 40. Application for license.—

(1) Application for license shall be made to the department on forms furnished by it and shall be accompanied by the appropriate license fee.

(2) The applicant shall file with the application satisfactory proof that the agency is in compliance with this act and any rules and minimum standards promulgated hereunder and proof of financial ability to operate and conduct the agency in accordance with the requirements of this act.

(3) Prior to issuing a license the department shall obtain a statement from the areawide health planning council as provided for in section 381.493 attesting to the need for a home health agency.

Section 41. Denial, suspension, revocation of license; grounds.—

(1) The department may deny, revoke, or suspend a license or impose an administrative fine in the manner provided in Chapter 120, Florida Statutes.

(2) Any of the following actions by an agency or its employee shall be grounds for action by the department against an agency:

(a) Violation of provisions of this act or of any minimum standards or rules promulgated hereunder; and

(b) An intentional or negligent act materially affecting the health or safety of a patient.

Section 42. Expiration of license; renewal; conditional license or permit.—

(1) Licenses issued for the operation of an agency, unless sooner suspended or revoked, shall expire one year from the date of issuance. Sixty days prior to the expiration date, an application for renewal shall be submitted to the department on forms furnished by the department, and licenses shall be renewed if the applicant has first met the requirements established under this act and all rules promulgated hereunder. The agency shall file with the application satisfactory proof that the agency is in compliance with this act and all rules and minimum standards promulgated hereunder and satisfactory proof of financial ability to operate and conduct the agency in accordance with the requirements of this act.

(2) Agencies against whom a revocation or suspension proceeding is pending at the time of license renewal may be issued a conditional license effective until final disposition by the department of such proceedings. If judicial relief is sought from the final disposition, the court having jurisdiction may issue a conditional permit for the duration of the judicial proceeding.

Section 43. Injunction proceedings authorized.—The department may institute injunction proceedings in a court of competent jurisdiction when violation of the provisions of this act or of any minimum standards or rules promulgated hereunder constitutes an emergency affecting the immediate health and safety of a patient.

Section 44. Right of inspection.—Any duly authorized officer or employee of the department shall have the right to make such inspections and investigations as are necessary in order to determine the state of compliance with the provisions of this act and of rules or standards in force pursuant thereto. The right of inspection shall also extend to any agency which the department has reason to believe is being operated as an agency without a license, but no such inspection of any agency shall be made without the permission of the owner or person in charge thereof, unless a warrant is first obtained from a circuit court authorizing same. Any application for an agency license or renewal thereof made pursuant to this act shall constitute permission for any inspection of the agency for which the license is sought, in order to facilitate verification of the information submitted on or in connection with the application.

Section 45. Establishment and review of plan of treatment.—

(1) A plan of treatment shall be established for each patient receiving care or treatment provided by a licensed nurse or by a physical, occupational, or speech therapist, by the physician who is responsible for the care of the patient. The original plan of treatment shall be signed by the physician and reviewed by the physician in consultation with agency personnel involved in providing services to the patient, at such intervals as the severity of the patient's illness requires, but in any instance, at least every two months.

(2) Each patient shall be provided upon request and prior notification of the physician responsible for the care of the patient a copy of the plan of treatment established and maintained for that patient by the home health agency.

Section 46. Clinical records.—The home health agency shall maintain for each patient a clinical record which includes the services the agency provides directly, and those provided through arrangement with another agency. Such records shall contain pertinent past and current medical, nursing, social and other therapeutic information, the plan of treatment, and other such information as is necessary for the safe and adequate care of the patient. When home health services are terminated, the record shall show the date and reason for termination.

Section 47. Information confidential.—Information received by persons employed by, or providing services to, a home health agency or received by the licensing agency through reports or inspection shall be deemed privileged and confidential information and shall not be disclosed to any person other than the patient without the written consent of that patient or his guardian.

Section 48. Rules establishing minimum standards.—Pursuant to the intent of the legislature to provide safe and adequate home health services, the department shall promulgate, publish, and enforce rules to implement the provisions of this act within 90 days of the effective date of this act, which shall include reasonable and fair minimum standards in relation to:

- (1) Scope of services to be provided;
- (2) The qualifications and minimum training requirements of all agency personnel;
- (3) Procedures for administering drugs and biologicals;
- (4) The desirability and practicality of accepting patients for services; and
- (5) Insuring that the services provided by a home health agency are in accordance with the plan of treatment established for each patient.

Section 49. Prohibited acts; penalties for violation.—

(1) It is unlawful for any person or public body to offer or advertise to the public, in any way by any medium whatever, home health services as defined in this act, without obtaining a valid current license. It is unlawful for any holder of a license issued pursuant to the provisions of this act to advertise or hold out to the public that it holds a license for an agency other than that for which it actually holds a license.

(2) Any person found guilty of violating subsection (1) of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s.775.083, F.S. Each day of continuing violation shall be considered a separate offense.

Section 50. Agencies to be given reasonable time to comply with rules and standards.—Any agency as defined in this act, which is in operation as of July 1, 1975, or at the time of promulgation of any applicable rules or standards adopted pursuant to this act, may be given a reasonable time, not to exceed one year from the date of publication, within which to comply with such rules and standards and obtain a license.

Section 51. This act shall take effect July 1, 1975; provided, however, the enforcement of minimum standards pursuant to the promulgation of rules under this act shall not take effect until January 1, 1976.

On motions by Senator Trask, the Senate concurred in House amendments 1, 2, 3 and 4 to SB 777.

SB 777 passed as amended by the House amendments, was ordered engrossed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

On motion by Senator Dunn, the Senate proceeded to the consideration of—

EXECUTIVE BUSINESS

By direction of the President, the following report was read:

Honorable Dempsey J. Barron
President, The Florida Senate
Tallahassee, Florida
May 29, 1975

Dear Mr. President:

The following executive appointments were referred to the Select Committee on Executive Suspensions as "an appropriate select committee" for action pursuant to Rule 12.7(a) of the Rules of The Florida Senate:

- (1) **Member, Board of Trustees, Florida School for the Deaf and the Blind**
Jack E. Snider, Jacksonville; for term ending November 14, 1978
- (2) **Member, State Board of Independent Colleges and Universities**
Leroy M. Fulton, Lake Wales; for term ending August 25, 1974
Leroy M. Fulton, Lake Wales; for term ending August 25, 1977
- (3) **Members, State Board of Independent Post-Secondary Vocational, Technical, Trade and Business Schools**
Charles F. Wilson, Tampa; for term ending July 1, 1976
Herbert G. Paige, Coral Gables; for term ending July 1, 1975
C. C. Mertins, Jr., Pensacola; for term ending July 1, 1975
Betty Wood McNabb, Panama City; for term ending July 1, 1975
- (4) **Members, Board of Trustees, Broward Community College**
Margaret Blake Roach, Fort Lauderdale; for term ending May 31, 1978
Walter C. Young, Pembroke Pines; for term ending May 31, 1978
- (5) **Member, Board of Trustees, Lake-Sumter Community College**
Carl S. Williams, Webster; for term ending May 31, 1978
- (6) **Member, Board of Trustees, Pensacola Junior College**
Vincent J. Whibbs; Pensacola; for term ending May 31, 1978
- (7) **Member, Florida Board of Building Codes and Standards as the Representative from the fire protection engineering or technology**
W. F. Eldredge, Chattahoochee; for term ending February 7, 1977
- (8) **Members, Florida State Fair Authority**
Rex C. Bishop, Miami; for term ending July 1, 1976
William B. Faber, Tampa; for term ending July 1, 1977
- (9) **Member, Board of Pilot Commissioners for the Port of Key West**
Edwin E. Crusoe IV, Key West; for term ending June 19, 1977

- (10) Member, Board of Pilot Commissioners for the Port of Panama City
Russell R. Stewart, Panama City; for term ending June 14, 1977
- (11) Member, Board of Pilot Commissioners for the Port of Palm Beach
Thomas J. James, Lake Park; for term ending September 12, 1977
Alfred H. Moffat, North Palm Beach; for term ending August 29, 1977
- (12) Member, Historic St. Augustine Preservation Board
Marie Louise Whitney, New York, N. Y.; for term ending August 31, 1978
- (13) Member, St. Johns River Water Management District
George A. Brown, Casselberry; for term ending July 1, 1975
- (14) Secretary, Department of Community Affairs
Edward J. Trombetta, Tallahassee; for term ending Pleas-
ure of the Governor
- (15) Member, Northwest Lake County Hospital District
Byron E. Herlong, Leesburg; for term ending October 10, 1976
- (16) Member, Board of Pilot Commissioners for the Port of Pensacola
Kathleen Ione Anderson, Pensacola; for term ending June 6, 1977
C. Edwin Abbott, Pensacola; for term ending June 6, 1977
Maurice Edgar Luckey, Pensacola; for term ending June 6, 1977
H. Harry Fish, Pensacola; for term ending June 6, 1977
- (17) Member, Public Employees Relations Commission
Curtis L. Mack, Tallahassee; for term ending July 1, 1978
- (18) Member, Historic Pensacola Preservation Board of Trust-
ees
Denise L. Hodnette, Cantonment; for term ending January 22, 1979
- (19) Member, Board of Trustees, Daytona Beach Community College
Leonard Sacks, Daytona Beach; for term ending May 31, 1978

As required by Rule 12.7(a), the Select Committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the Select Committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Select Committee—by a separate vote as to each appointee—respectfully advises and recommends:

- (1) That the executive appointment of the above-named appointees, except Leroy M. Fulton, Herbert G. Paige, C. C. Mertins, Jr., Betty Wood McNabb, Margaret Blake Roach, Walter C. Young, Carl S. Williams, Vincent J. Whibbs, W. F. Eldredge, William B. Faber, Edwin E. Crusoe IV, Thomas J. James, Alfred H. Moffat, Marie Louise Whitney, Edward J. Trombetta, Kathleen Ione Anderson, C. Edwin Abbott, Maurice Edgar Luckey, H. Harry Fish, Curtis L. Mack, and Leonard Sacks to the office and for the term of office indicated, be *confirmed* by the Senate.
- (2) That Senate action on said appointments be taken prior to adjournment of the 1975 Regular Session.
- (3) That the Senate take "no action" to confirm or reject the appointment of C. C. Mertins, Jr. to the office of Member, State Board of Independent Post-Secondary Vocational, Technical, Trade and Business Schools, because the Select Committee finds that he has tendered his resignation.
- (4) That the Senate refuse to confirm the appointment of Walter C. Young to the office of Member, Board of

Trustees, Broward Community College, because the Select Committee finds that he is a member of the Legislature and appointment to the said additional office would be inconsistent with the provision of Section 3, Article II of the Florida Constitution.

- (5) That the Senate take "no action" to confirm or reject the appointment of Edward J. Trombetta to the office of Secretary, Department of Community Affairs, because the Select Committee finds that he has tendered his resignation.
- (6) That the Senate refuse to confirm the appointments of the following named appointees because the Select Committee finds that each of them has failed or refused to file Financial Disclosure Statements as required by law.
Leroy M. Fulton
Herbert G. Paige
Margaret Blake Roach
Carl S. Williams
Vincent J. Whibbs
W. F. Eldredge
William B. Faber
Edwin E. Crusoe IV
Thomas J. James
Alfred H. Moffat
Marie Louise Whitney
Leonard Sacks
- (7) That the Senate take "no action" to confirm or reject the appointments of the following named appointees because the Select Committee finds that notice of their appointments was received by the committee after the termination of scheduled committee meetings; therefore, the Select Committee could not take action.
Kathleen Ione Anderson
C. Edwin Abbott
Maurice Edgar Luckey
H. Harry Fish
Curtis L. Mack
Betty Wood McNabb
- (8) That there is no necessity known to the Select Committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
EDGAR M. DUNN, JR., Chairman
GEORGE FIRESTONE, Vice Chair-
man
MATTOX HAIR
VERNON C. HOLLOWAY
WALTER SIMS

On motion by Senator Dunn the report of the Select Committee was accepted.

On motion by Senator Dunn, the Senate approved and confirmed the appointments recommended for confirmation by the Select Committee in the foregoing report. The vote was:

Yeas—31

Mr. President	Glisson	McClain	Thomas, P.
Brantley	Gordon	Peterson	Tobiassen
Childers, D.	Graham	Poston	Trask
Childers, W. D.	Henderson	Renick	Vogt
Deeb	Johnston	Sayler	Wilson
Dunn	Lane, D.	Sims	Winn
Firestone	Lewis	Stolzenburg	Zinkil
Gallen	MacKay	Thomas, J.	

Nays—None

On motion by Senator Dunn, the Senate took no action on the following appointments for the reasons given:

W. G. Talley, Jr., Member, Northwest Lake County Hospital District Board of Trustees; Arthur E. Roberts, Member, Board of Trustees, Lake-Sumter Community College; James H. Kimbrough, Member, Board of Trustees, Pasco-Hernando Community College; Byron S. Hollinshead, Member, Ponce De Leon Port Authority; Robert James Courtney, Member, Hillsborough River Basin Water Management Board; Anthony J. Velong,

Member, Pinellas County-Anclote River Basin Water Management Board; Clarence E. Mills, Member, Waccasassa River Basin Water Management Board; Robert W. Padrick, Member, Governing Board, Central and Southern Florida Flood Control District; Kenneth Oertel, Director, Division of Administrative Hearings; Vincent L. Burkhardt, Member, Florida Board of Building Codes and Standards representing electrical contractors; and Jerry P. DeGarmo, Member, Career Service Commission, because the Select Committee finds that they have failed or refused to qualify for office as required by law. Ralph Kettler, Member, Florida State Fair Authority, because said appointee is now deceased. W. D. Frederick, Jr., Mark D. Hollis, John Robert Middlemas and Susan Uhl Wilson, Members, Pollution Control Board, because the Select Committee finds that CS/CS/SB 123 abolishes the Department of Pollution Control from which is formed the Pollution Control Board. Kathleen Ione Anderson, C. Edwin Abbott, Maurice Edgar Luckey, H. Harry Fish, Betty Wood McNabb and Curtis L. Mack because these appointments were received by the Committee after the termination of scheduled committee meetings; therefore, the Select Committee could not take action. Charles E. Freeman, Member, Public Employees Relations Commission; Y. E. Hall, Member, Pollution Control Board; C. C. Mertins, Jr., Member, State Board of Independent Post-Secondary Vocational, Technical, Trade and Business Schools; Edward J. Trombetta, Secretary, Department of Community Affairs, because the Select Committee finds that they have tendered their resignations.

Senator Dunn moved that the Senate refuse to approve and confirm the following appointments for the given reasons:

Paul Pennington to the office of Member, Fire Fighters Standards Council, Department of Community Affairs, because he does not meet the qualifications prescribed in Section 163.471(1), Florida Statutes, for the office to which he was appointed. The Select Committee finds that Paul Pennington was appointed as one of the nine members of the Council to serve as a nonaligned or "consumer" member of the Council, i.e., one who is not a fire fighter, a fire chief or a fire officer; and that Paul Pennington is, and was at the time of his appointment, a retired fire chief. In the opinion of the Select Committee, the appointment of a retired fire chief as the "consumer" or *citizen member* of the Council violates the spirit and legislative intent of Section 163.471(1), Florida Statutes, and thus should *not* be approved or condoned by the Senate.

Charles R. Robinette to the office of Member, Fire Fighters Standards Council, Department of Community Affairs, because he does not meet the qualifications prescribed in Section 163.471(1), Florida Statutes, for the office to which he was appointed. The Select Committee finds that Charles R. Robinette was appointed as one of the nine members of the Council, to serve as a nonaligned or "consumer" member of the Council, i.e., one who is not a fire fighter, a fire chief or a fire officer; and that Charles R. Robinette is and was on the date of his appointment employed as a *fire defense coordinator* by the Division of Forestry, Department of Agriculture and Consumer Services which job involves the coordination of federal fire programs with local fire departments.

Walter C. Young to the office of Member, Board of Trustees, Broward Community College, because the Select Committee finds that he is a member of the Legislature and appointment to the said additional office would be inconsistent with the provisions of Section 3, Article II of the Florida Constitution.

Leroy M. Fulton, Herbert G. Paige, Margaret Blake Roach, Carl S. Williams, Vincent J. Whibbs, W. F. Eldredge, William B. Faber, Edwin E. Crusoe IV, Thomas J. James, Alfred H. Moffat, Marie Louise Whitney, Leonard Sacks. The Select Committee finds that each of these appointees has failed or refused to file Financial Disclosure Statements as required by law.

Senator Saylor offered as an amendment to the motion that the names of Arthur E. Roberts, James H. Kimbrough, Robert James Courtney, Anthony J. Velong, Clarence E. Mills, Robert W. Padrick, Vincent L. Burkhardt, Jerry DeGarmo and W. G. Talley, Jr. be added to the foregoing list of those the Senate refuses to confirm. The amendment failed of adoption.

A motion by Senator Zinkil that the Senate approve and confirm the appointment of Walter C. Young failed of adoption.

The question recurred on the motion by Senator Dunn, which was adopted, and the Senate refused to approve and confirm the foregoing appointees.

The President directed that the Journal reflect that the refusal of the Senate to confirm in each instance was for technical reasons, or constitutional conflict, and cast no aspersions upon the character or qualifications of the appointees in question.

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

SM 1120—A memorial to the Civil Aeronautics Board supporting the request of the South Florida Transatlantic Air Route Committee and urging approval by the Civil Aeronautics Board and the President of the United States.

—which was read the second time by title.

The Committee on Rules and Calendar offered the following amendment which was moved by Senator Poston and adopted:

Amendment 1—On page 3, line 15, insert: WHEREAS, the Civil Aeronautics Board's Bureau of Operating Rights, in its preliminary decision, restricted its recommendation for Miami to expanded service by an incumbent air carrier to Paris and Amsterdam; and

WHEREAS, the Civil Aeronautics Board's Administrative Law Judge, charged with carefully reviewing all proposals in the proceeding, made no recommendation, no decision, no reference to Miami and failed to indicate why he ignored South Florida's case; and

WHEREAS, such totally inadequate responses to South Florida's case, if left unaltered, would deny Floridians and countless others adequate future air service and the economic benefits which would accrue to Florida; and

On motion by Senator Poston, SM 1120 as amended was read in full, unanimously adopted and ordered engrossed.

The Honorable Dempsey J. Barron, President June 2, 1975

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

By the Committee on Ways and Means and Senator Renick—

CS for SB 868—A bill to be entitled An act relating to circuit judges; amending s.26.031(1), Florida Statutes; providing additional circuit judgeships in specified judicial circuits; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 2, line 17, renumber Section 3 as Section 5 and insert:

Section 3. Subsections (1) and (4) of section 28.241, Florida Statutes, 1974 Supplement, are amended to read:

28.241 Filing charges for trial and appellate proceedings.—

(1) The party instituting any civil action, suit or proceeding in the circuit court shall pay to the clerk of said court a service charge of \$15 in all cases in which there are not more than five defendants, and an additional service charge of 50 cents for each defendant in excess of five. An additional service charge of \$2-\$5 shall be paid by the party seeking each severance that is granted. *An additional service charge of \$2 shall be paid to the clerk for each civil action filed, such charge to be remitted by the clerk to the State Treasurer for deposit into the General Revenue Fund unallocated.* Service charges in excess of those herein fixed may be imposed by the governing authority of the county by ordinance or by special or local law, and such excess shall be expended as provided by such ordinance or any special or local law, now or hereafter in force, in providing and maintaining facilities, including a law library, for the use of the

courts of the county wherein the service charges are collected or for a legal aid program *[in such county]. Postal charges incurred by the clerk of the circuit court in making service by certified or registered mail on defendants or other parties in excess of two shall be paid by the party at whose instance the same is served. That part of the within fixed or allowable service charges which is not by local or special law applied to the special purposes shall constitute the total service charges of the clerk of said court for all services performed by him in civil actions, suits, or proceedings.

(4) The clerk of any appellate court except the circuit court, upon the filing of a certified copy of a notice of appeal or petition shall charge and collect a service charge of ~~\$25~~ \$50 for each case docketed, and for copying, certifying or furnishing opinions, records, papers or other instruments and for other services the same service charges as provided in section 28.24.

Section 3. Subsection (3) of section 25.241, Florida Statutes, is amended to read:

25.241 Clerk of supreme court; compensation; assistants; filing fees, etc.—

(3) The clerk of the supreme court is hereby required to collect, upon the filing of a certified copy of a notice of appeal or petition, ~~twenty-five~~ *seventy-five* dollars for each case docketed, and for copying, certifying or furnishing opinions, records, papers or other instruments except as otherwise herein provided, the same fees that are allowed clerks of the circuit court; provided, however, no fee shall be less than one dollar.

House Amendment 2—On page 1, line 8, strike: Providing an effective date. and insert: amending subsection (1) of Section 34.041, Florida Statutes, relating to filing fees; amending section 25.241(3), Florida Statutes; amending section 28.241 (1) and (4), Florida Statutes, providing an effective date.

House Amendment 3—On page 2, line 3, strike "2" and insert: ~~3~~ *2*

On motions by Senator Gallen, the Senate concurred in House amendments 1, 2 and 3 to CS for SB 868.

CS for SB 868 passed as amended by the House amendments, was ordered engrossed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

The Honorable Dempsey J. Barron, President May 30, 1975

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

By Senators Gordon and Graham—

SB 554—A bill to be entitled An act relating to the Unemployment Compensation Law; amending s.443.04(2)(a), (c), Florida Statutes, 1974 Supplement; increasing the maximum weekly benefit amount; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 1, line 27, insert: Section 2 Subsection (1) of section 443.22, Florida Statutes, is amended to read:

443.22 Penalties.—

(1) Whoever makes a false statement or representation, knowing it to be false, or knowingly fails to disclose a material fact to obtain or increase any benefits or other payment under this chapter or under an employment security law of any other state, of the Federal government, or of a foreign government, either for himself or for any other person, shall be guilty of a *felony of the third degree* ~~misdemeanor of the second degree~~, punishable as provided in §775.082, ~~or~~ §775.083, ~~or s.775.084~~ and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

Renumber subsequent sections

House Amendment 2—On page 1, line 8 insert: amending s.443.22, Florida Statutes, increasing the penalty for false statements or representations with respect to the unemployment compensation law;

Senator Gordon moved that the Senate concur in House Amendment 1 to SB 554. The motion was adopted by the following vote:

Yeas—20

Mr. President	Glisson	Lewis	Thomas, P.
Brantley	Henderson	McClain	Tobiassen
Childers, W. D.	Holloway	Saunders	Trask
Deeb	Lane, D.	Spicola	Vogt
Gallen	Lane, J.	Thomas, J.	Ware

Nays—14

Childers, D.	MacKay	Poston	Winn
Gordon	Myers	Renick	Zinkil
Graham	Peterson	Stolzenburg	
Johnston	Plante	Wilson	

By unanimous consent Senator Saunders changed his vote from yea to nay; Senator Sims was recorded as voting yea.

On motion by Senator Gordon, the Senate concurred in House amendment 2 to SB 554.

SB 554 passed as amended by the House amendments, was ordered engrossed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—4

Lane, D.	Plante	Stolzenburg	Thomas, J.
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By unanimous consent Senator Myers was recorded as voting yea.

The Honorable Dempsey J. Barron, President May 30, 1975

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

By the Committee on Agriculture and Senator Stolzenburg and others—

CS for SB 708—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 interim report by the Plant Industry Technical Council to the department and to the Division of Universities of the Department of Education recommending funding; providing for a study of research into lethal yellowing and an interim report to the Department of Agriculture and Consumer Services, to the Division of Universities of the Department of Education and to the legislature; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 4, line 27, strike everything and insert: Section 5. Subsection (4) of section 482.211, Florida Statutes, is renumbered as subsection (5) and a new subsection (4) is added to said section to read:

482.211 Exemptions.—

(4) *This act does not apply to the use of the antibiotic, oxytetracycline hydrochloride, for the control of lethal yellowing.*

Section 6. Subsection (2) of section 487.161, Florida Statutes, 1974 Supplement, is renumbered as subsection (3) and a new subsection (2) is added to said section to read:

(2) *Any person using the antibiotic, oxytetracycline hydrochloride, for the purpose of controlling lethal yellowing is exempted from the licensing provisions of this act.*

Section 7. This act shall take effect July 1, 1975.

House Amendment 2—On page 1, lines 26 and 27, strike everything and insert: to the legislature; adding a new subsection (4) to s.482.211, Florida Statutes; adding a new subsection (2) to s.487.161, Florida Statutes, 1974 Supplement; exempting from the pest control act and the Florida Pesticide Application Act of 1974 the use of the antibiotic, oxytetracycline hydrochloride, for the control of lethal yellowing; providing an effective date.

On motions by Senator Stolzenburg, the Senate concurred in House amendments 1 and 2 to CS for SB 708.

CS for SB 708 passed as amended by the House amendments, was ordered engrossed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Lane, J.

By unanimous consent Senator J. Lane changed his vote from nay to yea; Senators Tobiassen and Hair were recorded as voting yea.

The Honorable Dempsey J. Barron, President May 30, 1975

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

By Senators J. Thomas and Holloway—

SB 781—A bill to be entitled An act relating to barbers; amending ss.476.07(2), 476.16(1)—(3), 476.221, Florida Stat-

utes; providing fees for barbers, barbershops and barber schools; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House amendment 1—On page 3, strike lines 29 and 30 and insert the following: Section 4. Subsections (1) and (2) of section 476.01, Florida Statutes, are amended to read:

476.01 Barbers, apprentices and teachers in barbering schools to be registered.—It is unlawful for any person to:

(1) Engage in the practice or attempt to practice barbering without a certificate of registration as a registered barber, registered apprentice, *registered barber intern teacher*, or registered barbers' assistant issued pursuant to the provisions of this chapter by the Barbers' Sanitary Commission of the Division of Occupations of the Department of Professional and Occupational Regulation.

(2) Teach or attempt to teach in a school of barbering without a certificate of registration as a registered barber teacher or *registered barber intern teacher*, issued by the commission.

Section 5. Paragraph (c) of subsection (1) of section 476.05, Florida Statutes, is amended to read:

476.05 Qualifications of applicants for certificates as barbers.—

(1) Any person is qualified to receive a certificate of registration to practice barbering:

(c) Who has practiced as a registered apprentice for a period of 18 months under the immediate personal supervision of a registered barber or who has practiced as a *registered barber intern teacher for a period of 12 months*; and

The commission shall not waive any of the above qualifications.

Section 6. Paragraph (b) of subsection (1) of section 476.061, Florida Statutes, is amended to read:

476.061 Teachers of barbering; qualification for issuance of certificates of registration; reexamination.—

(1) Any person is qualified to receive a certificate of registration as a teacher of barbering who:

(b) Has practiced as a registered barber for a period of 5 years in the state or *has practiced as a registered barber intern teacher for a period of 12 months*, and

Section 7. Section 476.065, Florida Statutes, is created to read:

476.065 *Intern teachers of barbering; qualifications for issuance of certificates of registration.*—

(1) *Any person is qualified to receive a certificate of registration as an intern teacher of barbering who:*

(a) *Is qualified under the provisions of s.476.06; and*

(b) *Has practiced as a registered apprentice for a period of 6 months under the immediate personal supervision of a registered barber; and*

(c) *Has provided the commission with an affidavit acknowledged under oath that compliance with the provisions of paragraph (b) have been made.*

(2) *A registered barber intern teacher shall practice for a period of 12 months at a registered school or college of barbering licensed under s.476.072 named in the certificate of registration of the intern teacher. If at any time during the period of internship, such intern teacher ceases to practice at the school or college of barbering named in the certificate of registration, his intern training program shall be terminated.*

(3) *No registered school or college of barbering licensed under s.476.072 shall be assigned by the commission more than one intern teacher at a time.*

Section 8. Subsection (1) of section 476.07, Florida Statutes, is amended to read:

476.07 Prerequisites of approved barber schools.—

(1) No school of barbering shall be approved by the commission unless its management and faculty are registered barber teachers or registered barber intern teachers under this chapter, and requires as a prerequisite to admission thereto, the furnishing of evidence of completing a 10th grade education or such applicant shall pass a standard equivalent test for same that shall be uniform throughout the state; provided, however, state vocational rehabilitation clients who furnish a diploma or certified statement showing completion of the eighth grade in school or an equivalent thereto shall be deemed to meet the educational requirements under the provisions of this act. The test shall be administered by the testing center approved by the Department of Education and requires as a prerequisite to graduation a course of instruction and practice of not less than 1,500 hours of continuous study and practice of not more than 8 hours in any 1 day, within a period of 18 months, such course of instruction to include the following subjects: scientific fundamentals for barbering, physiology, hygiene, elementary chemistry relating to sterilization and antiseptics, massaging and manipulating the muscles of the face, neck and scalp, haircutting, bobbing, waving, shaving, beard trimming and dyeing the hair.

Section 9. Paragraph (e) of subsection (2) of section 476.071, Florida Statutes, is hereby repealed, and paragraphs (c), (f), and (g) of said subsection are amended to read:

476.071 Schools or colleges of barbering.—

(2) No school or college of barbering shall be approved by the Barbers' Sanitary Commission and no license shall be issued to operate or conduct any such school or college of barbering unless and until the following provisions are complied with:

(c) One teacher or intern teacher for every 20 students.

~~(e)~~(e) The teacher, other than an intern teacher, shall have completed a postgraduate course in barber teacher theory in an approved school, which school shall regularly offer such a course.

~~(g)~~(f) The teacher, other than an intern teacher, shall pay a teacher license fee of \$50 per year.

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

House Amendment 2—On page 1 in title, line 7, insert the following: between the semicolon and "providing" amending s.476.01(1) and (2), Florida Statutes, permitting registered barber intern teachers to practice and teach barbering; amending s.476.05(1)(c), Florida Statutes, permitting registered barber intern teachers to qualify to be registered barbers after 12 months of interning; amending s.476.061(1)(b), Florida Statutes, permitting registered barber intern teachers to qualify to be registered teachers after 12 months of interning and certification as registered barbers; creating s.476.065, Florida Statutes, providing qualifications for registration as barber intern teachers; requiring intern teachers to intern at school named on certificate; limiting number of intern teachers per school; amending s.476.07(1), Florida Statutes, permitting members of faculty to be intern teachers for purposes of approval of a school or college of barbering by the Barbers' Sanitary Commission of the Division of Occupations of the Department of Professional and Occupational Regulation; amending s.476.071(2)(c), (f), and (g), Florida Statutes, permitting a school or college of barbering to enroll 20 students per intern teacher; exempting intern teachers from certain educational and fee requirements; repealing s.476.071(2)(e), Florida Statutes, relating to educational qualifications for teachers in schools or colleges of barbering;

House Amendment 3—Strike Section 10 and insert the following: Section 10. Section 476.03, Florida Statutes, is amended to read:

476.03 Apprentices.—No registered apprentice may independently practice barbering, but he may as an apprentice do any or all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber or barber teacher; provided that no more than three apprentices shall be employed for each master barber and that there may be no more than three apprentice barbers in any one licensed barber shop.

Section 11. Subsection (4) of section 476.01, Florida Statutes, is amended to read:

476.01 Barbers, apprentices and teachers in barber schools to be registered.—It is unlawful for any person to:

(4) Operate a barber shop or school of barbering unless such shop or school of barbering shall at all times be under the direction, supervision and management of a registered barber or registered barber teacher.

Section 12. Paragraph (c) of subsection (1) of section 476.05, Florida Statutes, is amended to read:

476.05 Qualifications of applicants for certificates as barbers.—

(1) Any person is qualified to receive a certificate of registration to practice barbering:

(c) Who has practiced as a registered apprentice for a period of ~~eighteen~~ six months under the immediate personal supervision of a registered barber.

Section 13. This act shall take effect upon becoming law.

House Amendment 4—On page 1 in title, line 7, insert: after "schools;" the following: amending s.476.03, Florida Statutes, and subsection (4) of s.476.01, Florida Statutes, removing the requirement for immediate personal supervision of barber apprentices; amending paragraph (c) of subsection (1) of s. 476.05, Florida Statutes, reducing from eighteen months to six months the time requirement for an apprentice barber and removing the requirement for immediate personal supervision of an apprentice barber;

On motions by Senator J. Thomas, the Senate concurred in House amendments 1, 2, 3 and 4 to SB 781.

SB 781 passed as amended by the House amendments, was ordered engrossed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

Mr. President	Graham	Peterson	Thomas, P.
Brantley	Henderson	Plante	Tobiassen
Childers, D.	Holloway	Poston	Trask
Childers, W. D.	Johnston	Renick	Ware
Deeb	Lane, D.	Saylor	Winn
Firestone	Lewis	Spicola	Zinkil
Gallen	MacKay	Stolzenburg	
Gordon	Myers	Thomas, J.	

Nays—4

Glisson	Lane, J.	McClain	Saunders
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By unanimous consent Senator MacKay changed his vote from yea to nay; Senator Hair was recorded as voting yea.

The Honorable Dempsey J. Barron, President May 30, 1975

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

By Senator Gordon—

SB 567—A bill to be entitled An act relating to health care facilities; requiring hospitals and nursing homes to establish minimum standards for acceptance of clinical laboratory test results and diagnostic x-rays; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 1, line 25, insert after the word "tests": performed prior to admission

On motion by Senator Gordon, the Senate concurred in the House amendment to SB 567.

SB 567 passed as amended by the House amendment, was ordered engrossed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

By unanimous consent Senator Hair was recorded as voting yea.

The Honorable Dempsey J. Barron, President May 30, 1975

I am directed to inform the Senate that the House of Representatives has passed with 3 amendments—

By Senator Holloway—

SB 126—A bill to be entitled An act relating to motor vehicle license plates; amending s.320.0805(1), (2)(a), (7), (8)(a), Florida Statutes, 1974 Supplement; providing for issuance of personalized prestige license plates for motorcycles; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—Page 1, line 13, strike “paragraph (a)” insert: paragraphs (a) and (d) and on page 2, line 1 insert the following: (b) A special fee of 50 cents to provide either for reflectorization of the prestige license plate or for issuance of an annual revalidation sticker, or both; and

(c) A prestige plate annual use fee of \$10; and

(d) A processing fee of \$2.

Applications and fees shall be accepted by the department commencing ninety days prior to the issuance of such prestige plates, received by the department no later than 60 days prior to the first day of the applicant's registration period.

House Amendment 2—Page 1, line 8, after the semicolon (;) insert the following: requiring applications for prestige license plates be received by the Department of Highway Safety and Motor Vehicles no later than 60 days prior to the first day of the applicant's registration period;

House Amendment 3—On page 1 in title, line 5 after “(a)” add: (d)

On motions by Senator Holloway, the Senate concurred in House amendments 1, 2, and 3 to SB 126.

SB 126 passed as amended by the House amendments, was ordered engrossed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

By unanimous consent Senator Hair was recorded as voting yea.

The Honorable Dempsey J. Barron, President May 30, 1975

I am directed to inform the Senate that the House of Representatives has passed with 6 amendments—

By Senator J. Thomas and others—

SB 722—A bill to be entitled An act relating to horseracing; adding s.550.41(7), Florida Statutes, 1974 Supplement; authorizing the Board of Business Regulation to grant one additional day of racing during the summer thoroughbred racing period in which all profits are to be allocated and paid to the Juvenile Diabetes Research Foundation; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 1, line 15, before the word “section” insert: Section 1. Paragraph (i) is added to subsection (2) of section 550.03, Florida Statutes, 1974 Supplement, to read:

550.03 Charity racing days.—

(2)

(i)1. *The Board of Business Regulation shall authorize the Palm Beach Jai Alai Fronton to conduct a charity day in addition to the charity days presently allowed the jai alai frontons in Palm Beach County under general law.*

2. *The funds derived from the operation of the additional charity day as herein authorized shall be allocated and paid to the Harry-Anna Crippled Children's Hospital located in Eustis.*

and renumber the subsequent sections

House Amendment 2—On page 2, line 4, after the period “” insert: (8) *In addition to any charity days as herein provided, the Board of Business Regulation is authorized to grant one additional day of racing during the summer thoroughbred racing period in which all profits as defined in §550.03(2), Florida Statutes, from said day of operation shall be allocated and paid to Boys' Town of Florida for its use and benefit. The total of all profits derived from operation of such racing on said additional charity day, including all monies which would otherwise be received by the Division of Pari-Mutuel Wagering as taxes for such day's operation, shall be and become a part of the charity trust fund for which such racing on such day is conducted. In addition to §550.03(2), all other pertinent provisions of Chapter 550, Florida Statutes, and the rules and regulations of the Division of Pari-Mutuel Wagering relating to charity days shall be applicable to the additional charity day.*

House Amendment 3—On page 1 in title, line 5, after “(7)” insert: and (8)

House Amendment 4—On page 1, line 15, strike subsection (7) is and insert: subsections (7) and (8) are

House Amendment 5—On page 1 in title, line 4, strike everything after the word “horseracing” insert: and jai alai charity days; adding paragraph (i) to subsection (2) of s.550.03, Florida Statutes, 1974 Supplement, authorizing an additional charity day at the Palm Beach Jai Alai Fronton, the proceeds of which are to be paid to the Harry-Anna Crippled Children's Hospital in Eustis; adding s.

House Amendment 6—On page 1 in title, line 10, after the semi colon “;” insert: authorizing the Board of Business Regulation to grant one additional day of racing for summer thoroughbred tracks in addition to those days presently allowed under law; providing that the proceeds from the additional charity day shall be allocated and paid to Boys' Town of Florida for its use and benefit;

On motions by Senator J. Thomas, the Senate concurred in House amendments 1, 2, 3, 4, 5 and 6 to SB 722.

SB 722 passed as amended by the House amendments, was ordered engrossed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr. President	Gordon	McClain	Stolzenburg
Brantley	Graham	Myers	Thomas, J.
Childers, D.	Henderson	Peterson	Thomas, P.
Childers, W. D.	Holloway	Plante	Tobiassen
Deeb	Johnston	Poston	Trask
Firestone	Lane, D.	Renick	Wilson
Gallen	Lane, J.	Sims	Winn
Glisson	Lewis	Spicola	

Nays—1

Saunders

By unanimous consent Senator Hair was recorded as voting yea.

The Honorable Dempsey J. Barron, President May 30, 1975

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

By Senator Spicola and others—

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 1, lines 17—31, strike all of said lines and on page 2 strike lines 1—10 and on line 16—strike the words Victor George

House Amendment 2—On page 2, line 16, strike the period and insert: the provisions of s.267.062, Florida Statutes, to the contrary notwithstanding.

House Amendment 3—On page 1, line 6 in title, strike Victor George

On motions by Senator Spicola, the Senate concurred in House amendments 1, 2 and 3 to SB 296.

SB 296 passed as amended by the House amendments, was ordered engrossed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

By unanimous consent Senator Hair was recorded as voting yea.

The Honorable Dempsey J. Barron, President May 30, 1975

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

By the Committee on Education—

CS for SB 317—A bill to be entitled An act relating to school construction contracts; amending section 235.33, Florida Stat-

utes; granting full authority and responsibility to district school boards for decisions regarding school construction contract payments; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 1, line 13, strike everything after the enacting clause and insert the following:

Section 1. Subsection (1) of section 231.10, Florida Statutes, is amended to read:

231.10 Florida Council on Teacher Education.—

(1) There is created the Florida Council on Teacher Education, to consist of 23 members appointed by the State Board of Education, pursuant to s.20.15(10). A panel of three nominees for each place on the council shall be submitted to the commissioner of education by each of the following:

(a) Five members shall be designated from institutions of higher learning in the state which offer programs for the preparation of teachers;

(b) Three members representing the institutions of higher learning shall be from the colleges of education of public institutions nominated by the Board of Regents or its successor;

(c) One member representing the institutions of higher learning shall be from the colleges of education of private institutions nominated by the Independent Colleges and Universities of Florida, Inc.;

(d) One member representing the institutions of higher learning shall be from the colleges of arts and sciences of public institutions nominated by the Board of Regents or its successor;

(e) One member shall be a representative of the public community colleges nominated by the Council of Presidents of the Public Community Colleges;

(f) One member shall be a high school principal nominated by the Florida Association of Secondary School Principals;

(g) One member shall be an elementary school principal nominated by the Florida Elementary School Principals Association;

(h) Seven members shall be teachers nominated by the Florida Education Association; two of whom shall be high school teachers; two of whom shall be middle school or junior high school teachers; two of whom shall be elementary school teachers; and one of whom shall be a vocational-technical education teacher;

(i) Two members shall be directors of inservice staff development in school districts, nominated by the director of inservice staff development;

(j) Two members shall be county superintendents nominated by the Florida Association of County Superintendents;

(k) Two members shall be lay persons and members of the district school boards nominated by the Florida School Boards Association, Inc.; and

(l) Two members shall be lay persons who are parents of children attending the public school system and who are not employed in the educational system of the state or any district therein, nominated by the commissioner of education. If in making nominations to the state board of education the commissioner determines that the nominees received as designated herein do not constitute fair and just representation of all employee personnel in a category, he shall notify the governor of this fact and the governor shall nominate a panel of two for the membership category designated by the commissioner.

Section 2. Section 229.802, Florida Statutes, is amended to read:

229.802 Recommendations for improvements in schools and institutions.—The department shall examine the school plant, personnel, instruction, curriculum, schools, methods of keeping accounts, records and reports and other aspects of district school systems and educational institutions; to make recommendations to the proper authorities for needed changes and improvements; and to classify or accredit schools or services on the basis of standards and regulations prescribed by the state board; provided that, in meeting accreditation standards and

regulations, district school boards may choose to meet the accreditation standards and regulations for elementary and secondary schools as adopted and promulgated by the Southern Association of Colleges and Schools in lieu of those promulgated by the State Board of Education.

Section 3. This act shall take effect July 1, 1975.

House Amendment 2—On page 1, line 3, strike The Title and insert: A bill to be entitled An act relating to public schools; amending S.231.10 (1), Florida Statutes; deleting from the provisions on appointment of Florida Council on Teacher Education members all references to nominations by teacher organizations and other nonpublic associations, councils, and corporations and substitute nominations by the governor, amending s.229.802, Florida Statutes, providing for examination of school curriculum by the Department of Education; allowing district school boards the option of meeting the accreditation standards and regulations of the Southern Association of Colleges and schools in lieu of meeting those of the State Board of Education, providing an effective date.

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

Amendment 1A—On page 2, lines 5-15, strike all of section 2

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

Amendment 2A—On page 1, lines 9-15, strike "amending s.229.802, Florida Statutes, providing for examination of school curriculum by the Department of Education; allowing district school boards the option of meeting the accreditation standards and regulations of the Southern Association of Colleges and schools in lieu of meeting those of the State Board of Education,"

On motions by Senator Peterson, the Senate concurred in House amendments 1 and 2 as amended to CS for SB 317 and the House was requested to concur in the Senate amendments to the House amendments.

CS for SB 317 passed as further amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

By unanimous consent Senators J. Thomas and Hair were recorded as voting yeas.

The Honorable Dempsey J. Barron, President May 30, 1975

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

CS for HB 1078

—and requests the concurrence of the Senate.

Allen Morris, Clerk

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

CS for HB 1078—A bill to be entitled An act relating to the Florida retirement systems and the \$8 minimum, amending subsection (1) of section 112.362, Florida Statutes; providing for a \$10 monthly adjustment factor applied to each year of creditable service after 15 years creditable service, repealing subsection (2) of section 112.362, F.S., and creating a new subsection (2); and repealing subsection (3) of section 112.362,

F.S., and creating a new subsection (3), to provide for funding from the General Revenue Fund; providing an effective date.

—was read the first time by title. On motion by Senator Tobiassen, the rules were waived and the bill was placed on the calendar.

On motion by Senator Tobiassen, unanimous consent was obtained to take up CS for HB 1078 out of order. On motion by Senator Tobiassen, by two-thirds vote CS for HB 1078 was read the second time by title.

Senators Myers and Tobiassen offered the following amendment which was moved by Senator Tobiassen and adopted:

Amendment 1—On page 2, line 19, insert: *The additional benefit provided in this paragraph shall not apply to any member who retired from a state retirement system or plan which provides social security coverage for its members.*

On motion by Senator Tobiassen, by two-thirds vote CS for HB 1078 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

By unanimous consent Senator Hair was recorded as voting yeas.

The Honorable Dempsey J. Barron, President May 30, 1975

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

HB 1889

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hazelton (by request)—

HB 1889—A bill to be entitled An act relating to the regulation of aircraft and pilots; amending s.330.46(2)(a), Florida Statutes, by redefining "class 1 aircraft" as aircraft seating in excess of 99 passengers; amending s.330.46(3), Florida Statutes, by redefining "airport" as an area designed for landing aircraft; repealing s.330.46(7), Florida Statutes, pertaining to the definition of area; amending s.330.48(2), Florida Statutes, by providing that the commission shall have authority to approve all rates and schedules; amending the introductory paragraph of s.330.49(1), and paragraphs (b) and (d), Florida Statutes, by providing that an applicant for a certificate or an extension of a certificate specify the airports it intends to serve and the proposed rates and schedules between those airports; amending s.330.49(2), Florida Statutes, by providing a fee of up to \$500 for certificate extension applications; amending s.330.49(4), Florida Statutes, by providing an annual certificate renewal fee of \$100; amending s.330.49(5), Florida Statutes, by providing for notice of applications to all persons serving airports, and providing that the commission shall take into consideration the experience of existing certificated carriers in granting new certificates; amending s.330.49(6)(h) and (i), Florida Statutes, by providing that the commission may consider the experience of certain commission certificated air carriers and public convenience and necessity in issuing a certificate; amending s.330.49(7), Florida Statutes, to provide that the commission may issue certificates with or without modifications, and that when an application is denied, an identical or similar application may not be considered for six months; amending s.330.49(8), Florida Statutes, by providing that all certificates list the airports to be served; creating s.330.491, Florida Statutes, to provide that certificated air carriers maintain a tariff on file, to authorize the commission,

after hearing, to prescribe reasonable rates, to supersede rates found to be unreasonable, to authorize the commission to adopt rules governing the filing of tariffs, to provide that permanent general rate increases may not be authorized by the commission without public hearing, to provide for interim tariff changes, to prohibit carriers from charging other than approved rates; creating s.330.492, Florida Statutes, to provide for transfer of a certificate after application and approval; amending s.330.52(1), Florida Statutes, by authorizing the commission to levy a fine, suspend a certificate where holder fails to conform to the law, commission rules and regulations; providing procedure for declaring certificate dormancy; amending s.330.52(3), Florida Statutes, by authorizing the commission to grant authority to temporarily suspend or delete a certificated route or airport and providing a fee therefor; amending s.330.52(4), Florida Statutes, by authorizing the commission to adopt rules applicable to carriers, provide for taking testimony and depositions, prescribe procedure, exercise all judicial powers, and issue writs to enforce commission orders or requirements, by authorizing the courts of this state to enjoin the illegal operation of air carriers at the instance of the commission; amending s.330.52(5), Florida Statutes, by providing that the evidentiary rules of the circuit courts shall apply to commission hearings, except as otherwise provided by commission rules; amending s.330.52(6), Florida Statutes, by authorizing parties aggrieved by actions of the commission to request reconsideration within fifteen days, deleting the requirement that the commission act on requests for reconsideration within thirty days, and providing for review of commission orders by the supreme court of Florida; providing an effective date.

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

On motion by Senator P. Thomas, by two-thirds vote HB 1889 was withdrawn from the Committee on Commerce and placed on the calendar.

The Honorable Dempsey J. Barron, President May 30, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1857 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hodes (by request)—

HB 1857—A bill to be entitled An act relating to drivers' licenses; creating s.322.112, Florida Statutes; providing for a medical advisory board to advise the Department of Highway Safety and Motor Vehicles on certain medical criteria relating to drivers' licenses; providing for the appointment of a twelve member board, one member of which shall be a medical doctor employed by the Department of Health and Rehabilitative Services; providing for reporting of a driver with mental or physical disability; providing for confidentiality and immunity from legal action; providing an effective date.

—was read the first time by title. On motion by Senator Poston, the rules were waived and the bill was placed on the calendar.

The Honorable Dempsey J. Barron, President May 30, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended —HB 1775

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Foster—

HB 1775—A bill to be entitled An act relating to professional driver training schools and instructors; creating s.488.015, Florida Statutes, providing definitions; amending ss.448.02-448.06, Florida Statutes; providing for licensing and certification; providing for payment of fees; providing for suspension and revocation of licenses and certificates; providing for pro-

mulgation of rules and regulations by the Department of Highway Safety and Motor Vehicles; providing a penalty; creating s.488.08, Florida Statutes; providing for disposition of revenues; repealing s.488.01, Florida Statutes, relating to licensing of driver's schools; providing that act does not apply to driver education programs under s.233.063, Florida Statutes; providing an effective date.

—was read the first time by title. On motion by Senator Poston, the rules were waived and the bill was placed on the calendar.

SPECIAL ORDER

CS for HB 470—A bill to be entitled An act relating to education; amending subsections (2) and (3) to section 233.-0641, Florida Statutes, 1974 Supplement; providing for a free enterprise and consumer education program; providing for elements to be included in such a program; providing an effective date.

—was read the second time by title. On motion by Senator Wilson, by two-thirds vote CS for HB 470 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

By unanimous consent Senator Hair was recorded as voting yea.

On motion by Senator Wilson, by two-thirds vote SB 1121 was removed from the calendar and indefinitely postponed.

On motion by Senator Johnston, by two-thirds vote HB 2151 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

HB 2151—A bill to be entitled An act relating to the official Florida Statutes; amending sections 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes; adopting the Florida Statutes 1975 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 1975 shall be effective immediately upon publication; providing that general laws enacted during the regular session of 1973 and prior thereto and not included in the Florida Statutes 1975 are repealed; providing that general laws enacted during the 1974 regular and special sessions and the 1975 regular session are not repealed by this adoption act.

—was read the second time by title. On motion by Senator Johnston by two-thirds vote HB 2151 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

By unanimous consent Senator Hair was recorded as voting yea.

SB 361 was taken up and on motion by Senator Poston—

HB 1857—A bill to be entitled An act relating to drivers' licenses; creating s.322.112, Florida Statutes; providing for a medical advisory board to advise the Department of Highway Safety and Motor Vehicles on certain medical criteria relating to drivers' licenses; providing for the appointment of a twelve member board, one member of which shall be a medical doctor employed by the Department of Health and Rehabilitative Services; providing for reporting of a driver with mental or physical disability; providing for confidentiality and immunity from legal action; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Poston, by two-thirds vote HB 1857 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

By unanimous consent Senator Hair was recorded as voting yea.

SB 361 was laid on the table.

Consideration of SB 325 was deferred.

SB 572—A bill to be entitled An act relating to the Consultants' Competitive Negotiation Act; amending s.287.055(2), (3)(a), (4)(c), Florida Statutes, and adding subsection (9) to said section; providing a definition; eliminating the public notice and selection process requirements for professional service contracts for projects the estimated basic construction cost of which is \$100,000 or less; excluding from the provisions of said section projects in which the agency is able to reuse existing plans from a prior project; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Graham and adopted:

Amendment 1—On page 2, line 15, after "100,000." insert: *or for a planning or study activity when the fee for professional services exceeds \$5,000*

Amendment 2—On page 2, line 25, after the word "less" insert: *or for a planning or study activity when the fee for professional services is \$5,000 or less*

Amendment 3—On page 1, line 27, after "fixed capital outlay" insert: *study or planning*

Amendment 4—On page 1, line 12, after the word "less" insert: *or a planning or study activity of which the fee is \$5,000 or less*

Senator Peterson moved the following amendments which were adopted:

Amendment 5—On page 1, line 24, following "engineering," insert: *landscape architectural,*

Amendment 6—On page 1, line 19, insert a new Section 1, and renumber subsequent sections

Section 1. Subsection (2)(a), of Section 287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural, engineering, *landscape architectural*, or land surveying services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(a) "Professional services" shall mean those services within the scope of the practice of architecture, professional engineering, *landscape architecture*, or registered land surveying, as defined by the laws of the state, or those performed by any architect, professional engineer, red land surveyor in connection with his professional employment or practice.

Amendment 7—On page 1 in title, line 5, strike the comma (,) and insert: (2)(a),

Senator Graham moved the following amendments which were adopted:

Amendment 8—On page 2, after line 8 and before line 9 insert: (g) A "continuing contract" is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for work of a specified nature as outlined in the contract required by the agency with no time limitation except that the contract shall provide a termination clause.

Amendment 9—On page 2, after line 25 and before line 26 insert: (d) Nothing in this act shall be construed to prohibit continuing contracts between firm and agency.

Amendment 10—On page 1 (title), line 12, after the word "less" and before the (,) insert: and providing that continuing contracts between firm and agency shall not be prohibited by this act

On motion by Senator Graham, by two-thirds vote SB 572 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—33

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

Nays—1

Glisson

By unanimous consent Senator Holloway was recorded as voting yea.

SB 524—A bill to be entitled An act relating to approval of fixed capital outlay program plans and designs for authorized projects; amending s.216.043(1), (2), Florida Statutes; providing for inclusion of statements, standards and criteria, and development plans for evaluation in agency budgets for fixed capital outlay; creating s.216.044, Florida Statutes; providing for the Department of General Services evaluation of proposed fixed capital outlay expenditures; amending s.216.151(4), Florida Statutes, and adding a new subsection to said section; providing for the Secretary of the Department of Administration to prepare a statement of fixed capital outlay policy; creating s.216.182, Florida Statutes; providing for approval of fixed capital outlay by the Department of Administration and review by the Administration Commission; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 3, lines 19 and 28, strike on both lines "and preliminary design"

Further consideration of SB 524 as amended was deferred.

CS for CS for HB 984—A bill to be entitled An act relating to education; enacting the "Public Education Act of 1975"; amending s. 230.2311, Florida Statutes, 1974 Supplement; providing for early childhood and basic skills development plans; providing objectives; providing for implementation; providing for inservice training programs; amending s. 228.041 (19) and (25), Florida Statutes, 1974 Supplement, providing that the gifted shall be included within the definition of "exceptional student"; providing for the inclusion of certain paid and volunteer workers within the meaning of "teacher aide"; adding paragraphs (o) and (p) to s. 230.23(4), Florida Statutes, 1974 Supplement, requiring adoption of plans for early childhood and basic skills development and for assignment of certain teacher aides, as feasible; amending s. 231.141, Florida Statutes, encouraging the assignment of teacher aides; amending s.231.15, Florida Statutes, permitting teacher aides assisting noninstructional personnel to be noncertificated; amending s.234.02(2), Florida Statutes, 1974 Supplement, declaring general purpose urban transit systems qualified to transport children to and from school; amending s. 234.041(1), Florida Statutes, to allow school buses to transport nonstudents under certain conditions; amending s. 236.013(3)(c), Florida Statutes, 1974 Supplement, providing for the Department of Education to determine an equitable method of equivalent funding for alternative school-year programs; amending s. 236.081, Florida Statutes, 1974 Supplement, providing for a single membership survey for programs bridging 2 fiscal years; providing for audit procedures and program reviews by the Department of Education; providing changes in the cost factors; providing for maximums for funding purposes for special programs; deleting provisions relating to a compensatory education supplement; providing for district cost differentials; providing for a district sparsity factor; providing for the computation of district required local effort; providing for categorical programs; providing for the computation of a guaranteed minimum level of funding; providing for advertising requirements on millage by the school districts; providing restrictions on reductions in personnel; amending s. 236.0811, Florida Statutes, 1974 Supplement, providing inservice training for all personnel funded through annual appropriations; adding subsection (9) to s.236.083, Florida Statutes, 1974 Supplement, providing that funds appropriated for public school transportation may be used to pay local general purpose transportation systems; amending s. 237.34(3), Florida Statutes, 1974 Supplement, providing for cost reporting requirements; providing a severability clause; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendments which were moved by Senator Graham and failed:

Amendment 1—On page 3, line 16, strike everything after the enacting clause, and insert: Section 1. Section 236.014, Florida Statutes, is created to read:

236.014 Special laws and general laws of local application prohibited.—

(1) Pursuant to s.11(a)(21) of Article III of the State Constitution, the legislature hereby prohibits special laws and general laws of local application pertaining to:

(a) The assessment or collection of taxes for school purposes, including the determination of millages therefor, the extension of time therefor, relief of tax officers from due performance of their duties, and relief of their sureties from liability; and

(b) The Florida Education Finance Program as enacted in 1973 or as subsequently amended.

(2) All special laws and general laws of local application in existence as of July 1, 1975, pertaining to the subjects enumerated in subsection (1) are hereby repealed to the extent that they are in conflict herewith.

(3) The department shall determine whether or not any district has received additional funds subsequent to June 30, 1973, as a result of any special law or general law of local application described in subsection 1, and shall deduct an amount

equal to any such additional funds from allocations to that district for the 1975-76 fiscal year.

(4) For 1975-76 only, any district in which state funds are reduced by the application of this section is authorized to increase the school tax levy for operating purposes in excess of 8 mills but not to exceed 10 mills for the purpose of securing additional local revenue to replace the amount of state funds withheld, the provisions of s.236.25 to the contrary notwithstanding.

Section 2. Section 236.081, Florida Statutes, 1974 Supplement, is amended to read:

236.081 Funds for current operation of schools.—The annual allocation from the Florida Education Finance Program to each district for current operation of schools shall be determined as follows:

(1) **COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR CURRENT OPERATION.**—The following procedure shall be followed in determining the annual allocation to each district for current operation:

(a) **Determination of full-time equivalent membership.**—During each of several school weeks during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the state board.

(b) **Determination of base student cost.**—The base student cost shall be determined annually by the legislature. For the 1975-1976 ~~1974-1975~~ school fiscal year, the base student cost is fixed at \$745.

(c) **Determination of programs.**—Cost factors based on desired relative cost differences between the following programs are hereby established. However, the application of cost factors in *part-time special* programs for exceptional students ~~identified by the Roman numeral I~~ shall be limited to a maximum of ~~eight~~ ~~twelve~~ twenty-fifths of a student membership in a given program during a week. The criteria for qualification for the special programs shall be determined by regulations of the state board. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten.

1. Basic Programs	Cost Factor
a. Kindergarten and grades 1, 2, and 3	1.20
b. Grades 4, 5, 6, 7, 8, 9, and 10	1.00
c. Grades 11 and 12	1.10
2. Special programs for exceptional students.—	
a. Educable mentally retarded	2.30
b. Trainable mentally retarded	3.00
c. Physically handicapped	3.50
d. Physical and occupational therapy <i>part-time</i> I	6.00
e. Speech and hearing therapy <i>part-time</i> I	10.00
f. Deaf	4.00
g. Visually handicapped <i>part-time</i> I	10.00
h. Visually handicapped	3.50
i. Emotionally disturbed <i>part-time</i> I	7.50
j. Emotionally disturbed	3.70
k. Behavior alternatives socially maladjusted	2.30
l. Specific learning disability <i>part-time</i> I	7.50
m. Specific learning disability	2.30
n. Gifted <i>part-time</i> I	3.00
o. Hospital and homebound <i>part-time</i> I	15.00
3. Special vocational-technical programs.—	
a. Vocational education I	4.26
b. Vocational education II	2.64
c. Vocational education III	2.18
d. Vocational education IV	1.69
e. Vocational education V	1.40
f. Vocational education VI	1.17
4. Special adult general education programs.—	
a. Adult basic education and adult high school	1.60
b. Community service	1.30

(d) *The department is authorized and directed to review all district programs in the areas of exceptional student programs, special vocational-technical programs and special adult general*

education programs. First priority in the assignment of full-time equivalent student membership shall be based on the request of the districts as submitted and approved by the department. Any unassigned full-time equivalent membership shall be allocated to those districts submitting supplemental requests, with priority to those districts with the lowest incident of programs to students identified to be in need of such special programs.

1. The weighted full-time equivalent student membership in special programs for exceptional students shall not exceed 180,872. The weighted full-time equivalent student membership in special vocational-technical programs shall not exceed 295,932. The weighted total full-time equivalent membership for adult basic education and adult high school shall not exceed 32,488. The weighted total full-time equivalent membership for community service shall not exceed 2,780. The Department of Education is directed to review the method of projecting enrollment and determining incidence in all special programs for exceptional students, special vocational-technical programs and special adult general education programs and to report to the 1976 legislature a three-year projected enrollment of full-time equivalent students in these programs.

2. In administering the maximums, the department shall review each district's program and needs with each scheduled student membership survey and may reassign the authorized weighted membership within the maximums provided. In any district in which, after the final assignment, the actual full-time equivalent membership multiplied by the appropriate cost factors exceeds the assigned maximum, such excess full-time equivalent student membership shall be computed as a part of that district's basic program cost category for grades 4-10, at a cost factor of 1.00.

3. A student wishing to accelerate in the basic programs of grades 10, 11 and 12 may be counted as more than one full-time equivalent student during any academic year; provided, that he may not be counted as more than the sum of the weights assigned to the basic programs for those 3 academic years during his academic career.

(e) The department is authorized and directed to establish the office of educational evaluation. The duty of this office shall be to provide educational evaluation services to each school district. Such services shall include performing educational program evaluations of school districts as well as providing technical assistance and training to school districts in how to plan and how to implement district evaluation and program evaluation procedures for evaluating schools within the district. The program evaluation shall consist of:

1. An examination of statewide objectives including:

a. Student achievement of state objectives in the basic skill areas of reading, writing, language, arts, mathematics, science and social studies.

b. The degree to which community involvement meets state objectives.

c. The degree to which the district comprehensive plan complies with statewide objectives.

d. The procedures for diagnosis and placement of students in special programs for exceptional students to determine that the district is following the criteria for placement established by the Department of Education and the procedures for placement established by that district school board. If it is determined that approved criteria and procedures for the placement of students have not been followed by the district, appropriate adjustments in that district's full-time equivalent student count shall be made and any excess funds shall be deducted from subsequent allocations of state funds to that district.

e. The criteria and quality standards by which special programs for exceptional students, special vocational-technical programs, and special adult general education programs are evaluated for quality, efficiency, and effectiveness for which the department is authorized and directed to adopt regulations. It shall be the duty and responsibility of the commissioner to monitor and evaluate programs to determine that they comply with the regulations. Any program not found in compliance with the regulations shall be included in the school district's education finance program calculations at the base student cost factor 1.00 for the resultant full-time equiv-

alent students in such class. The commissioner shall also provide information and assistance to the superintendent and personnel of the district in correcting the cited deficiencies.

2. An examination of districtwide objectives including:

a. Achievement by the district of the goals set forth in the district comprehensive plan.

b. The degree to which the district has implemented the structured program of action contained within its comprehensive plan.

c. The degree to which the district has implemented the evaluation procedures specified in the comprehensive plan.

3. Recommendations to the district school board for improvements in each of the areas of examination specified in subparagraph 1.

4. Commencing with the 1976-1977 school year and not less than once every three years, each school district shall be evaluated by the office of educational evaluation, which shall review with the district administration the evaluation report. The office of educational evaluation shall publish its evaluation report and the district administration's response prior to a public meeting in the district's county seat to discuss the results of the evaluation review.

5. The educational evaluator shall report directly to the commissioner of education and the legislature annually, stating the activities of the office of educational evaluation during the reporting period, summarizing the accomplishments and the deficiencies of the districts evaluated during the year, recommending the means by which the department may improve its services to the school districts and recommending such revisions in the Florida School Code as the educational evaluator deems appropriate to improve the public school system, including the organization and operation of the department, school districts and the public schools of the state. Copies of the report shall be furnished to the state Board of Education and the presiding officers of and education committee chairmen in each house of the legislature.

6. By January 1, 1976, the commissioner of education shall develop and implement an integrated educational information system. Such a system shall contain an overall conceptual design of a complete system encompassing the management decisions to be made at the individual school, district and state level and the information needed for such decisions to include fiscal, student, program, personnel, facility, community and other relevant data and the relationship between costs and effectiveness. By October 1, 1975, the commissioner shall submit an interim progress report to the legislature.

(f) ~~(d)~~ Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by

2. The cost factor for each program, adjusted for the maximum as provided by paragraph (d) above, multiplied by

3. The base student cost figure.

(2) COMPUTATION OF COMPENSATORY EDUCATION SUPPLEMENTAL COST FACTOR.—Beginning with the 1976-1977 ~~1975-1976~~ fiscal year, a supplement to the base student cost shall be added to all full-time equivalent students in basic programs qualifying for compensatory education in accordance with criteria, including low achievement test scores, socioeconomic level, and low standard English comprehension level, established by regulations of the state board. Such regulations shall be designed to maintain consistency with applicable federal law and regulations so as to prevent impairment, interruption, or loss of any federal funds allocated to the state for compensatory education of public school students. The Department of Education shall, after taking into consideration all funds available from all sources, annually recommend to the legislature an amount sufficient to carry out the purposes of this program. The legislature shall annually fix such supplement on a full-time equivalent student basis.

(3) DETERMINATION OF DISTRICT COST DIFFERENTIALS.—The district cost differentials shall be determined by the legislature. Beginning with the 1976-1977 fiscal year, the

district cost differential shall be the average of the 3 prior year cost differentials. For the 1975-1976 ~~1974-1975~~ fiscal year, the district cost differential factors shall be:

District Cost Differential

District	Factor
(a) Alachua	0.974 0.978
(b) Baker	0.948 0.958
(c) Bay	0.954 0.946
(d) Bradford	0.920 0.941
(e) Brevard	0.976 0.975
(f) Broward	1.052 1.045
(g) Calhoun	0.907 0.883
(h) Charlotte	0.998 1.002
(i) Citrus	0.949 0.943
(j) Clay	0.977 0.981
(k) Collier	1.049 1.052
(l) Columbia	0.975 0.948
(m) Dade	1.061 1.085
(n) DeSoto	0.949 0.941
(o) Dixie	0.937 0.937
(p) Duval	0.974 0.975
(q) Escambia	0.940 0.938
(r) Flagler	0.961 0.931
(s) Franklin	0.921 0.922
(t) Gadsden	0.908 0.906
(u) Gilchrist	0.942 0.943
(v) Glades	0.957 0.960
(w) Gulf	0.916 0.915
(x) Hamilton	0.925 0.901
(y) Hardee	0.939 0.923
(z) Hendry	0.984 0.901
(aa) Hernando	0.943 0.935
(bb) Highlands	0.957 0.933
(cc) Hillsborough	0.967 0.962
(dd) Holmes	0.904 0.893
(ee) Indian River	0.995 0.992
(ff) Jackson	0.915 0.896
(gg) Jefferson	0.942 0.922
(hh) Lafayette	0.929 0.900
(ii) Lake	0.962 0.955
(jj) Lee	1.006 0.990
(kk) Leon	0.978 0.994
(ll) Levy	0.937 0.928
(mm) Liberty	0.907 0.910
(nn) Madison	0.932 0.919
(oo) Manatee	0.984 0.980
(pp) Marion	0.972 0.974
(qq) Martin	1.010 1.007
(rr) Monroe	1.053 1.037
(ss) Nassau	0.938 0.937
(tt) Okaloosa	0.956 0.952
(uu) Okeechobee	0.933 0.905
(vv) Orange	0.966 0.953
(ww) Osceola	0.962 0.940
(xx) Palm Beach	1.052 1.045
(yy) Pasco	0.945 0.933
(zz) Pinellas	0.996 0.980
(aaa) Polk	0.968 0.945
(bbb) Putnam	0.946 0.948
(ccc) St. Johns	0.972 0.948
(ddd) St. Lucie	0.995 1.012
(eee) Santa Rosa	0.940 0.936
(fff) Sarasota	1.013 1.007
(ggg) Seminole	0.966 0.953
(hhh) Sumter	0.952 0.940
(iii) Suwannee	0.929 0.924
(jjj) Taylor	0.944 0.932
(kkk) Union	0.929 0.922
(lll) Volusia	0.978 0.980
(mmm) Wakulla	0.948 0.957
(nnn) Walton	0.921 0.922
(ooo) Washington	0.904 0.887

(4) DETERMINATION OF DISTRICT SPARSITY FACTOR.—The district sparsity factor shall be computed as follows:

$$\text{Sparsity Factor} = 1101.8918 \text{ divided by } (2700 + \text{district sparsity index}), - .1101$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000 and districts having a sparsity index of 7,308 and above shall be

computed as having a sparsity factor of zero. The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education. For the 1975-1976 fiscal year each district sparsity factor shall be multiplied by .20. For the 1976-1977 fiscal year each district sparsity factor shall be multiplied by .40. For the 1977-1978 fiscal year each district sparsity factor shall be multiplied by .60. For the 1978-1979 fiscal year each district sparsity factor shall be multiplied by .80. For the 1979-1980 fiscal year and each year thereafter, each district sparsity factor shall be multiplied by 1.00.

(5) (4) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsections (1) and (3), \$5 per full-time equivalent student shall be expended for educational training programs as determined by the district school board as provided in s.236.0811. If a district has an approved teacher education center, at least \$3 of the \$5 shall be expended as provided in s.231.600-231.610.

(6) (5) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The amount that each district shall provide toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Annually For the 1974-1975 fiscal year, on or before July 25, the Department of Revenue shall, based upon the latest available data, certify to the Department of Education its latest estimate of the current total statewide nonexempt assessed valuation for school purposes. Not later than August 1, the Department of Education shall compute the millage rate which, when applied to 95 percent of said estimate, would generate an amount equal to \$543,000,000 ~~\$487,400,000~~. The millage so determined shall be certified by the department to each school district, and such millage rate as applied to the official final roll shall be represent the required local effort for each district. For the purposes of this subsection, the official final tax roll shall be the tax roll on which tax bills are computed and mailed to the taxpayers. For 1975-1976 and each year thereafter, the district required local effort shall be determined by the legislature. However, this amount shall not exceed 8 mills of tax on 95 percent of the nonexempt assessed valuation for school purposes included in the preceding calendar year tax roll as certified, or deemed acceptable, by the Department of Revenue.

(b) In those instances in which:

1. There is litigation attacking the authority of the assessor to include certain property on the tax assessment roll as taxable property;

2. The tax collector has been directed by the court not to collect taxes on such property or has been directed not to disburse to the tax-levying authorities such taxes; and

3. The assessed value of the property in contest involves more than 10 percent of the total nonexempt assessment roll, 95 percent of the assessed value of the property in contest shall be excluded for purposes of computing the district-required local effort.

(c) Following final adjudication of any litigation [on the basis of which an adjustment in nonexempt valuation was made pursuant to paragraph (b).] the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing nonexempt valuations approved by the court, and shall adjust subsequent allocations to such districts accordingly.

(7) (6) CATEGORICAL PROGRAMS.—The legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the legislature that no transitional categorical program shall be funded for more than 4 fiscal years from the date of original authorization or from July 1, 1973, whichever is later. Such programs are as follows:

(a) General.—

1. Comprehensive school construction and debt service as provided by law.
2. Community schools as provided by law.
3. Educational leadership training act programs as provided by law.
4. School lunch programs for the needy as provided by law.
5. Instructional material funds as provided by law.
6. Vocational improvement fund as provided by law.
7. Student transportation as provided by law.

(b) Transitional.—

1. Bilingual program as provided by law.
2. Driver education as provided by law.
3. Elementary school counselors as provided by law.
4. Occupational specialists and placement specialists as provided by law.
5. Safe school program as provided by law.
6. Comprehensive health education as provided by law.
7. Exceptional child support services as provided by law.
8. Severely and profoundly retarded as provided by law.
9. Career education programs provided by law.

(8)(7) **TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.**—The total annual state allocation to each district for current operation shall be distributed periodically in the manner prescribed by regulations of the state board and shall be calculated as follows:

(a) The basic amount for current operation as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (3) plus the district sparsity factor as determined in subsection (4), less the required local effort as determined in subsection (6). (5), plus the amount for the categorical programs for transportation, elementary counselors, and occupational specialists and placement specialists, as established in subsection (6). If the funds appropriated for the purpose of implementing this subsection are not sufficient to pay the requirements in full, the Department of Education shall prorate the available funds on a percentage basis. If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state's requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation as provided in this paragraph for all districts collectively and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district, and the remainder shall be the amount of state funds allocated to the district for current operation. For the fiscal year 1975-76, if the funds appropriated for the purpose of implementing this subsection exceed the amount necessary to pay the requirements in full, the department is authorized to increase the maximum authorized weighted membership for special programs as fixed herein, and to apply the excess appropriation to the funding of such programs to the extent of the funds appropriated. If the funds appropriated for the purpose of implementing this subsection exceed the amount necessary to pay the requirements in full, the excess appropriation shall be transferred to, and become a part of, the appropriation for the comprehensive school construction and debt service program and shall be allocated by the department in the manner prescribed by s.236.084. The amount to be transferred shall not exceed the difference between the dollar value of the required local effort as set

forth herein and the actual final computed required effort as generated by the millage required to participate in the program.

(b) The amount thus obtained shall be the net annual allocation to each school district, provided, however, if it be determined that any school district received an under-allocation or over-allocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted.

(9) **MAINTENANCE OF EFFORT.**—The commissioner shall determine the following data for each district:

(a) For the prior year the sum of the net state allocation for the basic amount for current operation, exclusive of transportation and all other categorical programs, plus the calculated yield of the actual nonvoted millage levied by the district for that year multiplied by 95 percent of the non-exempt assessed valuation for school purposes, divided by the actual full-time equivalent students to determine the dollars available for each full-time equivalent student.

(b) For the current year the sum of the estimated net state allocation for the basic amount for current operation, including the amount for the sparsity index, plus the calculated yield of 8 mills of tax on 95 percent of the estimated calendar year's tax roll of nonexempt property for school purposes used to determine the minimum millage required to participate in the Florida Education Finance Program, divided by the number of full-time equivalent students estimated as of August 1, to determine the estimated dollars available for each full-time equivalent student for the current year.

(c) In any district in which the amount in paragraph (b) is less than the amount determined in paragraph (a) this difference shall be multiplied by the estimated full-time equivalent students used in the calculations in paragraph (b) to determine the aggregate deficiency in total funds estimated to be available for the current year.

(d) In any district in which a deficiency of funds is determined in paragraph (c) the commissioner shall compute the additional local tax revenue needed to provide the same amount of dollars for each full-time equivalent student in the current year that was available for each full-time equivalent student in the prior year, and calculate the millage or fractional millage that would be needed to produce this additional amount. At the time the commissioner certifies the minimum millage to be levied in order to participate in the Florida Education Finance Program, he shall also certify the additional millage in excess of 8 mills that could be levied to produce an amount equal to the deficiency determined in paragraph (c). Upon receipt of this certification from the commissioner, the district school board is authorized to certify a tax levy for the current operating purposes in excess of the 8 mills prescribed in s.236.25 but not to exceed the maximum millage contained in the commissioner's certification.

(b) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding for the 1974-1975 fiscal year in the amount and manner prescribed below:

1. The department shall determine the value per full-time equivalent student for the 1973-1974 fiscal year for each district as follows: Divide the total number of full-time equivalent students included in the 1973-1974 Education Finance Program into the sum of:

a. The 1973-1974 state allocation for: Current operation, as provided in s.236.081(6)(a) and (b); student transportation, as provided in s.236.083(7); elementary school counselors, as provided in s.236.086; occupational specialists, as provided in s.236.085, and tax loss resulting from the additional homestead exemptions, as provided in s.196.031(4); and

b. The calculated yield of the actual nonvoted millage levied by the district during the 1973-1974 fiscal year on 95 percent of the 1973 calendar year nonexempt assessed valuation of the district for school purposes, as determined pursuant to the provisions of subsection (5).

2. The value per full-time equivalent student determined in subparagraph 1. shall be increased by 10 percent.

3. The amount determined in subparagraph 2. shall be multiplied by the number of full time equivalent students included in the final estimated computation of the 1974-1975 Education Finance Program.

4. The amount determined in subparagraph 3. shall be the minimum level of funding for each district for the 1974-1975 fiscal year. Such amount shall include the following:

a. The state allocation for current operation, as provided in paragraph (a), exclusive of all categorical programs, with the exception of student transportation, elementary school counselors, and occupational specialists and placement specialists; and

b. The calculated yield of the allowable nonvoted millage during the 1974-1975 fiscal year on 05 percent of the 1974 calendar year nonexempt assessed valuation of the district for school purposes as prescribed in s.236.26.

5. In any district in which the amount determined in subparagraph 3. does not equal or exceed the sum of the sources specified in subparagraph 4., the state share of this total shall be increased in an amount sufficient to assure that each district receives the amount determined in subparagraph 3.

6. If the millage levy proposed by the district school board in conjunction with state funding as provided in subparagraph 4.a. is calculated to produce an amount in excess of the amount determined in subparagraph 3., the district school board shall advertise such fact and the proposed millage levy in the manner prescribed in s.200.065(3) and (4).

(c) The department is authorized and directed to review all district programs in the areas of exceptional student programs and vocational education. First priority in the assignment of full time equivalent student membership shall be based on the request of the districts as submitted and approved by the department. Any unassigned full time equivalent membership shall be allocated to those districts submitting supplemental requests, with priority to those districts with the lowest incident of programs to students identified to be in need of such special programs.

1. For the fiscal year 1974-1975 the state total full-time equivalent student membership multiplied by the appropriate cost factors shall not exceed the following maximums:

a. One hundred fifty-two thousand four hundred and nine for all cost categories in special programs for exceptional students.

b. Three hundred five thousand eight hundred and thirty-five for all categories in vocational technical and special adult general education programs.

2. In administering the maximums, the department shall review each district's program and needs with each scheduled student membership survey and reassign the authorized weighted membership within the maximums provided herein. In any district in which, after the final assignment, the actual full time equivalent membership multiplied by the appropriate cost factors exceeds the assigned maximum, such excess full time equivalent student membership shall be computed as a part of that district's basic program cost category for grades 4-10, at a cost factor of 1.00.

Section 3. Section 236.0811, Florida Statutes, 1974 Supplement, is amended to read:

(Substantial rewording of section. See s.236.0811, F.S., 1974 Supplement, for present text.)

236.0811 Educational training.—Each school board shall develop and maintain an educational training program. Funds appropriated to school districts for the purposes of this section shall be used exclusively for educational training programs meeting criteria established by the Department of Education. When a district has an approved teacher education center, the in-service programs shall be conducted in accordance with the provisions of the Teacher Education Center Act of 1973 (ss. 231.600-231.610), as amended.

Section 4. Section 236.083, Florida Statutes, 1974 Supplement, is amended by adding subsection (9) to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to the public schools of students in kindergarten through grade 12 and exceptional students shall be determined as follows:

(9) Pursuant to policies and regulations to be adopted by the Commissioner of Education, each school board may submit to the commissioner a proposed program designed to coordinate the use of public school buses. With the concurrence of the appropriate controlling agencies, authority or owner of other available transportation equipment for public conveyance, such equipment may be used not only for transportation of students, but also for the elderly, the handicapped, and other similarly needy segments of society. The superintendent shall prepare an itemized statement of the estimated total cost of the program, and a copy of the school board resolution indicating its intention to provide at least one-half of the total cost of the program either directly, or through the use of available federal funds. The program may authorize the school board with the concurrence of the appropriate controlling agencies, authority, or owner to impose fares for the use of the transit service provided. The commissioner shall review and approve, disapprove, or resubmit to the school board for modification of all proposed programs submitted. For the fiscal year 1975-76, the commissioner shall approve pilot programs in up to three school districts, and shall authorize distribution of funds in an amount not to exceed one-half of the total cost of the proposed pilot programs. The funds necessary to implement the pilot programs shall be subtracted from the total student transportation funds available to the districts prior to their allocation as determined by subsection (7), provided, however, that the total dollars allocated for the three programs in fiscal year 1975-1976 shall not exceed \$100,000. The commissioner shall, at least 30 days prior to the 1976 regular session of the legislature, transmit to members of the State Board of Education, the president of the senate and speaker of the house of representatives an appraisal of the pilot programs, including a recommendation as to possible expansion of the programs into all 67 school districts, and any other recommendation deemed by the commissioner to be appropriate.

Section 5. Section 236.122, Florida Statutes, 1974 Supplement, is amended to read:

236.122 Allocation for instructional materials.—The department is authorized to allocate and distribute to each district an amount as prescribed annually by the legislature for instructional materials for use in grades K-12, exceptional education programs and vocational education programs, which will provide for growth and maintenance needs. The annual allocation shall be determined as follows:

(1) The growth allocation for each school district shall be calculated as follows:

(a) Subtract by subtracting from that district's projected full-time equivalent membership used in determining the appropriation for the Florida Education Finance Program the prior year's full-time equivalent membership of that district and

(b) Multiply multiplying any increase in full-time equivalent membership by the average cost of a set of instructional materials, as determined by the department, or as provided for in the General Appropriations Act.

(c) The amount thus determined shall be that district's total allocation for growth for the school year.

(2) The maintenance of the instructional materials allocation for each school district shall be calculated by multiplying each district's prior year full-time equivalent membership by 20 percent of the average cost of a set of instructional materials as determined in subsection (1). The amount thus determined shall be that district's total allocation for maintenance for the school year.

(3) In the event the funds appropriated are not sufficient for the purposes of implementing this section in full, the department shall prorate the funds available for instructional materials after first funding in full each district's growth allocation.

Section 6. Subsection (3) of section 233.14, Florida Statutes, 1974 Supplement, is amended to read:

233.14 Bids or proposals; advertisement and its contents; sample books; where deposited.—

(3) Specimen copies of all materials upon which bids or proposals are based shall be delivered by the bidder to the department for distribution to each member of the state instructional materials council.

Section 7. Section 229.802, Florida Statutes, and subsection (2) of section 233.48, Florida Statutes, 1974 Supplement, are hereby repealed.

Section 8. Section 233.22, Florida Statutes, 1974 Supplement, is amended to read:

233.22 Requisition of instructional materials from publisher's depository.—The superintendent shall requisition adopted instructional materials from the depository of the publisher with whom a contract has been made. The superintendent shall verify that such requisition is complete and accurate and order the depository to forward to him the adopted instructional materials shown by the requisition. The depository shall prepare an invoice of the materials shipped, including shipping charges, and mail it to the superintendent to whom the shipment is being made. The superintendent shall pay the depository within 60 days after receipt of the requisitioned materials from the appropriation for the purchase of adopted instructional materials. ~~The superintendent shall also pay the transportation charges incurred in the shipment of adopted materials and shall requisition from the department reimbursement for these charges. The department shall make such reimbursements from the funds budgeted for that purpose.~~

Section 9. Section 237.081, Florida Statutes, is amending by adding subsection (2) to read:

237.081 Public hearings; budgets to be submitted to Department of Education.—

(2) *If the legislature proposes to establish a tax levy for operating purposes for the districts in excess of the millage required of the districts in the prior fiscal year, it shall advertise such fact in newspapers of general circulation throughout the state. Such advertisement shall be one-quarter page in size and be printed in at least 18 point type size. The advertisement shall contain the proposed millage levy, and the date, time and place of public hearing to be held on the issue.*

Section 10. Subsection (10) is added to section 200.065, Florida Statutes, 1974 Supplement, to read:

200.065 Method of fixing millage.—

(10) *The provisions of this section shall not be applicable to district school boards or school taxes.*

Section 11. Subsection (3) of section 237.34, Florida Statutes, 1974 Supplement, is amended and subsection (4) is added to read:

237.34 Comprehensive information, accounting and reporting system.—

(3) **COST REPORTING.**—Each district shall report expenditures of all funds on a school-by-school and on an aggregate-district basis in accordance with standards provided by the department. Definitions of program categories and cost elements to be reported shall be prescribed by regulations of the state board and shall include the programs set forth in s.236.081(1)(c). In the 1974-1975 fiscal year, each district shall report to the Department of Education the percent and dollar amount of current operating funds of the Florida Education Finance Program, exclusive of categorical program funds and funds expended in the manner prescribed by s.236.081(5) (4), expended by program-cost categories that generate the funds. By the 1975-1976 fiscal year, an amount equal to at least 70 percent of current operation funds of the Florida Education Finance Program, exclusive of categorical program funds and funds expended in the manner prescribed by s.236.081(5) (4), shall be expended by program-cost categories in the district that generates the funds, and the school shall report similar expenditures and percents for basic programs. By the 1976-1977 fiscal year, 80 percent of current operation funds of the Florida Education Finance Program shall be expended by basic program-cost categories in each school that generates the funds and by special program-cost categories in the district that generates the funds. A district-by-district accounting shall be made for all categorical programs identified in s.236.081(7) ~~s.236.081(6)~~, and such funds shall be expended for the costs of the identified programs in accordance with regulations of the state board. All districts, in cooperation with the department, shall plan mutually compatible programs for the refinement of cost data and the improvement of the accounting and reporting system. The department shall report to the legislature 60 days prior to the opening of the regular 1975 and

1976 Sessions on the status of district programs and the state's own program for improvement of accounting and reporting of cost data on a statewide compatible basis. The report shall include the anticipated degree of implementation in the current fiscal year. The refinements and improvements identified in the district's plan and the state plan shall be accomplished by July 4, 1976. Each approved district plan and the state plan shall incorporate procedures, or the alternatives considered, for minimizing the number and complexity of reports from the school level.

(4) **PROGRAM COST CATEGORIES.**—*For the purposes of this section, the following shall constitute district programs:*

- (a) *kindergarten and grades 1, 2 and 3;*
- (b) *grades 4 through 10;*
- (c) *grades 11 and 12;*
- (d) *all special programs for exceptional students;*
- (e) *all special vocational technical programs; and*
- (f) *all special adult general education programs.*

Section 12. Subsection (19) of section 228.041, Florida Statutes, 1974 Supplement, is amended to read:

228.041 Specific definitions.—Specific definitions shall be as follows and wherever such defined words or terms are used in the Florida School Code they shall be used as follows:

(19) **EXCEPTIONAL STUDENTS.**—The term "exceptional student" means any child or youth who has been certified by a specialist qualified under regulations of the state board to examine students who may be unsuited for enrollment in a regular class of the public schools or is unable to be adequately educated in the public schools without the provision of special classes, instruction, facilities, or related services, or a combination thereof. The term "exceptional student" includes the following: The mentally retarded, the speech-impaired, the deaf and hard of hearing, the blind and partially sighted, the crippled and other health-impaired, the emotionally disturbed and behavior alternatives ~~socially maladjusted~~, and those with specific learning disabilities, and ~~may include~~ the gifted.

Section 13. This act shall take effect July 1, 1975.

Amendment 2—On page 1, line 16, strike the title and insert: An act relating to education; creating s.236.014, Florida Statutes; prohibiting special laws and general laws of local application pertaining to taxes for school purposes or to the Florida Education Finance Program; repealing existing special laws and general laws of local application in conflict with this act; providing for deductions from allocations of state funds to certain school districts under certain circumstances; amending s.236.081, Florida Statutes, 1974 Supplement; providing for the determination of the base student cost, program cost factors, special program weights, acceleration in grades 10, 11 and 12, the creation of the office of educational evaluation, the basic amount for current operation, district cost differentials, district sparsity factors, educational training, the required local effort, the total allocation to each district for current operation, a district-funded hold harmless; amending s.236.0811, Florida Statutes, 1974 Supplement, providing for educational training; amending s.236.083, Florida Statutes, 1974 Supplement, adding subsection (9), to establish joint-use public transportation systems; amending s.236.122, Florida Statutes, 1974 Supplement, relating to the allocation for instructional materials; amending s.233.14(3), Florida Statutes, 1974 Supplement, relating to bids or proposals for instructional materials; amending s.233.22, Florida Statutes, 1974 Supplement, relating to the requisition of instructional materials; amending s.237.081, Florida Statutes, adding subsection (2), relating to advertising an increase in taxes; amending s.200.065, Florida Statutes, 1974 Supplement, adding subsection (10), exempting school boards from the provisions of the section; amending s.237.34(3), Florida Statutes, 1974 Supplement, and adding subsection (4), relating to cost accounting and reporting; amending s.228.041(19), Florida Statutes, 1974 Supplement, relating to the definition of exceptional students; repealing s.229.802, Florida Statutes, relating to recommendations for improvements in the school plant; repealing s.233.48(2), Florida Statutes, 1974 Supplement, relating to the superintendent's request for funds; providing an effective date.

Further consideration of CS for CS for HB 984 was deferred.

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until 12:30 p.m.

Consideration of HB 1909 and CS for HB 1572 was deferred.

On motion by Senator Myers, by two-thirds vote CS for HB 1358 was withdrawn from the Committees on Governmental Operations, Commerce and Ways and Means and placed on the calendar.

SB 1311 was taken up and on motion by Senator Myers—

CS for HB 1358—A bill to be entitled An act relating to pilots and stevedores; repealing chapters 310, 311 and 312, Florida Statutes; creating a new chapter 310, Florida Statutes; providing for a state board of pilot commissioners and the qualifications of its members; providing how the board shall be constituted; providing for an oath for the members of the board; providing for the organization of the board; providing for meetings of the board; providing the board power to promulgate rules and regulations; authorizing the board to employ personnel; providing quotas for licensed pilots; providing the 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 board with powers; providing the board with the power to discipline, suspend or revoke a pilots license or a deputy pilots' certificate; providing for the investigation of casualties; and providing for annual fees and a percentage of pilotage; providing 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; creating a new chapter 311, Florida Statutes; providing a definition of port authority; providing for the appointment, licensing and bonds of stevedores; transferring the functions of the boards of port wardens and pilot commissioners to the state board of pilot commissioners and to certain port authorities; amending section 313.01(1), Florida Statutes, and repealing s.314.03, Florida Statutes, to eliminate harbormasters as ex officio members of the board of port wardens and pilot commissioners; creating subsection (9)(q) of section 20.30, Florida Statutes, to add the state board of pilot commissioners; repealing subsection (10)(j) of section 20.30, Florida Statutes, to eliminate the boards of port wardens and pilot commissioners; amending section 215.37(1), Florida Statutes, to add the state board of pilot commissioners; providing a severability clause; providing an effective date.

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

Senator Deeb moved the following amendments which were adopted:

Amendment 1—On page 4, line 22, after the word "Tampa" insert: St. Petersburg,

Amendment 2—On page 4, line 2, strike "seven" and insert: eight

On motion by Senator Myers, by two-thirds vote CS for HB 1358 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 1311 was laid on the table.

SB 928 was taken up and on motion by Senator Plante—

HB 2146—A bill to be entitled An act relating to the division of hotels and restaurants; amending s.509.302(3), F.S., designating a title for the hospitality education program; levying an additional fee on all public lodging establishments and all public food service establishments for the purpose of funding the program; providing an effective date.

—a similar measure was substituted therefor and read the second time by title. On motion by Senator Plante, by two-thirds vote HB 2146 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

By unanimous consent Senator Dunn was recorded as voting yea.

SB 928 was laid on the table.

On motion by Senator Winn, by two-thirds vote HB 1150 was withdrawn from the Committee on Governmental Operations and placed on the calendar.

SB 590 was taken up and on motion by Senator Winn—

HB 1150—A bill to be entitled An act relating to environmental control; amending s.403.413(2)(c), Florida Statutes, and adding a new subsection; including certain persons designated as litter enforcement officers within the definition of "law enforcement officer" for purposes of enforcement of the Florida Litter Law; requiring the Board of County Commissioners to determine the training and qualifications of such persons under certain conditions; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Winn, by two-thirds vote HB 1150 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 590 was laid on the table.

On motion by Senator Trask, by two-thirds vote CS for HB 1533 was withdrawn from the Committee on Governmental Operations and placed on the calendar.

SB 807 was taken up and on motion by Senator Trask—

CS for HB 1533—A bill to be entitled An act relating to pollution control; amending ss.381.293(3) and 403.101(2), Florida Statutes; exempting from the requirements of such subsections domestic water supply or waste-water plants which supply or treat 25,000 gallons or less per day; providing an effective date.

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

Senator Trask moved the following amendments which were adopted:

Amendment 1—On page 1, lines 22 and 23, strike “supplying or treating” and insert: with a rated gallonage capacity of

Amendment 2—On page 2, lines 10 and 11, strike “supplying or treating less than 25,000 gallons” and insert: with a rated gallonage capacity of 25,000 gallons or less

Amendment 3—On page 1 in title, line 8, strike “which supplying or treat” and insert: with a rated gallonage capacity of

On motion by Senator Trask, by two-thirds vote CS for HB 1533 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—3

Graham	Vogt	Wilson
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By unanimous consent Senator Spicola was recorded as voting yea.

SB 807 was laid on the table.

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 29, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 1780 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Finance & Taxation and Community Affairs and Representative Boyd and others—

CS for CS for HB 1780—A bill to be entitled An act relating to community development; amending chapter 163, Florida Statutes, to create part VI, entitled “New Communities”; providing definitions; providing that this act shall constitute the sole authority for the establishment of new community districts; providing for establishment of a new community district by petition; providing the required contents of such petition; providing for a hearing on the petition; providing for judicial review; providing for termination, contraction or expansion of such districts; providing for the governing body of such districts; providing for general powers of such districts; providing for special powers of such districts relating to public improvements and community facilities, special assessments and maintenance taxes, and borrowing; providing for reports by such districts; providing for the disclosure of public financing; prohibiting special acts pertaining to new community districts; providing an effective date.

—was read the first time by title. On motion by Senator Deeb, the rules were waived and the bill was placed on the calendar.

On motions by Senator Deeb, by two-thirds vote CS for CS for HB 1780 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—4

Glisson	Plante	Vogt	Wilson
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Senator P. Thomas presiding

HB 1289—A bill to be entitled An act relating to the Florida Criminal Code; amending s.775.08(3), Florida Statutes, 1974 Supplement; defining the term “noncriminal violation”; amending s.775.084, Florida Statutes, 1974 Supplement; providing penalties for subsequent misdemeanor offenders; amending s.775.087(1), Florida Statutes, 1974 Supplement; providing for reclassification of a felony in which the defendant carries a firearm; amending s.776.08, Florida Statutes, 1974 Supplement; including involuntary sexual battery in the definition of a forcible felony; amending ss.777.04(4), 782.04, 782.07, 782.071, 784.011(2), 784.021(2), 784.03(2), 784.045(2), 784.05, 787.01(2), 787.02(2), 787.03(1), 787.04(4), 794.03, 794.011(2) - (5), 806.01(1), (2), 806.10, 806.111, 806.13(2), 810.02(2), (3), 810.06, 810.08, 810.09, 810.10(2), 810.11(2), 812.021(2), (3), 812.031(2), (3), 812.041(1), 812.051(2), 812.13(2), 826.01, 826.03, 826.04, 827.03, 827.04, 827.05, 827.06(1), 837.012(1), 837.02(1), 837.021, 837.05, 837.06, 838.015(3), 838.016(4), 838.021(3), 838.031(3), 838.041 Florida Statutes, 1974 Supplement; amending the penalty provisions; reenacting and amending s.800.04, Florida Statutes; prohibiting lewd or lascivious conduct upon or in the presence of a child; reenacting ss.823.01, 823.02, 823.04, 823.041, and 823.05-823.10, Florida Statutes; relating to public nuisance and providing penalties therefor; repealing s.775.086, Florida Statutes, 1974 Supplement, relating to subsequent misdemeanor offenders; repealing s.64, chapter 74-383, Laws of Florida, relating to penalty provision references in the Florida Statutes; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 1—On page 14, line 17, strike “having reason to know” and insert: with reasonable grounds to believe

Amendment 2—On page 22, lines 11 and 12, strike “has sexual intercourse” and insert: commits sexual battery

Amendment 3—On page 22, lines 16, 17, and 18, strike “Sexual intercourse” is the penetration of the female sex organ by the male sex organ, however slight; emission of semen is not required.

Amendment 4—On page 31, between lines 25 and 26 insert: Section 42. Section 828.08, Florida Statutes, is reenacted to read:

828.08 Penalty for exposing poison.—Whoever leaves or deposits any poison or any substance containing poison, in any common street, alley, lane or thoroughfare of any kind, or in any yard or enclosure other than the yard or enclosure occupied or owned by such person, shall be guilty of a misdemeanor of the first degree, punishable as provided in s.775.-082 or s.775.083.

(renumber subsequent sections)

Amendment 5—On page 31, between lines 25 and 26 insert:

Section 43. Subsection (3) of section 775.011, Florida Statutes, 1974 Supplement, is amended to read:

775.011 Short title; applicability to antecedent offenses.—

(3) In any case pending on or after ~~October~~ July 1, 1975, involving an offense committed prior to such date, the provi-

sions of the code involving any quasi-procedural matter shall govern, insofar as they are justly applicable and the provisions of the code according a defense or mitigation or establishing a penalty shall apply only with the consent of the defendant.

(Renumber subsequent sections)

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Dunn:

Amendment 6—On page 6, line 5, strike "subsection (1) of" and between lines 22 and 23 insert: (2) Any person who has been convicted of a felony involving a firearm or destructive device as defined in subsections 790.001(4) and (6) in the courts of this state or the United States, or of any other state, territory, or country, if punishable by imprisonment for a term exceeding 1 year, shall, upon subsequent conviction of a felony involving the carrying, display or use of, or attempt to use, a firearm or destructive device as defined in subsections 790.001(4) and (6), serve a minimum term of 3 years.

Further consideration of HB 1289 with pending amendment was deferred.

Senator Plante presiding

On motion by Senator P. Thomas, by two-thirds vote HB 2082 was withdrawn from the Committee on Commerce and placed on the calendar.

HB 2082—A bill to be entitled An act relating to insurance agents; amending subsection (2) of section 626.731, Florida Statutes, removing the one year residency requirement for limited licenses under section 626.321(1)(b), Florida Statutes, relating to industrial fire insurance; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote HB 2082 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Table with 4 columns of names: Brantley, Childers, D., Childers, W. D., Dunn, Firestone, Glisson, Gordon, Graham, Hair, Henderson, Holloway, Johnston, Lane, D., Lane, J., Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Saunders, Saylor, Sims, Spicola, Stolzenburg, Thomas, J., Thomas, P., Tobiasen, Trask, Vogt, Ware, Winn, Zinkil

Nays—None

SB 877 was laid on the table.

SB 936 was taken up and on motion by Senator Trask—

HB 2142—A bill to be entitled An act relating to the Division of Tourism; amending s.20.17(12)(a) 6., and (e), Florida Statutes, 1974 Supplement, changing qualifications of tourism commission at-large members and council members; amending s.288.34(1)(d) 6., Florida Statutes, 1974 Supplement, and adding paragraphs (h)-(j), providing authority to contribute to events outside the state; providing authority to arrange and make expenditures for reasonable and necessary services and items consistent with the division's duties, to sell publications and other materials or services at approximate cost to the state, and to charge and collect registration fees to meet expenses at tourism meetings, seminars and conferences; providing that an excess of such fees shall go to general revenue; providing an effective date.

—a similar measure was substituted therefor and read the second time by title. On motion by Senator Trask, by two-thirds vote HB 2142 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Table with 4 columns of names: Brantley, Childers, D., Childers, W. D., Dunn, Firestone, Glisson, Gordon, Graham, Hair, Henderson, Holloway, Johnston, Lane, D., Lane, J., Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Saunders, Saylor, Sims, Spicola, Stolzenburg, Thomas, J., Thomas, P., Trask, Vogt, Ware, Winn, Zinkil

Nays—None

By unanimous consent Senator Tobiasen was recorded as voting yea.

SB 936 was laid on the table.

Consideration of SB 509, CS for HB 1100, CS for HB 660 and HB 2099 was deferred.

On motion by Senator W. D. Childers, by two-thirds vote HB 1803 was withdrawn from the Committees on Natural Resources and Conservation and Judiciary-Criminal and placed on the calendar.

SB 759 was taken up and on motion by Senator W. D. Childers—

HB 1803—A bill to be entitled An act relating to fishing; restricting the use of gill nets, wing nets, or similar devices, in the waters of the counties of Walton, Santa Rosa, Okaloosa and Escambia; providing for enforcement by the Division of Marine Resources; providing a penalty; prohibiting special laws or general laws of local application affecting the sale or purchase of weakfish; providing an effective date.

—a similar measure was substituted therefor and read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 1803 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Table with 4 columns of names: Brantley, Childers, D., Childers, W. D., Dunn, Firestone, Gallen, Glisson, Graham, Hair, Henderson, Holloway, Johnston, Lane, D., Lane, J., Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Saunders, Saylor, Sims, Spicola, Thomas, J., Thomas, P., Tobiasen, Trask, Vogt, Ware, Wilson, Winn

Nays—None

SB 759 was laid on the table.

The President presiding

Consideration of CS for HB 1759 was deferred.

SB 1265—A bill to be entitled An act relating to public utilities; creating part II, chapter 366, Florida Statutes, consisting of ss.366.50-366.65; providing legislative intent; providing definitions; creating the Florida Public Service Financing Authority; prescribing membership, powers, duties and responsibilities; providing for issuance of revenue bonds to finance construction of major electric generating or transmission facilities or both; providing for revenue refunding bonds, trust agreements and other technical financing; providing for lease and lease-purchase of facilities to operating utilities; providing certain tax exemptions; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Ware and adopted:

Amendment 1—On page 4, line 6, following the “semicolon (;)” insert: any fuel supply or source useful for such a facility;

Amendment 2—On page 10, line 28, following the word “property” insert: which is held for purely private purposes; further, nothing in this section shall be construed as exempting any corporate person from the income tax imposed by chapter 220

On motion by Senator Ware, by two-thirds vote SB 1265 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—39

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

Nays—None

HB 2284—A bill to be entitled An act relating to elections; amending s.101.36, Florida Statutes, authorizing counties to permit rental of county-owned voting machines to other public agencies, private groups, and others; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 2284 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Henderson Stolzenburg

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until 1:00 p.m.

Consideration of House Bills 182 and 970 was deferred.

HB 809—A bill to be entitled An act relating to the school plant; amending s.235.34, Florida Statutes, authorizing specified boards and agencies to expend funds for the maintenance or improvement of the property of any public school and facilities thereon; prohibiting local variance from state law concerning the levying of assessments for special benefits on school districts; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, lines 10-16, strike all of subsection (2)

Amendment 1 failed by the following vote:

Yeas—16

Deeb	Henderson	MacKay	Sayler
Firestone	Holloway	Peterson	Stolzenburg
Glisson	Lane, D.	Renick	Thomas, J.
Graham	Lewis	Saunders	Ware

Nays—19

Mr. President	Johnston	Sims	Vogt
Brantley	Lane, J.	Spicola	Wilson
Childers, W. D.	McClain	Thomas, P.	Winn
Gallen	Plante	Tobiassen	Zinkil
Hair	Poston	Trask	

The Committee on Education offered the following amendment which was moved by Senator Sayler and failed:

Amendment 2—On page 1 in title, lines 9-11, strike “prohibiting local variance from state law concerning the levying of assessments for special benefits on school districts;”

On motion by Senator W. D. Childers, by two-thirds vote HB 809 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Hair	Poston	Trask
Brantley	Holloway	Renick	Vogt
Childers, W. D.	Johnston	Sims	Ware
Deeb	Lane, D.	Spicola	Wilson
Firestone	Lane, J.	Stolzenburg	Winn
Gallen	McClain	Thomas, J.	Zinkil
Glisson	Peterson	Thomas, P.	
Graham	Plante	Tobiassen	

Nays—5

Dunn	Lewis	MacKay	Sayler
Henderson			

SB 559 was taken up, together with:

By the Committee on Judiciary-Criminal and Senator Poston—

CS for SB 559—A bill to be entitled An act relating to traffic control; amending s.39.02(1), Florida Statutes, to allow the filing of juvenile traffic cases in the circuit court by the uniform traffic complaint instead of a petition; amending s.316.008 (2), Florida Statutes, to provide a maximum fine for municipal parking violations; amending s.318.14(1), Florida Statutes, 1974 Supplement, to decriminalize certain traffic violations; adding s.318.17(6), (7), (8), (9), (10), and (11), Florida Statutes, 1974 Supplement, to designate certain traffic offenses criminal; amending s. 316.026(4), Florida Statutes, to provide penalties to the traffic offenses designated criminal; amending s.318.18, Florida Statutes, 1974 Supplement, to provide penalties for certain parking violations; amending s.318.19, Florida Statutes, 1974 Supplement; requiring a mandatory appearance when property damage exceeds \$500; repealing s.316.040(2), Florida Statutes, which prohibits driving without a valid license; amending s.318.13(5), Florida Statutes, to provide definitions; creating s.318.141, Florida Statutes, to provide for traffic infraction enforcement officers; providing an effective date.

—which was read the first time by title and SB 559 was laid on the table.

On motions by Senator Poston, by two-thirds vote CS for SB 559 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

By unanimous consent Senator Tobiassen was recorded as voting yea.

SB 245 was taken up, together with:

By the Committee on Judiciary-Criminal—

CS for SB 245—A bill to be entitled An act relating to private investigative agencies, watchman, guard and patrol services; providing legislative intent; amending s.493.02(1), Florida Statutes, increasing the civil penalty assessable against licensees; amending ss.493.03, 493.04, 493.13 and 493.20, Florida Statutes, providing for licensing of watchmen, guards and patrolmen; amending s.493.10(4), Florida Statutes, and adding subsections (5) and (6) to said section, providing for the custody and safekeeping of licenses and identification cards; amending s.493.06, Florida Statutes, providing for payment of license fees generally; amending s.493.07, Florida Statutes, providing for investigations of applicants; amending s.493.09, Florida Statutes, providing for insurance coverage by applicants; amending s.493.21, Florida Statutes, providing for weapon and firearm training requirements and issuance of a permit; amending s.493.23(2), Florida Statutes, deleting the requirement for the client's written permission to produce papers during an investigation and providing for revocation or non-issuance of a license; creating s.493.28, Florida Statutes, prohibiting implied association with any government or agency thereof; amending s.493.11(1)(d), Florida Statutes, providing for exemptions; providing an appropriation; providing an effective date.

—which was read the first time by title and SB 245 was laid on the table.

On motion by Senator Winn, by two-thirds vote CS for SB 245 was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Winn and adopted:

Amendment 1—On page 11, line 16, following the "period" insert: *Provided however, nothing in this act shall abrogate the provisions of section 790.25(3)(n).*

On motion by Senator Winn, by two-thirds vote CS for SB 245 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—37

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

Nays—None

On motion by Senator Plante, by two-thirds vote HB 215 was withdrawn from the Committee on Governmental Operations and placed on the calendar.

HB 215—A bill to be entitled An act relating to the State Officers' Compensation Commission; amending s.112.192(1), (2), (3), and (8), Florida Statutes, increasing the length of terms of certain appointees to the commission; providing terms of subsequent appointees to be equal to the terms of original appointees; providing a termination date for current members; amending the date by which the commission must report its findings and recommendations to the legislature; including in the commission's studies the salaries and expense allowances of county court judges; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote HB 215 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of SB 1007 and HB 435 was deferred.

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 29, 1975

I am directed to inform the Senate that the House of Representatives has passed CS for HB 256 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Forbes and others—

CS for HB 256—A bill to be entitled An act relating to employee compensation; defining the term "employee"; authorizing the state, state agency, county, any other political subdivision of the state, or a municipality to adopt a deferred compensation plan to defer with the voluntary consent of an employee a portion of such employee's compensation; providing for administration of the plan; providing that any such plan shall be supplemental to any existing retirement pension or benefit program; providing for the services to be without cost to the governmental entity other than the incidental administrative expense of administering the payroll deduction; providing that deferred sums shall not be included for the purposes of computation of any income taxes withheld; providing an effective date.

—was read the first time by title. On motion by Senator Tobiassen, the rules were waived and the bill was placed on the calendar.

On motions by Senator Tobiassen, by two-thirds vote CS for HB 256 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Zinkil

SB 1134—A bill to be entitled An act relating to the Historic St. Augustine Preservation Board of Trustees; providing an appropriation from the General Revenue Fund to the board for the annual Cross and Sword Pageant for fiscal year 1975-1976; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator Glisson and adopted:

Amendment 1—On page 1, line 15, strike "\$30,000" and insert: \$15,000

On motion by Senator Glisson, by two-thirds vote SB 1134 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—32

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

Nays—3

Sayler	Sims	Zinkil
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On motion by Senator Firestone, by two-thirds vote HB 1744 was withdrawn from the Committee on Governmental Operations and placed on the calendar.

SB 583 was taken up and on motion by Senator Firestone—

HB 1744—A bill to be entitled An act relating to the correctional standards council; amending section 944.581(1)(a), Florida Statutes, 1974 Supplement, to provide for increased membership on the correctional standards council; providing an effective date.

—a similar measure was substituted therefor and read the second time by title. On motion by Senator Firestone, by two-thirds vote HB 1744 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 583 was laid on the table.

Consideration of SB 607 was deferred.

On motion by Senator Trask, by two-thirds vote HB 611 was withdrawn from the Committee on Ways and Means and placed on the calendar.

SB 267 was taken up and on motion by Senator Trask—

HB 611—A bill to be entitled An act relating to the sales and use tax; amending s.212.08(7)(h), Florida Statutes, providing for the issuance of a consumer's certificate of exemption to blind persons to allow them to rent or purchase guide dogs and to purchase certain items for guide dogs without paying a sales tax thereon; repealing s.212.083, Florida Statutes, relating to the current procedure whereby blind persons must apply for a refund of taxes paid on exempt items; requiring the Department of Revenue to make rules with respect to the consumer's certificate of exemption; providing an effective date.

—a similar measure was substituted therefor and read the second time by title. On motion by Senator Trask, by two-thirds vote HB 611 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 267 was laid on the table.

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 29, 1975

I am directed to inform the Senate that the House of Representatives has passed CS for HB 815 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Health & Rehabilitative Services and Representative Kutun and others—

CS for HB 815—A bill to be entitled An act relating to retardation; creating "The Bill of Rights of Retarded Persons"; providing legislative intent; providing definitions; providing certain rights relating to the type and manner of services to be received by persons, or "clients," admitted to the Division of Retardation for receipt of its services; providing civil liability for persons who violate or abuse any rights or privileges of a client; providing certain exceptions from liability; requiring the Department of Health and Rehabilitative Services to provide each client or his parent or legal guardian with a written copy of the act; requiring each residential facility operated by the division to develop a program of resident government to represent resident interests; adding subsection (4) to s.393.11, Florida Statutes, entitling persons involuntarily admitted to the division or their parent or legal guardian to a writ of habeas corpus for certain purposes; amending s.393.021(1) and (2), Florida Statutes, and adding new subsections (3)—(6), requiring the Division of Retardation to reassess persons certified to the division for services not less than once each year; requiring the division to provide each client with an individual habilitation plan; providing for the supervision of the plan by one specialist; requiring the division to make an annual report of progress of each client; requiring the Department of Health and Rehabilitative Services to develop a plan to implement the act; providing an effective date.

—was read the first time by title. On motion by Senator Vogt, the rules were waived and the bill was placed on the calendar.

SB 418 was taken up, together with CS for SB 418 which was read the first time by title and SB 418 was laid on the table. Pending further consideration of CS for SB 418, on motion by Senator Vogt CS for HB 815, a companion measure, was substituted therefor.

On motions by Senator Vogt, by two-thirds vote CS for HB 815 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Peterson	Plante
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CS for SB 418 was laid on the table.

On motion by Senator Glisson, by two-thirds vote HB 2201 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

HB 2201—A bill to be entitled An act relating to the naming of National Guard Armories; authorizing and directing the Department of Military Affairs to name the new National Guard Armory located at Tallahassee in Leon County in honor of Major General Henry W. McMillan, Adjutant General of Florida; directing the department to prepare and locate appropriate signs and markers; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 2201 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Consideration of SB 1195 was deferred.

HCR 1765—A concurrent resolution declaring a state policy opposing consideration of Vietnam-era draft evaders and military deserters as honorably discharged veterans for eligibility purposes in employment funded through the Comprehensive Employment and Training Act.

—was read the second time in full. On motion by Senator J. Thomas, HCR 1765 was adopted and certified to the House. The vote on adoption was:

Yeas—37

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

Nays—None

By unanimous consent Senator Gordon changed his vote from yea to nay; Senator Vogt was recorded as voting yea.

CS for HB 1759—A bill to be entitled An act relating to ad valorem taxation; amending s.196.199(4), Florida Statutes; providing in the case of governmental property leased or subleased to a nongovernmental lessee that the annual ad valorem tax to be paid by the nongovernmental lessee be diminished by the amount of the rent paid to any governmental lessor; providing that the 1972 and 1973 taxes shall be paid, or if already collected reimbursed to the payor, by certain governmental lessors or sublessors; providing for payment of certain 1974 and future taxes; providing that certain entities are deemed to be governmental authorities; providing an effective date.

—was read the second time by title.

Senator W. D. Childers moved that the rules be waived and CS for HB 1759 be read the third time by title. The motion failed.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 1:15 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President Pro Tempore at 2:00 p.m. A quorum present—38:

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

On motion by Senator Glisson, by two-thirds vote HB 1827 was withdrawn from the Committee on Health and Rehabilitative Services and placed on the calendar.

Special Order, continued

SB 607 was taken up and on motion by Senator Glisson—

HB 1827—A bill to be entitled An act relating to vocational rehabilitation; amending s.413.48(1), Florida Statutes, providing an exception to the period allowed for reporting severely disabled persons; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator Glisson, by two-thirds vote HB 1827 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Brantley	Graham	Peterson	Trask
Childers, D.	Hair	Plante	Vogt
Childers, W. D.	Henderson	Poston	Wilson
Dunn	Johnston	Renick	Winn
Firestone	Lane, J.	Sims	Zinkil
Gallen	Lewis	Spicola	
Glisson	MacKay	Thomas, J.	
Gordon	Myers	Thomas, P.	

Nays—None

On motion by Senator Peterson, the Senate reconsidered the vote by which—

CS for SB 317—A bill to be entitled An act relating to school construction contracts; amending section 235.33, Florida Statutes; granting full authority and responsibility to district school boards for decisions regarding school construction contract payments; providing an effective date.

—as amended passed this day.

On motion by Senator Peterson, the Senate reconsidered the vote by which the Senate concurred in House amendments 1 and 2 as amended by Senate amendments.

Senator Peterson moved the following amendments which were adopted:

Amendment 1B—On page 2, line 5, add Section 2:

Section 2. Section 229.802, Florida Statutes, and subsection (2) of section 233.48, Florida Statutes, 1974 Supplement, are hereby repealed.

Amendment 2B—On page 1, line 9, insert: repealing section 229.802, Florida Statutes, and subsection (2) of section 233.48, Florida Statutes, 1974 supplement;

On motions by Senator Peterson, the Senate concurred in House amendments 1 and 2 as further amended, and the House was requested to concur in the Senate amendments to the House amendments.

On motion by Senator Peterson, CS for SB 317 as further amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—28

Childers, D.	Henderson	Myers	Thomas, J.
Deeb	Holloway	Peterson	Thomas, P.
Firestone	Johnston	Plante	Trask
Gallen	Lane, J.	Poston	Vogt
Gordon	Lewis	Renick	Wilson
Graham	MacKay	Sims	Winn
Hair	McClain	Spicola	Zinkil

Nays—None

By unanimous consent Senator D. Lane was recorded as voting yea.

RECONSIDERATION

The motion by Senator Myers that the Senate reconsider the vote by which HB 1894 passed May 30 was not taken up and therefore considered abandoned. The bill was certified to the House.

LOCAL CALENDAR

HB 2330—A bill to be entitled An act relating to the City of Wildwood, Sumter County; amending Section 1-10, Article I, Section 2-4, Article II, and Section 5-7, Article V, of Chapter 73-657, Laws of Florida; correcting an error in the boundaries of the city; changing the fiscal year; requiring candidates for city commission or mayor to qualify during a certain period; providing an effective date.

—was read the second time by title. On motion by Senator Glisson by two-thirds vote HB 2330 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2266—A bill to be entitled An act relating to Escambia County; providing for the relief of Herbert C. Destin for injuries received while a county employee in the course of his employ; authorizing and empowering the Board of County Commissioners to investigate said claim; authorizing and empowering the board to settle same by payment out of the County General Fund in such an amount as they may determine, not to exceed \$45,000; providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote HB 2266 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 1382—A bill to be entitled An act relating to Escambia County; amending section 1, chapter 73-457, Laws of Florida; providing for the payment of an expense allowance to members of the board of county commissioners and to members of the school board; providing an effective date.

—was read the second time by title. On motion by Senator P. Thomas, by two-thirds vote SB 1382 was read the third time

by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2257—A bill to be entitled An act relating to the City of Tampa; amending Sections 4 and 12 of Chapter 23559, Laws of Florida, 1945, as amended, relating to the pension or retirement fund for disabled or retired permanent employees; providing for retaining certain banks as investment counsellors; providing for the manner and time in which elected officers, department heads, and appointed officers may elect to participate in the plan; prescribing pension status of such participating officers; providing when periods out of office shall not constitute breaks in service; prescribing status of retirees upon their election, appointment, or employment; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 2257 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2293—A bill to be entitled An act relating to the Hillsborough County Aviation Authority; amending Subsection 4A, Chapter 59-1356, Laws of Florida, as amended and supplemented, by removing the limitation on interest rates for bonds; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 2293 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2297—A bill to be entitled An act relating to the Tampa Sports Authority, City of Tampa, Hillsborough County; amending section 4(j) of chapter 65-2307, Laws of Florida, as amended, relating to the general powers of the Tampa Sports Authority; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 2297 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2295—A bill to be entitled An act relating to the City of Tampa; amending section 2 of chapter 74-617, Laws of Florida, relating to the city clerk to provide for terms of office, times for appointment and confirmation, and certain benefits; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 2295 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2263—A bill to be entitled An act relating to Hillsborough County; establishing a board of consumer affairs and appeals; providing powers and jurisdiction; providing for a director of consumer affairs; providing for powers and duties of the director; providing for the consolidation of the consumer services section of the Community Relations Division of the City of Tampa Metropolitan Development Agency Department and the Hillsborough County Department of Consumer Affairs; prohibiting deceptive trade practices; providing for hearings and enforcement; providing for funding; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 2263 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2299—A bill to be entitled An act relating to Hillsborough County; amending chapter 63-1407, Laws of Florida, relating to Hillsborough County Planning Commission's recommendations and relating to the required number of city council members of the City of Tampa who must vote for rejection in order to reject a recommendation of the Hillsborough County Planning Commission affecting property in the City of Tampa; relating to the required number of members of the Board of County Commissioners of Hillsborough County who must vote for rejection in order to reject a recommendation of the Hillsborough County Planning Commission affecting property in Hills-

borough County outside any municipality by providing that said required votes are necessary beyond the 30 day limit when an extension has been granted for the recommendation; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 2299 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2256—A bill to be entitled An act relating to Hillsborough County; amending section 17 of chapter 23338, Laws of Florida, 1945, as amended; authorizing and empowering the Tampa Port Authority to construct, reconstruct, repair, do work and purchase supplies and materials for port purposes when the amount to be paid therefor by the authority does not exceed \$5,000 without the necessity of advertising any notice or calling for bids regarding said purchase; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 2256 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2296—A bill to be entitled An act relating to Hillsborough County; repealing chapter 71-682, Laws of Florida; providing for filing fees in the civil division of the circuit court of Hillsborough County and the criminal and probate and guardianship division of the circuit court of Hillsborough County and the civil division of the county court of Hillsborough County in addition to the statutory fees allowed to be charged by the clerk of said courts; providing for the appropriation of funds from the compensation of the clerk of the circuit court of Hillsborough County for the law library fund; providing for the expenditure of the law library fund for certain purposes pertaining to the law library in Hillsborough County; making expenditures therefor a county purpose; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 2296 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Trask Ware Winn Zinkil
Vogt Wilson
Nays—None

HB 2261—A bill to be entitled An act relating to the District School Board of Hillsborough County; amending section 3 of chapter 67-945, Laws of Florida, providing for the election of school board members at the time of first primary election; providing for a runoff election at the same time as the second primary election; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 2261 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2298—A bill to be entitled An act relating to the Hillsborough County Aviation Authority; amending subsection 4A of chapter 61-2261, Laws of Florida, as amended and supplemented, by removing the limitation on interest rates for bonds; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 2298 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2292—A bill to be entitled An act relating to Hillsborough County; repealing chapter 71-686, Laws of Florida, relating to professional negotiations for teachers in Hillsborough County; defining certain terms; establishing the right to organize and professionally negotiate; providing for dues collection; providing for arbitration of disputes by an arbitration board; providing for composition of hearings by and expenses of the board; providing that the decisions of the board shall be advisory; defining professional negotiations; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 2292 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2294—A bill to be entitled An act relating to Hillsborough County and to municipalities within the county; amending sections 4-6, 9, 10, and 12-14, chapter 67-1507, Laws of Florida, changing the dates by which capital improvement budgets for Hillsborough County and municipalities within the county are to be submitted by the County Administrator of the county to the respective executive authority, by the executive authority to the Hillsborough County Planning Commission, and by the commission to the Board of County Commissioners and the executive authorities of Tampa, Plant City and Temple Terrace, and by the latter to their respective legislative bodies; deleting provisions which provide that this act supersedes conflicting laws; providing that the provisions of this act apply to budgets beginning October 1, 1975 instead of 1968; repealing sections 7, 8 and 11, chapter 67-1507, Laws of Florida, removing provisions which require public hearings prior to submission of the budgets by the Board of County Commissioners to the Hillsborough Budget Commission; removing provisions requiring the budget commission to act upon the capital improvement budgets; removing provisions authorizing a change in a capital improvement budget in case of emergency; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 2294 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2291—A bill to be entitled An act relating to Hillsborough County; relating to payment of fees, commissions, fines, forfeitures or court costs to the clerk of the circuit court of Hillsborough County; providing that the clerk of the circuit court in Hillsborough County may accept checks for payment of any moneys required by law for services rendered by his office in connection with any of his official duties or functions, and for payment of fines, forfeitures or court costs authorized by law, court order, rule or administrative regulation; providing that the clerk of the circuit court in Hillsborough County may deduct from his excess fees required to be paid to the Board of County Commissioners, and from his monthly remittance of fines, forfeitures or court costs due to be paid to the county, any municipality or the state, the amount of any such checks so received which remain uncollected; providing that the fines, forfeitures or court costs for which such checks were given shall be deemed not paid and providing for collection thereof; relieving the clerk of liability; repealing all laws or parts of laws in conflict herewith; making the application of this law retroactive; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 2291 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator J. Lane, by two-thirds vote HB 2270 was removed from the local calendar and indefinitely postponed.

HB 2274—A bill to be entitled An act relating to Hillsborough County; amending sections 1-4, chapter 71-684, Laws of Florida, renaming the Hillsborough County Board of Corrections as the Hillsborough County Board of Criminal Justice; providing that the sheriff shall be the executive director of the board; authorizing the mayor of the City of Tampa to designate the chief of police to replace him as a member of the board; designating one circuit judge with criminal responsibilities who is to be appointed by the chief judge, the state attorney, the public defender, and the clerk of the circuit court as members of the board; deleting the authority of the board to appoint an executive director; providing that agents and employees of the board shall be subject to city civil service and retirement laws; authorizing employees transferred to the board to elect to continue to participate in the City of Tampa Pension Fund or to withdraw from such fund and join the Florida Retirement System; deleting provisions authorizing such employees to request the City of Tampa pension board to transfer payments from the City of Tampa Pension Fund to the Florida Retirement System; requiring the board to establish a Hillsborough County Department of Criminal Justice Information and to appoint a director of the department; providing the duties of the director; providing the duties of the executive director of the board; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 2274 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Brantley, Childers, D., Childers, W. D., Deeb, Dunn, Firestone, Gallen, Glisson, Gordon, Graham, Hair, Henderson, Holloway, Johnston, Lane, D., Lane, J., Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Saunders, Saylor, Sims, Spicola, Stolzenburg, Thomas, J., Thomas, P., Tobiassen, Trask, Vogt, Ware, Wilson, Winn, Zinkil

Nays—None

HB 2188—A bill to be entitled An act relating to the Downtown Development Authority of the City of Fort Lauderdale, Broward County; amending section 4 of chapter 69-1056, Laws of Florida, to increase the membership of the board of the authority to seven members; providing for the appointment and terms of office of members of the board; creating subsection 20 of section 7 of chapter 69-1056, Laws of Florida, to require competitive bids on purchases or contracts in excess of five hundred dollars; providing an effective date.

—was read the second time by title.

Senators D. Lane, Stolzenburg, Zinkil and J. Thomas offered the following amendments which were moved by Senator J. Thomas and adopted:

Amendment 1—On page 3, line 1, strike section 2 of the Bill, lines 1 through 8 and renumber remaining section

Amendment 2—On page 1, line 10, strike the semi-colon on page 10 and the balance of the title and insert: after the word "board": providing an effective date.

On motion by Senator J. Thomas, by two-thirds vote HB 2188 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Brantley, Childers, D., Childers, W. D., Deeb, Dunn, Firestone, Gallen, Glisson, Gordon, Graham, Hair, Henderson, Holloway, Johnston, Lane, D., Lane, J., Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Saunders, Saylor, Sims, Spicola, Stolzenburg, Thomas, J., Thomas, P., Tobiassen, Trask, Vogt, Ware, Wilson, Winn, Zinkil

Nays—None

HB 2231—A bill to be entitled An act relating to the City of Naples Airport Authority; amending Section 4(n) of Chapter 69-1326, Laws of Florida, increasing the borrowing power of the airport authority to five million dollars (\$5,000,000); providing an effective date.

—was read the second time by title. On motion by Senator J. Thomas, by two-thirds vote HB 2231 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Brantley, Childers, D., Childers, W. D., Deeb, Dunn, Firestone, Gallen, Glisson, Gordon, Graham, Hair, Henderson, Holloway, Johnston, Lane, D., Lane, J., Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Saunders, Saylor, Sims, Spicola, Stolzenburg, Thomas, J., Thomas, P., Tobiassen, Trask, Vogt, Ware, Wilson, Winn, Zinkil

Nays—None

On motion by Senator P. Thomas the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 30, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended— HB 933

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Thompson and Rish—

HB 933—A bill to be entitled An act relating to saltwater fisheries; amending s.370.155(1), Florida Statutes, clarifying the type and size of net with which persons may take shrimp in a certain area near Cape San Blas; prohibiting the use of more than one net at any one time; providing an effective date.

—was read the first time by title. On motion by Senator P. Thomas, by two-thirds vote HB 933 was placed on the local calendar.

HB 933—A bill to be entitled An act relating to saltwater fisheries; amending s.370.155(1), Florida Statutes, clarifying the type and size of net with which persons may take shrimp in a certain area near Cape San Blas; prohibiting the use of more than one net at any one time; providing an effective date.

On motions by Senator P. Thomas, by two-thirds vote HB 933 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Table with 4 columns: Brantley, Childers, D., Childers, W. D., Deeb, Dunn, Firestone, Gallen, Glisson, Gordon, Graham, Hair, Henderson, Holloway, Johnston, Lane, D., Lane, J., Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Saunders, Saylor, Sims, Spicola, Stolzenburg, Thomas, J., Thomas, P., Tobiassen, Trask, Vogt, Ware, Wilson, Winn, Zinkil

Nays—None

HB 2189—A bill to be entitled An act relating to Lee County; creating the Iona-McGregor Fire Protection and Rescue Service District within the county; providing definitions; providing for the election, membership, terms, compensation, and duties of the Board of Commissioners of the district; providing for the

filling of vacancies on the board; authorizing the board to employ necessary personnel; authorizing the board to levy special assessments on the property within the district; providing a schedule of maximum rates of assessments for certain types of property; authorizing the property appraiser and tax collector of the county to take certain actions to assist the board; providing that assessments by the board shall be enforced as are tax assessments by the county; authorizing the board to borrow money to issue revenue anticipation certificates and to pledge certain liens; exempting the commissioners from certain liability; restricting the use of funds of the district by the board; authorizing the board to purchase certain fire equipment and a fire department; authorizing the board to adopt rules and regulations; requiring the board to make annual reports; authorizing the board to enact a fire prevention code or ordinance; providing a procedure for bringing suit against the board or a member thereof; providing for a referendum.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 2189 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Consideration of Senate Bills 1385 and 832 was deferred.

HB 1797—A bill to be entitled An act relating to businesses within Pinellas County dealing with alcoholic beverages; repealing Chapter 63-1790, Section 4 (4), Laws of Florida to allow for sale of alcoholic beverages for consumption off the premises during the hours of 1 p.m. on Sundays and 2 a.m. on Mondays; providing an effective date.

—was read the second time by title. On motion by Senator Sayler, by two-thirds vote HB 1797 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

Sayler Ware

HB 2017—A bill to be entitled An act relating to Pinellas County; amending chapter 65-2105, Laws of Florida, providing that reimbursable educational expenditures of less than \$50 may be authorized by the County Administrator; providing an effective date.

—was read the second time by title.

Senator Sayler moved the following amendments which were adopted:

Amendment 1—On page 1, lines 12 through 18, strike in their entirety, and insert: Section 1. Section 3 of chapter 65-2105, laws of Florida, is amended to read:

Prior to appropriation and expenditure of the moneys referred to in sections 1 and 2 hereof, said board shall find by way of resolution that such appropriation and expenditure will be of benefit to Pinellas county, and no such appropriation and expenditure shall be made without such finding. *The authority to appropriate and expend moneys and make such finding for such purposes may be delegated by the board to the county administrator.*

Amendment 2—On page 1, lines 5 and 6, strike “providing that reimbursable educational expenditures of less than \$50 may be authorized by the county administrator; and insert: providing that the board of county commissioners may authorize the county administrator to appropriate reimbursable educational expenditures;

On motion by Senator Sayler, by two-thirds vote HB 2017 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2018—A bill to be entitled An act relating to Pinellas County; amending Chapter 73-602, Laws of Florida, pertaining to the Pinellas County Board of Consumer Affairs and Appeals; providing for term of office; providing reimbursement of expenses; providing for subpoena powers; providing an effective date.

—was read the second time by title. On motion by Senator Sayler, by two-thirds vote HB 2018 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2019—A bill to be entitled An act relating to Pinellas County; providing a short title; providing definitions; providing for establishment of the Pinellas Park Water Management District; providing purposes and powers of the District for storm drainage systems in central Pinellas County; providing exemptions to the authority from regulation and taxation; providing special district ad valorem taxing after referendum; defining the drainage basin and providing for expansion; providing for the dissolution of the district upon the establishment of a countywide drainage district; providing for a referendum; providing for severability; providing for the affect of other conflicting laws; providing an effective date.

—was read the second time by title.

Senator Sayler moved the following amendments which were adopted:

Amendment 1—On page 8, lines 24 and 25, strike in their entirety

Amendment 2—On page 1, line 15, strike in its entirety

On motion by Senator Sayler, by two-thirds vote HB 2019 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2020—A bill to be entitled An act relating to Pinellas County; rewording subsection 2 and 3 to Section 6, Chapter 59-1736, Special Acts of Florida, 1959, as amended by Section 6, Chapter 61-2671, Special Acts of Florida 1961, as amended by Special Acts of Florida, Chapter 72-662; providing for the Board of County Commissioners of Pinellas County to hold an election not later than the Presidential Preference Primary in 1976 and thereafter as deemed necessary for electors to vote "for" or "against" a one (1) mill increase in ad valorem taxes for a two (2) year period, to raise funds to acquire beach front and other property to be dedicated as public parks and environmentally endangered lands; providing for the Pinellas County Park Board to make recommendations to the Board of County Commissioners what action is to be taken in this regard; providing for a referendum.

—was read the second time by title.

Senator Sayler moved the following amendments which were adopted:

Amendment 1—On page 2, lines 21 and 22, strike "not later than the Presidential Preference primary in 1976 and thereafter as necessary"

Amendment 2—On page 3, lines 9 and 10, strike "not later than the Presidential Preference primary in 1976 and thereafter as necessary." and insert on page 3, line 9, after "election": a period "."

Amendment 3—On page 1, lines 11 through 13, strike "not later than the Presidential Preference primary in 1976 and thereafter as deemed necessary;"

On motion by Senator Sayler, by two-thirds vote HB 2020 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2130—A bill to be entitled An act relating to Pinellas County deleting subsection (3) of s.4, Chapter 73-594, Laws of Florida; adding subsection (11) and (12) to s.5, Chapter 73-594, Laws of Florida, providing for review and recommendations on proposed annexations within Pinellas County by the Pinellas County Planning Council, providing for transportation planning responsibility; amending the catchline and subsections (1) and (3) of s.6, Chapter 73-594, Laws of Florida, and adding a subsection, providing for the utilization of the county planning department, providing for the utilization of the county attorney; amending s.15 of Chapter 73-594, Laws of Florida, to provide for an effective date of August 1, 1973; amending s.3 (1), Chapter 74-586, Laws of Florida, removing the restriction placed

upon the representatives of Tarpon Springs, Oldsmar, and Safety Harbor from serving more than one term in any three year period; providing an effective date.

—was read the second time by title.

Senator Sayler moved the following amendments which were adopted:

Amendment 1—On page 2, lines 11 through 28, and on page 3, lines 1 through 7 strike in their entirety and renumber subsequent sections.

Amendment 2—On page 3, between lines 29 and 30, insert: a new section and renumber subsequent sections.

Section 6. In the event that a charter for the county of Pinellas be approved by the electors, all special acts relating to the Pinellas planning council shall become local ordinances.

Amendment 3—On page 3, between lines 29 and 30, insert: a new section and renumber subsequent sections.

Section 7. Upon passage of CS/HB 782 or SB 53 by the 1975 legislature of the state of Florida, all planning functions prescribed by said bill which are presently delegated to the Pinellas planning council shall remain functions of said council.

Amendment 4—On page 1, lines 11 through 16, strike in their entirety; and on page 1, line 25, between "period;" and "providing" insert: providing for conversion to local ordinances contingent upon passage of charter;

Amendment 5—On page 1, line 25, between "period;" and "providing" insert: providing that certain functions shall remain with the planning council;

On motion by Senator Sayler, by two-thirds vote HB 2130 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2179—A bill to be entitled An act relating to the Clearwater Downtown Development Board; amending section 5(a), (b), and (c) of chapter 70-635, Laws of Florida, providing for increased membership of the board, the election of, and the terms of office of board members; providing an effective date.

—was read the second time by title.

Senator Sayler moved the following amendment which was adopted:

Amendment 1—On page 1, line 16, insert: *Substantial rewording of section. See Chapter 70-635, Laws of Florida for present text.*)

And renumber subsequent lines

On motion by Senator Sayler, by two-thirds vote HB 2179 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Brantley	Firestone	Hair	Lane, J.
Childers, D.	Gallen	Henderson	Lewis
Childers, W. D.	Glisson	Holloway	MacKay
Deeb	Gordon	Johnston	McClain
Dunn	Graham	Lane, D.	Myers

Peterson	Sayler	Thomas, P.	Wilson
Plante	Sims	Tobiassen	Winn
Poston	Spicola	Trask	Zinkil
Renick	Stolzenburg	Vogt	
Saunders	Thomas, J.	Ware	

Nays—None

HB 2205—A bill to be entitled An act relating to Pinellas County; establishing emergency medical service authority; providing for membership; providing for duties; providing for a special election to create the emergency medical service special taxing district by countywide referendum; providing for ballots; providing for an advisory board; providing severability; providing an effective date.

—was read the second time by title.

Senator Sayler moved the following amendment which was adopted:

Amendment 1—On page 2, line 30, and on page 3, lines 1 and 2, strike "Within ninety (90) days from the effective date of this act, the board of county commissioners shall" and insert: The board of county commissioners may

On motion by Senator Sayler, by two-thirds vote **HB 2205** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2268—A bill to be entitled An act relating to Pinellas County; amending Section 2 of Chapter 26155, Special Acts of Florida, 1949, to allow the Board of County Commissioners of Pinellas County to delegate authority and responsibility of the control of county roads; providing an effective date.

—was read the second time by title. On motion by Senator Sayler, by two-thirds vote **HB 2268** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 2269—A bill to be entitled An act relating to the Pinellas Police Standards Council; amending Chapter 72-666, Laws of Florida, by adding a new subsection increasing the powers and duties of the Council which shall include maintaining a centralized information center on prospective law enforcement officers; providing for standardized forms for the processing of applicants; providing that the Council may conduct screening and background research; providing that the Council shall provide information from the centralized information center to law enforcement agencies; providing that each law enforcement agency shall use the standardized forms, and supply copies of applications and results of screening and background investigations to the Council; providing funding by

additional assessment on all criminal and civil traffic fines and assessments; excluding parking fines and assessments; providing additional funding by employing agencies; providing an effective date.

—was read the second time by title. On motion by Senator Sayler, by two-thirds vote **HB 2269** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motions by Senator Hair, by two-thirds vote **HB 1420** and **SB 653** were removed from the local calendar and indefinitely postponed.

On motion by Senator Hair, by two-thirds vote **HB 2077** was removed from the calendar and indefinitely postponed.

HB 2203—A bill to be entitled An act relating to the City of Delray Beach, Florida, amending the provisions of section 6 of Chapter 25786, Special Laws of Florida, 1949, as amended, said Chapter being the Charter of the City of Delray Beach, by changing the territorial limits of said municipality, and providing for an effective date.

—was read the second time by title.

Senator Johnston moved the following amendment which was adopted:

Amendment 1—Strike all of lines 29 and 30 on page 1 and lines 1 through 3 on page 2 and insert: Road No. A-1-A.

On motion by Senator Johnston, by two-thirds vote **HB 2203** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator Glisson, by two-thirds vote **HB 1574** was withdrawn from the Committee on Transportation and placed on the local calendar.

HB 1574—A bill to be entitled An act relating to the naming of state bridges; authorizing and directing the Department of Transportation to name a bridge being constructed in St. Johns County which will span the Matanzas River the Mickler-O'Connell Bridge; directing the department to prepare and locate appropriate signs and markers; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote **HB 1574** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

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 29, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2306 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Tolton and others—

HB 2306—A bill to be entitled An act relating to Native Americans; creating the Northwest Florida Creek Indian Council; providing for membership and method of appointment; providing for the duties and power of the Council; providing for severability; providing for an effective date.

Proof of publication of the required notice was attached.

—was read the first time by title. On motion by Senator Childers, by two-thirds vote HB 2306 was placed on the local calendar.

HB 2306—A bill to be entitled An act relating to Native Americans; creating the Northwest Florida Creek Indian Council; providing for membership and method of appointment; providing for the duties and power of the Council; providing for severability; providing for an effective date.

On motions by Senator W. D. Childers, by two-thirds vote HB 2306 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The Honorable Dempsey J. Barron, President May 22, 1975

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

By the Committee on Natural Resources & Conservation—

CS for SB 321—A bill to be entitled An act relating to aquatic preserves; creating ss.258.35-258.44, Florida Statutes; providing a short title and legislative intent; definitions; creating 29 aquatic preserves; excluding privately held upland from the preserves; providing for creation of additional preserves and for legislative confirmation; requiring the Board of Trustees of the Internal Improvement Trust Fund to maintain the preserves; prohibiting the sale or transfer of sovereignty

submerged lands except in the public interest; prohibiting dredging or filling except in certain cases; prohibiting the drilling of gas or oil wells; prohibiting the excavation of minerals and erection of structures unless authorized; providing for rules and regulations and for the regulation of activities within the preserves; providing for the protection of the rights of riparian owners; providing severability; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 12, lines 14-31, and on page 13, lines 1-16 strike all of said lines and insert the following:

258.43 Rules and regulations.—

(1) The Board of Trustees of the Internal Improvement Trust Fund shall adopt and enforce reasonable rules and regulations to carry out the provisions of this act and specifically to provide regulation of human activity within the preserve in such a manner as not to unreasonably interfere with lawful and traditional public uses of the preserve, such as sport and commercial fishing, boating and swimming.

(2) Other uses of the preserve or human activity within the preserve, although not originally contemplated, may be permitted by the trustees but only subsequent to a formal finding of compatibility with the purposes of this act.

258.44 Effect of preserves.—Neither the establishment nor the management of the aquatic preserves under the provisions of this act shall operate to infringe upon the traditional riparian rights of upland property owners adjacent to or within the preserves. Reasonable improvement for ingress and egress, mosquito control, shore protection, public utility expansion, surface water drainage, installation and maintenance of oil and gas transportation facilities, and similar purposes may be permitted by the trustees subject to the provisions of any other applicable laws under the jurisdiction of other agencies.

Section 2. No non-permitted wastes or effluents shall be directly discharged into the preserve which substantially inhibit the accomplishment of the purposes of this act.

Section 3. The provisions of this act may be enforced by the Board of Trustees of the Internal Improvement Trust Fund or in accordance with the provisions of s.403.412. However, that any violation by any person, natural or corporate, of the provisions of this act or any rule or regulation issued hereunder shall be further punishable by a civil penalty of not less than \$500 per day nor more than \$5,000 per day of such violation.

Section 4. The provisions of this act shall be subject to the provisions of sections 403.501 through 403.515.

Section 5. If any provision of this act or the application thereof to any person or circumstance 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 6. This act shall take effect upon becoming a law.

House Amendment 2—On page 1 in title, line 23, after “owners;” insert: prohibiting the discharge of waste or effluents under certain circumstances; providing for enforcement of the act;

House Amendment 3—On page 6, line 10, strike “one foot”

House Amendment 4—On page 10, line 24, after word “sale” insert: “, or lease”

House Amendment 5—On page 10, lines 20 and 21 insert: (7) Within 30 days of the designation and establishment of an aquatic preserve, the Board of Trustees of the Internal Improvement Trust Fund shall record in the public records of the county or counties in which the aquatic preserve is located a legal description of the aquatic preserve

House Amendment 6—On page 11, line 23, after the “.” insert the following:

Provided, however, this will not prohibit the state from leasing the oil and gas rights and permitting drilling from outside the preserve to explore for oil and gas if approved by the board.

House Amendment 7—On page 1, line 17, after the semicolon (;) insert: providing certain exceptions;

Amendment 9—On page 8, line 20, insert the following after the period: (30) Wekiva River Aquatic Preserve, the boundaries of which are generally: All the state-owned sovereignty lands lying waterward of the ordinary high water mark of the Wekiva River, the Little Wekiva River and their tributaries lying and being in Lake, Seminole, and Orange counties and more particularly described as follows: (a) In Sections 15, 16, 17, 20, 21, 22, 27, 28, 29, and 30, Township 20 South, Range 29 East. These sections are also depicted on the Forest City Quadrangle (U.S.G.S. 7.5 minute series-topographic) 1959 (70PR); and

(b) In Sections 3, 4, 8, 9 & 10, Township 20 South, Range 29 East and in Sections 21, 28 and 33, Township 19 South, Range 29 East lying north of the right-of-way for Atlantic Coast Line Railroad and that part of Section 33, Township 19 South, Range 29 East lying between the Lake and Orange County lines and the right-of-way of the Atlantic Coast Line Railroad. These sections are also depicted on the Sanford SW Quadrangle (U.S.G.S. 7.5 minute series-topographic) 1965 (70-1); and

(c) All state-owned sovereignty lands, public lands and lands whether public or private below the ordinary high water mark of the Wekiva River, the Little Wekiva and their tributaries within the Peter Miranda Grant in Lake County lying below the 10 foot m.s.l. contour line nearest the meander line of the Wekiva River and all state-owned sovereignty lands, public lands and lands whether public or private below the ordinary high water mark of the Wekiva River, the Little Wekiva and their tributaries within the Moses E. Levy Grant in the Lake County below the 10 foot m.s.l. contour line nearest the meander lines of the Wekiva River and Black Water Creek as depicted on the PINE LAKES 1962 (70-1), ORANGE CITY 1964 (70PR), SANFORD 1965 (70-1) and SANFORD S.W. 1965 (70-1) QUADRANGLES (U.S.G.S. 7.5 minute topographic); and

(d) All state-owned sovereignty lands, public lands and lands whether public or private below the ordinary high water mark of the Wekiva River, the Little Wekiva River and their tributaries lying below the 10 foot m.s.l. contour line nearest the meander line of the Wekiva and St. John's Rivers as shown on the ORANGE CITY 1964 (70PR), SANFORD 1965 (70-1), and SANFORD S.W. 1965 (70-1) QUADRANGLES (U.S.G.S. 7.5 minute topographic) within the following described property: Beginning at a point on the South boundary of the Moses E. Levy Grant, Township 19 South, Range 29 East, at its intersection with the meander line of the Wekiva River; thence south 60 1/2° East along said boundary line 4915.68 feet; thence North 29 1/2° East 15,516.5 feet to the meander line of the St. John's River; thence Northerly along the meander line of the St. John's River to the mouth of the Wekiva River; thence Southerly along the meander line of the Wekiva River to the beginning; and

(e) All state-owned sovereignty lands, public lands and lands whether public or private below the ordinary high water mark of the Wekiva River, the Little Wekiva River and their tributaries within the Peter Miranda Grant lying East of the Wekiva River, LESS the following:

(a) State Road 46 and all land lying South of said State Road No. 46 and all land lying South of said State Road No. 46. (b) Beginning 15.56 chains West of the Southeast corner of the SW 1/4 of the NE 1/4 of Section 21, Township 19 South, Range 29 East, run East 600 feet; Thence North 960 feet; thence West 340 feet to the Wekiva River; thence South-westerly along said Wekiva River to point of beginning. (c) That part of the East 1/4 of the SW 1/4 of Section 22, Township 19 South, Range 29 East, lying within the Peter Miranda Grant East of the Wekiva River.

31. Rookery Bay Aquatic Preserve, the boundaries of which are generally: All of the sovereignty submerged lands located waterward of the mean high water line being in Sections 1, 2, 11, 12, 13, and 24, Township 51 South, Range 25 East, lying north of Johnson Bay and east of Little Marco Pass, and Sec-

tions 5, 6, 7, 8, 9, 16, 17, 18, 19, and 20, Township 51 South, Range 26 East, lying north of Johnson Bay, in Collier County, including all tributaries located within this description.

Any and all submerged lands theretofore conveyed by the Trustee of the Internal Improvement Trust Fund and any and all uplands now in private ownership are specifically exempted from this dedication.

Amendment 10—On page 6, line 7, after “72-663,” insert: and Boca Ciega Aquatic Preserve as established by chapter 69-342,

Amendment 12—On page 6, line 8, before “(28)” insert: If any provision of this act is in conflict with the aquatic preserves established by Chapters 69-342 and 72-663, Laws of Florida, or as said Chapters are subsequently amended, the stronger provision for the maintenance of the aquatic preserve shall prevail.

Amendment 13—On page 1 in title, line 23, after the first semicolon (;) insert: providing for the applicability of the act when in conflict with other provisions regulating certain aquatic preserves;

Amendment 15—On page 12, line 6, strike use of management and insert: use or management

Amendment 16—On page 12, lines 11—13, strike (4) The trustees shall not approve the seaward relocation or setting of bulkhead lines seaward of the mean high-water mark within the preserve.

Amendment 17—On page 10, line 26, strike sale or transfer and insert: sale, lease, or transfer

Amendment 18—On page 1 in title, line 7, strike 29 and insert: 31

Amendment 19—On page 6, line 7, after “Florida” insert: and 258.165, Florida Statutes

On motions by Senator Lewis, the Senate concurred in House Amendments 3, 4, 5, 6, 7, 10, 15 and 16 to CS for SB 321.

Senator Wilson was recorded as voting nay on House Amendment 16.

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

Amendment 1A—On page 1, between lines 8 and 9, renumber subsequent sections and insert: Section 2. No wastes or effluents shall be discharged into the preserve which substantially inhibit the accomplishment of the purposes of this act.

Section 3. The provisions of this act shall not supersede the provisions of ss 403.501 through 403.515, Florida Statutes.

Senators Lewis and Graham offered the following amendment to House Amendment 12 which was moved by Senator Lewis and adopted:

Amendment 12A—Strike: “or as said Chapters are subsequently amended,”

Senator Graham moved the following amendment to House Amendment 19 which was adopted:

Amendment 19A—On page 1, line 1, after the word “and” insert: the Biscayne Bay Aquatic Preserve as established by s.258.165, Florida Statutes

Further consideration of CS for SB 321 was deferred.

Special Order, continued

The Senate resumed consideration of—

HB 1289—A bill to be entitled An act relating to the Florida Criminal Code; amending s.775.08(3), Florida Statutes, 1974 Supplement; defining the term "noncriminal violation"; amending s.775.084, Florida Statutes, 1974 Supplement; providing penalties for subsequent misdemeanor offenders; amending s.775.087(1), Florida Statutes, 1974 Supplement; providing for reclassification of a felony in which the defendant carries a firearm; amending s.776.08, Florida Statutes, 1974 Supplement; including involuntary sexual battery in the definition of a forcible felony; amending ss.777.04(4), 782.04, 782.07, 782.071, 784.011(2), 784.021(2), 784.03(2), 784.045(2), 784.05, 787.01(2), 787.02(2), 787.03(1), 787.04(4), 794.03, 794.011(2)—(5), 806.01(1), (2), 806.10, 806.111, 806.13(2), 810.02(2), (3), 810.06, 810.08, 810.09, 810.10(2), 810.11(2), 812.021(2), (3), 812.031(2), (3), 812.041(1), 812.051(2), 812.13(2), 826.01, 826.03, 826.04, 827.03, 827.04, 827.05, 827.06(1), 837.012(1), 837.02(1), 837.021, 837.05, 837.06, 838.015(3), 838.016(4), 838.021(3), 838.031(3), 838.041, Florida Statutes, 1974 Supplement; amending the penalty provisions; reenacting and amending s.800.04, Florida Statutes; prohibiting lewd or lascivious conduct upon or in the presence of a child; reenacting ss.823.01, 823.02, 823.04, 823.041, and 823.05-823.10, Florida Statutes; relating to public nuisance and providing penalties therefor; repealing s.775.086, Florida Statutes, 1974 Supplement, relating to subsequent misdemeanor offenders; repealing s.64, chapter 74-383, Laws of Florida, relating to penalty provision references in the Florida Statutes; providing an effective date.

—which was taken up with the following pending amendment which was adopted:

Amendment 6—On page 6, line 5, strike "subsection (1) of" and insert between lines 22 and 23: (2) Any person who has been convicted of a felony involving a firearm or destructive device as defined in subsections 790.001(4) and (6) in the courts of this state or the United States, or of any other state, territory, or country, if punishable by imprisonment for a term exceeding 1 year, shall, upon subsequent conviction of a felony involving the *carrying*, display or use of, or attempt to use, a firearm or destructive device as defined in subsections 790.001(4) and (6), serve a minimum term of 3 years.

On motion by Senator Dunn the Senate reconsidered the vote by which Amendment 6 was adopted this day.

The question recurred on Amendment 6 which failed.

The Committee on Judiciary-Criminal offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 7—On page 19, line 14, strike the last comma and insert: ; or

(g) Any make, type or model of fire extinguisher,

Amendment 8—On page 20, line 15, strike the last comma and insert: ; or

(g) Any make, type, or model of fire extinguisher,

Amendment 9—On page 25, strike all of lines 15 through 18 and insert: Section 36, Section 838.016, Florida Statutes, 1974 Supplement, is amended to read:

838.016 Unlawful compensation or reward for ~~past~~ official behavior.—

(1) It is unlawful for any person corruptly to give, offer, or promise to any public servant, or if a public servant, corruptly to request, solicit, accept or agree to accept any pecuniary or other benefit not authorized by law for the past, *present*, or *future* performance, *nonperformance*, or *violation* of any act or omission which the person believes to have been or the public servant represents as having been either within the official discretion of the public servant or in violation of a public duty, or in performance of a public duty. Provided that nothing herein shall be construed so as to preclude a public servant from accepting rewards for services performed in apprehending any criminal.

(2) It is unlawful for any person corruptly to give, offer, or promise to any public servant, or if a public servant, corruptly to request, solicit, accept or agree to accept any pecuniary or other benefit not authorized by law for the past, *present*, or *future* exertion of any influence upon or with any other public servant regarding any act or omission which the

person believes to have been or which is represented to him as having been either within the official discretion of the other public servant or in violation of a public duty or in performance of a public duty.

(3) Prosecution under this section shall not require that the exercise of influence or official discretion, or violation of a public duty or performance of a public duty, for which a pecuniary or other benefit was given, offered, promised, requested, or solicited was accomplished or was within the influence, official discretion, or public duty of the public servant whose action or omission was sought to be rewarded or compensated.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Hair and adopted:

Amendment 10—On page 21, strike lines 11 - 27 and insert: Section 29, Section 812.13, Florida Statutes, 1974 Supplement, is amended to read:

812.13 Robbery.—

(1) "Robbery" means the taking of money or other property which may be the subject of larceny from the person or custody of another by force, violence, assault, or putting in fear.

(2) *Whoever commits robbery shall be guilty of a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment or as provided in s.775.082, s.775.083 or s.775.084.*

(a) *If in the course of committing the robbery the offender carried a firearm or other deadly weapon, then the robbery is a felony of the first degree, punishable by imprisonment for a term of years not exceeding life imprisonment or as provided in chapter 775.*

(b) *If in the course of committing the robbery the offender carried a weapon, then the robbery is a felony of the first degree, punishable as provided in chapter 775.*

(c) *If in the course of committing the robbery the offender carried no firearm, deadly weapon, or other weapon, then the robbery is a felony of the second degree.*

(3) *An act shall be deemed "in the course of committing the robbery" if it occurs in an attempt to commit robbery or in flight after the attempt or commission.*

The Committee on Judiciary-Criminal offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 11—On page 31, between lines 27 and 28 insert: Section 44 Subsection (1) of section 918.14, Florida Statutes, is amended to read:

918.14 Tampering with witnesses.—

(1) It is unlawful for any person, knowing that a criminal trial or an official proceeding or an investigation by a duly constituted prosecuting authority, law enforcement agency, grand jury or legislative committee or Judicial Qualifications Commission of this state is pending or knows that such is about to be instituted to endeavor or attempt to induce or otherwise cause a witness to:

(a) Testify or inform falsely; or

(b) Withhold any testimony, information, document, or thing.

(Renumber subsequent sections)

Amendment 12—On page 31, between lines 29 and 30 insert: Section 48. If any provision of this act or the application thereof to any person or circumstance 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.

(Renumber subsequent section)

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Deeb and adopted:

Amendment 13—On page 31, between lines 25 and 26 insert: Section 45. Paragraph (a) of subsection (2) of Section 782.02, Florida Statutes, is reenacted and amended to read:

782.02 Justifiable Use of Deadly Force ~~Homicide~~.

~~(2) The use of deadly force homicide is justifiable when a person is committed by any person in either of the following cases:~~

~~(a) When resisting any attempt to murder such person, or to commit any felony upon him, or upon or in any dwelling house in which such person shall be;~~

(Renumber subsequent sections)

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Dunn and adopted:

Amendment 14—On page 31, strike lines 26 and 27 and insert: Section 46. Sections 775.086 and 776.021, Florida Statutes, 1974 Supplement, are hereby repealed.

The Committee on Judiciary-Criminal offered the following amendments which were moved by Senator Dunn and failed:

Amendment 15—On page 1 in title, line 29, after "provisions;" insert: amending s.806.01, Florida Statutes, 1974 Supplement; replacing "having reason to know" with "with reasonable grounds to believe";

Amendment 16—On page 1 in title, between lines 15 and 16 insert: amending s.826.04, Florida Statutes, 1974 Supplement; replacing "sexual intercourse" with "sexual battery";

Amendment 17—On page 2 in title, line 4, strike "therefor;" and insert: therefore; reenacting s.828.08, Florida Statutes; relating to the penalty for exposing poison;

Amendment 18—On page 2 in title, line 6, after "Offenders;" insert: amending s.775.011(3), Florida Statutes, 1974 Supplement; clarifying language which relates to pending criminal cases involving offenses committed prior to October 1, 1975;

Senator Dunn moved the following amendment which was adopted:

Amendment 19—On page 2 in title, line 1, after the semicolon insert: amending s.806.01, Florida Statutes, making it unlawful to willfully or maliciously, by fire or explosive, damage property if the person has reasonable grounds to believe that a human being is in the structure; providing a penalty; amending s.826.04, Florida Statutes, relating to incest, substituting sexual battery for sexual intercourse as an element of the crime; reenacting s.828.08, Florida Statutes, providing a penalty for exposing poison; amending s.775.011(3), Florida Statutes, 1974 Supplement, changing the date of application of the code to pending cases and clarifying provision;

The Committee on Judiciary-Criminal offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 20—On page 1 in title, line 10, strike "(1)"

Amendment 21—On page 1 in title, line 29, after "provision" insert: and an increased penalty for fire extinguisher theft

Amendment 22—On page 1 in title, between lines 15 and 16 insert: amending s.838.016, Florida Statutes, 1974 Supplement, providing unlawful compensation punishable whether for past, present, or future official behavior;

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Hair and adopted:

Amendment 23—On page 1 in title, between lines 15 and 16 insert: amending s.812.13, Florida Statutes, 1974 Supplement, defining robbery and punishment therefor;

The Committee on Judiciary-Criminal offered the following amendments which were moved by Senator Dunn and adopted:

Amendment 24—On page 2 in title, line 6, before "repealing" insert: amending s.918.14(1), Florida Statutes, 1973, adding to types of proceeding for which it is unlawful to tamper with witnesses;

Amendment 25—On page 2, in title, line 9, after "Statutes;" insert: providing severability;

Amendment 26—On page 2, in title, line 6, after "offenders;" insert: amending and reenacting s.782.02(2)(a), Florida Statutes, relating to defense of person and dwelling; repealing s. 776.021, Florida Statutes, 1974 Supplement, relating to defense of dwelling;

Senator Dunn moved the following amendments which were adopted:

Amendment 27—On page 2 in title, line 1, after the semicolon insert: amending s.812.031, Florida Statutes, including the receipt of a stolen fire extinguisher in the crime of receiving stolen property;

Amendment 28—On page 2 in title, line 4, after "therefor;" insert: amending s.849.25, Florida Statutes, providing a penalty for any person engaging in bookmaking to a certain extent and for repeated violations;

Amendment 29—On page 31, between lines 25 and 26 insert: Section 42. Section 849.25, Florida Statutes, is amended to read:

849.25 Bookmaking defined; penalties.—

(1) As used in this section, the term bookmaking shall be deemed to be the taking or receiving of any bet or wager upon the result of any trial or contest of skill, speed, power, or endurance of man, beast, fowl or motor vehicle.

(2) Except as provided in subsection (3), whoever engages in bookmaking shall be guilty of a misdemeanor of the first degree, punishable as provided in s.775.082 or s.775.083. Any person who, having been convicted of violating this subsection and, thereafter violates this subsection, shall be guilty of a felony of the third degree, punishable as provided in s.775.082, s.775.083, or s.775.084.

(3) Whoever engages in bookmaking to the extent that in any one day he receives or accepts more than five bets or receives bets totaling more than \$500, or engages in a common bookmaking scheme with three or more persons is guilty of a felony of the third degree, punishable as provided in s.775.082, s.775.083, or s.775.084. Any person who, having been convicted of violating this section, thereafter violates this subsection, is guilty of a felony of the second degree, punishable as provided in s.775.082, s.775.083, or s. 775.084.

(4) ~~(3)~~ This section shall not apply to pari-mutuel wagering in Florida as authorized by the laws of the state; provided further, however, this section shall not apply to any prosecutions filed and pending at the time of the passage hereof, but all such cases shall be disposed of under existing law at the time of the institution of such prosecutions.

(Renumber subsequent sections)

Senator Myers moved the following amendment:

Amendment 30—On page 31, between lines 25 and 26, insert: Section 42. Subsections (2)(c) and (3)(a) of section 893.03, Florida Statutes, are amended to read:

893.03 Standards and schedules.—The substances enumerated herein are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV, and V are included by whatever official, common, usual, chemical, or trade name designated.

(2) SCHEDULE II.—A substance in Schedule II has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of the substance may lead to severe psychological or physical dependence. The following substances are controlled in Schedule II:

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances including their salts, isomers, optical isomers, salts of their

isomers and salts of their optical isomers ~~having a stimulant effect on the central nervous system:~~

1. Amphetamine.
2. Methamphetamine.
3. Phenmetrazine.
4. Methylphenidate.
5. Methaqualone.
6. Amobarbital.
7. Secobarbital.
8. Pentobarbital.

(3) SCHEDULE III.—A substance in Schedule III has a potential for abuse less than the substances contained in Schedules I and II and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to moderate or low physical dependence or high psychological dependence. The following substances are controlled in Schedule III:

(a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the nervous system:

1. Any substance which contains any quantity of a derivative of barbituric acid, or any salt or a derivative of barbituric acid.
2. Chlorhexadol.
3. Glutethimide.
4. Lysergic acid.
5. Lysergic acid amide.
6. ~~Methaqualone.~~
6. 7. Methyprylon.
7. 8. Phencyclidine.
8. 9. Sulfondiethylmethane.
9. 10. Sulfonethylmethane.
10. 11. Sulfonmethane.

Section 43. Paragraphs (a), (b) and (c) of subsection (1) of section 893.13, Florida Statutes, are amended to read:

893.13 Prohibited acts; penalties.—

(1)(a) Except as authorized by this chapter and chapter 500, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in s.893.03(1)(a), (1)(b), (2)(a), or (2)(b) is guilty of a felony of the second degree, punishable as provided in s.775.082, s.775.083 or ~~and~~ s.775.084.
2. A controlled substance named or described in s.893.03(1)(c), (2)(c), (3), ~~or~~ (4), (5) is guilty of a felony of the third degree, punishable as provided in s.775.082, s.775.083, or s.775.084.
3. ~~A controlled substance named or described in section 893.03(5) is guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083.~~

(b) Except as provided in this chapter, it is unlawful to sell, deliver, or possess in excess of ten grams of any substance when 10 milligrams of such substance is one of those substances named or described in s.893.03(1)(a) or (1)(b); ~~or any combination thereof.~~ Any person who violates this provision is guilty of a felony of the first degree, punishable as provided in s.775.082, s.775.083, or ~~and~~ s.775.084.

(e) It is unlawful for any person to be in actual or constructive possession of a controlled substance unless such controlled substance was lawfully obtained from a practitioner

or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice or except as otherwise authorized by this chapter. Any person who violates this provision is guilty of a felony of the third degree, punishable as provided in s.775.082, s.775.083 or s.775.084, with respect to:

1. A controlled substance named or described in s.893.03(1), (2), (3) or (4) is guilty of a felony of the third degree, punishable as provided in s.775.082, s.775.083, or s.775.084.
2. A controlled substance named or described in s.893.03(5) is guilty of a misdemeanor of the first degree, punishable as provided in s.775.082 or 775.083.

Section 44. Paragraph (f) of subsection (1) of section 893.13 Florida Statutes is amended to read:

893.13 Prohibited acts; penalties.—

(1)

(f) If the first offense is the possession or delivery without consideration of not more than one ounce ~~five grams~~ of cannabis, that person shall be guilty of a misdemeanor of the first degree, punishable as provided in sec. 775.082 and sec. 775.083. For purposes of this subsection, "Cannabis" shall not include the resin extracted from the plant Cannabis sativa or any compound manufacture, salt derivative, mixture, or preparation of such resin.

(Renumber subsequent sections)

The President presiding

Senators Wilson and Vogt offered the following amendment to Amendment 30 which was moved by Senator Wilson and adopted:

Amendment 30A—On page 4, strike lines 14-33 and insert:

Section 44. Paragraph (h) is added to subsection (1) of section 893.13, Florida Statutes, to read:

893.13 Prohibited acts; penalties.—

(1)

(h) Any person possessing or delivering more than one kilogram of cannabis shall be guilty of a felony of the second degree, punishable as provided in §775.082 or §775.083.

(Renumber subsequent section)

Amendment 30 as amended was adopted.

Senator Myers moved the following amendment:

Amendment 31—On page 2 in title, line 4, after the semi-colon insert: amending s.893.03(2)(c), (3)(a), Florida Statutes, deleting the words having a stimulus effect on central nervous system; adding substances to schedule II of controlled substances and deleting a substance from schedule III; amending s.893.13(1)(a)(b) and (e), Florida Statutes, making it a third degree felony for violations involving controlled substances listed in schedule V; making it a first degree felony for violations involving in excess of 10 grams of any substance when 10 milligrams of such substance is a substance named in s.893.03(1)(a) or (b); providing penalties for possession of a controlled substance; amending s.893.13(1)(b), Florida Statutes, making the first offense of possession or delivery without compensation of not more than one ounce of cannabis a first degree misdemeanor

Senators Wilson and Dunn offered the following amendment to Amendment 31 which was moved by Senator Dunn and adopted:

Amendment 31A—On page 2, line 5, insert: adding §893.13(1)(h), Florida Statutes; prohibiting any person from possessing or delivering more than 1 kilogram of cannabis; providing a penalty;

Amendment 31 as amended was adopted.

Senator Dunn moved the following amendments which were adopted:

Amendment 32—On page 2 in title, line 4, after "therefore" insert: amending s.849.25, Florida Statutes, providing a penalty

for any person engaging in bookmaking to a certain extent and for repeated violations;

Amendment 33—On page 2 in title, line 1, after the semi-colon insert: amending s.812.031, Florida Statutes, including the receipt of a stolen fire extinguisher in the crime of receiving stolen property;

Senator Ware moved the following amendment:

Amendment 34—On page 31, between lines 25 and 26, insert the following section: Section 42. Drunkenness prohibited as public nuisance; penalty—whoever shall be or become drunk from the voluntary use of intoxicating liquors or drugs shall be a public nuisance and be punished by a fine of not more than twenty-five dollars, or by imprisonment in the county jail for not more than one month; but no prosecution shall be instituted after three months after the commission of the offense.

(RENUMBER SUBSEQUENT SECTIONS)

Amendment 34 was adopted by the following vote:

Yeas—20

Brantley	Gallen	Plante	Thomas, J.
Childers, D.	Glisson	Renick	Thomas, P.
Childers, W. D.	Holloway	Saylor	Tobiassen
Deeb	Lewis	Sims	Trask
Dunn	McClain	Spicola	Ware

Nays—12

Firestone	Johnston	Myers	Vogt
Gordon	Lane, J.	Poston	Wilson
Graham	MacKay	Stolzenburg	Winn

By unanimous consent Senator Hair was recorded as voting yea. Senator MacKay changed his vote from nay to yea.

Senators Myers and Gordon offered the following amendment which was moved by Senator Gordon and failed:

Amendment 35—On page 31, between lines 25 and 26, insert: Section 42. paragraph (f) of subsection (1) of section 893.13, Florida Statutes, is amended to read: 893.13 Prohibited acts; penalties.—

(1)

(f) If the first offense is the possession or delivery without consideration of not more than 12 ~~five~~ grams of cannabis, that person shall be guilty of a misdemeanor of the first degree, punishable as provided in §775.082 and §775.083. For purposes of this subsection, "cannabis" shall not include the resin extracted from the plant *Cannabis sativa*, or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

(Renumber subsequent sections)

Senator Dunn moved the following amendments which were adopted:

Amendment 36—On page 6, strike all of lines 5 through and including line 22 and insert: Section 3. Section 775.087, Florida Statutes, 1974 Supplement, is amended to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(1) Unless otherwise provided by law, whenever a person is charged with a felony, except a felony in which the use of a weapon or firearm is an essential element, and during the commission of such felony the defendant carries, displays, uses, threatens, or attempts to use any weapon or firearm, or during the commission of such felony the defendant commits an aggravated battery, the felony for which the person is charged shall be reclassified as follows:

(a) In the case of a felony of the first degree, to a life felony.

(b) In the case of a felony of the second degree, to a felony of the first degree.

(c) In the case of a felony of the third degree, to a felony of the second degree.

(2) Any person who is ~~has been~~ convicted of any murder, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, aircraft piracy, or any attempt to commit the aforementioned crimes, and said person had in his possession a firearm or destructive device as defined in subsection 790.001(4) or (6) shall be sentenced to a minimum term of imprisonment of 3 years. Notwithstanding the provisions of s.948.01, adjudication of guilt or imposition of sentence shall not be suspended, deferred or withheld, nor shall the defendant be eligible for parole prior to serving such minimum sentence. ~~felony involving a firearm or destructive device as defined in subsections 790.001(4) and (6) in the courts of this state, or of the United States, or of any other state, territory, or country, if punishable by imprisonment for a term exceeding 1 year, shall, upon subsequent conviction of a felony involving the display or use of, or attempt to use, a firearm or destructive device as defined in subsections 790.001(4) and (6), serve a minimum term of 3 years.~~

Amendment 37—On page 1 in title, line 13, after the word "firearm" insert: amending s.775.087(2), Florida Statutes, 1974 Supplement; providing minimum sentence for conviction of certain felonies involving the use of a firearm or destructive device;

Senator Ware moved the following amendment which was adopted:

Amendment 38—On page 2 in title, line 4, after the semi-colon insert: prohibiting public drunkenness; providing a penalty;

On motion by Senator Dunn, by two-thirds vote HB 1289 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—5

Gordon	Lewis	Myers	Zinkil
Graham			

By unanimous consent Senator Sims was recorded as voting yea.

The Senate resumed—

CS for HB 1759—A bill to be entitled An act relating to ad valorem taxation; amending s.196.199(4), Florida Statutes; providing in the case of governmental property leased or subleased to a nongovernmental lessee that the annual ad valorem tax to be paid by the nongovernmental lessee be diminished by the amount of the rent paid to any governmental lessor; providing that the 1972 and 1973 taxes shall be paid, or if already collected reimbursed to the payor, by certain governmental lessors or sublessors; providing for payment of certain 1974 and future taxes; providing that certain entities are deemed to be governmental authorities; providing an effective date.

Senator MacKay moved the following amendment which was adopted:

Amendment 1—On page 1, line 29, strike all of lines 29 and line 1 of page 2 and insert: lessee on or after June 1, 1975, and the leasehold interest of such

On motion by Senator W. D. Childers, by two-thirds vote CS for HB 1759 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—3

Lane, D.	MacKay	Sayler
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HB 182—A bill to be entitled An act relating to retirement; adding subsections (7) and (8) to s.20.31, Florida Statutes, providing for the creation of a seven-member State Retirement Commission; providing membership, qualifications, and terms; providing powers and duties; authorizing the commission to hear appeals on various retirement matters or disputes; providing a penalty; providing for administrative, secretarial, and legal support; providing compensation; providing administrative duties of the director of the Division of Retirement; amending s.121.031, Florida Statutes; authorizing the Division of Retirement to establish regional retirement officers; authorizing electronic data processing services; amending s.121.021(15), Florida Statutes, which defines "special risk member," to conform the definition to the provisions of this act; amending subsection (2)(a) of s.121.081, Florida Statutes, authorizing claims for prior service under certain conditions as creditable service without awaiting lapse of three year period upon otherwise complying with said subsection; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator Trask:

Amendment 1—On page 1, strike everything after the enacting clause and insert: Section 1. Subsections (7) and (8) are added to section 20.31, Florida Statutes, to read:

20.31 Department of Administration.—There is created a Department of Administration.

(7) State Retirement Commission.

(a) There is created within the Department of Administration a State Retirement Commission composed of seven members: one member who is retired under a state supported retirement system administered by the Division of Retirement, two members from different occupational backgrounds who are active members in a state supported retirement system which is administered by the Division of Retirement and four members who are not retirees, beneficiaries, or members of a state supported retirement system which is administered by the Division of Retirement. Appointments to the commission shall be made by the governor, subject to confirmation by the senate. The initial appointment of members shall be as follows: two members shall be appointed for terms to expire December 31, 1977; two members shall be appointed for terms to expire December 31, 1978, and three members shall be appointed for terms to expire December 31, 1979. As the terms of the initial members expire, their successors shall be appointed for 4-year terms. Each member shall serve until his successor is appointed and confirmed, and a member may be appointed to succeed himself. Should a vacancy occur, it shall be filled by appropriate appointment, by the governor, for the period of the unexpired term. No person shall serve as a member who holds an elective public office of the state or any political subdivision thereof or who holds any office in, or serves as an agent for a political party. No person shall be appointed to the commission who has not been a citizen of Florida for at least 3 years immediately prior to his appointment. The governor may suspend a member of the commission only for cause, subject to removal or reinstatement by the senate.

(b) The provisions of this paragraph shall apply to all proceedings respecting applications for disability retirement, reexamination of retired members receiving disability benefits and applications for special risk membership in the Florida Retirement System.

1. In accordance with the rules of procedure adopted by the Department of Administration through the Division of Retirement, the Administrator shall:

a. Give reasonable notice of the Administrator's proposed action, or his decision to refuse action, together with a summary of the factual, legal and policy grounds therefor;

b. Give affected members, or their counsel, an opportunity to present to the Division written evidence in opposition to the proposed action or refusal to act, or a written statement challenging the grounds upon which the Administrator has chosen to justify his action or inaction;

c. If the objections of the member are overruled, provide a written explanation within twenty days.

2. Unless the member accepts the decision of the Administrator as final and binding, he shall be entitled to a hearing before the State Retirement Commission pursuant to §120.57(1). For the purpose of the said hearings the Commission shall be the agency head as defined by §120.52(3).

3. The Retirement Commission shall have the authority to issue orders as a result of an appeals hearing that shall be binding on all parties to the dispute. The Retirement Commission may order any action that it deems appropriate.

4. The Administrator and the Retirement Commission shall have the power to administer oaths, subpoena witnesses, and compel production of evidence pertaining to any hearing authorized by law. Any person who fails to appear in response to a subpoena or to answer any question or produce any evidence pertinent to any hearing or who knowingly gives false testimony therein is guilty of a misdemeanor of the first degree, punishable as provided in Section 775.082, or Section 775.088, Florida Statutes.

5. The exercise by the Retirement Commission of the powers, duties and functions prescribed by this paragraph shall be reviewable by the District Court of Appeal in the appellate district where the Division of Retirement maintains its headquarters.

6. The exercise by the Retirement Commission of the powers, duties and functions prescribed by this paragraph shall be reviewable by the judiciary only on the grounds that:

a. The Commission did not afford a fair and equitable hearing;

b. The decision of the Commission was not in accordance with existing statutes or rules and regulations promulgated thereunder; or

c. The decision of the Commission was not based on substantial evidence. The court, shall not, however, substitute its judgment for that of the Commission as to the weight of the evidence on any disputed finding of fact where the decision of the Commission was supported by substantial evidence; nor shall the court substitute its judgment for that of the Commission on an issue of discretion.

(c) The Commission shall conduct its business within the following guidelines:

1. A quorum shall consist of four members and the concurring vote of four members shall be required to reach a decision, issue orders, and conduct the business of the Commission.

2. The Commission shall elect a chairman and such other officers as it deems necessary. The chairman shall conduct the meetings and hearings of the commission and shall take whatever action is necessary to insure that the business of the Commission is conducted in an equitable, orderly, and expeditious manner. All parties shall abide by the chairman's decisions unless the chairman is overruled by a majority of members present.

(d) Legal counsel for the Commission may be provided by the Department of Legal Affairs or by the Department of Administration with the concurrence of the said Commission, and shall be paid by the Department of Administration from the appropriate funds.

(e) The Division of Retirement shall furnish administrative and secretarial assistance to the Commission, and shall provide a place where the Commission may hold its meetings.

(f) The members of the Commission shall be paid an honorarium of \$50 for each day spent on the work of the Commission. In addition to the honorarium, each member of the Commission shall receive per diem and travel expenses as provided in section 112.061. The official headquarters of each member, for purpose of calculating per diem and travel expenses, shall be the permanent home address of each member of the Commission. Members of a state administered retirement system who are appointed to the Commission shall have their work on the Commission considered as part of their regular job assignments and shall not be required to take leave while engaged in the Commission's business. The receipt of an honorarium shall have no effect on the retirement benefits of the retired member of the Commission.

(8) The director of the Division of Retirement shall be the administrator of the retirement and pension systems assigned or transferred to the Division of Retirement by law, and upon delegation of such authority by the Secretary of Administration shall have the authority to sign contracts necessary to carry out the duties and responsibilities assigned by law to the Division of Retirement.

Section 2. Section 121.031, Florida Statutes, is amended to read:

121.031 Administration of system; appropriation.—

(1) The ~~administrator~~ Department of Administration through the Division of Retirement shall make such rules ~~and regulations~~ as are necessary for the effective and efficient administration of this system. The funds to pay the expenses for such administration are hereby appropriated from interest earned on investments made by the Board of Administration for the Retirement and Social Security Trust Funds and the assessments allowed under chapter 650. The administrator shall cause an actuarial study of the system to be made at least once every 5 years and report the results of such study to the next session of the legislature following completion of the study.

Section 3. Subsection (15) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions.—The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(15) "Special risk member" means any officer or employee whose application is approved by the administrator and who receives receiving salary payments for work performed as a peace officer; law enforcement officer; policeman; highway patrolman; custodial employee at a correctional or detention facility; correctional agency employee whose duties and responsibilities involve direct contact with inmates, but excluding secretarial and clerical employees; fireman; or an employee in any other job in the field of law enforcement or fire protection if the duties of such person are certified as hazardous by his employer and approved by the Administrator. In the event any member or group of members seeks to be classified as special risk members and their employer fails to certify that their duties are hazardous or that their positions fall within the definition of the special risk category established herein or the administrator fails to concur in the certification of an employer with respect to the members' eligibility to participate as special risk members, such member or group of members may appeal to the career service commission for a hearing on the merits of their case. The decision of the career service commission shall be final and binding on all parties to the dispute.

Section 4. The funds necessary to implement the provisions of this act are appropriated from the Florida Retirement System Trust Fund to the Department of Administration, said department is hereby authorized not more than five (5) positions for the purposes of this act.

Section 5. This act shall take effect upon becoming a law.

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

Amendment 1A—On page 8, line 1 insert: and renumber subsequent sections

Section 4. Section 112.043(2) is created to read:

112.043(2) No officer or board, whether state, county or municipal, shall require persons to retire against their will

solely on the basis of age, and no state, county or municipal agency, board, commission, department or office shall include in its personnel policy a mandatory retirement age.

Section 5. Section 112.051, Florida Statutes, is hereby repealed.

Amendment 1A failed by the following vote:

Yeas—16

Deeb	Gordon	Lane, J.	Spicola
Firestone	Graham	McClain	Stolzenburg
Gallen	Holloway	Myers	Winn
Glisson	Johnston	Sims	Zinkil

Nays—23

Mr. President	Henderson	Poston	Tobiassen
Brantley	Lane, D.	Renick	Trask
Childers, D.	Lewis	Saunders	Vogt
Childers, W. D.	MacKay	Saylor	Ware
Dunn	Peterson	Thomas, J.	Wilson
Hair	Plante	Thomas, P.	

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

Amendment 1 was adopted.

The Committee on Ways and Means offered the following amendment which was moved by Senator Trask and adopted:

Amendment 2—On page 1, strike the title and insert: An act relating to retirement; adding subsections (7) and (8) to s.20.31, Florida Statutes, providing for the creation of a seven-member State Retirement Commission; providing membership, qualifications, and terms; providing powers and duties; authorizing the commission to hear appeals on various retirement matters or disputes; providing a penalty; providing for administrative, secretarial, and legal support; providing compensation; providing administrative duties of the director of the Division of Retirement; amending s.121.021(15), Florida Statutes, which defines "special risk member," to conform the definition to the provisions of this act; providing an appropriation; providing an effective date.

On motion by Senator Trask, by two-thirds vote HB 182 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 970—A bill to be entitled An act relating to the Florida Retirement System; amending s.121.052(1)(c), Florida Statutes, 1974 Supplement, and adding a new paragraph (d), increasing the interest rate charged with regard to the purchase of certain retirement credit in the system; authorizing all members of the elected state officers' class to purchase additional credit in that class for service in certain judicial positions; reopening the elected state officers' class for the period beginning October 1, 1975 through December 31, 1975; repealing s.123.031, Florida Statutes, which provides that the benefits and terms of the comprehensive retirement act shall be available to members of the judicial retirement system at their option; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator Plante and adopted:

Amendment 1—On page 3, line 24, strike 1975 and insert: 1976

On motion by Senator Plante, by two-thirds vote HB 970 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—4

Glisson	Lewis	Thomas, P.	Tobiassen
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By unanimous consent Senator Spicola was recorded as voting yea; Senator Lewis changed his vote from nay to yea.

On motion by Senator Tobiassen, the House was requested to return HB 1078.

HB 435—A bill to be entitled An act relating to medical practice; amending s.458.05(3), Florida Statutes, to provide an alternative to certain license examination requirements for certain graduates of foreign medical schools; providing an effective date.

—was read the second time by title.

Senator D. Lane moved the following amendment which was adopted:

Amendment 1—On page 1, line 12, strike Section 1 and insert: Section 1. Present subsection (4) of section 458.05, Florida Statutes, is renumbered as subsection (5), and new subsection (4) is added to said section to read:

458.05 Application for license; qualifications as applicant.—

(4) Notwithstanding the provisions of subsection (2)(c), a graduate of a foreign medical school need not present the certificate issues by the Educational Council for Foreign Medical Graduates or pass the American medical examination for foreign medical graduates if he:

(a) Has completed undergraduate work in an accredited United States college or university;

(b) Has studied at a medical school which is recognized by the World Health Organization;

(c) Has completed all of the formal requirements of the foreign medical school, except the internship or social service requirements and has passed part I of the National Board of Medical Examiners examination or the ECFMG equivalent; and

(d) Has completed an academic year of supervised clinical training in a hospital affiliated with a medical school approved by the Council on Medical Education of the American Medical Association and upon completion has passed part II of the National Board of Medical Examiners examination or the ECFMG equivalent.

(e) Has been a bona fide resident of the State of Florida for one year;

(5) ~~(4)~~ The board is granted the authority to waive the requirements of subsection (2)(c) for an applicant who demonstrates that he is either eligible for or has been examined and certified as a specialist by one of the appropriate American specialty boards accredited by the Council of the American Medical Association.

On motion by Senator J. Lane, by two-thirds vote HB 435 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—5

Dunn	Lane, D.	Saunders	Thomas, J.
Glisson			

HB 1829—A bill to be entitled An act relating to nursing; amending ss. 464.011-464.24, Florida Statutes, and creating s.464.122, Florida Statutes; redefining the terms "practice of professional nursing" and "practice of practical nursing"; changing references to "registered nurses" to "registered professional nurses"; increasing membership of the 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 that no board member shall serve more than two consecutive terms; providing qualifications for board members; providing for an executive director of the board; authorizing the board to require continuing education and to examine nursing records under certain circumstances; providing qualifications for all license applicants; providing for the use of titles associated with professional and practical nursing; providing for persons licensed on the effective date of the act; providing for 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 that any person knowingly employing an unlicensed person or concealing violations shall be in violation of chapter 464; changing penalty from a second degree misdemeanor to a first degree misdemeanor; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Vogt and adopted:

Amendment 1—On page 8, strike all of line 11 and insert: (d) Subject to the provisions of 464.021(2), define by rule what constitutes specialized and

On motion by Senator Vogt, by two-thirds vote HB 1829 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

On motion by Senator P. Thomas, by two-thirds vote HB 1291 was withdrawn from the Committee on Commerce and placed on the calendar.

SB 632 was taken up and on motion by Senator P. Thomas—

HB 1291—A bill to be entitled An act relating to the State Career Service System; amending s.110.051(2)(a), (k), Florida Statutes, 1974 Supplement; providing exemptions from the

Career Service System for personal secretaries to elected state officials and to certain appointed state employees; providing an effective date.

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

Senator P. Thomas moved the following amendment which was adopted:

Amendment 1—On page 1, line 31, insert after the word "under": *the Department of State and*

On motion by Senator P. Thomas, by two-thirds vote HB 1291 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 632 was laid on the table.

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 30, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1806 and requests the concurrence of the Senate.

Allen Morris, Clerk

HB 1806—A bill to be entitled An act relating to the parole and probation commission; amending s.944.025(1), F.S., as created by Chapter 74-112, Laws of Florida, to limit pretrial supervision programs supervised by the commission to persons charged in criminal actions in the circuit court; amending s. 921.23(1), F.S., as created by Chapter 74-112, and s.948.01(2), F.S., as amended by Chapter 74-112; to limit to the circuit courts the referral of cases to the commission for pre-sentence investigation and recommendation; amending s.948.02 and s. 903.03(2)(a), F.S., to limit the duty of the commission to investigate and report on cases to those referred by the circuit court; amending s.951.24(9), Florida Statutes, authorizing the board of county commissioners to provide for payment to the parole and probation commission out of funds collected from those being supervised instead of the county's fine and forfeiture fund; authorizing county judges to levy upon those supervised a charge for supervision; providing an effective date.

—was read the first time by title. On motion by Senator Saunders, the rules were waived and the bill was placed on the calendar.

On motion by Senator Saunders, unanimous consent was obtained to take up HB 1806 out of order. On motions by Senator Saunders, by two-thirds vote HB 1806 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deeb	Glisson	Henderson
Brantley	Dunn	Gordon	Holloway
Childers, D.	Firestone	Graham	Johnston
Childers, W. D.	Gallen	Hair	Lane, J.

Lewis	Renick	Thomas, J.	Wilson
MacKay	Saunders	Thomas, P.	Winn
Myers	Sayler	Tobiassen	Zinkil
Peterson	Sims	Trask	
Plante	Spicola	Vogt	
Poston	Stolzenburg	Ware	

Nays—1

McClain

Special Order, continued—

SB 1249—A bill to be entitled An act relating to the Industrial Relations Commission; amending s.20.17(7), Florida Statutes, 1974 Supplement; providing for the appointment of temporary associate commissioners; providing for the powers and duties of the commission; providing for the salaries, expenditures, fees, office, seal and destruction of records of the commission; repealing s.20.17(4), Florida Statutes, relating to the transfer of the Florida Industrial Commission to the Department of Commerce; repealing s.440.44(b), Florida Statutes, and s.440.441, Florida Statutes, 1974 Supplement, as amended, relating to the seal of the commission and salaries of the commissioners; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Tobiassen and adopted:

Amendment 1—On page 1 in title, line 15, strike "(b)" and insert: (6)

On motion by Senator Tobiassen, by two-thirds vote SB 1249 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—36

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

Nays—2

Mr. President Plante

HB 658—A bill to be entitled An act relating to mental hospitals; creating s.394.4785, Florida Statutes, establishing a cemetery at Northeast Florida State Hospital, Macclenny, Baker County, for the burial of unclaimed bodies of deceased patients or cremation of same; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote HB 658 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

By unanimous consent Senators MacKay and Tobiassen were recorded as voting yea.

SB 810 was taken up, together with:

By the Committee on Ways and Means and Senator Poston—

CS for SB 810—A bill to be entitled An act relating to county court judges; amending s.34.022(1), (13), (36), (64), Florida Statutes; providing for one additional county court judgeship each in Alachua, Dade, Lee and Volusia Counties; providing an appropriation; providing an effective date.

—which was read the first time by title and SB 810 was laid on the table.

On motion by Senator Poston, by two-thirds vote CS for SB 810 was read the second time by title.

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

Amendment 1—On page 1 between lines 19 and 20, insert: (6) Broward 8 7

On motion by Senator Poston, by two-thirds vote CS for SB 810 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Childers, D.	Hair	Peterson	Tobiassen
Deeb	Henderson	Poston	Trask
Dunn	Holloway	Renick	Wilson
Firestone	Johnston	Saunders	Winn
Gallen	Lewis	Saylor	Zinkil
Gordon	MacKay	Thomas, J.	
Graham	Myers	Thomas, P.	

Nays—8

Mr. President	Childers, W. D.	Lane, J.	Spicola
Brantley	Lane, D.	Sims	Vogt

By unanimous consent Senator Glisson was recorded as voting yea.

Senator Saunders moved that the Senate reconsider the vote by which SB 1249 passed as amended this day. The motion was adopted.

On motion by Senator Graham, by two-thirds vote HB 1972 was withdrawn from the Committee on Ways and Means and placed on the calendar.

SB 509 was taken up and on motion by Senator Graham—

HB 1972—A bill to be entitled An act relating to education; amending s.20.15(3)(a) and (4), Florida Statutes, changing the name of the Division of Elementary and Secondary Education to the Division of Public Schools; prescribing the method of appointing division directors in the Department of Education; amending s.229.512(1), Florida Statutes, providing that the commissioner's appointment of division directors shall be subject to approval of the state board; adding subsection (5) to s.229.551, Florida Statutes, providing for establishment of a common course designation and numbering system for community colleges and state universities; amending s.229.-8055(3), Florida Statutes, and adding subsection (6) to said section; requiring the Bureau of Environmental Education to integrate environmental education into the general curriculum of all public school grades; providing for the appointment of an Environmental Education Advisory Council; providing for membership, meetings and a chairman; providing duties and responsibilities; providing for expenses of members; amending s.231.30 (2)(a), Florida Statutes, increasing from \$5 to \$7 the amount of each regular certificate fee deposited in the Professional Practices Commission Trust Fund; changing the name of such fund to the Professional Practices Advisory Council Trust Fund; amending s.239.451(1), Florida Statutes, providing for the awarding of certificates when new regents scholarships are awarded; amending s.239.68, Florida Statutes, creating the Florida Student Financial Aid Advisory Council; providing an effective date.

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

The Committee on Education offered the following amendments, which were moved by Senator Graham and adopted:

Amendment 1—On page 3, line 27, strike "a Bureau of Environmental Education within the Division of Elementary and Secondary Education" and insert: an Office of Environmental Education in the office of the deputy commissioner for education management

Amendment 2—On page 4, line 3, strike "bureau" and insert: office

Amendment 3—On page 4, line 19, strike "The director of the Division of Elementary and Secondary Education" and insert: The Commissioner of Education

Amendment 4—On page 4, line 19, insert: (f) Developing an estimate of manpower needs in government, science and industry relative to environmental protection. The estimate shall be revised annually and distributed to the senior high schools, community colleges, and colleges and universities within the state. The office shall review the adequacy of existing educational and training programs to respond to the estimated manpower needs, and annually report to the commissioner and the legislature regarding the adequacy of such programs. The state manpower services council is authorized and directed to provide such technical assistance as is necessary for the development and revision of the manpower needs estimate and for the review of educational and training programs as described herein.

Amendment 5—On page 4, line 30, strike "director" and insert: commissioner

Amendment 6—On page 5, line 2, strike "director" and insert: commissioner

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

Amendment 7—On page 7, line 26, insert new section 8 and renumber subsequent section: Section 8. Section 229.085, Florida Statutes, is amended to read:

229.085 Custody of educational funds.—

(1) All funds received by the Department of Education shall be deposited in the state treasury subject to disbursement in such manner and for such purpose as the legislature may by law provide. However, funds held in trust for student organizations which are established and operated in conjunction with public school or community college programs may, upon approval by the state board, be exempted from this section and deposited outside the state treasury.

(2) There is created in the Department of Education the Projects, Contracts and Grants Trust Fund. Funds received from contracts, grants or donations and which must be expended pursuant to terms under which the funds are received may be deposited in and expended from this trust fund. If, in executing the terms of such projects, grants or donations, the employment of personnel shall be required, such personnel shall be employed pursuant to rules of the State Board of Education and shall not be subject to the requirements of section 216.262(1)(a), Florida Statutes.

Senator Graham moved the following substitute amendment for Amendment 7 which was adopted:

Amendment 8—On page 7, line 26, insert New section 8 and renumber subsequent section: Section 8. Section 229.085, Florida Statutes, is amended to read:

229.085 Custody of educational funds.—

(1) All funds received by the Department of Education shall be deposited in the state treasury subject to disbursement in such manner and for such purpose as the legislature may by law provide. However, funds held in trust for student organizations which are established and operated in conjunction with public school or community college programs may, upon approval by the state board, be exempted from this section and deposited outside the state treasury.

(2) *There is created in the Department of Education the Projects, Contracts and Grants Trust Fund. If in executing the terms of such grants or contracts for specific projects the employment of personnel shall be required, such personnel shall not be subject to the requirements of Section 216.262(1)(a), Florida Statutes.*

Senators Henderson and Brantley offered the following amendment which was moved by Senator Henderson and adopted:

Amendment 9—On page 5, line 19, add new section 5 & renumber subsequent sections: From the following items in the 1975 General Appropriations Act, there is allocated to the office of environmental education:

Item 294A: \$143,618.00

Item 294B: \$ 6,200.00

Item 294C: 138,792.00

Item 294D: 2,342.18

From those funds appropriated to the Department of Education pursuant to Items 294A, 294B, 294C, 294D, 294G, 294H, 294I, 294J, 294L, 294M, 294N, 294O, 315A, 315B, 315C, and 315D in the 1975 General Appropriations Act, the department is authorized to reallocate among such items; provided, the total of all such items shall not be increased by such reallocation.

Senator Gordon moved the following amendment which was adopted:

Amendment 10—On page 7, line 26, insert New section 8 and renumber subsequent sections:

Section 8. Section 230.7566, Florida Statutes, is created to read:

230.7566 Direct-support organizations; use of property; audit; status.—

(1) DEFINITIONS.—For the purposes of this section:

(a) "Community college direct-support organization" means an organization which is:

1. A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State;

2. Organized and operated exclusively to receive, hold, invest and administer property and to make expenditures to or for the benefit of a community college in Florida; and which is

3. An organization which the board of trustees after review has certified to be operating in a manner consistent with the goals of the community college and in the best interest of the state. Any organization which is denied certification by the board of trustees shall not use the name of the community college which it serves.

(b) "Personal services" includes full- or part-time personnel as well as payroll processing.

(2) USE OF PROPERTY.—

(a) The board of trustees is authorized to permit the use of property, facilities, and personal services at any state community college by any community college direct-support organization, subject to the provisions of this section.

(b) The board of trustees is authorized to prescribe by rule any condition with which a community college direct-support organization must comply in order to use property, facilities, or personal services at any state community college.

(c) The board of trustees shall not permit the use of property, facilities, or personal services at any state community college by any community college direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age or national origin.

(3) ANNUAL AUDIT.—Each direct-support organization shall make provisions for an annual post-audit of its financial accounts to be conducted by an independent, certified public accountant in accordance with rules to be promulgated by the district board of trustees. The annual audit report shall be

submitted to the Auditor General and the board of trustees for review. The board of trustees and the Auditor General shall have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected and that anonymity shall be maintained in the auditor's report. All records of the organization other than the auditor's report and supplemental data requested by the board of trustees and the auditor general shall not be considered public records for the purposes of chapter 119.

Section 9. Section 240.182, Florida Statutes, is created to read:

240.182 Direct-support organizations; use of property; audit; status.—

(1) DEFINITIONS.—For the purposes of this section:

(a) "University direct-support organization" means an organization which is:

1. A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State;

2. Organized and operated exclusively to receive, hold, invest and administer property and to make expenditures to or for the benefit of a state university in Florida; and which is

3. An organization which the Board of Regents after review has certified to be operating in a manner consistent with the goals of the university and in the best interest of the state. Any organization which is denied certification by the Board of Regents shall not use the name of the university which it serves.

(b) "Personal services" includes full- or part-time personnel as well as payroll processing.

(2) USE OF PROPERTY.—

(a) The Board of Regents is authorized to permit the use of property, facilities, and personal services at any state university by any university direct-support organization, subject to the provisions of this section.

(b) The Board of Regents is authorized to prescribe by rule any condition with which a university direct-support organization must comply in order to use property, facilities, or personal services at any state university.

(c) The Board of Regents shall not permit the use of property, facilities or personal services at any state university by any university direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age or national origin.

(3) ANNUAL AUDIT.—Each direct-support organization shall make provisions for an annual post-audit of its financial accounts to be conducted by an independent, certified public accountant in accordance with rules to be promulgated by the Board of Regents. The annual audit report shall be submitted to the Auditor General and the Board of Regents for review. The Board of Regents and the Auditor General shall have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected and that anonymity shall be maintained in the auditor's report. All records of the organization other than the Auditor's report and supplemental data requested by the Board of Regents and the auditor general shall not be considered public records for the purposes of chapter 119.

Section 10. Paragraph (a) of subsection (2) of section 240.141, Florida Statutes, is amended to read:

240.141 State university system of buildings; approval of construction.—

(2) This section shall not be construed to prohibit;

(a) Construction of any new buildings from nonstate sources such as federal grant funds, private gifts, ~~or~~ grants or lease arrangements;

Section 11. Subsection (1) of section 243.151, Florida Statutes, is amended to read:

243.151 Lease agreements; land, facilities.—

(1) The board of regents is authorized to negotiate and enter into agreements to lease land at any institution under its jurisdiction to individuals or corporations for the sole purpose of erecting thereon ~~dormitory or other auxiliary accommodations~~ *facilities and accommodations necessary and desirable to serve the needs and purposes of the various institutions of the state university system, as determined by the board of regents.* Such agreement will be for a term not in excess of forty years and shall include as a part of the consideration provisions for ~~the lease back to~~ and the eventual ownership of the completed facilities by the board of regents. The board of trustees of the internal improvement trust fund upon request of the board of regents shall lease any such property to the board for sublease as heretofore provided.

Senator Graham moved the following amendments which were adopted:

Amendment 11—On page 7, line 26, add section 8, as follows, and renumber subsequent sections:

Section 8. Section 239.67, Florida Statutes, is amended by adding subsection (8) to read:

239.67 Student financial aid fund; administration.—

(8) *No loans authorized by subsections (4) and (5) of this section shall be made after June 30, 1975, except to students who received such loans prior to June 30, 1975, and who continue their eligibility as defined by this section. To the extent that they are not required for purposes of the student financial aid trust fund, monies deposited in the trust fund shall be used to support a program of short-term loans to students who have applied for a Florida insured student loan but who have not received such loan by the first day of registration of the school term for which the insured loan applied. Only students attending state universities and public community colleges will be eligible for the short-term loans authorized by this section. Of the monies available for this purpose, a maximum of \$1,000,000.00 may be used each year; one-half of the funds shall be allocated to each institution in the same proportion as its total amount of Florida insured student loans for the preceding year is to the total amount of Florida insured student loans for all state universities and public community colleges for that year, and one-half of the funds shall be allocated proportionally according to enrollment, providing, however, that each eligible institution shall receive a minimum allocation of \$1000. It is further provided that no loan authorized by this section shall exceed the amount of disbursement to be made to the student by the forthcoming insured loan. The Department of Education is authorized to prescribe such rules and regulations for this program as are necessary for its efficient and orderly administration.*

Amendment 12—On page 7, line 26, add Section 8, as follows, and renumber subsequent sections: Section 8. The Department of Education is directed to implement Section 239.67(2), Florida Statutes, and to report to the Legislature not later than January 1, 1976, on unmet financial needs of Florida students. This report should include, but not be limited to, consideration of such programs as a state-sponsored work-study program, a state government intern program, a program for mid-career, part-time students, a program to support students working as teacher aides in the public schools, and to a proposal for providing students with information on the availability of financial aid. The Department of Education is authorized to use up to \$45,000 of the monies available in the student financial aid trust fund in the 1975-76 fiscal year in effecting this section.

Amendment 13—On page 7, line 26, add section 8, as follows and renumber subsequent sections:

Section 8. Section 239.80, Florida Statutes, is created to read:

239.80 Delinquent accounts.—

(1) The Department of Education is directed to exert every lawful and reasonable effort to collect all delinquent unpaid and uncanceled scholarship loan notes and student loan agreements.

(2) The department is authorized to establish a recovery account into which unpaid and uncanceled scholarship loan note and student loan agreement accounts may be transferred.

(3) The department is authorized to settle any delinquent unpaid and uncanceled scholarship loan notes and student loan agreements and to employ the service of a collection agency when deemed advisable in collecting delinquent accounts; provided, however, that no collection agency shall be paid a commission in excess of 35 per cent of the amount collected.

(4) The department is authorized to charge off unpaid and uncanceled scholarship loan notes and student loan agreements which are at least 3 years delinquent and which prove uncollectible after good faith collection efforts.

(5) The State Board of Education shall adopt such rules as are necessary to regulate the collection, settlement, and charging off of delinquent unpaid and uncanceled scholarship loan notes and student loan agreements.

Amendment 14—On page 7, line 26, insert and renumber subsequent sections: Section 8. Section 229.845, Florida Statutes, is created to read:

229.845 Florida Public Post-Secondary Education Finance Committee.—

(1) There is created the Florida Public Post-Secondary Education Finance Committee to consist of nine members as follows:

(a) Three lay citizens designated by the president of the senate;

(b) Three lay citizens designated by the speaker of the house of representatives;

(c) One member representing the Board of Regents to be designated by the chairman of the board;

(d) One community college trustee to be designated by the commissioner of education; and

(e) One member representing the state's school boards to be designated by the commissioner of education.

(2) The committee shall meet as soon as practicable after July 1, 1975, upon call of the commissioner of education, to organize and to elect a chairman. The committee shall use the staff of the State Planning Council for Post High School Education in carrying out the purposes of this section. Members of the committee shall receive no compensation for their services, but shall be reimbursed for expenses from the budget of the State Planning Council for Post High School Education.

(3) The committee shall serve in an advisory capacity to the commissioner of education for the following purposes:

(a) To conduct a review of the current funding methods for the various levels of public post-secondary education in this state;

(b) To make recommendations for improving both the generation and allocation procedures used in the current post-secondary education formulas;

(c) To conduct an analysis of actual program costs at all levels, and a comparison of those programs which are offered at more than one level;

(d) To make recommendations for the elimination of duplicative programs; and

(e) To review the capital outlay program in public post-secondary education in this state.

(4) The committee shall prepare and submit its report and recommendations to the State Planning Council for Post High School Education, the commissioner of education, and the legislature by March 1, 1976, and at that time the committee shall be abolished.

The Committee on Education offered the following amendments which were moved by Senator Graham and adopted:

Amendment 15—On page 1, line 19, strike "Bureau" and insert: Office

Amendment 16—On page 1, line 21, insert (after "grades" and before the semi-colon): and requiring the development and distribution of a manpower needs estimate, including a review of educational and training programs, relative to environmental protection

Amendment 17—On page 2, line 5, insert (after the semicolon): creating the projects, contracts, and grants trust fund;

Senators Henderson and Brantley offered the following amendment which was moved by Senator Henderson and adopted:

Amendment 18—On page 1, line 25, insert: providing an allocation of funds from certain items of the 1975 General Appropriations Act

Senator Graham moved the following amendments which were adopted:

Amendment 19—On page 2, line 5, insert after "council;": "amending section 239.67, Florida Statutes, providing for no new Florida Student Loans after June 30, 1975 and establishing a short-term loan program;"

Amendment 20—On page 2, line 5, insert after "council;": "directing the Department of Education to study and report to the Legislature on unmet financial needs of Florida students;"

Amendment 21—On page 2, line 5, insert the following after "council;": "providing for the collection, settlement, or charging off of delinquent scholarship loan notes and student loan agreements;"

Amendment 22—On page 2, line 5, strike "providing an effective date" and insert: "creating Section 229.845, Florida Statutes; providing for a Florida Public Post-Secondary Education Finance Committee; providing its membership and duties; providing an effective date."

Senator Gordon moved the following amendment which was adopted:

Amendment 23—On page 2, line 5, strike "providing an effective date" and insert: creating ss.230.7566 and 240.182, Florida Statutes; providing definitions; authorizing the district board of trustees with respect to community colleges and the Board of Regents with respect to the state university system to permit the use of property, facilities and personal services by direct-support organizations under certain conditions; providing that these organizations shall be subject to audit; amending s.240.141(2)(a), Florida Statutes, adding certain lease arrangements to a list of exemptions from certain building approval requirements; amending s.243.151(1), Florida Statutes, clarifying language with respect to certain lease arrangements which the Board of Regents may negotiate and enter into; providing an effective date.

On motion by Senator Graham, by two-thirds vote HB 1972 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

By unanimous consent Senator Glisson was recorded as voting yea.

Senator Brantley moved that the rules be waived and time of adjournment be extended until completion of the special order calendar or 6:00 p.m., whichever occurred first. The motion was adopted.

The Senate resumed—

SB 524—A bill to be entitled An act relating to approval of fixed capital outlay program plans and designs for authorized projects; amending s.216.043(1), (2), Florida Statutes; providing for inclusion of statements, standards and criteria, and development plans for evaluation in agency budgets for fixed

capital outlay; creating s.216.044, Florida Statutes; providing for the Department of General Services evaluation of proposed fixed capital outlay expenditures; amending s.216.151(4), Florida Statutes, and adding a new subsection to said section; providing for the Secretary of the Department of Administration to prepare a statement of fixed capital outlay policy; creating s.216.182, Florida Statutes; providing for approval of fixed capital outlay by the Department of Administration and review by the Administration Commission; providing an effective date.

Senator Graham moved the following amendment which was adopted:

Amendment 2—On page 4, line 2 and 3, insert:

Section 5. Subsection (3) of section 216.301, Florida Statutes, is created to read:

216.301 Appropriations; undisbursed balances.—

(3)(a) Provided, however, notwithstanding the provisions of Section 216.301(2), Florida Statutes, the unexpended balance of any appropriation for fixed capital outlay subject to but not under the terms of a general construction contract prior to April 1 of the second fiscal year of the appropriation shall revert on April 1 of such year to the fund from which appropriated and shall be available for reappropriation. The department shall, not later than April 20 of each year, furnish the comptroller, the legislative appropriations committees, and the auditor general a report listing in detail the items and amounts reverting under the authority of this subsection, including the agency affected and the fund to which reverted.

(b) For the purpose of this subsection, the fiscal year beginning July 1, 1975, shall be deemed the "second fiscal year" of any appropriation for fixed capital outlay made on or before July 1, 1974.

(c) Nothing in this subsection shall be construed to impair the obligation of any contract in existence on or before the effective date of this act.

Senator Graham moved the following amendments which were adopted:

Amendment 3—On page 4, lines 2 and 3, insert: Section 6. For the purposes of this section:

(1) "Agency" means any state board, commission, department, division or bureau.

(2) "Party" means any individual, partnership, corporation, association or other business entity which is licensed by the Department of State to do business in the state.

(3) "Building or facility" means those construction projects under the purview of the Department of General Services. It shall not include environmentally endangered land, recreational land, or roads and highway construction under the purview of the Department of Transportation.

(4) "Department" means the Department of General Services.

Section 7. (1) The department shall have sole authority to purchase or accept a donation of land for any state agency, land containing or to be used for constructing a building or other facility thereon.

(2) In administering such authority, the department may enter into a contract with a party who shall be authorized to assist in the purchase of land containing, or to be used for constructing, a building or other facility thereon.

(3) The department shall prescribe by administrative rule procedures for adequate public notice concerning all acquisitions of land or construction of a building or facility by any state agency.

Amendment 4—On page 4, lines 2 and 3, insert: Section 8. The Department of General Services shall establish, through the promulgation of administrative rules as provided in chapter 120, Florida Statutes:

(1) Procedures for determining the qualifications and responsibility of potential bidders prior to advertisement for and receipt of bids for building construction contracts, including

procedures for the rejection of bidders who are reasonably determined from prior experience to be unqualified or irresponsible to perform the work required by a proposed contract;

(2) Procedures for awarding each state agency construction project to the lowest qualified bidder as well as procedures to be followed in cases where the Department of General Services declares a valid emergency to exist which would necessitate the waiver of the rules governing the awarding of state construction contracts to the lowest qualified bidder; and

(3) Procedures to govern negotiations for construction contracts and modifications to contract documents when such negotiations are determined by the executive director of the Department of General Services to be in the best interest of the state.

Amendment 5—On page 4, lines 2 and 3, insert: Section 9. The Department of General Services shall make and promulgate rules pursuant to chapter 120, Florida Statutes, in order to establish a procedure for delegating to state agencies the supervisory authority of the Division of Building Construction and Maintenance as it relates to the repair, alteration and construction of fixed capital outlay projects.

Amendment 6—On page 4, strike line 3 and insert: Section 10. This act shall take effect July 1, 1975.

Amendment 7—On page 1, line 22, insert after the semicolon: creating section 216.301(3), Florida Statutes; providing for the reversion of certain fixed capital outlay appropriation balances to the general revenue fund; preserving the obligations of any contract in existence on or before the effective date of this act;

Amendment 8—On page 1, line 22, insert after the semicolon: providing for the acquisition of land by state agencies; providing definitions; providing that the Department of General Services shall have sole authority to purchase or accept a donation of land containing, or to be used for constructing, buildings or other facilities; authorizing the department to contract with a party to assist in the purchase of such land; requiring the department to prescribe rules for public notice concerning land acquisitions;

Amendment 9—On page 1, line 22, insert after the semicolon: providing for the promulgation by the department of general services of administrative rules for determining qualifications and responsibility of bidders and for rejection of unqualified or irresponsible bidders, for awarding of contracts to the lowest qualified bidder unless a valid emergency exists, and for negotiations for and modifications to construction contracts;

Amendment 10—On page 1, line 22, insert after the semicolon: providing for delegation of supervisory authority to state agencies to repair, alter, or construct fixed capital outlay projects;

Amendment 11—On page 1, line 22, insert after the semicolon: providing an effective date.

On motion by Senator Graham, by two-thirds vote SB 524 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—36

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

Nays—None

By unanimous consent Senator Tobiassen was recorded as voting yea.

The President Pro Tempore presiding

The Senate resumed—

CS for CS for HB 984—A bill to be entitled An act relating to education; enacting the "Public Education Act of 1975"; amending s.230.2311, Florida Statutes, 1974 Supplement; providing for early childhood and basic skills development plans; providing objectives; providing for implementation; providing for inservice training programs; amending s.228.041 (19) and (25), Florida Statutes, 1974 Supplement, providing that the gifted shall be included within the definition of "exceptional student"; providing for the inclusion of certain paid and volunteer workers within the meaning of "teacher aide"; adding paragraphs (o) and (p) to s.230.23(4), Florida Statutes, 1974 Supplement, requiring adoption of plans for early childhood and basic skills development and for assignment of certain teacher aides, as feasible; amending s.231.141, Florida Statutes, encouraging the assignment of teacher aides; amending s.231.15, Florida Statutes, permitting teacher aides assisting noninstructional personnel to be noncertificated; amending s.234.02(2), Florida Statutes, 1974 Supplement, declaring general purpose urban transit systems qualified to transport children to and from school; amending s.234.041(1), Florida Statutes, to allow school buses to transport nonstudents under certain conditions; amending s. 236.013(3)(c), Florida Statutes, 1974 Supplement, providing for the Department of Education to determine an equitable method of equivalent funding for alternative school-year programs; amending s.236.081, Florida Statutes, 1974 Supplement, providing for a single membership survey for programs bridging 2 fiscal years; providing for audit procedures and program reviews by the Department of Education; providing changes in the cost factors; providing for maximums for funding purposes for special programs; deleting provisions relating to a compensatory education supplement; providing for district cost differentials; providing for a district sparsity factor; providing for the computation of district required local effort; providing for categorical programs; providing for the computation of a guaranteed minimum level of funding; providing for advertising requirements on millage by the school districts; providing restrictions on reductions in personnel; amending s.236.0811, Florida Statutes, 1974 Supplement, providing inservice training for all personnel funded through annual appropriations; adding subsection (9) to s.236.083, Florida Statutes, 1974 Supplement, providing that funds appropriated for public school transportation may be used to pay local general purpose transportation systems; amending s.237.34(3), Florida Statutes, 1974 Supplement, providing for cost reporting requirements; providing a severability clause; providing an effective date.

Senator Graham moved the following amendment:

Amendment 3— On page 2, line 16, strike everything after the enacting clause and insert: Section 1. Short title.—This act shall be known and may be cited as "The Public Education Act of 1975."

Section 2. Section 230.2311, Florida Statutes, 1974 Supplement, is amended to read:

(Substantial rewording of section. See s.230.2311, F.S., 1974 Supp., for present text.)

230.2311 Legislative intent; early childhood and basic skills development plans; objectives; provisions.—

(1) It is the intent of the Legislature that the department evaluate and recommend possible restructuring of early childhood education in Florida in order to develop programs which will adequately meet the needs of each pupil. The Legislature recognizes that the early years of a pupil's education are crucial to his future, and that mastery of the basic skills of communication and computation is essential to the future educational and personal success of an individual. It is the further intent of the Legislature that the first priority of the public schools of Florida shall be to assure that all Floridians, to the extent their individual physical, mental, and emotional capacities permit, shall achieve mastery of the basic skills, including but not limited to, reading, writing, language arts, arithmetic, measurement, and problem solving. Early childhood and basic skills development programs shall be made available by the school districts to all school age children, especially those enrolled in kindergarten and grades one through three and to Florida adults as the capacities of the programs permit.

(2) In implementing the intent of this section, each school district shall include a plan for early childhood and basic skills development programs in the planned school program and comprehensive educational plan required in ss. 230.23(3), 230.33(5), and 236.02(7). The early childhood and basic skills development programs component of the district comprehensive educational plan shall be developed cooperatively by school administrators, teachers, parents, and other community groups or individuals having an interest in the programs or having expertise in the field of early childhood education or basic skills development.

(3) Each district's plan for early childhood and basic skills development programs shall be based on guidelines prepared by the Department of Education pursuant to chapter 74-238, Laws of Florida, and shall be submitted to the department for review and comment. The objectives of each plan shall be to assure that:

(a) Each pupil is enrolled in a program designed to meet his individual needs.

(b) Each pupil shall achieve that level of mastery of the basic skills which his capacities will permit.

(4) The early childhood and basic skills development program plans shall include, but not be limited to:

(a) An increase in the number of adults assisting in the primary classroom, kindergarten and grades one through three, through use of teacher aides, parent volunteers, foster grandparents, paraprofessionals, or other similar personnel.

(b) Emphasis on instruction in basic skills including direct-individual and small group instruction in reading and computation skills.

(c) Use of personnel as described in paragraph (a) during instruction in computational skills and in reading skills.

(d) Fulfillment of the goals for education in Florida as adopted by the State Board of Education; provided that early childhood and basic skills development programs shall be the first priority of Florida public schools.

(e) Emphasis on an individualized diagnostic approach to instruction.

(f) Emphasis on the basic skills development of each child, with attention given to the emotional and social development of each child.

(g) Defined measurable program objectives.

(h) Assessment of educational needs.

(i) Pertinent demographic data and information about early childhood programs, such as children's centers, day care, preschool, and child care programs in either the public or private sector, and the way in which such programs may be integrated or coordinated with the district program.

(j) Allocation and coordination of all district resources with the objectives of the plan.

(k) Staff development and inservice training, including a requirement that all teachers in the primary grades, kindergarten and grades one through three, be trained in the use of aides, volunteers, and paraprofessionals in the classroom; in the recognition of language arts and computational needs; and in the application of prescriptive techniques in meeting such needs. Each teacher shall receive such training as a condition of continued certification.

(l) Evaluation of the programs by the school board, school administrators, and teachers, and by parents and other appropriate lay groups such as school advisory committees established pursuant to s.230.22.

(m) Use of parents in the classroom and for home visitations and parent education in order to strengthen the role of the family and the home in the education process and to develop a cooperative relationship between the family, the home, and the school.

The early childhood and basic skills development programs shall be implemented by the 1976-77 school year.

(5) Each district school board, in cooperation with the teacher education centers established in ss.231.600-231.610,

and with the department of education, shall develop inservice training programs designed to enable teachers:

(a) To recognize language arts and computational needs.

(b) To apply prescriptive techniques in meeting such needs.

(c) To use aides, volunteers, and paraprofessionals effectively in the classroom.

(6) Each district school board, in cooperation with the department of education, shall develop training programs for teacher aides and other personnel who serve in the early childhood and basic skills development program.

Section 3. Subsections (19) and (25) of section 228.041, Florida Statutes, 1974 Supplement, are amended to read:

228.041 Specific definitions.—Specific definitions shall be as follows and wherever such defined words or terms are used in the Florida School Code they shall be used as follows:

(19) EXCEPTIONAL STUDENTS.—The term "exceptional student" means any child or youth who has been certified by a specialist qualified under regulations of the state board to examine students who may be unsuited for enrollment in a regular class of the public schools or is unable to be adequately educated in the public schools without the provision of special classes, instruction, facilities, or related services, or a combination thereof. The term "exceptional student" includes the following: The mentally retarded, the speech-impaired, the deaf and hard of hearing, the blind and partially sighted, the crippled and other health-impaired, the emotionally disturbed and socially maladjusted, and those with specific learning disabilities, and ~~may include~~ the gifted.

(25) TEACHER AIDE.—A teacher aide is any person appointed assigned by a school board to assist a members of the instructional staff in carrying out ~~his~~ their instructional or professional duties and responsibilities. *Teacher aides may include parents, foster grandparents, paraprofessionals, students, and others who serve in the classroom as instructional or paraprofessional assistants to the teacher, whether such aides are paid workers or volunteers.*

Section 4. Paragraphs (o) and (p) are added to subsection (4) of section 230.23, Florida Statutes, 1974 Supplement, to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, as follows:

(o) *Early childhood and basic skills development.—Provide for an individualized diagnostic approach to instruction in the primary grades, kindergarten and grades one through three, which shall permit every child to achieve that level of mastery of the basic skills, including, but not limited to, reading, writing, language arts, arithmetic, measurement, and problem solving, which his physical, mental, and emotional capacities permit.*

(p) *Teacher aides.—Appoint teacher aides to assist members of the instructional staff in the primary grades, kindergarten and grades one through three, to the extent feasible as determined by the school board.*

Section 5. Section 231.141, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 231.141, F.S., for present text.)

231.141 Teacher aides.—School boards are encouraged to appoint teacher aides to members of the instructional staff in the primary grades, kindergarten and grades one through three, in order to increase the number of personnel assisting in the classroom and to aid members of the instructional staff in such grades in carrying out their instructional and professional duties and responsibilities. The school board may appoint teacher aides to assist members of the instructional staff in other grades. A teacher aide shall not be required to hold a teaching certificate but shall be required to attend the training program developed pursuant to s. 230.2311(6). A teacher aide, while rendering services under the supervision of a certificated teacher, shall be accorded the same protection

of laws as that accorded the certified teacher. Paid teacher aides employed by a school board shall be entitled to the same rights accorded noninstructional employees of the board.

Section 6. Section 231.15, Florida Statutes, is amended to read:

231.15 Positions for which certificates required.—

The State Board of Education shall have authority to classify school services and to prescribe regulations in accordance with which certificates shall be issued by the Department of Education to school employees who meet the standards prescribed by such regulations for their class of service. Each person employed or occupying a position as school supervisor, helping teacher, principal, teacher, school librarian, or other position in which the employee serves in an instructional capacity in any public school of any district of this state shall hold the certificate required by law and by regulations of the state board in fulfilling the requirements of the law for the type of service rendered. However, the state board shall adopt regulations authorizing school board to employ selected noncertificated personnel to provide instructional services in the individual's field of speciality or to assist instructional staff members as teacher aides. Each person employed as a school nurse shall hold a license to practice nursing in the state, and each person employed as a school physician shall hold a license to practice medicine in the state.

Section 7. Section 236.014, Florida Statutes, is created to read:

236.014 Special laws and general laws of local application prohibited.—

(1) Pursuant to s.11(a)(21) of Article III of the State Constitution, the legislature hereby prohibits special laws and general laws of local application pertaining to:

(a) The assessment or collection of taxes for school purposes, including the determination of millages therefor, the extension of time therefor, relief of tax officers from due performance of their duties, and relief of their sureties from liability; and

(b) The Florida Education Finance Program as enacted in 1973 or as subsequently amended.

(2) All special laws and general laws of local application in existence as of July 1, 1975, pertaining to the subjects enumerated in subsection (1) are hereby repealed to the extent that they are in conflict herewith.

(3) The department shall determine whether or not any district has received additional funds subsequent to June 30, 1973, as a result of any special law or general law of local application described in subsection 1, and shall deduct an amount equal to any such additional funds from allocations to that district.

Section 8. Section 236.081, Florida Statutes, 1974 Supplement, is amended to read:

236.081 Funds for current operation of schools.—The annual allocation from the Florida Education Finance Program to each district for current operation of schools shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR CURRENT OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for current operation:

(a) Determination of full-time equivalent membership.—During each of several school weeks during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the state board.

(b) Determination of base student cost.—The base student cost shall be determined annually by the legislature. For the 1975-1976 ~~1974-1975~~ school fiscal year, the base student cost is fixed at \$745.

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs are hereby established. However, the application of cost factors in part-time special programs for exceptional students identified by the Roman numeral I shall be limited to a maximum of twelve twenty-fifths of a student membership in a given program during a week. The criteria for qualification for the special programs shall be determined by regulations of the state board. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten.

	Cost Factor
1. Basic Programs.—	
a. Kindergarten and grades 1, 2, and 3	1.284 1.20
b. Grades 4, 5, 6, 7, 8, and 9, and 10	1.00
c. Grades 10, 11, and 12	1.10
2. Special programs for exceptional students.—	
a. Educable mentally retarded	2.30
b. Trainable mentally retarded	3.00
c. Physically handicapped	3.50
d. Physical and occupational therapy part-time I	6.00
e. Speech and hearing therapy part-time I	10.00
f. Deaf	4.00
g. Visually handicapped part-time I	10.00
h. Visually handicapped	3.50
i. Emotionally disturbed part-time I	7.50
j. Emotionally disturbed	3.70
k. Socially maladjusted	2.30
l. Specific learning disability part-time I	7.50
m. Specific learning disability	2.30
n. Gifted part-time I	3.00
o. Hospital and homebound part-time I	15.00
3. Special vocational-technical programs.—	
a. Vocational education I	4.26
b. Vocational education II	2.64
c. Vocational education III	2.18
d. Vocational education IV	1.69
e. Vocational education V	1.40
f. Vocational education VI	1.17
4. Special adult general education programs.—	
a. Adult basic education and adult high school	1.28 1.60
b. Community service	0.675 1.30

(d) The department is authorized and directed to review all district programs in the areas of exceptional student programs, special vocational-technical programs and special adult general education programs. First priority in the assignment of full-time equivalent student membership shall be based on the request of the districts as submitted and approved by the department. Any unassigned full-time equivalent membership shall be allocated to those districts submitting supplemental requests, with priority to those districts with the lowest incidence of programs to students identified to be in need of such special programs.

1. The weighted full-time equivalent student membership in special programs for exceptional students shall not exceed 185,055. The weighted full-time equivalent student membership in special vocational-technical programs shall not exceed 302,203. The weighted full-time equivalent student membership in special adult general education programs shall not exceed 30,149, of which 27,184 shall be adult basic education and adult high school full-time equivalent students and 2,965 shall be community service full-time equivalent students.

The Department of Education is directed to review the method of projecting enrollment and determining incidence in all special programs for exceptional students, special vocational-technical programs and special adult general education programs and to report to the 1976 legislature a three-year projected enrollment of full-time equivalent students in these programs.

2. In administering the maximums, the department shall review each district's program and needs with each scheduled student membership survey and may reassign the authorized weighted membership within the maximums provided. In any district in which, after the final assignment, the actual full-time equivalent membership multiplied by the appropriate cost factors exceeds the assigned maximum, such excess full-time equivalent student membership shall be computed at a cost factor of 1.00. Excess full-time equivalent membership in community service programs shall be computed at a cost factor of 0.0.

8. A student in grade twelve (12) who is enrolled in less than four credit courses, as provided for in 228.041(13), Florida Statutes, may be counted in full-time equivalent membership at the difference between the full-time equivalent membership earned beyond grade nine (9) and three (3) full-time equivalent memberships, provided however the full-time equivalent membership counted for grade twelve (12) at a weight higher than the basic weight is limited to the net time in special programs.

(e) (d) Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program for each district shall be the product of the following:

(1) The full-time equivalent student membership in each program, multiplied by

2. The cost factor for each program, adjusted for the maximum as provided by paragraph (d) above, multiplied by

3. The base student cost figure.

(2) COMPUTATION OF COMPENSATORY EDUCATION SUPPLEMENTAL COST FACTOR.—Beginning with the 1976-1977 1975-1976 fiscal year, a supplement to the base student cost shall be added to all full-time equivalent students in basic programs qualifying for compensatory education in accordance with criteria, including low achievement test scores, socioeconomic level, and low standard English comprehension level, established by regulations of the state board. Such regulations shall be designed to maintain consistency with applicable federal law and regulations so as to prevent impairment, interruption, or loss of any federal funds allocated to the state for compensatory education of public school students. The Department of Education shall, after taking into consideration all funds available from all sources, annually recommend to the legislature an amount sufficient to carry out the purposes of this program. The legislature shall annually fix such supplement on a full-time equivalent student basis.

(3) DETERMINATION OF DISTRICT COST DIFFERENTIALS.—The district cost differentials shall be determined by the Legislature. For the 1975-1976 1974-1975 fiscal year, the district cost differential factors shall be:

District Cost Differential	
District	Factor
(a) Alachua	0.9700 0.978
(b) Baker	0.9460 0.950
(c) Bay	0.9610 0.946
(d) Bradford	0.9210 0.941
(e) Brevard	0.9770 0.975
(f) Broward	1.0580 1.046
(g) Calhoun	0.9030 0.883
(h) Charlotte	0.9940 1.002
(i) Citrus	0.9540 0.943
(j) Clay	0.9730 0.981
(k) Collier	1.0450 1.052
(l) Columbia	0.9680 0.948
(m) Dade	1.0650 1.085
(n) DeSoto	0.9570 0.941
(o) Dixie	0.9360 0.937
(p) Duval	0.9720 0.975
(q) Escambia	0.9420 0.938
(r) Flagler	0.9510 0.931
(s) Franklin	0.9190 0.922
(t) Gadsden	0.9100 0.906
(u) Gilchrist	0.9410 0.943
(v) Glades	0.9490 0.960
(w) Gulf	0.9170 0.915
(x) Hamilton	0.9210 0.901
(y) Hardee	0.9430 0.923
(z) Hendry	0.9760 0.901
(aa) Hernando	0.9510 0.935
(bb) Highlands	0.9530 0.933
(cc) Hillsborough	0.9720 0.962
(dd) Holmes	0.9130 0.893
(ee) Indian River	0.9970 0.992
(ff) Jackson	0.9160 0.896
(gg) Jefferson	0.9420 0.922
(hh) Lafayette	0.9200 0.900
(ii) Lake	0.9690 0.955
(jj) Lee	1.0120 0.990
(kk) Leon	0.9740 0.994

(ll) Levy	0.9450 0.928
(mm) Liberty	0.9030 0.910
(nn) Madison	0.9390 0.910
(oo) Manatee	0.9780 0.980
(pp) Marion	0.9700 0.974
(qq) Martin	1.0130 1.007
(rr) Monroe	1.0570 1.037
(ss) Nassau	0.9380 0.937
(tt) Okaloosa	0.9600 0.952
(uu) Okeechobee	0.9900 0.995
(vv) Orange	0.9730 0.953
(ww) Osceola	0.9600 0.940
(xx) Palm Beach	1.0590 1.045
(yy) Pasco	0.9530 0.932
(zz) Pinellas	1.0020 0.989
(aaa) Polk	0.9650 0.945
(bbb) Putnam	0.9430 0.948
(ccc) St. Johns	0.9680 0.948
(ddd) St. Lucie	0.9920 1.012
(eee) Santa Rosa	0.9430 0.936
(fff) Sarasota	1.0190 1.007
(ggg) Seminole	0.9730 0.953
(hhh) Sumter	0.9540 0.949
(iii) Suwannee	0.9230 0.934
(jjj) Taylor	0.9520 0.932
(kkk) Union	0.9260 0.922
(lll) Volusia	0.9760 0.980
(mmm) Wakulla	0.9380 0.957
(nnn) Walton	0.9220 0.902
(ooo) Washington	0.9070 0.887

(4) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsections (1) and (3), \$5 per full-time equivalent student shall be expended for educational training programs as determined by the district school board as provided in s.236.0811. If a district has an approved teacher education center, at least \$3 of the \$5 shall be expended as provided in s.231.600-231.610.

(5) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The amount that each district shall provide toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Annually For the 1974-1975 fiscal year, on or before July 25, the Department of Revenue shall, based upon the latest available data, certify to the Department of Education its latest estimate of the current total statewide nonexempt assessed valuation for school purposes. Not later than August 1, the Department of Education shall compute the millage rate which, when applied to 95 percent of said estimate, would generate an amount equal to \$543,000,000 \$487,400,000. The millage so determined shall be certified by the department to each school district, and such millage rate as applied to the official final roll shall be ~~represent~~ the required local effort for each district. For the purposes of this subsection, the official final tax roll shall be the tax roll on which tax bills are computed and mailed to the taxpayers. For 1975-1976 and each year thereafter, the district required local effort shall be determined by the legislature. However, this amount shall not exceed 8 mills of tax on 95 percent of the nonexempt assessed valuation for school purposes included in the preceding calendar year tax roll as certified, or deemed acceptable, by the Department of Revenue.

(b) In those instances in which:

1. There is litigation attacking the authority of the assessor to include certain property on the tax assessment roll as taxable property;

2. The tax collector has been directed by the court not to collect taxes on such property or has been directed not to disburse to the tax-levying authorities such taxes; and

3. The assessed value of the property in contest involves more than 10 percent of the total nonexempt assessment roll,

95 percent of the assessed value of the property in contest shall be excluded from the nonexempt assessed valuation for school purposes for purposes of computing the district required local effort.

(c) Following final adjudication of any litigation [on the basis of which an adjustment in nonexempt valuation was made

pursuant to paragraph (b).] the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing nonexempt valuations approved by the court, and shall adjust subsequent allocations to such districts accordingly.

(6) CATEGORICAL PROGRAMS.—The legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the legislature that no transitional categorical program shall be funded for more than 4 fiscal years from the date of original authorization or from July 1, 1973, whichever is later. Such programs are as follows:

(a) General.—

1. Comprehensive school construction and debt service as provided by law.
2. Community schools as provided by law.
3. Educational leadership training act programs as provided by law.
4. School lunch programs for the needy as provided by law.
5. Instructional material funds as provided by law.
6. Vocational improvement fund as provided by law.
7. Student transportation as provided by law.

(b) Transitional.—

1. Bilingual program as provided by law.
2. Driver education as provided by law.
3. Elementary school counselors as provided by law.
4. Occupational specialists and placement specialists as provided by law.
5. Safe schools program as provided by law.
6. Comprehensive health education as provided by law.
7. Exceptional child support services as provided by law.
8. Severely and profoundly retarded as provided by law.
9. Career education programs provided by law.

(8) ~~(7)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation shall be distributed periodically in the manner prescribed by regulations of the state board and shall be calculated as follows:

(a) The basic amount for current operation as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (3), less the required local effort as determined in subsection (5), ~~plus the amount for the categorical programs for transportation, elementary counselors, and occupational specialists and placement specialists, as established in subsection (6). If the funds appropriated for the purpose of implementing this subsection are not sufficient to pay the requirements in full, the Department of Education shall prorate the available funds on a percentage basis. If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state's requirement in full, the department shall prorate the available state funds to each district in the following manner:~~

1. Determine the percentage of proration by dividing the sum of the total amount for current operation as provided in this paragraph for all districts collectively and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.
2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.
3. From the product of such multiplication, subtract the required local effort of each district, and the remainder shall be the amount of state funds allocated to the district for

current operation. For the fiscal year 1975-76, if the funds appropriated for the purpose of implementing this subsection exceed the amount necessary to pay the requirements in full, the department is authorized to increase the maximum authorized weighted membership for special programs as fixed herein, and to apply the excess appropriation to the funding of such programs to the extent of the funds appropriated. If the funds appropriated for the purpose of implementing this subsection exceed the amount necessary to pay the requirements in full, the excess appropriation shall be transferred to, and become a part of, the appropriation for the comprehensive school construction and debt service program and shall be allocated by the department in the manner prescribed by s.236.084. The amount to be transferred shall not exceed the difference between the dollar value of the required local effort as set forth herein and the actual final computed required effort as generated by the millage required to participate in the program.

(b) The amount thus obtained shall be the net annual allocation to each school district, provided, however, if it be determined that any school district received an under-allocation or over-allocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted.

(c) ~~(b)~~ The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding for the 1974-1975 fiscal year in the amount and manner prescribed below:

1. The department shall determine the value per full-time equivalent student for the prior 1973-1974 fiscal year for each district as follows: Divide the total number of full-time equivalent students included in the prior year 1973-1974 Education Finance Program into the sum of:

a. The prior year's 1973-1974 state allocation for: Current operation, as provided in s.236.081(6)(a) and (b), less student transportation, as provided in s.236.083(7); less elementary school counselors, as provided in s.236.086; less occupational specialists and placement specialists, as provided in s.236.085; and tax loss resulting from the additional homestead exemptions, as provided in s.196.031(4); and

b. The calculated yield of the actual nonvoted millage levied by the district during the prior 1973-1974 fiscal year on 95 percent of the prior 1973 calendar-year nonexempt assessed valuation of the district for school purposes, as determined pursuant to the provisions of ~~***~~[subsection (5)].

2. The value per full time equivalent student determined in subparagraph 1. shall be increased by 10 percent.

2.3. The amount determined in subparagraph 1.2. shall be multiplied by the number of full-time equivalent students included in the final estimated computation of the current 1974-1975 Education Finance Program.

3.4. The amount determined in subparagraph 2.3. shall be the minimum level of funding for each district for the current 1974-1975 fiscal year. Such amount shall include the following:

a. The state allocation for current operation, as provided in paragraph (a), exclusive of all categorical programs, with the exception of student transportation, elementary school counselors, and occupational specialists and placement specialists; and

b. The calculated yield of the maximum allowable nonvoted millage during the 1974-1975 fiscal year on 95 percent of the 1974 calendar year nonexempt assessed valuation of the district for school purposes as prescribed in s.236.25 during the current fiscal year on 95 percent of the current calendar-year nonexempt assessed valuation of the district for school purposes.

4.5. In any district in which the amount determined in subparagraph 2.3. does not equal or exceed the ~~**~~[sum of the] sources specified in subparagraph 3.4., the state share of this total shall be increased in an amount sufficient to assure that each district receives the amount determined in subparagraph 2.3.

5. In any district in which the amount determined in subparagraph 2. does not equal or exceed the sum of the

sources specified in subparagraph 4, the state share of this total shall be increased in an amount sufficient to assure that each district receives the amount determined in subparagraph 3.

6. If the millage levy proposed by the district school board in conjunction with state funding as provided in subparagraph 4.a. is calculated to produce an amount in excess of the amount determined in subparagraph 3, the district school board shall advertise such fact and the proposed millage levy in the manner prescribed in s.200.065(3) and (4).

(c) The department is authorized and directed to review all district programs in the areas of exceptional student programs and vocational education. First priority in the assignment of full time equivalent student membership shall be based on the request of the districts as submitted and approved by the department. Any unassigned full-time equivalent membership shall be allocated to those districts submitting supplemental requests, with priority to those districts with the lowest incident of programs to students identified to be in need of such special programs.

4. For the fiscal year 1974-1975 the state total full-time equivalent student membership multiplied by the appropriate cost factors shall not exceed the following maximums:

a. One hundred fifty-two thousand four hundred and nine for all cost categories in special programs for exceptional students.

b. Three hundred five thousand eight hundred and thirty-five for all categories in vocational technical and special adult general education programs.

2. In administering the maximums, the department shall review each district's program and needs with each scheduled student membership survey and reassign the authorized weighted membership within the maximums provided herein. In any district in which, after the final assignment, the actual full-time equivalent membership multiplied by the appropriate cost factors exceeds the assigned maximum, such excess full-time equivalent student membership shall be computed as a part of that district's basic program cost category for grades 4-10, at a cost factor of 1.00.

Section 9. Section 236.0811, Florida Statutes, 1974 Supplement, is amended to read:

(Substantial rewording of section. See s.236.0811, F.S., 1974 Supplement, for present text.)

236.0811 Educational training.—Each school board shall develop and maintain an educational training program. Funds appropriated to school districts for the purposes of this section shall be used exclusively for educational training programs meeting criteria established by the Department of Education. When a district has an approved teacher education center, the in-service programs shall be conducted in accordance with the provisions of the Teacher Education Center Act of 1973 (ss.231.600-231.610), as amended.

Section 10. Section 236.083, Florida Statutes, 1974 Supplement, is amended by adding subsection (9) to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to the public schools of students in kindergarten through grade 12 and exceptional students shall be determined as follows:

(9) Pursuant to policies and regulations to be adopted by the Commissioner of Education, each school board may submit to the commissioner a proposed program designed to coordinate the use of public school buses. With the concurrence of the appropriate controlling agencies, authority or owner of other available transportation equipment for public conveyance, such equipment may be used not only for transportation of students, but also for the elderly, the handicapped, and other similarly needy segments of society. The superintendent shall prepare an itemized statement of the estimated total cost of the program, and a copy of the school board resolution indicating its intention to provide at least one-half of the total cost of the program either directly, or through the use of available federal funds. The program may authorize the school board with the concurrence of the appropriate controlling agencies, authority, or owner to impose fares for the use of the transit service provided. The commissioner shall review and approve, disapprove, or resubmit to the school board for modification

all proposed programs submitted. For the fiscal year 1975-76, the commissioner shall approve pilot programs in up to three school districts, and shall authorize distribution of funds in an amount not to exceed one-half of the total cost of the proposed pilot programs. The funds necessary to implement the pilot programs shall be subtracted from the total student transportation funds available to the districts prior to their allocation as determined by subsection (7), provided, however, that the total dollars allocated for the three programs in fiscal year 1975-1976 shall not exceed \$100,000. The commissioner shall, at least 30 days prior to the 1976 regular session of the legislature, transmit to members of the State Board of Education, the president of the senate and speaker of the house of representatives an appraisal of the pilot programs, including a recommendation as to possible expansion of the programs into all 67 school districts, and any other recommendation deemed by the commissioner to be appropriate.

Section 11. Subsection (1) of Section 234.041, Florida Statutes, is amended to read:

234.041 School buses; unlawful to simulate color or use secondhand buses without effecting certain changes.—

(1) It shall be unlawful for any person to use on the public highways of the state any bus of an orange or yellow color, known as school bus chrome, or any color purporting to resemble the color of a school bus when said vehicle has ceased to be so used, or is used for the transportation of passengers other than school pupils, unless and until said bus has been changed from said colors to some other color by repainting, and unless and until all signs and insignia which mark or designate it as a school bus have been removed therefrom,

provided, however, in school districts contracting for buses from an outside source or in school districts operating specially designed or equipped buses for the transporting of the handicapped, those buses may be used on a temporary or irregular basis to transport persons other than students within the county with the express consent of the school board.

Section 12. Subsection (9) is added to Section 236.083, Florida Statutes, 1974 Supplement, to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to the public schools of students in kindergarten through grade 12 and exceptional students shall be determined as follows:

(9) Notwithstanding any other provisions of this chapter, funds allocated or apportioned for the payment of student transportation services may be used to pay local general purpose transportation systems for transportation of students to and from school.

Section 13. Section (2) of Section 234.02, Florida Statutes, 1974 Supplement, is amended to read:

234.02 Safety and health of pupils.—Maximum regard for safety and adequate protection of health shall be primary requirements which shall be observed by school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and regulations of the state board.

(2) The superintendent shall notify the school board of any school bus which does not meet all requirements of law and regulations of the state board, and the school board shall, if such school bus is in an unsafe condition, withdraw it from use as a school bus until the bus meets said requirements. The Department of Education may inspect or have inspected any school bus to determine whether the bus meets requirements of law and regulations of the state board. The department may, after due notice to a school board that any school bus does not meet certain requirements of law and regulations of the state board and until the department has officially revoked its said ruling. Notwithstanding any other provisions of this chapter, general purpose urban transit systems are declared qualified to transport children to and from school.

Section 14. Section (3) is added to Section 234.051, Florida Statutes, to read:

234.051 School buses.—School buses shall be defined and meet specifications as follows:

(3) A motor vehicle owned and operated by a county or municipal transit authority which is leased by the school board of

the local school district for transportation of public school students shall meet such standards as shall be established by the State Board of Education for the purpose of implementing this act. A school bus authorized by a school board to carry passengers other than school pupils shall have the words, "School Bus", and any other signs and insignia which mark or designate it as a school bus covered, removed or otherwise concealed while said passengers are being transported.

Section 15. Section 236.122, Florida Statutes, 1974 Supplement, is amended to read:

236.122 Allocation for instructional materials.—The department is authorized to allocate and distribute to each district an amount as prescribed annually by the legislature for instructional materials for use in grades K-12, exceptional education programs and vocational education programs, which will provide for growth and maintenance needs. The annual allocation shall be determined as follows:

(1) The growth allocation for each school district shall be calculated as follows:

(a) Subtract ~~by subtracting~~ from that district's projected full-time equivalent membership used in determining the appropriation for the Florida Education Finance Program the prior year's full-time equivalent membership of that district and

(b) Multiply ~~multiplying~~ any increase in full-time equivalent membership by the average cost of a set of instructional materials, as determined by the department, or as provided for in the General Appropriations Act.

(c) The amount thus determined shall be that district's total allocation for growth for the school year.

(2) The maintenance of the instructional materials allocation for each school district shall be calculated by multiplying each district's prior year full-time equivalent membership by 20 percent of the average cost of a set of instructional materials as determined in subsection (1). The amount thus determined shall be that district's total allocation for maintenance for the school year.

(3) In the event the funds appropriated are not sufficient for the purposes of implementing this section in full, the department shall prorate the funds available for instructional materials after first funding in full each district's growth allocation.

Section 16. Subsection (3) of section 233.14, Florida Statutes, 1974 Supplement, is amended to read:

233.14 Bids or proposals; advertisement and its contents; sample books; where deposited.—

(3) Specimen copies of all materials upon which bids or proposals are based shall be delivered by the bidder to the department for distribution to each member of the state instructional materials council.

Section 17. Section 229.802, Florida Statutes, and subsection (2) of section 233.48, Florida Statutes, 1974 Supplement, are hereby repealed.

Section 18. Section 233.22, Florida Statutes, 1974 Supplement, is amended to read:

233.22 Requisition of instructional materials from publisher's depository.—The superintendent shall requisition adopted instructional materials from the depository of the publisher with whom a contract has been made. The superintendent shall verify that such requisition is complete and accurate and order the depository to forward to him the adopted instructional materials shown by the requisition. The depository shall prepare an invoice of the materials shipped, including shipping charges, and mail it to the superintendent to whom the shipment is being made. The superintendent shall pay the depository within 60 days after receipt of the requisitioned materials from the appropriation for the purchase of adopted instructional materials. The superintendent shall also pay the transportation charges incurred in the shipment of adopted materials and shall requisition from the department reimbursement for these charges. The department shall make such reimbursements from the funds budgeted for that purpose.

Section 19. Section 237.081, Florida Statutes, is amended to read:

237.081 Public hearings; budgets to be submitted to Department of Education.—

(1) The school board of any each district, having tentatively adopted the budget for the schools of the district, proposing a tax levy for current operating purposes no greater than the minimum tax levy required to participate in the Florida educational finance program, shall cause a summary of its the tentative budget, including the proposed millage levies as provided for by law, to be advertised one time in a newspaper of general circulation published in the district, or to be posted at the courthouse door if there be no such newspaper. The advertisement shall state that the school board will meet on a day fixed in the advertisement, not earlier than 1 week and not later than 2 weeks from the date of the advertising, for the purpose of a public hearing concerning the tentatively adopted budget. The school board shall meet upon the date fixed in the advertisement for the public hearing and from day to day thereafter, if it deems necessary, for the purpose of continuing the public hearings and making whatever revisions in the budget it may deem necessary. The school board shall then adopt the budget for the district for the current fiscal year, and shall require the superintendent to transmit forthwith two copies of the adopted budget to the Department of Education for approval as prescribed by law and regulations of the state board.

(2) Any school board proposing to establish a tax levy for operating purposes in excess of the millage required of the district to participate in the Florida education finance program shall, in addition to the requirements in subsection (1), place an additional advertisement in the same newspaper which shall be one-quarter page in size and be printed in at least 18 point type size. The advertisement shall contain the millage required to be levied by the school board and the millage proposed by the board, the date, time, and place of the meeting, and state that a public hearing will be held on the issue. The advertisement required in this subsection may appear simultaneously with the one required in subsection (1), and the public hearings required in subsection (1) and this subsection may be held concurrently; provided, however, that separate motions shall be made and separate votes recorded on the establishment of the millage and on the adoption of the proposed budget. The provisions of this section shall govern the procedures of the school board in establishing the millage rates and the method of adopting the budget, the provisions of s. 200.065 or chapter 120 to the contrary notwithstanding.

Section 20. Subsection (3) of section 237.34, Florida Statutes, 1974 Supplement, is amended and subsection (4) is added to read:

237.34 Comprehensive information, accounting and reporting system.—

(3) COST REPORTING.—Each district shall report expenditures of funds on a school-by-school and on an aggregate-district basis in accordance with standards provided by the department. Definitions of program categories and cost elements to be reported shall be prescribed by regulations of the state board and shall include the programs set forth in s.236.081(1)(c). In the 1974-1975 fiscal year, each district shall report to the Department of Education the percent and dollar amount of current operating funds of the Florida Education Finance Program, exclusive of categorical program funds and funds expended in the manner prescribed by s.236.081(4), expended by program cost categories that generate the funds. In the 1975-1976 fiscal year and each succeeding fiscal year, an amount equal to at least 80 percent of the funds generated by a district in the program-cost categories of kindergarten and grades 1, 2, and 3 shall be expended in these program-cost categories in the district that generates the funds, and each district shall report to the Department of Education the percent and dollar amount of current operating funds of the Florida Education Finance Program, exclusive of categorical program funds and funds expended in the manner prescribed in s.236.081(4), expended by program-cost categories that generate the funds. By the 1975-1976 fiscal year, an amount equal to at least 70 percent of current operation funds of the Florida Education Finance Program, exclusive of categorical program funds and funds expended in the manner prescribed by s.236.081(4), shall be expended by program-cost categories in the district that generates the funds, and the school shall report similar expenditures and percents for basic programs. By the 1976-1977 fiscal year, 80 percent of current operation funds of the Florida Education Finance Program shall be expended by basic program-

cost categories in each school that generates the funds and by special program-cost categories in the district that generates the funds. A district-by-district accounting shall be made for all categorical programs identified in s.236.081(6), and such funds shall be expended for the costs of the identified programs in accordance with regulations of the state board. All districts, in cooperation with the department, shall plan mutually compatible programs for the refinement of cost data and the improvement of the accounting and reporting system. The department shall report to the Legislature 60 days prior to the opening of the regular session of each year 1975 and 1976 Sessions on the status of district programs and the state's own program for improvement of accounting and reporting of cost data on a statewide compatible basis. The report shall include the anticipated degree of implementation in the current fiscal year. The refinements and improvements identified in the district's plan and the state plan shall be accomplished by July 4, 1976. Each approved district plan and the state plan shall incorporate procedures, or the alternatives considered, for minimizing the number and complexity of reports from the school level.

(4) *PROGRAM COST CATEGORIES.*—For the purposes of computing required percentages in this section, the following shall constitute district programs:

- (a) *kindergarten and grades 1, 2 and 3;*
- (b) *grades 4 through 9;*
- (c) *grades 10, 11 and 12*
- (d) *all special programs for exceptional students;*
- (e) *all special vocational technical programs; and*
- (f) *all special adult general education programs.*

Section 21. Legislative findings and intent.—

(1) The legislature finds and declares that ad valorem taxation is an unsatisfactory method of financing public education. Financing by ad valorem taxation results in unequal school systems across the state because of widely differing property values and assessments; it has proven to be an onerous and undue burden on the property owners of this state in times of economic hardship.

(2) It is the intent of the legislature that the state develop more equitable methods of taxation to finance its public schools. It is further intended that any such system maintain the control of elementary and secondary schools at the district level; that persons benefiting from Florida's natural resources but who do not reside permanently in the state should be considered as potential sources of revenue; and that alternative methods of revenue raising which are developed should be efficient, fair and equitable.

Section 22. The Department of Education, the Department of Administration, and the Department of Revenue are authorized and directed, in cooperation with the legislature and the State Board of Education, to jointly investigate and study alternative methods of public school finance. The departments shall conduct such studies with the goal of full implementation of such an alternative method on or before July 1, 1980, and shall consider the intent of the legislature as stated above. The Department of Education shall make annual reports to the legislature of its findings, and may submit such proposed legislation and proposed constitutional amendments as it deems necessary and proper.

Section 23. The Department of Education is authorized to seek and obtain the full and complete cooperation of any state agency in the course of its study. All such agencies are directed to cooperate to the fullest reasonable extent.

Section 24. The Department of Education is authorized to seek and obtain complete cooperation and assistance of the U. S. Commissioner of Education under P.L. 93-380, Section 842, Part D, Title VIII of the Education Amendments of 1974 (45 CFP Part 156 — Assistance to States for state equalization plans) in planning, designing and carrying out studies of alternative methods of public school finance.

Section 25. Paragraph (m) of subsection (4) of section 230.23, Florida Statutes, is amended by adding a new subparagraph 7. to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, as follows:

(m) Exceptional students.—Provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the state board as acceptable, including provisions that:

7. *The district school board shall establish a maximum amount which can be paid by a district school board for an individual exceptional student contract with a non-public school based on the maximum full-time equivalent earned by the student.*

Section 26. Section 237.35, Florida Statutes, is created to read:

237.35 Program evaluation and audit.—

(1) The department is authorized and directed to establish the office of educational evaluation. The duty of this office shall be to provide program evaluation services and technical assistance and training to school districts in order that they may better evaluate schools within their district. The program evaluation shall consist of:

1. An examination of statewide objectives including:

(a) The performance of the school districts in meeting the objectives set forth in the education element of the state comprehensive plan.

(b) The degree to which student achievement goals are met in skill areas and in such other areas as may be examined in statewide and local assessment programs.

(c) The degree to which the community is involved in planning, evaluating and reporting the school programs including the success of school advisory councils and annual reports of school progress.

2. An examination of the performance of the school districts in meeting the district objectives to include by the 1977-78 academic year an examination of the following:

(a) The degree to which the district has implemented the structured program of action contained within its comprehensive plan.

(b) The degree to which the district has implemented the evaluation procedures specified in the comprehensive plan.

(c) Recommendations to the district school board for improvements in each of the areas of examination specified in subparagraph (1).

(2) The office shall further examine the quality of district procedures and the accuracy of district records including but not limited to the following:

(a) Reported full-time equivalent membership in each program category;

(b) The organization of all special programs to ensure compliance with law and the criteria established pursuant to ss.230.23(4)(m) and 233.0633;

(c) *The procedures for diagnosis and placement of students in special programs for exceptional students to determine that the district is following the criteria for placement established by the Department of Education and the procedures for placement established by that district school board. If it is determined that approved criteria and procedures for the placement of students have not been followed by the district, appropriate adjustments in that district's full-time equivalent student count shall be made and any excess funds shall be deducted from subsequent allocations of state funds to that district.*

(d) *The criteria and quality standards by which special programs for exceptional students, special vocational-technical programs, and special adult general education programs are evaluated for quality, efficiency, and effectiveness for which the department is authorized and directed to adopt regulations. It shall be the duty and responsibility of the commissioner to monitor and evaluate programs to determine that they comply*

with the regulations. Any program not found in compliance with the regulations shall be included in the school district's education finance program calculations at the base student cost factor 1.00 for the resultant full-time equivalent students in such class. The commissioner shall also provide information and assistance to the superintendent and personnel of the district in correcting the cited deficiencies.

(e) Determination of the ratio of administrators to teachers in each school district which information shall be reported to the Legislature;

(f) Compliance with the cost reporting and expenditure requirements of Section 237.24. If discrepancies or deficiencies are found, the Commissioner of Education shall provide information and assistance to the superintendent and personnel of the district in correcting the cited deficiencies. If it is determined that approved criteria and procedures for the placement of students and the conduct of programs have not been followed by the district, appropriate adjustments in that district's full-time equivalent student count shall be made and any excess funds shall deducted from subsequent allocations of state funds to that district.

(4) The office of educational evaluation shall report annually to the commissioner of education stating the activities of that office during the reporting period, summarizing the findings of the district evaluations during the year, recommending improvements in the educational system. Copies of the report shall be furnished to the State Board of Education and the presiding officers of and education committee chairmen in each house of the Legislature.

(5) The commissioner of education shall develop and implement an integrated information system for public school educational management. Such system shall contain an overall conceptual design encompassing the management decisions to be made at the individual school, district and state level and the information needed for such decisions to include fiscal, student, program, personnel, facility, community and other relevant data and the relationship between costs and effectiveness. By February 1, 1976, the commissioner shall submit an interim progress report to the Legislature.

Section 27. Section 234.082, Florida Statutes, is amended to read:

234.082 Highway hazards.—~~School boards Superintendents,~~ with the assistance of ~~superintendents,~~ school principals, teachers and bus drivers, ~~parents, pupils, the Department of Transportation and local agencies and officials responsible for traffic safety,~~ shall on an annual basis, conduct a survey and and report on ~~report, or cause to be reported,~~ those hazards on or near public sidewalks, streets, and highways which endanger the life or threaten the health or safety of pupils who walk or are transported regularly between their homes and the school in which they are enrolled. The reports shall be submitted promptly in writing to the mayor or manager of the city, ~~or to board of county commissioners or to the Department of Transportation respectively,~~ according to location of the hazard reported, and, until such hazards are corrected, the ~~school board superintendent~~ shall take or cause to be taken such precautions in the operation of school buses as are necessary to safeguard pupils who are transported at public expense. Upon receipt of information from the ~~school board superintendent~~ concerning sidewalk, street, or highway hazards which threaten the safety of pupils, the board of county commissioners, ~~or the municipal official having proper authority or the Department of Transportation~~ shall investigate, or cause to be investigated, the place or situation reported, and with reasonable diligence and promptness shall take such steps as are practicable to correct the hazard reported or shall report to the ~~school board superintendent~~ that it is impracticable to make corrections necessary to overcome the reported hazards.

Section 28. Section 229.840, Florida Statutes, is amended to read:

229.840 Allocation for career education.—The department is authorized to allocate an amount as prescribed annually by the legislature to each district for career education, in the same ratio as the full-time equivalent student membership in grades K-12 of the district * [bears] to the full-time equivalent student membership in grades K-12 of the state for the prior year, in accordance with regulations prescribed by the state

board. However, no district shall receive less than ten thousand dollars (\$10,000) in any the amount received in the 1973-1974 fiscal year.

Section 29. If any provision of this act or the application thereof to any person or circumstances is held invalid, such 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 to be severable.

Section 30. This act shall take effect July 1, 1975.

Senator Plante moved the following amendment to amendment 3:

Amendment 3A—On page 26, lines 11-12, strike "not only for transportation of student, but also for" and insert: for the transportation of students only when school bus vehicles which conform to statutory requirements whether operated by public agencies or private ownership are not available in the school district, and may be used for the transportation of

Amendment 3A was deferred.

Senators Sims, Deeb, Plante, Zinkil, Peterson, Tobiasen, Saylor, McClain, Stolzenburg and J. Lane offered the following amendment to Amendment 3 which was moved by Senator Sims:

Amendment 3B—On page 8, line 21, insert: Section 7. Section 233.60, Florida Statutes, is created to read:

233.60 Textbooks.—All new textbooks shall:

(1) Not contain profanity.

(2) Encourage loyalty to the United States and emphasize the responsibilities of citizenship and the obligation to redress grievances through the legal processes, and must not teach or imply that an alien form of government is superior.

(3) Teach the true history and heritage of the United States, and must not defame our nation's founders or misrepresent the ideals and causes for which they struggled and sacrificed.

(4) Teach that the traditional rules of grammar are a worthwhile subject for academic pursuit.

(Renumber subsequent sections)

Amendment 3B was adopted by the following vote:

Yeas—17

Mr. President	MacKay	Sims	Ware
Childers, D.	McClain	Stolzenburg	Zinkil
Childers, W. D.	Peterson	Thomas, J.	
Deeb	Plante	Thomas, P.	
Lane, J.	Saylor	Tobiasen	

Nays—16

Brantley	Gordon	Lewis	Spicola
Dunn	Graham	Myers	Trask
Firestone	Hair	Renick	Vogt
Gallen	Johnston	Saunders	Wilson

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

Senator MacKay moved that the Senate reconsider the vote by which Amendment 3B was adopted.

Further consideration of CS for CS for HB 984 with pending amendment was deferred.

On motion by Senator Saylor, the Senate reconsidered the vote by which—

HB 2205—A bill to be entitled An act relating to Pinellas County; establishing emergency medical service authority; providing for membership; providing for duties; providing for a special election to create the emergency medical service special taxing district by countywide referendum; providing for ballots; providing for an advisory board; providing severability; providing an effective date.

—passed this day.

On motion by Senator Sayler, the Senate reconsidered the vote by which HB 2205 was placed on third reading. On motion by Senator Sayler, the Senate reconsidered the vote by which amendment 1 was adopted. By permission, Senator Sayler withdrew the amendment.

Senator Sayler moved the following amendment which was adopted:

Amendment 2—On page 2, lines 17—20, strike “Within ninety days from the final approval of the emergency medical service plan as provided for in chapter 74-585, Laws of Florida, 1974, the board of county commissioners shall” and insert: The board of county commissioners may, pursuant to chapter 74-585, Laws of Florida, 1974,

On motion by Senator Sayler, HB 2205 as further amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 1249—A bill to be entitled An act relating to the Industrial Relations Commission; amending s.20.17(7), Florida Statutes, 1974 Supplement; providing for the appointment of temporary associate commissioners; providing for the powers and duties of the commission; providing for the salaries, expenditures, fees, office, seal and destruction of records of the commission; repealing s.20.17(4), Florida Statutes, relating to the transfer of the Florida Industrial Commission to the Department of Commerce; repealing s.440.44(b), Florida Statutes, and s.440.441, Florida Statutes, 1974 Supplement, as amended, relating to the seal of the commission and salaries of the commissioners; providing an effective date.

—was taken up pending roll call, passed as amended and ordered engrossed. The vote on passage was:

Yeas—34

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

Nays—4

Mr. President	Peterson	Plante	Sims
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Senator Brantley moved that the rules be waived and time of adjournment be extended until completion of the special order calendar or 7:00 p.m., whichever occurred first. The motion was adopted.

HB 1909—A bill to be entitled An act relating to fixed capital outlay projects at school plants; providing legislative intent; providing for allocation of certain moneys for such projects undertaken by district school boards, community colleges, area vocational-technical centers, Board of Trustees of the Florida School for the Deaf and the Blind and the Department of Education, and institutions under the Board of Regents of the Division of Universities of the Department of Education; providing conditions upon the financing of such projects; providing certain limitations; providing appropriations; providing for severability; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following Amendment which was moved by Senator Graham and failed:

Amendment 1—On page 1, line 19, strike everything after the enacting clause and insert: Section 1. The Legislature hereby finds and determines that the items and sums designated in this section shall constitute authorized capital outlay projects within the meaning and as required by section 9(a), Art. XII of the State Constitution, as amended, and s.240.141, Florida Statutes, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized fixed capital outlay projects.

(1) From moneys becoming available pursuant to the provisions of section 9(a), Art. XII of the State Constitution, as amended:

(a) Ninety-one million, eighty-six thousand, five hundred ninety dollars shall be allocated by the State Board of Education through the office of Educational Facilities Construction to the district school boards of the 67 school districts listed below. The office of Educational Facilities Construction shall determine each district's allocation of the amount authorized in this act using the criteria set forth in s.236.084, Florida Statutes. Funds accruing to each district under this authorization shall be considered a part of the annual allocation from the Florida Education Finance Program for the comprehensive school construction and debt service program. The office of Educational Facilities Construction shall request the Comptroller to disburse funds to each district and, after the approval of such request by the Department of Administration, the Comptroller shall disburse the approved amount to the district's school fund to be deposited to the credit of the district capital outlay and construction fund to be established by each district school board: District of Alachua County, District of Baker County, District of Bay County, District of Bradford County, District of Brevard County, District of Broward County, District of Calhoun County, District of Charlotte County, District of Citrus County, District of Clay County, District of Collier County, District of Columbia County, District of Dade County, District of DeSoto County, District of Dixie County, District of Duval County, District of Escambia County, District of Flagler County, District of Franklin County, District of Gadsden County, District of Gilchrist County, District of Glades County, District of Gulf County, District of Hamilton County, District of Hardee County, District of Hendry County, District of Hernando County, District of Highlands County, District of Hillsborough County, District of Holmes County, District of Indian River County, District of Jackson County, District of Jefferson County, District of Lafayette County, District of Lake County, District of Lee County, District of Leon County, District of Levy County, District of Liberty County, District of Madison County, District of Manatee County, District of Marion County, District of Martin County, District of Monroe County, District of Nassau County, District of Okaloosa County, District of Okeechobee County, District of Orange County, District of Osceola County, District of Palm Beach County, District of Pasco County, District of Pinellas County, District of Polk County, District of Putnam County, District of St. Johns County, District of St. Lucie County, District of Santa Rosa County, District of Sarasota County, District of Seminole County, District of Sumter County, District of Suwannee County, District of Taylor County, District of Union County, District of Volusia County, District of Wakulla County, District of Walton County, and District of Washington County.

(b) Nineteen million, five hundred ninety-nine thousand, seven hundred ninety dollars shall be allocated by the State Board of Education to the boards of trustees for the named community colleges listed below. Upon request of the board of trustees and after the approval of such request by the Department of Administration, the Comptroller shall disburse the approved amount to be deposited to the credit of each community college construction fund: Santa Fe Community College, Gulf Coast Community College, Brevard Community College, Broward Community College, Lake City Community College, Miami-Dade Community College, Florida Junior College at Jacksonville, Pensacola Junior College, South Florida Junior College, Hillsborough Community College, Chipola Junior College, Lake-Sumter Community College, Edison Community College, Tallahassee Community College, North Florida Junior College, Manatee Junior College, Central Florida Community College, Florida Keys Community College, Okaloosa-Walton

Junior College, Valencia Community College, Palm Beach Junior College, St. Petersburg Junior College, Pasco-Hernando Community College, Polk Community College, St. Johns River Junior College, Indian River Community College, Seminole Junior College and Daytona Beach Community College.

(c) Fifteen million, nine hundred ninety-six thousand, three hundred seventy dollars shall be allocated by the State Board of Education to the district school boards of the following districts for area vocational-technical centers in the named districts. Upon request of a district school board and after the approval of such request by the Department of Administration, the Comptroller shall disburse the approved amount to the district's school fund to be deposited to the credit of the area vocational-technical center construction fund to be established by each said district school board: District of Bay County, District of Bradford County, District of Broward County, District of Citrus County, District of Collier County, District of Dade County, District of Escambia County, District of Hillsborough County, District of Lake County, District of Lee County, District of Leon County, District of Manatee County, District of Orange County, District of Palm Beach County, District of Pinellas County, District of Polk County, District of St. Johns County, District of Sarasota County, District of Suwannee County, District of Taylor County, and District of Washington County.

(d) Thirty-one million, fourty-seven thousand, two hundred fifty dollars shall be allocated by the State Board of Education to the Board of Regents for the institutions under its jurisdiction, namely the University of Florida, Florida State University, University of South Florida, Florida Atlantic University, Florida Agricultural and Mechanical University, University of West Florida, the Florida Technological University, Florida International University, and the University of North Florida; provided however, that the sum of \$10,000,000 included in the amount appropriated is hereby appropriated to the University of Florida School of Veterinary Medicine. From the excess funds in the gross Receipts Tax Trust Fund there is appropriated the sum of \$10,000,000 to be used to replace item 13, Section 2, page 57 of Chapter 73-335, Laws of Florida, appropriations \$10,000,000 from the general revenue fund for the University of Florida School of Veterinary Medicine, such item of Section 2 of Chapter 73-335, Laws of Florida, being hereby repealed; providing, however, that the amount from the general revenue appropriation that have previously been released and disbursed by state warrant are approved and validated; provided further, that such amounts shall first be restored to the general revenue fund from the appropriation made in this section, with the remainder of such appropriation to be used on the approved fixed capital project for the school of veterinary medicine.

(2) As moneys become available pursuant to section 9(a) of Art. XII of the State Constitution, as amended, the State Board of Education may allocate such moneys among the above authorized projects in such amounts as the board in its discretion shall see fit. However, no allocation to any one group of projects shall exceed the total amount authorized in this section for such group projects.

Section 2. The capital outlay projects approved herein are to be financed in accordance with section 9(a), Art. XII of the State Constitution, as amended, or other legally available state funds, or grants, donations and matching funds, or by a combination of such funds.

Section 3. The sums designated herein are the maximum sums to be expended from the funds accruing under section 9(a), Art. XII of the State Constitution, as amended. However, funds appropriated from this source and remaining unexpended from previously authorized projects along with grants, donations, and matching funds from other sources may be added to such maximum sums for any item or category when so approved by the State Board of Education for post-secondary fixed capital outlay projects and with respect to elementary and secondary projects, when approved by the district school board.

Section 4. From the receipts, in excess of the debt service and reserve requirements, deposited into the public education capital outlay and debt service trust fund from the gross receipts taxes, provided in Article XII, Section 9, Subsection (a) of the Constitution, as amended, there is hereby appropriated \$10,000,000 to the Department of Education for the purposes of Section 12 of this act.

Section 5. From the receipts, in excess of the debt service and reserve requirements and the sum appropriated for the purposes of Section 12 of this act, deposited into the public education capital outlay and debt service trust fund from the gross receipts taxes, provided in Article XII, Section 9, subsection (a) of the Constitution, as amended, there is hereby appropriated the balance of such excess to the public education facility working capital trust fund established pursuant to Sections 6 through 10, inclusive, of this act.

Section 6. Trust fund established.—A trust fund to be known as the public education facility working capital trust fund, hereinafter called the trust fund, is established in the state treasury. The trust fund is to be used as a revolving fund to provide intermediate or temporary advances for the purpose of expediting planning and construction of authorized and approved public education facilities. The trust fund shall be administered by the commissioner of education, subject to approval by the State Board of Education. The cost of administering the trust fund shall be paid by the Department of Education from funds appropriated to it. All funds available in the trust fund are hereby appropriated to carry out purposes for which it is established. The trust fund shall be comprised of, but not necessarily be limited to:

(1) That portion of the receipts, in excess of the debt service and reserve requirements, deposited into the public education capital outlay and debt service trust fund from the gross receipts taxes, provided in Article XII, Section 9, subsection (a) of the Constitution, as amended, and appropriated to the trust fund.

(2) That portion of the receipts, in excess of debt service and reserve requirements, from the sale of motor vehicle licenses prescribed in Article XII, Section 9, subsection (d) of the Constitution as amended, and are appropriated to the trust fund, however, these receipts and resources shall be maintained in a separate investment account.

(3) That portion of Federal revenue sharing funds appropriated for use in providing public education facilities; provided, however, that the resources of the Federal revenue sharing funds shall be used as a part of the trust fund but may be maintained in a separate investment account.

(4) Such other state funds as are appropriated or authorized by law.

(5) The State Board of Administration is authorized to invest the trust funds of any state supported retirement system and any other state funds available for investment in loans to the trust fund at a rate of interest that is no less favorable than would have been received had such monies been invested in accordance with authorized practices.

Section 7. Purpose and use of the trust fund.—The trust fund is to provide a source from which advance funding assurances can be given for approved and authorized public education fixed capital outlay facilities. Monies in the trust fund are to provide temporary advancements necessary to finance planning and construction cost.

Section 8. Qualifications for fund use.—The following minimum requirements shall be observed in determining eligibility for use of the trust fund:

(1) Agencies authorized to participate in the trust fund are district school boards, boards of trustees of community colleges, and the Board of Regents.

(2) The agency shall make application to the commissioner of education for approval to participate in advance funding from the trust fund. The agency's application shall present evidence that facilities for which advance funding is requested are:

(a) Facilities that have been authorized by law;

(b) Facilities that are to be financed from the sale of State Board of Education bonds authorized in Article XII, Section 9, subsection (d), and that the agency has submitted a resolution requesting the sale of such bonds that has been approved by the state board; or

(c) Projects for which Federal revenue sharing funds have been allocated in an amount to finance facilities or for which such funds, when combined with other monies, are sufficient to finance the proposed project.

(3) The agency shall certify that there are no other funds available to pay planning or construction progress payments.

(4) The agency shall provide a schedule of the estimated advance payments that will be necessary and a repayment schedule of advancements and when applicable, interest to the trust fund.

Section 9. Interest charged.—When borrowed funds are commingled with appropriated funds and advanced to an agency, that agency shall be charged a rate of interest on the total amount advanced sufficient to discharge a proportionate amount of the debt service of the borrowed funds.

Section 10. Procedures for administering the trust fund.—

(1) The commissioner of education shall, after determining that the requests for facility advanced funding are eligible, shall recommend the agency's request to the State Board of Education for approval. When approved by the state board, the commissioner shall certify this action to the requesting agency. Upon receipt of this certification from the commissioner, the agency is authorized to enter into contracts for planning or constructing the approved facility.

(2) The agency shall periodically certify to the commissioner that no funds are available to the agency to pay progress payments to contractors when such payments are due within the next thirty days and request an advancement from the trust fund. The commissioner, after determining that the request is reasonable, shall request the state comptroller to issue a warrant payable to the requesting agency and such warrant shall be promptly transmitted.

(3) Agencies that have received advance payments from the trust fund shall repay the total amount of such advancements plus accrued interest, if any, from the proceeds of the next authorized sale of bonds or revenue certificates in which that agency participates, or from the cash receipts deposited in the trust fund that have been allocated to that agency.

Section 11. Section 235.0165, Florida Statutes, is created to read:

235.0165 Delegation of review and approval authority.—A district school board may be exempted from the Office of Educational Facilities Construction's approval process required in s.235.26(4) if:

(1) The district has satisfactorily demonstrated that it is competent to inspect and approve plans for educational facilities; and

(2) The plans and specifications for an educational facility have been prepared by, and reflect the seal of, a Florida registered architect or a Florida registered professional engineer and such architect or engineer certifies that the documents comply with the provisions of chapter 235 and all applicable rules and regulations of the State Board of Education.

Section 12. Present subsections (2), (3), (4) and (5) of section 235.211, Florida Statutes, 1974 Supplement, are renumbered as subsections (3), (4), (5) and (6), and a new subsection (2) is added to said section to read:

(2) *COMMUNITY EDUCATIONAL FACILITIES.*—

(a) *Each school district, community college or state university may submit a request to the department for allocation of funds appropriated for the purposes of this section. Such request shall contain the following provisions:*

1. *A detailed statement of the facilities to be constructed. Such statement shall include an analysis of the relationship of educational and community use of the facility.*

2. *The number of public school children and community residents who are estimated to utilize the facility.*

3. *The estimated cost of the facility.*

4. *A resolution or other appropriate indication of intent to participate in the funding and utilization of the facility from a noneducational governmental agency, including community, public and educational broadcasting stations. Such indication shall include a commitment by such governmental agency to provide at least one-third of the cost of the facility.*

(b) *The commissioner of education shall review such request for allocation and, upon determining compliance with the requirement of paragraph (a) and such other provisions as the commissioner deems appropriate, shall allocate funds appropriated for the purposes of this section to such school district, community college or state university.*

Section 13. Section 235.43, Florida Statutes, 1974 Supplement, is amended to read:

(Substantial rewording of section. See s.235.43, F.S., 1974 Supplement, for present text.)

235.43 Organization of certain functions of the Department of Education.—

(1) The Commissioner shall have the discretion to internally organize those functions of the Department of Education which relate to the construction of educational facilities as he sees fit in order to achieve maximum efficiency, it being the intent of the Legislature that there be created a uniform, department-wide office which shall provide such technical assistance needed to all levels of education for facilities needs determination, facilities planning, facilities construction, and other related functions. It is the further intent of the Legislature that there be developed a uniform system for inventorying existing facilities, projecting enrollment, assessing needs and for providing such other information as needed which shall be comparable for all levels of education.

(2) The commissioner is authorized and empowered to transfer those powers, duties, functions, personnel records, property and unexpended balances of appropriations within the Department of Education which relate to facilities inventories, facilities surveys, plan approval, and to the review and approval of educational facilities planning, architectural facilities planning, facilities development and evaluation, facilities and plant management, design coordination, facilities construction, and other similar facilities functions to the office of educational facilities construction established pursuant to Section 235.012.

Section 14. Paragraph (h) of subsection (1), paragraph (d) of subsection (2) and paragraphs (a) and (e) of subsection (3) of section 236.084, Florida Statutes, 1974 Supplement, are amended to read:

236.084 Funds for comprehensive school construction and debt service.—The annual allocation from the Florida Education Finance Program to each district for the comprehensive school construction and debt service program shall be determined as follows:

(1) Pursuant to regulations of the state board, the commissioner shall determine annually the projected school plant and annual debt service needs for each school district and report this to the legislature. In determining these needs and in making the report the commissioner shall include at least the following elements:

(h) Amount of additional resources available pursuant to the provisions of s.9(a)(2) and (d), Art. XII of the State Constitution as amended in 1974 ~~1972~~.

(2)(d) The funds appropriated annually for the purpose of implementing this section shall be allocated to the respective districts in proportion to their percentage of the state total of unfunded school plant and debt service needs as determined above for the fiscal year immediately preceding the fiscal year for which the funds are appropriated.

(3) Funds accruing to a district from the provisions of this section shall be expended on needed projects as shown by a survey or surveys in the district under regulations of the state board. The priority of expenditure by districts shall be as follows:

(a) New classrooms and special instructional facilities necessary to provide needed student ~~popu~~ stations at either a new or existing school center in order to alleviate overcrowding and to eliminate multiple daily sessions; school sites or additions to sites and site improvement, incident to new construction or to make a site addition usable; restoration and correction of deficiencies which produce an unsafe, unhealthy, or unsanitary environment for occupants of school facilities, except that, based upon the need as determined by the commissioner in the formula calculations, up to one-tenth of a district's annual allocation shall be expended on restoration and correction of

such deficiencies. *Additionally, up to one-tenth of a district's annual allocation may be expended on restoration, repair and renovation of facilities as recommended in the latest district school plant survey.*

(e) Debt service for district bonds serviced by voted ad valorem taxes; provided, however, that none of the proceeds from bonds sold under the provisions of s.9(a)(2) and (d), Article XII of the State Constitution as amended in 1974, may be used for these payments.

Section 15. Paragraphs (j), (k), and (l) of subsection (2) of section 240.042, Florida Statutes, 1974 Supplement, are amended to read:

240.042 Board of Regents incorporated; powers, duties, etc.—

(2) The Board of Regents is authorized and empowered:

(j) To conduct, through its staff, and with respect to facilities, the staff of the Office of Educational Facilities Construction, continuous studies of each institution to determine whether the policies and regulations of the system are being followed, and to determine how efficiently and effectively the staff and facilities are being used.

(k) To assist the staff of the Office of Educational Facilities Construction in conducting ~~conduct~~ a space utilization study to support its budget request for capital outlay in order that ~~and is directed to present same to~~ the Office of Educational Facilities Construction may include the same in the Commissioners' report submitted to the Legislature pursuant to s.235.41 ~~legislature~~ prior to each regular session of the Legislature.

(l) To conduct, through its staff and the staff of the Office of Educational Facilities Construction, continuous studies of the immediate and future needs of the state in higher education, including research and public service, what institutional facilities are required to meet these needs, and at which institutions they can be best served. These studies shall consider the need for new institutions and the place of the private institutions in relation to the State University System.

Section 16. Section 240.141, Florida Statutes, 1974 Supplement, is amended to read:

(Substantial rewording of section. See section 240.141, F.S., 1974 Supplement, for present text.)

240.141 State university system facilities; approval construction.—

(1) No facility in the State University System shall be constructed, altered, renovated, or repaired without prior approval of the Legislature and until the design and construction plans are approved by the Office of Educational Facilities Construction in accordance with Section 235.26, and by the Department of General Services.

(2) This section shall not be construed to prohibit:

(a) Construction of any new buildings from non-state sources such as federal grant funds, private gifts or grants;

(b) The replacement of any buildings destroyed by fire or other calamity;

(c) Construction of dormitories or other auxiliary accommodations financed as provided in s.243.131; or

(d) Construction of new facilities or the renovation or alteration of existing facilities to meet the needs of the system as determined by the commissioner in his annual report required in s.235.41 or as determined by the Board of Regents in meeting needs for existing programs or new projects which are mandated by the legislature; provided, that the amount of state funds included in the total cost of the completed facility shall not exceed \$50,000 and the design and construction plans have been approved by the Office of Educational Facilities Construction.

Section 17. 215.61, Florida Statutes, is amended to read:

215.61 ~~Education bonds~~ State bonds for capital outlay.—

(1) The issuance of school bonds, payable primarily from revenues as provided in s.18, Art. XII of the State Constitution of 1885, as amended, and additionally secured by pledging the

full faith and credit of the state, is hereby authorized pursuant to the provisions of s.9(d), Art. XII of the State Constitution and this act.

(2)(a) The issuance of bonds to finance or refinance capital projects authorized by the legislature for the state system of public education provided for by s.1 of Art. IX of the State Constitution, primarily payable from revenues as provided in subsection (a)(2) of s.9 of Art. XII of the State Constitution, and additionally secured by the full faith and credit of the state, is hereby authorized pursuant to such provisions of the constitution and the provisions of this act, including without limitation s.215.69 and s.215.70.

(b) Capital projects authorized by the legislature for any portion of the state system of public education shall be eligible to participate in the funds accruing under said subsection (a)(2) derived from the proceeds of bonds and the gross receipts taxes, under such regulations and in such manner as shall be determined by the state Board of Education. The state board shall use, allocate or transmit from time to time to the Board of Regents, to the board of trustees of any community college district, or to any school board authorized by law to construct or acquire such capital projects, the amount of the proceeds of such bonds or gross receipts taxes to be applied to or used for the capital projects. If for any reason any of the proceeds of any bonds issued for any capital project shall not be expended for such capital project, the state board may use the unexpended proceeds for any other capital project authorized by the legislature for the state system, including but not limited to institutions of higher learning, community colleges, public schools and vocational technical schools, as now defined or as may be hereafter defined by law.

(c) No such bonds shall ever be issued in an amount exceeding 90 percent of the amount which the state Board of Education determines can be serviced by the revenues derived from the gross receipts taxes accruing thereafter under the provisions of such subsection (a)(2), based upon the average annual amount of such revenues accruing during the 2 most recent complete state fiscal years or calendar years, or the amount accruing during the most recent complete state fiscal year or calendar year, whichever is the lesser, after deducting 100 percent of the amount necessary to provide for the debt service requirements for any state fiscal year of all then outstanding bonds issued prior to July 1, 1975, under Article XII, Section 19, of the State Constitution of 1885, as amended.

(3) The State Board of Education shall have the power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted.

(4) The Division of Bond Finance shall act as the agent of the state Board of Education for the purposes of s.215.82 and s.215.821.

Section 18. Section 203.01, Florida Statutes, is amended to read:

203.01 Public service corporations, tax upon gross receipts.— Every person, including municipal corporations, receiving payment for electricity for light, heat or power, for natural or manufactured gas for light, heat or power, for use of telephones, and for the sending of telegrams and telegraph messages, shall ~~annually~~ ~~on or before March 15,~~ report semi-annually to the Department of Revenue, not later than January 20 for the six months ending December 31 and not later than July 20 for the six months ending June 30, under oath of the secretary or some other officer of such person, the total amount of gross receipts derived from business done within this state, or between points within this state, for the preceding six months ~~calendar year~~ and, at the same time, shall pay into the state treasury the sum of \$1.50 upon each \$100 of such gross receipts. The term "gross receipts" as used herein shall not include gross receipts of any person derived from the sale of natural gas to a public or private utility, including municipal corporations and rural electric cooperative associations, either for resale or for use as fuel in the generation of electricity. If any person fails to make such report to the department and pay the tax as herein provided, the department shall, after having given at least 5 days' notice to such person or some official or representative thereof within this state, estimate the amount of such gross receipts from such information as it may be able to obtain and shall add 10 percent of the amount of such taxes as a penalty, for the failure of such

person to make report, and shall proceed to collect such tax, together with all costs and the penalty, the same as other delinquent taxes are collected; provided, no penalty shall be added as aforesaid if a return is made and the amount due is paid to the state treasurer before the expiration of the time stated in the department's notice aforesaid.

Section 19. The first semi-annual report and tax payment required by Section 16 of this act shall be filed not later than July 20, 1975, with the Department of Revenue for the six months ending June 30, 1975.

Section 20. Chapter 235, Florida Statutes, is hereby redesignated as "Educational Facilities".

Section 21. Severability clause.—If any provision of this act is for any reason held or declared to be unconstitutional, inoperative or void, such holding or declaration shall not affect the remaining portions of this act; and toward this end the provisions of this act are declared to be severable.

Section 22. This act shall take effect July 1, 1975.

Senator Graham moved the following amendment:

Amendment 2—On page 1, line 19, strike everything after the enacting clause and insert: Section 1. The Legislature hereby finds and determines that the items and sums designated in this section shall constitute authorized capital outlay projects within the meaning and as required by section 9(a), Art. XII of the State Constitution, as amended, and s. 240.141, Florida Statutes, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized fixed capital outlay projects.

(1) From moneys becoming available pursuant to the provisions of section 9(a), Art. XII of the State Constitution, as amended:

(a) Ninety-seven million, eighty-six thousand, five hundred ninety dollars shall be allocated by the State Board of Education through the office of Educational Facilities Construction to the district school boards of the 67 school districts listed below. The office of Educational Facilities Construction shall determine each district's allocation of the amount authorized in this act using the criteria set forth in s. 236.084, Florida Statutes. Funds accruing to each district under this authorization shall be considered a part of the annual allocation from the Florida Education Finance Program for the comprehensive school construction and debt service program. The office of Educational Facilities Construction shall request the Comptroller to disburse funds to each district and, after the approval of such request by the Department of Administration, the Comptroller shall disburse the approved amount to the district's school fund to be deposited to the credit of the district capital outlay and construction fund to be established by each district school board: District of Alachua County, District of Baker County, District of Bay County, District of Bradford County, District of Brevard County, District of Broward County, District of Calhoun County, District of Charlotte County, District of Citrus County, District of Clay County, District of Collier County, District of Columbia County, District of Dade County, District of DeSoto County, District of Dixie County, District of Duval County, District of Escambia County, District of Flagler County, District of Franklin County, District of Gadsden County, District of Gilchrist County, District of Glades County, District of Gulf County, District of Hamilton County, District of Hardee County, District of Hendry County, District of Hernando County, District of Highlands County, District of Hillsborough County, District of Holmes County, District of Indian River County, District of Jackson County, District of Jefferson County, District of Lafayette County, District of Lake County, District of Lee County, District of Leon County, District of Levy County, District of Liberty County, District of Madison County, District of Manatee County, District of Marion County, District of Martin County, District of Monroe County, District of Nassau County, District of Okaloosa County, District of Okeechobee County, District of Orange County, District of Osceola County, District of Palm Beach County, District of Pasco County, District of Pinellas County, District of Polk County, District of Putnam County, District of St. Johns County, District of St. Lucie County, District of Santa Rosa County, District of Sarasota County, District of Seminole County, District of Sumter County, District of Suwannee County, District of Taylor County, District of Union County, District of Volusia County, District of Wakulla County, District of Walton County, and District of Washington County.

(b) Twenty million, nine hundred twenty-six thousand, five hundred twenty-two dollars shall be allocated by the State Board of Education to the boards of trustees for the named community colleges listed below. Upon request of a board of trustees and after the approval of such request by the Department of Administration, the Comptroller shall disburse the approved amount to be deposited to the credit of each community college construction fund: Santa Fe Community College, Gulf Coast Community College, Brevard Community College, Broward Community College, Lake City Community College, Miami-Dade Community College, Florida Junior College at Jacksonville, Pensacola Junior College, South Florida Junior College, Hillsborough Community College, Chipola Junior College, Lake-Sumter Community College, Edison Community College, Tallahassee Community College, North Florida Junior College, Manatee Junior College, Central Florida Community College, Florida Keys Community College, Okaloosa-Walton Junior College, Valencia Community College, Palm Beach Junior College, St. Petersburg Junior College, Pasco-Hernando Community College, Polk Community College, St. Johns River Junior College, Indian River Community College, Seminole Junior College and Daytona Beach Community College.

(c) Seventeen million, seventy-nine thousand, One hundred eighty-one dollars shall be allocated by the State Board of Education to the district school boards of the following districts. Upon request of a district school board and after the approval of such request by the Department of Administration, the Comptroller shall disburse the approved amount to the district's school fund to be deposited to the credit of the area vocational-technical center construction fund to be established by each said district school board: District of Bay County, District of Bradford County, District of Broward County, District of Citrus County, District of Collier County, District of Dade County, District of Escambia County, District of Hillsborough County, District of Lake County, District of Lee County, District of Leon County, District of Manatee County, District of Orange County, District of Palm Beach County, District of Pinellas County, District of Polk County, District of St. Johns County, District of Sarasota County, District of Suwannee County, District of Taylor County, and District of Washington County.

(d) Twenty-two million, four hundred seventy-one thousand, nine hundred sixty-two dollars shall be allocated by the State Board of Education to the Board of Regents for the institutions under its jurisdiction, namely the University of Florida, Florida State University, University of South Florida, Florida Atlantic University, Florida Agricultural and Mechanical University, University of West Florida, the Florida Technological University, Florida International University, and the University of North Florida.

(e) There is hereby appropriated from the Gross Receipts Tax Trust Fund to the Board of Regents of the Division of Universities of the Department of Education the sum of \$1,348,280 to be used for the construction of facilities for the center for training, research and education for the environmental occupations, in

(h) From the receipts, in excess of the debt service and reserve requirements deposited into the public education capital outlay and debt service trust fund from the gross receipts taxes, provided in Article XII, Section 9, subsection (a) of the Constitution, as amended, there is hereby appropriated the balance of such excess to the public education facility working capital trust fund established pursuant to this act.

(2) As moneys become available pursuant to section 9(a) of Art. XII of the State Constitution, as amended, the State Board of Education may allocate such moneys among the above authorized projects in such amounts as the board in its discretion shall see fit. However, no allocation to any one group of projects shall exceed the total amount authorized in this section for such group projects.

Section 2. The capital outlay projects approved herein are to be financed in accordance with section 9(a), Art. XII of the State Constitution, as amended, or other legally available state funds, or grants, donations and matching funds, or by a combination of such funds.

Section 3. The sums designated herein are the maximum sums to be expended from funds accruing under section 9(a),

Art. XII of the State Constitution, as amended. However, funds appropriated from this source and remaining unexpended from previously authorized projects along with grants, donations, and matching funds from other sources may be added to such maximum sums for any item or category when so approved by the State Board of Education for post-secondary fixed capital outlay projects and with respect to elementary and secondary projects, when approved by the district school board.

Section 4. There is hereby appropriated from the Gross Receipts Tax Trust Fund to the Board of Trustees of the Florida School for the Deaf and Blind the sum of six hundred and forty three thousand and eight hundred dollars to be used for the following projects: Interior and Exterior painting, expansion of the electrical distribution system, repairs of piping and exterior doors, and replacement of refrigeration and air conditioning equipment.

Section 5. Section 235.41, Florida Statutes, 1974 Supplement, is amended to read:

(Substantial rewording of section. See s.235.41, F. S., 1974 Supp., for present text.)

235.41 Legislative budget request; educational facilities assessment; annual report.—

(1) It is the intent of the legislature that all requests for educational facilities construction and fixed capital outlay funds be submitted to the legislature as an integrated comprehensive request. It is the further intent of the Legislature that there be developed a uniform system for inventorying existing facilities, projecting enrollment, assessing needs and for providing such other information as needed which shall be comparable for all levels of education.

(2) The office of educational facilities construction in cooperation with the various divisions of the department of education shall annually prepare at least 120 days prior to the convening of the regular session of the legislature the five-year assessment of educational facilities' needs and a request for funds for the ensuing fiscal year which reflects the actual ability of the various boards and institutions to encumber and expend the funds requested.

(3) The office shall transmit its report of facilities' needs and its request for funds to the commissioner at least 90 days prior to the convening of the regular session of the legislature. Based upon the information provided by the office, the commissioner shall annually prepare a report on educational facilities which shall include, but not be limited to, the following information:

(a) A five-year assessment of educational facilities' needs.

(b) A request for fixed capital outlay funds for the ensuing fiscal year for each level of education.

(c) Recommendations for the priority of expenditure of funds among the various levels of education with reasons for the recommended priorities.

(d) Other recommendations which relate to the effectiveness of the educational facilities construction program.

(4) The commissioner shall transmit to the legislature his annual report on educational facilities as described in subsection (3) at the same time the governor transmits his recommendations to the legislature for the ensuing fiscal year.

(5) Notwithstanding the provisions of chapter 216, the legislative budget requests of the Department of Education for capital outlay funds shall be submitted in accordance with this section.

Section 6. Section 235.42, Florida Statutes, 1974 Supplement, is amended to read:

(Substantial rewording of section. See s.235.42, F. S., 1974 Supp., for present text.)

235.42 Educational facilities construction funds; educational facilities construction working capital trust funds; allocation of funds.—

(1) The State Board of Education is empowered and directed to receive the funds appropriated by the legislature for the comprehensive school construction and debt service program

as established by s.236.084 and any other funds appropriated by the Legislature or from any other source whatsoever which are made available by the state for educational facilities construction at whatever level of education and to provide for the allocation of these funds to the appropriate district school boards, the division of community colleges for each community college board of trustees, the Board of Trustees of the Florida School for the Deaf and the Blind, and the Board of Regents.

(2) A trust fund to be known as the public education facility working capital trust fund, hereinafter called the trust fund, is established in the state treasury. The trust fund is to be used as a revolving fund to provide intermediate or temporary advances for the purpose of expediting planning and construction of authorized and approved public education facilities. The trust fund shall be administered by the commissioner of education, subject to approval by the State Board of Education. The cost of administering the trust fund shall be paid by the Department of Education from funds appropriated to it. All funds available in the trust fund are hereby appropriated to carry out purposes for which it is established. The trust fund shall be comprised of, but not necessarily be limited to:

(a) That portion of the receipts, in excess of the debt service and reserve requirements, deposited into the public education capital outlay and debt service trust fund from the gross receipts taxes, provided in Article XII, Section 9, Subsection (a) of the Constitution, as amended and appropriated to the trust fund.

(b) That portion of the receipts, in excess of debt service and reserve requirements, from the sale of motor vehicle licenses prescribed in Article XII, Section 9, subsection (d) of the Constitution as amended, and are appropriated to the trust fund, however, these receipts and resources shall be maintained in a separate investment account.

(c) That portion of Federal revenue sharing funds appropriated for use in providing public education facilities; provided, however, that the resources of the Federal revenue sharing funds shall be used as a part of the trust fund but may be maintained in a separate investment account.

(d) Such other state funds as are appropriated or authorized by law.

(e) The State Board of Administration is authorized to invest the trust funds of any state supported retirement system and any other state funds available for investment in loans to the trust fund at a rate of interest that is no less favorable than would have been received had such monies been invested in accordance with authorized practices.

(3) Purpose and use of the trust fund.—The trust fund is to provide a source from which advance funding assurances can be given for approved and authorized public education fixed capital outlay facilities. Monies in the trust fund are to provide temporary advancements necessary to finance planning and construction cost.

(4) Qualifications for fund use.—The following minimum requirements shall be observed in determining eligibility for use of the trust fund:

(a) Agencies authorized to participate in the trust fund are district school boards, boards of trustees of community colleges, and the Board of Regents.

(b) The agency shall make application to the commissioner of education for approval to participate in advance funding from the trust fund. The agency's application shall present evidence that facilities for which advance funding is requested are:

(1) Facilities that have been authorized by law;

(2) Facilities that are to be financed from the sale of State Board of Education bonds authorized in Article XII, Section 9, subsection (d), and that the agency has submitted a resolution requesting the sale of such bonds that has been approved by the state board; or

(3) Projects for which Federal revenue sharing funds have been allocated in an amount to finance facilities or for which such funds, when combined with other monies, are sufficient to finance the proposed project.

(c) The agency shall certify that there are no other funds available to pay planning or construction progress payments.

(d) The agency shall provide a schedule of the estimated advance payments that will be necessary and a repayment schedule of advancements and when applicable, interest to the trust fund.

(5) Interest charged.—When borrowed funds are commingled with appropriated funds and advanced to an agency, that agency shall be charged a rate of interest on the total amount advanced sufficient to discharge a proportionate amount of the debt service of the borrowed funds.

(6) Procedures for administering the trust fund.—

(a) The commissioner of education shall, after determining that the requests for facility advanced funding are eligible, shall recommend the agency's request to the State Board of Education for approval. When approved by the state board, the commissioner shall certify this action to the requesting agency. Upon receipt of this certification from the commissioner, the agency is authorized to enter into contracts for planning or constructing the approved facility.

(b) The agency shall periodically certify to the commissioner that no funds are available to the agency to pay progress payments to contractors when such payments are due within the next thirty days and request an advancement from the trust fund. The commissioner, after determining that the request is reasonable, shall request the state comptroller to issue a warrant payable to the requesting agency and such warrant shall be promptly transmitted.

(c) Agencies that have received advance payments from the trust fund shall repay the total amount of such advancements plus accrued interest, if any, from the proceeds of the next authorized sale of bonds or revenue certificates in which that agency participates, or from the cash receipts deposited in the trust fund that have been allocated to that agency.

Section 8. Section 235.0165, Florida Statutes, is created to read:

235.0165 Delegation of review and approval authority.—A district school board may be exempted from the Office of Educational Facilities Construction's approval process required in Section 235.26(4) if:

(1) The district has satisfactorily demonstrated that it is competent to inspect and approve plans for educational facilities; and

(2) The plans and specifications for an educational facility have been prepared by, and reflect the seal of, a Florida registered architect or a Florida registered professional engineer and such architect or engineer certifies that the documents comply with the provisions of Chapter 235 and all applicable rules and regulations of the State Board of Education.

Section Present subsections (2), (3), (4) and (5) of section 235.211, Florida Statutes, 1974 Supplement, are renumbered as subsections (3), (4), (5) and (6), and a new subsection (2) is added to said section to read:

(2) **COMMUNITY EDUCATIONAL FACILITIES.**—

(a) Each school district, community college or state university may submit a request to the department for allocation of funds appropriated for the purposes of this section. Such request shall contain the following provisions:

(1) A detailed statement of the facilities to be constructed. Such statement shall include an analysis of the relationship of educational and community use of the facility.

2. The number of school children and community residents who are estimated to utilize the facility.

3. The estimated cost of the facility.

4. A resolution or other appropriate indication of intent to participate in the funding and utilization of the facility from a noneducational governmental agency, including community, public and educational broadcasting stations. Such indication shall include a commitment by such governmental agency to provide at least one-third of the cost of the facility.

(b) As provided by the provisions of s.235.41, F. S., as amended in section 5 of this act, the commissioner of education shall review such request for allocation and, upon determining compliance with the requirement of paragraph (a) and such other provisions as the commissioner deems appropriate,

shall provide the legislature with recommendations for the joint funding of capital outlay projects involving both educational and non-educational governmental agencies.

Section 9. Section 203.01, Florida Statutes, is amended to read:

203.01 Public service corporations, tax upon gross receipts.—Every person, including municipal corporations, receiving payment for electricity for light, heat or power, for natural or manufactured gas for light, heat or power, for use of telephones, and for the sending of telegrams and telegraph messages, shall ~~annually, on or before March 15,~~ report ~~semi-annually~~ to the Department of Revenue, ~~not later than January 31 for the six months ending December 31 and not later than July 31 for the six months ending June 30,~~ under oath of the secretary or some other officer of such person, the total amount of gross receipts derived from business done within this state, or between points within this state, for the preceding ~~six months calendar year~~ and, at the same time, shall pay into the state treasury the sum of \$1.50 upon each \$100 of such gross receipts. The term "gross receipts" as used herein shall not include gross receipts of any person derived from the sale of natural gas to a public or private utility, including municipal corporations and rural electric cooperative associations, either for resale or for use as fuel in the generation of electricity. If any person fails to make such report to the department and pay the tax as herein provided, the department shall, after having given at least 5 days' notice to such person or some official or representative thereof within this state, estimate the amount of such gross receipts from such information as it may be able to obtain and shall add 10 percent of the amount of such taxes as a penalty, for the failure of such person to make report, and shall proceed to collect such tax, together with all costs and the penalty, the same as other delinquent taxes are collected; provided, no penalty shall be added as aforesaid if a return is made and the amount due is paid to the state treasurer before the expiration of the time stated in the department's notice aforesaid.

Section 10. The first semi-annual report and tax payment required by Section 10 of this act shall be filed not later than July 31, 1975, with the Department of Revenue for the six months ending June 30, 1975.

Section 11. Paragraphs (h) and (i) of subsection (1), paragraph (d) of subsection (2), and subsection (3) of Section 236.084, Florida Statutes, 1974 Supplement, are amended to read:

236.084 Funds for comprehensive school construction and debt service.—The annual allocation from the Florida Education Finance Program to each district for the comprehensive school construction and debt service program shall be determined as follows:

(1) Pursuant to regulations of the state board, the commissioner shall determine annually the projected school plant and annual debt service needs for each school district and report this to the legislature. In determining these needs and in making the report the commissioner shall include at least the following elements:

(h) Amount of additional resources available pursuant to the provisions of s.9(a)(2) and (d), Art. XII of the State Constitution as amended in 1974 ~~1972~~.

(i) Amount of funds from other sources available to the school board and earmarked for capital outlay purposes; provided that funds available and earmarked for capital outlay purposes from the current tax levied on nonexempt property by the district school board for operating expenses shall not be considered in determining the unmet need until the school board encumbers or expends such funds.

(2) The commissioner shall determine annually the amount allocated to each district from the funds appropriated for the purpose of implementing this section as follows:

(d) The funds appropriated annually for the purpose of implementing this section shall be allocated to the respective districts in proportion to their percentage of the state total of unfunded school plant and debt service needs as determined above for the fiscal year immediately preceding the fiscal year for which the funds are appropriated.

(3) Funds accruing to a district from the provisions of this section shall be expended on needed projects as shown by a

survey or surveys in the district under regulations of the state board. The priority of expenditure by districts shall be as follows:

(a) New classrooms and special instructional facilities necessary to provide needed ~~student pupil~~ stations at either a new or existing school center in order to alleviate overcrowding and to eliminate multiple daily sessions or to provide needed student stations as determined by student population projections and the district school plant survey; school sites or additions to sites and site improvement, incident to new construction or to make a site addition usable; restoration and correction as required by s. 235.06 of deficiencies which produce an unsafe, unhealthy, or unsanitary environment for occupants of school facilities, except that, based upon the need as determined by the commissioner in the formula calculations, up to one-tenth of a district's annual allocation shall be expended on restoration and correction of such deficiencies. In addition, up to two-tenths of a district's annual allocation may be expended on facilities or projects as described in paragraph (b) and which are recommended in the latest district school plant survey.

(b) Special instructional and auxiliary facilities needed to improve the program at a school center, but not necessary to increase the ~~student pupil~~ stations;

(c) major alterations to existing buildings which would substantially improve the utility of the space; or

(d) replacement of, or major alterations to, the existing heating, cooling, lighting, and sanitary facilities at a permanent school center.

(e) Debt service for district bonds serviced by voted ad valorem taxes; provided, however, that none of the proceeds from bonds sold under the provisions of s.9(a) (2) and (d), Article XII of the State Constitution as amended in 1974, may be used for these payments.

Section 13. Section 215.61, Florida Statutes, is amended to read:

215.61. State system of public education capital outlay bonds ~~for capital outlay~~.

(1) The issuance of school bonds, payable primarily from revenues as provided in section 18, Art. XII of the State Constitution of 1885, as amended, and additionally secured by pledging the full faith and credit of the state, is hereby authorized pursuant to the provisions of section 9(d), Art. XII of the State Constitution and the provisions of ss.215.57—215.83, "The State Bond Act," except where excluded ~~this~~ Act.

(2) The issuance of bonds to finance or refinance capital outlay projects authorized by the Legislature for the state system of public education, primarily payable from revenues as provided in section 9, Art. XII of the State Constitution of 1885, as amended, and additionally secured by pledging the full faith and credit of the state, is hereby authorized pursuant to the provisions of section 9(a)(2), Art. XII of the State Constitution, and the provisions of ss. 215.57—251.83, "The State Bond Act."

(3) No bonds authorized by Section 9(a) (2), Art. XII of the State Constitution, shall be issued in an amount exceeding 90 percent of the amount which the State Board of Education determines can be serviced by the revenues derived from the gross receipts tax levied and collected pursuant to chapter 203. In determining the amount which can be serviced by the gross receipts tax, the State Board of Education shall utilize the average annual amount of revenue collected for the eight quarters immediately preceding the determination; provided that 100 percent of the amount required to provide for the debt service for any fiscal year of the bonds issued prior to July 1, 1975, under the provisions of section 9(a), Art. XII of the State Constitution, shall be deducted in making the determination.

(4) With respect to the bonds authorized by section 9, Art. XII of the State Constitution, the Division of Bond Finance shall act as the agent of the State Board of Education pursuant to ss. 215.57—215.83, "The State Bond Act."

(5) The State Board of Education shall have the power to make and enforce all rules and regulations necessary to the full exercise of the powers herein granted.

Section 14. Subsection (1) of Section 235.31, Florida Statutes, 1974 Supplement, is amended to read:

235.31 Advertising and awarding contracts for building or improvements.—

(1) As soon as practicable after any bond issue has been voted upon and authorized or funds have been made available for the construction, repair, alteration, or otherwise for the improvement of any education facility, school building, and after plans for the work have been approved by the office, the school board, after advertising the same in the manner prescribe by law, shall award the contract for such building or improvements to the lowest responsible bidder therefor; provided, that the school board may within its discretion reject any and all bids received if it deems the same expedient, and may re-advertise, calling for new bids. For a project costing \$50,000 \$20,000 or less, the public education authority school board may arrange for the building to be erected on a day labor basis.

Section 13. Chapter 235, Florida Statutes, is hereby redesignated as "Educational Facilities".

Section 14. Severability clause.—If any provision of this act is for any reason held or declared to be unconstitutional, inoperative or void, such holding or declaration shall not affect the remaining portions of this act; and toward this end the provisions of this act are declared to be severable.

Section 15. This act shall take effect July 1, 1975.

Senator Saunders moved the following substitute amendment:

Amendment 3—On page 1, line 19, strike everything after the enacting clause and insert:

Section 1. The Legislature hereby finds and determines that the items and sums designated in this section shall constitute authorized capital outlay projects within the meaning and as required by section 9(a), Art. XII of the State Constitution, as amended, and s.240.141, Florida Statutes, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized fixed capital outlay projects.

(1) From moneys becoming available pursuant to the provisions of section 9(a), Art. XII of the State Constitution, as amended:

(a) Eighty-five million dollars shall be allocated by the State Board of Education through the office of Educational Facilities Construction to the district school boards of the 67 school districts listed below. The office of Educational Facilities Construction shall determine each district's allocation of the amount authorized in this act using the criteria set forth in s.236.084, Florida Statutes. Funds accruing to each district under this authorization shall be considered a part of the annual allocation from the Florida Education Finance Program for the comprehensive school construction and debt service program. The office of Educational Facilities Construction shall request the Comptroller to disburse funds to each district and, after the approval of such request by the Department of Administration, the Comptroller shall disburse the approved amount to the district's school fund to be deposited to the credit of the district capital outlay and construction fund to be established by each district school board: District of Alachua County, District of Baker County, District of Bay County, District of Bradford County, District of Brevard County, District of Broward County, District of Calhoun County, District of Charlotte County, District of Citrus County, District of Clay County, District of Collier County, District of Columbia County, District of Dade County, District of DeSoto County, District of Dixie County, District of Duval County, District of Escambia County, District of Flagler County, District of Franklin County, District of Gadsden County, District of Gilchrist County, District of Glades County, District of Gulf County, District of Hamilton County, District of Hardee County, District of Hendry County, District of Hernando County, District of Highlands County, District of Hillsborough County, District of Holmes County, District of Indian River County, District of Jackson County, District of Jefferson County, District of Lafayette County, District of Lake County, District of Lee County, District of Leon County, District of Levy County, District of Liberty County, District of Madison County, District of Manatee County, District of Marion County, District of Martin County, District of Monroe County, District of Nassau County, District of Okaloosa County, District of Okeechobee County, District of Orange County, District of Osceola County, District of Palm

Beach County, District of Pasco County, District of Pinellas County, District of Polk County, District of Putnam County, District of St. Johns County, District of St. Lucie County, District of Santa Rosa County, District of Sarasota County, District of Seminole County, District of Sumter County, District of Suwannee County, District of Taylor County, District of Union County, District of Volusia County, District of Wakulla County, District of Walton County, and District of Washington County.

(b) Twenty-eight million Five Hundred Thousand dollars shall be allocated by the State Board of Education to the boards of trustees for the named community colleges listed below. Upon request of a board of trustees and after the approval of such request by the Department of Administration, the Comptroller shall disburse the approved amount to be deposited to the credit of each community college construction fund: Santa Fe Community College, Gulf Coast Community College, Brevard Community College, Broward Community College, Lake City Community College, Miami-Dade Community College, Florida Junior College at Jacksonville, Pensacola Junior College, South Florida Junior College, Hillsborough Community College, Chipola Junior College, Lake-Sumter Community College, Edison Community College, Tallahassee Community College, North Florida Junior College, Manatee Junior College, Central Florida Community College, Florida Keys Community College, Okaloosa-Walton Junior College, Valencia Community College, Palm Beach Junior College, St. Petersburg Junior College, Pasco-Hernando Community College, Polk Community College, St. Johns River Junior College, Indian River Community College, Seminole Junior College and Daytona Beach Community College.

(c) Nineteen million five hundred thousand dollars shall be allocated by the State Board of Education to the district school boards of the following districts for area vocational-technical centers in the named districts. Upon request of a district school board and after the approval of such request by the Department of Administration, the Comptroller shall disburse the approved amount to the district's school fund to be deposited to the credit of the area vocational-technical center construction fund to be established by each said district school board: District of Bay County, District of Bradford County, District of Broward County, District of Citrus County, District of Collier County, District of Dade County, District of Escambia County, District of Hillsborough County, District of Lake County, District of Lee County, District of Leon County, District of Manatee County, District of Orange County, District of Palm Beach County, District of Pinellas County, District of Polk County, District of St. Johns County, District of Sarasota County, District of Suwannee County, District of Taylor County, and District of Washington County.

(d) Twenty-seven million dollars shall be allocated by the State Board of Education to the Board of Regents for the institutions under its jurisdiction, namely the University of Florida, Florida State University, University of South Florida, Florida Atlantic University, Florida Agricultural and Mechanical University, University of West Florida, the Florida Technological University, Florida International University, and the University of North Florida.

(e) There is hereby appropriated from the Gross Receipts Tax Trust Fund to the Board of Regents of the Division of Universities of the Department of Education the sum of \$1,348,280 to be used for the construction of facilities for the center for training, research and education for the environmental occupations, in accordance with plans adopted by the board. If federal funds become available for such facilities construction, release of this appropriation shall be reduced by an amount equal to the federal funds.

(f) Item 13, Section 2, Page 57 of Chapter 73-335, Laws of Florida, appropriating \$10,000,000 from the General Revenue Fund for the University of Florida, School of Veterinary Medicine is repealed; provided, however, that the amounts from this appropriation that have previously been released and disbursed by state warrants are approved and validated, and there is appropriated for the University of Florida, School of Veterinary Medicine \$10,000,000 from the excess receipts deposited into the Gross Utility Receipts Tax Trust Fund authorized in Section 9(a) of Article XII of the State Constitution; provided further, that the purpose of this appropriation is to first restore to the General Revenue Fund an amount equal to the funds disbursed from the General Revenue Appropriation of 1973-74, and the remainder to be used on the approved fixed capital outlay project for the School of Veterinary Medicine.

(g) Of the \$6,500,000 Appropriated in Item 19, Section 2, Page 130 of Chapter 74-300, Laws of Florida, from the General Revenue Fund to the Division of Universities, Fixed Capital Outlay, Renovations, \$3,000,000 is repealed, provided, however, that the amounts from this appropriation that have previously been released and disbursed by state warrants are approved and validated, and there is appropriated for the Division of Universities, Fixed Capital Outlay, Renovations, \$3,000,000 from the excess receipts deposited into the Gross Utility Receipts Tax Trust Fund authorized in Section 9(a) of Article XII of the State Constitution; provided, further, that the purpose of this appropriation is to first restore to the General Revenue Fund an amount equal to the funds disbursed from the General Revenue Appropriation of 1974-75, and the remainder to be used by the Division of Universities for Fixed Capital Outlay, Renovation purposes.

(2) As moneys become available pursuant to section 9(a) of Art. XII of the State Constitution, as amended, the State Board of Education may allocate such moneys among the above authorized projects in such amounts as the board in its discretion shall see fit. However, no allocation to any one group of projects shall exceed the total amount authorized in this section for such group projects.

Section 2. The capital outlay projects approved herein are to be financed in accordance with section 9(a), Art. XII of the State Constitution, as amended, or other legally available state funds, or grants, donations and matching funds, or by a combination of such funds.

Section 3. The sums designated herein are the maximum sums to be expended from funds accruing under section 9(a), Art. XII of the State Constitution, as amended. However, funds appropriated from this source and remaining unexpended from previously authorized projects along with grants, donations, and matching funds from other sources may be added to such maximum sums for any item or category when so approved by the State Board of Education for post-secondary fixed capital outlay projects and with respect to elementary and secondary projects, when approved by the district school board.

Section 5. There is hereby appropriated from the Gross Receipts Tax Trust Fund to the Board of Trustees of the Florida School for the Deaf and Blind the sum of six hundred and forty three thousand and eight hundred dollars to be used for the following projects: Interior and Exterior painting, expansion of the electrical distribution system, repairs of piping and exterior doors, and replacement of refrigeration and air conditioning equipment.

Section 6. Section 235.41, Florida Statutes, 1974 Supplement, is amended to read:

(Substantial rewording of section. See s.235.41, F. S., 1974 Supp., for present text.)

235.41 Legislative budget request; educational facilities assessment; annual report.—

(1) It is the intent of the legislature that all requests for educational facilities construction and fixed capital outlay funds be submitted to the legislature as an integrated comprehensive request. It is the further intent of the Legislature that there be developed a uniform system for inventorying existing facilities, projecting enrollment, assessing needs and for providing such other information as needed which shall be comparable for all levels of education.

(2) The office of educational facilities construction in cooperation with the various divisions of the department of education shall annually prepare at least 120 days prior to the convening of the regular session of the legislature the five-year assessment of educational facilities' needs and a request for funds for the ensuing fiscal year which reflects the actual ability of the various boards and institutions to encumber and expend the funds requested.

(3) The office shall transmit its report of facilities' needs and its request for funds to the commissioner at least 90 days prior to the convening of the regular session of the legislature. Based upon the information provided by the office, the commissioner shall annually prepare a report on educational facilities which shall include, but not be limited to, the following information:

(a) A five-year assessment of educational facilities needs.

(b) A request for fixed capital outlay funds for the ensuing fiscal year for each level of education.

(c) Recommendations for the priority of expenditure of funds among the various levels of education with reasons for the recommended priorities.

(d) Other recommendations which relate to the effectiveness of the educational facilities construction program.

(4) The commissioner shall transmit to the legislature his annual report on educational facilities as described in subsection (3) at the same time the governor transmits his recommendations to the legislature for the ensuing fiscal year.

(5) Notwithstanding the provisions of chapter 216, the legislative budget request of the Department of Education for capital outlay funds shall be submitted in accordance with this section.

Section 7. Section 235.42, Florida Statutes, 1974 Supplement, is amended to read:

(Substantial rewording of section. See s.235.42, F. S., 1974 Supp., for present text.)

235.42 Educational facilities construction funds; educational facilities construction working capital trust fund; allocation of funds.—

(1) The State Board of Education is empowered and directed to receive the funds appropriated by the legislature for the comprehensive school construction and debt service program as established by s.236.084 and any other funds appropriated by the legislature or from any other source whatsoever which are made available by the state for educational facilities construction at whatever level of education and to provide for the allocation of these funds to the appropriate district school boards, the division of community colleges for each community college board of trustees, the Board of Trustees of the Florida School for the Deaf and the Blind, and the Board of Regents.

(2) There is hereby established in the state treasury a trust fund to be known as the educational facilities working capital trust fund. The Commissioner of Education through the office of educational facilities construction shall administer the trust fund and shall provide for the temporary advance of funds to the various boards and institutions eligible to receive such funds in order to finance the planning and actual construction costs of educational facilities which have been recommended by the commissioner in his annual report on educational facilities and which have been approved by the legislature. The department of education shall pay the administrative costs of the trust fund from the funds which comprise the trust fund.

(3) The trust fund shall be comprised of the following:

(a) That portion of the revenues, in excess of the debt service and reserve requirements, which accrue from the gross receipts tax;

(b) That portion of the revenues, in excess of the debt service and reserve requirements, which accrue for educational facilities construction from the sale of motor vehicle licenses as provided in s.9(d), Art. XII of the state constitution;

(c) That portion of federal revenue sharing funds appropriated for educational facilities construction; and

(d) Any other funds for educational facilities construction.

Provided, however, that any funds required by law to be segregated or maintained in separate accounts shall be segregated or maintained in such manner that the relationship between program and revenue source is retained. Nothing in this subsection shall be construed so as to limit the use by the educational facilities working capital trust fund of the resources of funds so segregated or maintained.

(4) The State Board of Administration is authorized to invest the trust funds of any state supported retirement system and any other state funds available for investment in loans to the trust fund at a rate of interest that is no less favorable than would have been received had such monies been invested in accordance with authorized practices.

(5) Agencies authorized to participate in the trust fund are district school boards, the division of community colleges for each community college board of trustees, the Board of Trustees of the Florida School for the Deaf and the Blind, and the Board of Regents.

(6) The agency shall make application to the office of educational facilities construction for approval to participate in advance funding from the trust fund. The agency's application shall present the following information relative to the facilities for which advance funding is requested:

(a) Proof that the facility or project has been authorized by the legislature in the approval of the commissioner's annual report on educational facilities;

(b) The facility or project is intended to be financed from the sale of bonds pursuant to either s.9(a) or s.9(d), Article XII of the state constitution;

(c) Certification that sufficient funds have been allocated to finance the proposed facility or project or that sufficient funds shall be combined from various sources, including Federal revenue sharing funds, to finance the proposed facility or project;

(d) Certification that there are no other funds currently available to pay for planning or actual construction costs; and

(e) A schedule of the estimated advance payments necessary and a schedule of the repayment of advances and any interest, where applicable, to the trust fund.

(7) When borrowed funds are commingled with working capital trust funds and advanced to an agency, that agency shall be charged a rate of interest on the total amount advanced sufficient to discharge a proportionate amount of the debt service of the borrowed funds.

(8) The office of educational facilities construction, after determining that the request for facility advanced funding is eligible, shall recommend the agency's request to the State Board of Education for approval. When approved by the State Board, the office shall certify this action to the requesting agency. Upon receipt of this certification from the office the agency is authorized to enter into contracts for planning or constructing the approved facility. The agency shall certify to the office that no funds are available to the agency to pay progress payments to contractors when such payments are due within the next 90 days and request an advancement from the trust fund. The office, after determining that the request is reasonable, shall request the state comptroller to issue a warrant payable to the requesting agency and such warrant shall be promptly transmitted. The office is empowered to provide for the release of funds to individual boards and institutions so as to assure that the funds are expended in the most effective and efficient manner practicable. The intent of the legislature is to assure that facilities to provide needed adequate student stations for all students be constructed as rapidly as possible. Agencies that have received advance payments from the trust fund shall repay the total amount of such advancements plus accrued interest, if any, from the proceeds of the next authorized sale of bonds or revenue certificates in which that agency participates, or from any cash receipts deposited in the trust fund that have been allocated to that agency.

Section 8. Section 235.0165, Florida Statutes, is created to read:

235.0165 Delegation of review and approval authority.— A district school board may be exempted from the Office of Educational Facilities Construction's approval process required in Section 235.26(4) if:

(1) The district has satisfactorily demonstrated that it is competent to inspect and approve plans for educational facilities; and

(2) The plans and specifications for an educational facility have been prepared by, and reflect the seal of, a Florida registered architect or a Florida registered professional engineer and such architect or engineer certifies that the documents comply with the provisions of Chapter 235 and all applicable rules and regulations of the State Board of Education.

Section 9. Present subsections (2), (3), (4) and (5) of section 235.211, Florida Statutes, 1974 Supplement, are renumbered as subsections (3), (4), (5) and (6), and a new subsection (2) is added to said section to read:

(2) **COMMUNITY EDUCATIONAL FACILITIES.**—

(a) *Each school district, community college or state university may submit a request to the department for allocation of funds appropriated for the purposes of this section. Such request shall contain the following provisions:*

1. A detailed statement of the facilities to be constructed. Such statement shall include an analysis of the relationship of educational and community use of the facility.

2. The number of public school children and community residents who are estimated to utilize the facility.

3. The estimated cost of the facility.

4. A resolution or other appropriate indication of intent to participate in the funding and utilization of the facility from a noneducational governmental agency, including community, public and educational broadcasting stations. Such indication shall include a commitment by such governmental agency to provide at least one-third of the cost of the facility.

(b) As provided by the provisions of s.235.41, F. S., as amended in section 6 of this act, the commissioner of education shall review such request for allocation and, upon determining compliance with the requirement of paragraph (a) and such other provisions as the commissioner deems appropriate, shall provide the legislature with recommendations for the joint funding of capital outlay projects involving both educational and non-educational governmental agencies.

Section 10. Section 203.01, Florida Statutes, is amended to read:

203.01 Public service corporations, tax upon gross receipts.—Every person, including municipal corporations, receiving payment for electricity for light, heat or power, for natural or manufactured gas for light, heat or power, for use of telephones, and for the sending of telegrams and telegraph messages, shall ~~annually on or before March 15~~, report ~~semi-annually~~ to the Department of Revenue, ~~not later than January 31 for the six months ending December 31 and not later than July 31 for the six months ending June 30~~, under oath of the secretary or some other officer of such person, the total amount of gross receipts derived from the business done within this state, or between points within this state, for the preceding ~~six months calendar year~~ and, at the same time, shall pay into the state treasury the sum of \$1.50 upon each \$100 of such gross receipts. The term "gross receipts" as used herein shall not include gross receipts of any person derived from the sale of natural gas to a public or private utility, including municipal corporations and rural electric cooperative associations, either for resale or for use as fuel in the generation of electricity. If any person fails to make such report to the department and pay the tax as herein provided, the department shall, after having given at least 5 days' notice to such person or some official or representative thereof within this state, estimate the amount of such gross receipts from such information as it may be able to obtain and shall add 10 percent of the amount of such taxes as a penalty, for the failure of such person to make report, and shall proceed to collect such tax, together with all costs and the penalty, the same as other delinquent taxes are collected; provided, no penalty shall be added as aforesaid if a return is made and the amount due is paid to the state treasurer before the expiration of the time stated in the department's notice aforesaid.

Section 11. The first semi-annual report and tax payment required by Section 10 of this act shall be filed not later than July 20, 1975, with the Department of Revenue for the six months ending June 30, 1975.

Section 12. Paragraphs (h) and (i) of subsection (1), paragraph (d) of subsection (2), and subsection (3) of Section 236.084, Florida Statutes, 1974 Supplement, are amended to read:

236.084 Funds for comprehensive school construction and debt service.—The annual allocation from the Florida Education Finance Program to each district for the comprehensive school construction and debt service program shall be determined as follows:

(1) Pursuant to regulations of the state board, the commissioner shall determine annually the projected school plant and annual debt service needs for each school district and report this to the legislature. In determining these needs and in making the report the commissioner shall include at least the following elements:

(h) Amount of additional resources available pursuant to the provisions of s.9(a)(2) and (d), Art. XII of the State Constitution as amended in 1974 ~~1972~~.

(i) Amount of funds from other sources available to the school board and earmarked for capital outlay purposes; pro-

vided that funds available and earmarked for capital outlay purposes from the current tax levied on nonexempt property by the district school board for operating expenses shall not be considered in determining the unmet need until the school board encumbers or expends such funds.

(2) The commissioner shall determine annually the amount allocated to each district from the funds appropriated for the purpose of implementing this section as follows:

(d) The funds appropriated annually for the purpose of implementing this section shall be allocated to the respective districts in proportion to their percentage of the state total of unfunded school plant and debt service needs as determined above for the fiscal year immediately preceding the fiscal year for which the funds are appropriated.

(3) Funds accruing to a district from the provisions of this section shall be expended on needed projects as shown by a survey or surveys in the district under regulations of the state board. The priority of expenditure by districts shall be as follows:

(a) New classrooms and special instructional facilities necessary to provide needed student ~~paper~~ stations at either a new or existing school center in order to alleviate overcrowding and to eliminate multiple daily session or to provide needed student stations as determined by student population projections and the district school plant survey; school sites or additions to sites and site improvement, incident to new construction or to make a site addition usable; restoration and correction as required by s.235.06 of deficiencies which produce an unsafe, unhealthy, or unsanitary environment for occupants of school facilities, except that, based upon the need as determined by the commissioner in the formula calculations, up to one-tenth of a district's annual allocation shall be expended on restoration and correction of such deficiencies. In addition, up to two-tenths of a district's annual allocation may be expended on facilities or projects as described in paragraph (b) and which are recommended in the latest district school plant survey.

(b) Special instructional and auxiliary facilities needed to improve the program at a school center, but not necessary to increase the student ~~paper~~ stations;

~~(c)~~ major alterations to existing buildings which would substantially improved the utility of the space; or

~~(d)~~ replacement of, or major alterations to, the existing heating, cooling, lighting, and sanitary facilities at a permanent school center.

(c) Debt service for district bonds serviced by voted ad valorem taxes; provided, however, that none of the proceeds from bonds sold under the provisions of s.9(a)(2) and (d), Article XII of the State Constitution as amended in 1974, may be used for these payments.

Section 13. Section 215.61, Florida Statutes, is amended to read:

215.61 State system of public education capital outlay bonds ~~for capital outlay~~.—

(1) The issuance of school bonds, payable primarily from revenues as provided in section 18, Art. XII of the State Constitution of 1885, as amended, and additionally secured by pledging the full faith and credit of the state, is hereby authorized pursuant to the provisions of section 9(d), Art. XII of the State Constitution and the provisions of ss.215.57-215.83, "The State Bond Act," except where excluded ~~this act~~.

(2) The issuance of bonds to finance or refinance capital outlay projects authorized by the Legislature for the state system of public education, primarily payable from revenues as provided in section 9, Art. XII of the State Constitution of 1885, as amended, and additionally secured by pledging the full faith and credit of the state, is hereby authorized pursuant to the provisions of section 9(a), Art. XII of the State Constitution, and the provisions of ss.215.57-215.83, "The State Bond Act."

(3) No bonds authorized by section 9(a), Art. XII of the State Constitution, shall be issued in an amount exceeding 90 percent of the amount which the State Board of Education determines can be serviced by the revenues derived from the gross receipts tax levied and collected pursuant to chapter 203. In determining the amount which can be serviced by the gross receipts tax, the State Board of Education shall utilize the

average amount of revenue collected for the eight quarters immediately preceding the determination; provided that 100 percent of the amount required to provide for the debt service for the current fiscal year of the bonds issued prior to July 1, 1975, under the provisions of section 9(a), Art. XII of the State Constitution, shall be deducted in making the determination.

(4) With respect to the bonds authorized by section 9(a) (2), Art. XII of the State Constitution, the Division of Bond Finance shall act as the agent of the State Board of Education pursuant to section 9(a), Art. XII of the State Constitution, and ss.215.57-215.83, "The State Bond Act."

Section 14. Subsection (1) of section 235.31, Florida Statutes, 1974 Supplement, is amended to read:

235.31 Advertising and awarding contracts for building or improvements.—

(1) As soon as practicable after any bond issue has been voted upon and authorized or funds have been made available for the construction, repair, alteration, or otherwise for the improvement of any education facility, school building, and after plans for the work have been approved by the office, the public education authority school board, after advertising the same in the manner prescribed by law, shall award the contract for such building or improvements to the lowest responsible bidder therefor; provided, that the school board may within its discretion reject any and all bids received if it deems the same expedient, and may readvertise, calling for new bids. For a project costing \$50,000 \$20,000 or less, the public education authority school board may arrange for the building to be erected on a day labor basis.

Section 15. Chapter 235, Florida Statutes, is hereby redesignated as "Educational Facilities".

Section 16. Severability clause.—If any provision of this act is for any reason held or declared to be unconstitutional, inoperative or void, such holding or declaration shall not affect the remaining portions of this act; and toward this end the provisions of this act are declared to be severable.

Section 17. This act shall take effect July 1, 1975.

Senator Deeb moved the following amendment to Amendment 3:

Amendment 3A—On page 4, line 20, strike subsection (4)

On motion by Senator Sayler further consideration of HB 1909 was deferred.

CS for HB 823—A bill to be entitled An act relating to family services; amending s.39.11(2)(d), Florida Statutes, 1974 Supplement, providing that an abandoned child who was placed in a foster home may be placed for adoption if the division cannot locate a parent or relative within one year; providing an effective date.

—was read the second time by title.

On motion by Senator Wilson, by two-thirds vote CS for HB 823 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 30, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended—HB 894 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Richard and others—

HB 894—A bill to be entitled An act relating to the election code; amending s.104.31(1)(b), Florida Statutes, 1974 Supplement; providing an exception to the provision which prohibits public employees of the state, or of a county or municipality thereof, from advising any other such employee to make a contribution for political purposes; providing an effective date.

—was read the first time by title. On motion by Senator McClain, the rules were waived and the bill was placed on the calendar.

SB 828 was taken up and on motion by Senator McClain HB 894 a companion measure was substituted therefor. On motions by Senator McClain, by two-thirds vote HB 894 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

By unanimous consent Senator Tobiassen was recorded as voting yea.

SB 828 was laid on the table.

The Honorable Dempsey J. Barron, President May 29, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2235 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Commerce and Representative Haben—

HB 2235—A bill to be entitled An act relating to second mortgages; creating the Florida Second Mortgage Act regulating and providing for the licensing and examination of second mortgage lenders by the Department of Banking and Finance; providing definitions; providing for the preservation of books, accounts, and records; providing for annual reports; providing a maximum interest rate that may be charged, including what charges shall be included in the interest rate calculation; providing for charges that may be made; providing for prohibited provisions in instruments evidencing or securing a second mortgage loan; providing for sanctions for failure to comply with subpoena or testify; authorizing the Department of Banking and Finance to promulgate rules; providing for civil and criminal penalties and the use of cease and desist orders by the Department of Banking and Finance; adding a new subparagraph 5 to S.659.17(3)(d), Florida Statutes, 1974 Supplement, to allow state banks to make loans pursuant to the act as restricted and limited by the department; adding a (e) to S.659.17(3), Florida Statutes, 1974 Supplement, providing that nothing in this subsection shall be construed to permit a bank to charge a higher rate of interest than that currently allowed by law on any loan existing on the effective date

of this act; prohibiting certain practices; providing an effective and an expiration date.

—was read the first time by title. On motion by Senator Gallen, the rules were waived and the bill was placed on the calendar.

SB 1235 was taken up and on motion by Senator Gallen HB 2235 a companion measure was substituted therefor. On motion by Senator Gallen, by two-thirds vote HB 2235 was read the second time by title.

Senator P. Thomas moved the following amendments which were adopted:

Amendment 1—On page 4, line 9, strike and shall be subject to all other provisions of this act.

Amendment 2—On page 5, line 4, following word "partner" insert: limited partner

Senator Wilson moved the following amendment:

Amendment 3—On page 7, line 23, strike "16" and insert: 12

Amendment 3 was adopted by the following vote:

Yeas—24

Childers, D.	Graham	McClain	Spicola
Deeb	Holloway	Myers	Stolzenburg
Dunn	Johnston	Peterson	Thomas, J.
Firestone	Lane, D.	Poston	Vogt
Glisson	Lewis	Renick	Wilson
Gordon	MacKay	Saunders	Winn

Nays—13

Brantley	Henderson	Thomas, P.	Zinkil
Childers, W. D.	Plante	Tobiassen	
Gallen	Sayler	Trask	
Hair	Sims	Ware	

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

The Honorable Dempsey J. Barron, President May 30, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2210 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Davis and others—

HB 2210—A bill to be entitled An act relating to the dissolution of marriage; amending s.61.08, Florida Statutes; providing standards for a court to follow in determining a proper alimony award relating to the expected earning abilities of the respective parties, and certain other specified factors; providing an effective date.

—was read the first time by title. On motion by Senator Brantley, the rules were waived and the bill was placed on the calendar.

Special Order, continued

On motion by Senator Gordon, by two-thirds vote SB 555 was removed from the calendar and indefinitely postponed.

CS for SB 173—A bill to be entitled An act relating to health care facilities; creating the "Health Care Cost Containment Act of 1975"; providing for the creation of a uniform system of financial reporting for hospitals and nursing homes; providing for a subsequent system of hospital rate review and approval based on the principle of incentive reimbursement whereby budgets are established in advance of a hospital's budget period and costs are reimbursed prospectively; providing that amounts accruing from operating below budgeted costs may be retained

by the hospital to serve approved community needs; providing for state assumption of responsibility for conducting a health care price control program; providing legislative findings and declaration of intent; providing definitions; creating the Florida Health Care Cost Commission; providing for commission meetings, procedure and compensation; providing for commission staffing and committees; providing guidelines for the proper exercise of the rate review and approval function; providing for commission studies and data analysis; providing for commission accountability; providing for commission budget; providing for severability; providing an effective date.

—was taken up, together with pending Amendment 1.

Senator Gordon moved the following substitute amendment:

Amendment 2—On page 2, line 3, strike everything after the enacting clause and insert:

Section 1. Short title.—This act shall be known and may be cited as the "Health Care Information Act of 1975."

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

(1) "Department" means the Department of Health and Rehabilitative Services.

(2) "Commission" means the Florida Health Care Information Commission created by section 3 of this act.

(3) "Consumer" means any person whose occupation is other than the administration of health activities or the providing of health services, and who has no direct financial interest in a health facility or in the provision of health services.

(4) "Hospital" means an establishment as defined in section 395.01, Florida Statutes.

(5) "Nursing home" means a facility defined in subsection (7) of section 400.021, Florida Statutes.

(6) "State health planning agency" means the agency designated by the governor to perform the health planning and development functions prescribed by section 1523 of Public Law 93-644, the National Health Planning and Resources Development Act of 1974.

(7) "Health systems agency" or "areawide planning council" means the agency defined in subsection (3) of section 381.-493, Florida Statutes.

Section 3. Florida Health Care Information Commission.—There is hereby created within the department the Florida Health Care Information Commission. The commission shall consist of one practicing hospital administrator, one practicing nursing home administrator, one representative of the health insurance industry or of a hospital service plan licensed under chapter 641, Florida Statutes, one physician licensed to practice in the state, and five consumers representing the public interest. Consumer representatives may be chosen as individual citizens or as representatives of consumer-oriented organizations which are organized under the laws of the state. All members shall be appointed by the governor and confirmed by the senate. Of the initial appointees, five shall be appointed for a term of two years and four shall be appointed for a term of four years. Thereafter, all appointments shall be for terms of four years each, except that vacancies shall be filled for the remainder of the unexpired term. All members of the commission may be reappointed.

Section 4. Commission meetings, procedure and compensation.—The commission shall elect from its consumer members a chairperson who shall serve a term of two years and who may be re-elected subsequently. The commission shall meet as frequently as duties require, but not less often than four times per year. No action of the commission shall be effective unless a majority of its members concur therein. Members of the commission shall serve without remuneration; however members shall receive per diem and travel as prescribed in section 112.-061, Florida Statutes, 1974 Supplement.

Section 5. Commission staff and committees.—

(1) The commission staff shall be furnished by the state health planning agency except that the commission may appoint a full-time or part-time director who shall serve at the pleasure of the commission.

(2) The commission may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise.

(3) The commission may apply for and receive and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to hospital and nursing home care costs.

(4) The commission may create committees from its membership, and may create such ad hoc advisory committees in specialized fields, related to the functions of hospitals and nursing homes, as it deems necessary.

Section 6. Uniform system of financial reporting.—

(1) The commission shall by rule, after consultation with appropriate professional and governmental advisory bodies and public hearings, specify a uniform system of financial reporting for hospitals and nursing homes. Wherever possible, this uniform system of financial reporting shall supplant and replace all other financial reports required to be submitted by hospitals and nursing homes to agencies of state government and to third-party payors for hospital and nursing home services. The commission shall endeavor to make the specified uniform financial reporting system compatible with financial reports required under federal law or regulation.

(2) Each hospital and nursing home licensed by the department shall utilize the system specified by the commission to report its activities during its previous fiscal year to the commission, to be initially effective at such time and date as the commission shall direct. In determining the initial effective date and subsequent dates for reporting requirements, the commission shall consider the administrative and economic difficulties which hospitals and nursing homes face in conversion, but in no event shall such effective date be later than January 1, 1977. The commission shall require such interim reports as it deems desirable to utilize whatever portions of the uniform system that are available at the time.

Section 7. Review of hospital and nursing home rates by the commission.—

(1) From and after a date not more than 12 months after the commission specifies the uniform system of financial reporting required by this act, the commission shall have the authority to initiate reviews of hospital and nursing home rates for the purpose of informing purchasers of hospital and nursing home services whether the total costs of hospitals and nursing homes are reasonably related to the total services offered by such facilities; a hospital's or nursing home's aggregate revenues as expressed by rates are reasonably related to the total services offered by such facilities; a hospital's or nursing home's aggregate revenues as expressed by rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference. The findings of the commission shall be advisory in nature and not binding.

(2) In order to properly discharge these duties the commission shall have the authority to review at least annually the projected annual revenues of any hospital or nursing home and the rates proposed to generate that revenue.

(3) In reviewing rates, the commission shall consider the need for increased efficiency in hospital and nursing home operation, the need to close surplus beds or to convert them to meet unfilled needs, and the need to abandon existing services which are unnecessarily duplicative of services available in the area served by the hospital or nursing home.

(4)(a) In reviewing rates the commission shall consider the need for such rates to be sufficient as projected to enable the hospital or nursing home to obtain its total financial requirement from proposed operating revenues.

(b) In establishing rates, a hospital or nursing home should amortize its surpluses and deficits in relation to its total financial requirement over a period of not less than 1 year. Operating revenues from sources other than rates should be projected to reduce the income required from rates, but should not include funds designated by the donor as capital funds.

(c) The rates for non-profit hospitals and nursing homes should enable them to render effective and efficient services

on a solvent basis. The rates for hospitals and nursing homes for profit should enable them to provide effective and efficient services and permit a fair rate of return based upon the fair value of the equity of the hospital or nursing home. The rates for governmental hospitals or nursing homes should take into consideration the amount of tax-raised funds appropriated to the hospital or nursing home and the purposes for which the appropriations are made.

(5) The commission shall encourage the development of methods of prospective reimbursement and other innovative methods of hospital and nursing home payment which encourage and reward managerial efficiency without compromising quality of care. In addition, the commission shall encourage the development of programs which permit hospital or nursing home employees to share in part of any savings in operating costs which result from improved productivity.

Section 8. Rate change procedure.—From and after the date the commission begins review of hospital and nursing home rates pursuant to section 7 of this act, no hospital or nursing home subject to the provision of this act shall change or amend that schedule of rates and charges of the type and class which the commission by rule has determined cannot be changed without prior review by the commission, except in accordance with the following procedure:

(1) Any proposal for a change in rate schedules or other changes must be filed in writing in the form and content prescribed by the commission and with such supporting data as the commission deems appropriate. No hospital or nursing home shall implement such changes except after prior notice to the commission of at least thirty days from the date the proposed rate is intended to go into effect.

(2) The commission may request an impact statement from the health systems agency in whose health service area the hospital or nursing home requesting a change in rates is located, indicating potential effects of the proposed rate change upon health care costs and health care service delivery in the area served by the hospital or nursing home.

(3) The commission may determine that certain proposed rate changes should be substantively reviewed. Such proposed changes shall be considered at a public hearing, at a time and place to be determined by the commission. The hearing shall be conducted by the commission. Evidence for and against the requested change may be introduced at the time of the hearing by any interested party and witnesses may be heard. The hearing may be conducted without compliance with formal rules of evidence.

(4) Every decision and order of the commission shall be in writing and shall state the grounds for the commission's decisions. The effects of such orders shall be prospective in nature.

Section 9. Powers of the commission.—In addition to the powers granted to the commission elsewhere in this act, the commission:

(1) Shall adopt and may amend and repeal rules and regulations respecting the exercise of the powers and duties conferred by this act in accordance with the provisions of chapter 120, Florida Statutes, 1974 Supplement.

(2) Shall conduct investigations and require the filing of information relating to any matter affecting the cost of services in all hospitals and nursing homes subject to the provisions of this act, and may hold public hearings and subpoena witnesses, papers, records, and documents in connection therewith, the commission chairperson having authority to administer oaths or affirmations in any hearing or investigation.

(3) Shall prepare and publish such summaries, compilations or other reports as will advance the purpose of this act. All such summaries, compilations and reports shall be open to public inspection.

(4) Shall exercise, subject to the limitations and restrictions herein imposed, all other powers which are reasonable and necessary to carry out the expressed purposes of this act, including taking such actions as are necessary to qualify for delegation of authority to perform rate review or to receive grants for the purpose of demonstrating the effectiveness of rate review as the federal government may make available to the states. In addition to the other powers, duties, and functions assigned to the commission by this act, the commission

may take such action and perform such duties as may be conferred upon the state by federal law or regulation with respect to rates charged by institutional providers of health services, including hospitals and nursing homes.

Section 10. Commission accountability.—On or before March 1 of each year, the commission shall prepare and transmit to the governor, the insurance commissioner and the legislature a report of commission operations and activities for the preceding year.

Section 11. Commission budget.—The commission shall annually prepare a budget which shall include its estimated income and expenditures for administration and operation. Upon the approval of the budget by the legislature, the hospitals and nursing homes subject to this act shall be assessed the amount thereof upon an equitable basis to be determined by the commission, but not to exceed two one hundredths of one percent of each hospital's or nursing home's gross operating costs for its last fiscal year ending on or before December 31 of the preceding calendar year. The balance of the budget, if any, shall be financed from general or special appropriations, or by grants from other sources.

Section 12. Penalty.—Any hospital or nursing home which knowingly violates the provisions of this act shall be punished by a fine not exceeding one hundred (\$100.00) dollars per day in violation, to be fixed, imposed, and collected by the commission. Each day in violation shall be considered a separate offense.

Section 13. Exemption.—The provisions of this act shall not apply to any institution conducted by or for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend exclusively upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

Section 14. Severability.—In the event that any provision or application of this act is held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 15. This act shall take effect July 1, 1975.

Further consideration of CS for SB 173 was deferred.

HB 1004—A bill to be entitled An act relating to motor vehicle inspection stations; amending s.325.26, Florida Statutes; exempting current inspection station license holders from any Department of Highway Safety and Motor Vehicles rule increasing minimum area requirements for inspection stations until such time as the station changes location or ownership; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote HB 1004 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—24

Brantley	Hair	MacKay	Thomas, J.
Childers, D.	Henderson	Myers	Thomas, P.
Childers, W. D.	Holloway	Peterson	Tobiassen
Gallen	Johnston	Sayler	Trask
Glisson	Lane, D.	Sims	Ware
Graham	Lewis	Spicola	Winn

Nays—9

Dunn	Renick	Vogt	Zinkil
Firestone	Saunders	Wilson	
Poston	Stolzenburg		

CS for HB's 1139 and 1947—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; amending s.372.023, Florida Statutes, requiring approval by the Board of Trustees of the Internal Improvement Trust Fund for certain actions by the commission relating to the J. W. Corbett or Cecil M. Webb Wildlife Management Areas; authorizing certain agencies to convey leasehold interests in land in the J. W. Corbett Wildlife Management Area to the record owner; requiring the commission to use moneys received from the

sale of land in either area to acquire acreage contiguous to the area; repealing s.372.024, Florida Statutes, relating to the Cecil M. Webb Wildlife Management Area; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote CS for HB's 1139 and 1947 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

The President presiding

On motion by Senator Trask, by two-thirds vote HB 183 was withdrawn from the Committee on Judiciary-Civil and placed on the calendar.

HB 183—A bill to be entitled An act relating to candidates; amending s.99.092(1), Florida Statutes, as amended, providing for the return of a candidate's qualifying fee to his designated beneficiary if the candidate dies prior to an election and has not withdrawn his candidacy before the last date to qualify, providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 183 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

HB 74—A bill to be entitled An act relating to tax sales and liens; amending s.197.256(1), Florida Statutes, 1973, requiring the clerk of the circuit court to mail by certified mail with return receipt requested notice of an application for a tax deed on real property to certain mortgagees of such property; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 74 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

The Journal of May 30 was corrected and approved as follows:

Page 623, column 1, strike lines 34 through 55.

The Journal of May 29 was further corrected and approved as follows:

Page 486, column 1, line 23, strike "SB" and insert: HB

Page 500, counting from the bottom of column 2, strike lines 26 through 31 and insert:

HB 85—A bill to be entitled An act relating to state attorneys; amending s.27.14(1), Florida Statutes, as amended, providing that executive orders that exchange or assign state

attorneys and that are filed by the governor with the office of the secretary of state shall be valid for a period of 6 months from the date of issuance of the order; providing for renewal of such orders; providing for approval by the Supreme Court upon application of the governor for renewal; providing an effective date.

CO-INTRODUCERS

Senator Tobiassen was recorded as a co-introducer of SB 1293, Senator W. D. Childers as a co-introducer of SB 1127; Senator Holloway as a co-introducer of SB 1291.

On motion by Senator Brantley, the Senate adjourned at 6:47 p.m. to convene at 9:00 a.m., June 3, 1975.

LOBBYIST REGISTRATIONS UNDER SENATE RULE NINE

MAY 23, 1975 THROUGH MAY 29, 1975

Name & Address; Entity Represented & Address if different; Legislation Involved; Association with Legislator if any

Andersen, Gary N. PO Box 26,000 F.T.U. Orlando 32809 Students/Upper Level Upper level educ.

Balme, Edward B. Dept. of Community Affairs Tallahassee State Board of Building Codes and Standards Community affairs

Clark, Robert I. PO Box 1314 Tallahassee 32302 Amvets, American Veterans of World War II Korea and Vietnam Veterans affairs

Dunbar, Peter M. 607 W. Main St. New Port Richey 33552 Golf Host South Inc. D/B/A Innisbrook Tarpon Springs Condominium also Herbert S. Simmons Co. Dunedin also Innisbrook Condominium Owners Assoc. Tarpon Springs Condominium leg.

Evans, Harley PO Drawer X Holly Hill 32017 Volusia Educators Ass'n Education legislation

Faine, Jeffry 4470 Sheridan St. Hollywood Ambulatory Surgical Facility Health care

Foden, Ruth 143 NW 144 St. Miami 33168 Self Health related/Nurse Practice Act.

Forbes, Gilbert C. 1390 Brickell Ave. Miami 33131 Southeast Mortgage Co. SB 1235 (2nd mortgages)

Gaiser, Dean 509-B Collins Bldg. Tallahassee 32304 Department of Commerce Division of Tourism Commerce

Geis, Lawrence R. 21 W. Church St. 15th Floor Jacksonville 32202 Florida Junior College at Jacksonville Community college matters

Griffin, Robert Kent 212 Courthouse Jacksonville 32202 Duval Legislative Delegation Local bills, General bills

Harris, Thomas A. 725 S. Calhoun St. Tallahassee 32304 Department of Legal Affairs Civil Division Legal affairs

Heath, James E. 620 S. Meridian St. Tallahassee 32304 Game and Fresh Water Fish Commission Natural resources

Higgins, John Worthen, Jr. Monroe County Courthouse Key West 33040 Historic Key West Preservation Board Secretary of State

Hodder, Martin H. 1131 NE 86 St. Miami 33138 Martin Co. Conservation Alliance Et Al Stuart SRC 792 Nuclear power

Name & Address; Entity Represented & Address if different; Legislation Involved; Association with Legislator if any

McCauley, Andrew C. III 3200 Hartley Rd. #187 Jacksonville 32217 Solar Control Prods. Corp. 25 Nedham Newton Mass. Bills — House 188-190 S-239 General

Odom, F. Perry PO Box 1170 Tallahassee 32302 John H. Phipps Broadcasting & Members of the Phipps 2225 N. Monroe Tallahassee Matters affecting principal

Roberts, Emmett S. 1323 Winewood Blvd. Tallahassee 32301 Secretary's Office, Dept. of Health & Rehabilitative Services Health and rehabilitative services

Robertson, Thomas A. 309 WR12 Univ. of Florida Gainesville 32611 Self Education

Sample, Dorothy Eaton 200 Sunset Dr. S. St. Petersburg 33707 Save Our Bays (Pinellas) All inclusive

Sauers, Dale E. 2571 Executive Center Circle East Tallahassee 32301 Department of Community Affairs Community affairs

Scruggs, William M., Jr. 4410 NW 18P. Gainesville 32605 Self General

Shaw, Walter R. 1277 Sunset Strip Sunrise 33313 City of Sunrise General

Smiles, Leon 2097 SW 13 Terrace Boyton Beach 33435 Solar energy, heating & cooling

Smith, James C. PO Box 1833 Tallahassee Paul Cook Enterprises, Inc. 750 Dalrymple Road NE Atlanta Ga.

Stubbs, George W. Rm. 109 Caldwell Bldg. Tallahassee 32304 Dept. of Commerce, Div. of Employment Security Bureau of Unemployment Comp. Commerce

Triantafello, Nick 84 Ormond Shores Dr. Ormond Beach 32074 VEA PO Box Drawer X Holly Hill 32017 Education

Volker, Kurt J. 2800 W. Oakland Park Blvd. Oakland Park 33311 Broward County League of Cities Municipal legislation

Walsh, Richard J. PO Box 26,000 Orlando 32809 Florida Tech U./Students Education

Warren, Jesse F., Jr. PO Box 612 119 W. Jefferson Tallahassee 32302 Ronald Nat Coleman Claims bill

Wygal, Benjamin R. Florida Junior College at Jacksonville Jacksonville 32210 Florida Junior College at Jacksonville Community colleges

WITHDRAWN

Jones, A. Ridgely 2324 Limerick Dr. Tallahassee 32303 AAA 1515 N. Westshore Tampa Motorists legislation