

JOURNAL OF THE FLORIDA SENATE

Wednesday, June 4, 1975

The Senate was called to order by the President at 9:00 a.m.
A quorum present—37:

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

Excused: Senators Winn, Scarborough, and D. Lane; Senators Graham, Plante, Lewis, periodically, at 2:00 p.m. to work on the Conference Committee Report on HB 1909.

Prayer by the Senate Chaplain:

Our God, the burden of long hours with mental, physical and emotional strain presses heavily upon these your servants in these closing days of the session.

May they not be overcome with any sense of meaninglessness. May they view their burden as sails are to a sailing ship or wings to a bird bearing them to a purposeful destination.

The last mile of the way, our God, so often seems never ending but grant your servants the determination, will and patience to complete their task. Amen.

ENROLLING REPORTS

SB 49 SB 60 SB 370 SB 382

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 4, 1975.

Joe Brown, Secretary

SB 44 CS for SB 158 CS for SB 280
SB 115 SB 255 SB 749

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 4, 1975.

Joe Brown, Secretary

SCR 739 SCR 1357 SJR 999

—have been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on June 4, 1975.

Joe Brown, Secretary

CS for SB 868 has been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 4, 1975.

Joe Brown, Secretary

SB 95 SB 553 SB 950
CS for SB 157 SB 561 SB 1107
CS for SB 410 SB 675

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on June 4, 1975.

Joe Brown, Secretary

MOTION RELATING TO COMMITTEE REFERENCE

On motion by Senator Saunders, by two-thirds vote HB 431 was withdrawn from the Committee on Ways and Means and placed at the end of the special order calendar.

Senator Ware raised a point of order that the motion by Senator Tobiassen on June 3 to reconsider HB 1329 was out of order because the bill had been reconsidered one time and the Senate reaffirmed its first decision and the second motion to reconsider was not adopted by unanimous vote.

The President ruled the point well taken and the bill was certified to the House.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President June 3, 1975

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

By Senators Sims and Lewis—

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

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 1, line 28, insert: new Section 2. Subsection (26) of s.215.22, F.S., is created to read:

215.22 Certain moneys and certain trust funds enumerated.—The following described moneys and trust funds, by whatever name designated, shall be those from which the deductions authorized by s.215.20, F.S., shall be made:

(26) *The trust fund of the Division of Hotels and Restaurants as defined in s.509.071, F.S., with the exception of those fees collected for the purpose of funding of the hospitality education program as stated in s.509.302, F.S.*

The enumeration of the above moneys or trust funds shall not prohibit the applicability thereto of s.215.24 should the Governor determine that for the reasons mentioned in said s.215.24 said money or trust fund should be exempt herefrom, as it is the purpose of this law to exempt all trust funds from its force and effect where, by the operation of this law, federal matching funds or contributions to any trust fund would be lost to the state.

Section 3. Section 509.071, Florida Statutes, is amended to read:

(Substantial rewording of section. See s.509.071, F.S. for present text.)

509.071 Hotel and restaurant trust fund; collection and disposition of monies received.—There is created within the division, a hotel and restaurant trust fund to be used for the administration and operation of the division and the carrying into effect of all laws, rules and regulations under the enforcement and jurisdiction of the division, pertaining to the construction, maintenance and operation of public lodging establishments, public food service establishments, including the inspection of elevators as required under chapter 399, Florida Statutes. All funds collected by the division and the amounts paid for licenses and fees shall be deposited in the state treasury into the hotel and restaurant trust fund created by this section.

Section 4. Section 509.251(1)(a), (3)(a), (b), (c), (d)2., Florida Statutes, is amended to read:

509.251 License fees.—

(1) AMOUNT OF LICENSE FEE: PUBLIC LODGING ESTABLISHMENT.—The license fee to conduct a public lodging establishment shall be in accordance with the following schedule:

(a) The license fee shall be ~~\$.75~~ *\$.90* per rental unit for the first 50 units, ~~\$.50~~ *\$.60* per unit for the next 50 units, and ~~\$.25~~ *\$.30* per unit for all units above 100 units. The minimum fee shall be ~~\$12.50~~ *\$15.00*. The maximum fee shall be \$500.

(3) AMOUNT OF LICENSE FEE: PUBLIC FOOD SERVICE ESTABLISHMENT.—The basic license fee for conducting a public food service establishment shall be \$4.00 for each establishment, regardless of the number of services offered by each establishment. In addition, such establishments are subject to the following fees as may be applicable:

(a) Additional license fees for establishments having seating accommodations shall be in accordance with the following schedule:

Persons	Amount
Accommodations for 1—29	\$ 6.50 \$10.00
Accommodations for 30—74	9.50 13.00
Accommodations for 75—149	16.00 19.50
Accommodations for 150—249	26.00 28.50
Accommodations for 250—349	34.00 37.50
Accommodations for 350—499	46.00 49.50
Accommodations for 500 or more	61.00 64.50

(b) Additional license fees for establishments offering counter, takeout, curb, catering, or commissary service shall be in accordance with the following schedule:

1. Establishment offering counter service	\$10.00 \$13.50
2. Establishments offering takeout service	\$10.00 \$13.50
3. Establishments offering curb service	\$16.00 \$19.50
4. Establishments offering catering or commissary service	\$25.00 \$28.50

The foregoing fees shall be in addition to the fees based on seating accommodations where establishments offer one or more of such types of service and also furnish seating accommodations.

(c) Additional license fees for the following described establishments are as follows:

1. Establishments in the form of mobile food dispensing vehicles, license fee per annum, each vehicle ~~\$40.00~~ \$43.50

2. Establishments for temporary food service, operating in the same locations for temporary periods during a license year, for each such period per site ~~\$10.00~~ \$13.50

(d) Vending machines dispensing food shall not be within the jurisdiction of the division; provided, however, locations, not otherwise licensed under this chapter, having the following described vending machine facilities dispensing food shall constitute a public food service establishment under s.509.241 (2)(a), and shall be subject to the jurisdiction of the division and shall pay an annual license fee consisting of the basic license fee plus additional license fees as specified below:

2. Any public location with vending machines dispensing prepared meals (meat, vegetables or salads), shall, if without seating accommodations, pay an additional license fee of ~~\$10.00~~ \$13.50 as an establishment offering takeout service.

Section 5. Paragraph (b) of subsection (1) of section 399.05, F.S., is amended to read:

399.05 Permit to erect; fees; inspection and tests of new, moved or altered installations.—

(1)

(b) Each applicant for a permit from the division pursuant to paragraph (a) shall pay the division a fee, which will be deposited in the hotel and restaurant trust fund as established under s.509.071, F.S.; provided that the fee paid shall be applied and credited to fees required under s.509.251, F.S.; based on the cost of the installation, computed as follows:

Each unit installation costing less than \$20,000	\$25
Each unit installation costing from \$20,000 but less than \$30,000	\$30
Each unit installation costing from \$30,000 but less than \$50,000	\$40
Each unit installation costing more than \$50,000	\$50
Each unit installation costing up to \$5,000	\$10
Each unit installation costing from \$5,000 to \$10,000	\$15
Each unit installation costing from \$10,000 to \$20,000	\$20
Each unit installation costing from \$20,000 to \$30,000	\$25
Each unit installation costing from \$30,000 to \$50,000	\$30
Each unit installation costing \$50,000 or more	\$40

Section 6. Subsection (3) of s.399.06, F.S., is amended to read:

399.06 Registering of existing installations, reports of inspectors; annual license fees.—

(3) The owner or user of every elevator, escalator, dumbwaiter, moving walk, endless walk, endless belt man lift, or powered lift, for sewage pump station subject to this chapter, shall pay to the division an annual license or inspection fee, which will be deposited in the hotel and restaurant trust fund as established under s.509.071, F.S.; provided that the fee paid shall be applied and credited to fees required under s.509.251, F.S.; as a prerequisite to issuance of a certificate of operation pursuant to subsection (1), which annual fee shall be based upon the type of installation and the number of floors served thereby, as follows:

Elevator serving 2 floors	\$25
Elevator serving 3 through 5 floors	\$30
Elevator serving 6 through 10 floors	\$35
Elevator serving 11 through 15 floors	\$40
Elevator serving 16 through 20 floors	\$45
Elevator serving over 20 floors	\$50
Dumbwaiter (no floor limit)	\$15
Endless belt man lift (no floor limits)	\$25
Escalator	\$25
Automobile parking lift	\$25
Moving walk (no length limit)	\$25
Sewage pump station man lift	\$25
Elevator serving 2 floors	\$20
Elevator serving 3 to 5 floors	\$25
Elevator serving 6 or more floors	\$30
Dumbwaiter (no floor limits)	\$10
Endless belt man lift (no floor limits)	\$20
Escalator (no floor limits)	\$20
Automobile parking lift	\$20
Moving walk (no length limit)	\$20
Sewage pump station lift	\$20

and renumber following section.

House Amendment 2—On page 1, in title, lines 4-8, strike all of said lines and insert: An act relating to state regulation; amending s.475.04(2), Florida Statutes, relating to real estate license law; to authorize the publication and sale of a handbook by the Florida Real Estate Commission; creating subsection (26) of s.215.22, Florida Statutes, placing the hotel and restaurant trust fund under the provisions of this section; amending s.509.071, Florida Statutes, establishing a trust fund for the administration and operation of the Division of Hotels and Restaurants, including elevator inspection; amending s.509.251(1)(a), (3)(a), (b), (c), (d)2., Florida Statutes, increasing the amount of license fees of public lodging establishments and public food service establishments; amending s.399.05(1)(b), Florida Statutes, providing that fees collected under this section be placed in the hotel and restaurant trust fund; revising permit and license fees; providing applicability and credit to fees paid under s.509.251, Florida Statutes; amending s.399.06(3), Florida Statutes, providing that fees collected under this section be placed in the hotel and restaurant trust fund; revising annual license fees existing installations; providing applicability and credit to fees paid under s.509.251, Florida Statutes; providing an effective date.

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

Amendment 1A—On page 7 after line 5, insert: Section 7. Subsections (4) and (5) of section 475.01, Florida Statutes, are amended to read:

475.01 Definition of terms used in chapter.—

(4) "Registration" shall consist of the placing and keeping of the name and business address, and if of a salesman, the name and business address of the employer also, upon the list of brokers and salesmen in the offices of the Florida Real Estate Commission, with the appropriate designation as "broker" or "salesman." Said "registration list" shall be kept in books, or in files, as may be deemed expedient by the commission. Registration shall be in force for a period of 12 months after the expiration of the last certificate issued, or 12 months after the termination of any period of suspension, and no longer; but registration alone shall not entitle the registrant to operate as a broker or salesman.

(5) A "registrant" is a person whose name and business address, and in case of a salesman, the name and business address of the employer also, has been placed, and lawfully remains, on said registration list, and said term shall not include any person who has not applied for a renewal certificate within the aforesaid period of 12 6 months.

Section 2. Sections 475.20 and 475.21, Florida Statutes, are amended to read:

475.20 Renewal of certificates.—Every certificate shall expire at the end of the license period. Certificates for the next succeeding license period shall be issued upon written request, on a form provided by the commission, or the department, accompanied by the required fee, if such request is made while registration is in force. When made in proper form, accompanied by the proper fee, such request shall not be denied or unreasonably delayed.

475.21 Registrant having applied for renewal entitled to continue operating.—Registrants who have made a proper request for renewal, and paid the fee therefor, before the expiration date of the certificate, shall be entitled to continue to act as brokers or salesmen, unless under suspension. If such renewal request is made after the expiration date of the certificate, such registrant shall be entitled to act as a broker or salesman only from such date the request and fee is received by the commission. However, should the renewal request be made more than 30 days after the expiration date of the certificate or after the termination of any period of suspension but within the 12-month period, the renewal fee for salesman shall be \$35 and for broker, \$55.

(renumber subsequent section)

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

Amendment 2A—On page 1, line 4, after the semicolon insert: amending ss.475.01(4), (5), 475.20, 475.21, Florida Statutes; to permit a registrant to renew registration and obtain certificates thereon at any time during a twelve month period immediately subsequent to an expired license or suspension period; and to provide a fee therefor;

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

SB 290 passed as further amended by House Amendments 1 and 2 as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

On motion by Senator Holloway, by two-thirds vote SM 1384 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

SM 1384—A memorial to the Congress of the United States, urging Congress to take appropriate action to allow the continuation of agricultural activities in the Hole-in-the-Donut area of the Everglades National Park.

—was read the second time in full. On motion by Senator Holloway SM 1384 was adopted and certified to the House. The vote on adoption was:

Yeas—28

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

Nays—None

By direction of the President, Larry Gonzalez, Executive Director of the Commission on Ethics, was accorded privileges of the floor during consideration of certain bills.

SPECIAL ORDER

HB 1283—A bill to be entitled An act relating to transportation; authorizing Florida's participation in the Multi-Mode Transportation Corridor Advisory Board; providing an appropriation; providing for appointment of board representatives; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 1283 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

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

HB 2099—A bill to be entitled An act relating to public officers, employees, and candidates for public office; amending s. 11.26(1), Florida Statutes, relating to employees of the Legislature, modifying restrictions on employment; adding subsections (6) and (7) to s.112.311, Florida Statutes, 1974 Supplement; providing additional responsibilities of public officers and employees; providing that public officers and employees shall avoid even the impression of corruptibility; amending s.112.312(1), Florida Statutes, 1974 Supplement, and adding new subsections (4), (7), (11), and (12); expanding the definition of "agency"; defining the terms "commission," "materially affected," "conflict of interest," and "corruptly"; amending s.112.313, Florida Statutes, 1974 Supplement; defining "public officer"; establishing standards of conduct for public officers and employees relating to conflicting gifts, doing business with one's agency, unauthorized compensation, salary and expenses, misuse of public position, conflicting employment or contractual relationship, disclosure or use of information not generally available to the public, disclosure of specified interests, and employees holding office; removing provisions relating to ownership interests in business entities; amending s.112.3141, Florida Statutes, 1974 Supplement, providing additional standards of conduct for legislative employees; creating s.112.3143, Florida Statutes, providing that public officers shall abstain from voting on certain matters by reason of conflict; creating s.112.3155, Florida Statutes, providing post-employment and post-office-holding restrictions; amending s.112.317, Florida Statutes, 1974 Supplement, providing penalties; creating s.112.3175, Florida Statutes, providing remedies; creating s.112.3185, Florida Statutes, establishing procedural standards with regard to ex parte communications; amending s.286.012, Florida Statutes, relating to voting requirements at meetings of governmental bodies, to conform section references to chapter 112, Florida Statutes; providing for applicability to certain persons holding office on the effective date of the act; repealing s.112.323, Florida Statutes, 1974 Supplement, concerning applicability of the code of ethics to legislators and legislative employees; providing an effective date.

—which was read the third time by title.

Senators MacKay and Holloway offered the following amendment which was moved by Senator MacKay and adopted by two-thirds vote:

Amendment 14—On page 8, line 30, after the comma (,) insert: or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances,

Senator Holloway offered the following amendment which was moved by Senator MacKay and adopted by two-thirds vote:

Amendment 15—On page 9, line 5, insert: after the word "required": or permitted

Senator Holloway moved the following amendment which was adopted by two-thirds vote:

Amendment 16—On page 9, line 9, strike *generally*

Senator MacKay moved the following amendment which was adopted by two-thirds vote:

Amendment 17—On page 8, line 14, strike *continually or frequently recurring* and insert: create a *continuing or frequently recurring* conflict

On motion by Senator Myers, by two-thirds vote HB 2099 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

By unanimous consent Senators Trask, Glisson, Peterson and Tobiasen were recorded as voting yea.

SB 758 was laid on the table.

SB 337 was taken up, together with CS for SB 337 which was read the first time by title and SB 337 was laid on the table.

Pending further consideration of CS for SB 337 on motion by Senator Brantley, by two-thirds vote CS for HB 874 was withdrawn from the Committee on Governmental Operations and placed on the calendar. On motion by Senator Brantley—

CS for HB 874—A bill to be entitled An act relating to state agencies; creating the Florida Economic Impact Disclosure Act of 1975; providing legislative intent; providing definitions; requiring every agency, in advance of any agency action, to prepare an economic impact statement along specified lines; requiring agencies to make an economic impact statement a part of the record in proceedings relative to agency action under the Administrative Procedure Act; authorizing specified elected officials to request economic impact statements from agencies; providing exemptions; providing for judicial review; providing an effective date.

—a companion measure to CS for SB 337 was substituted therefor and read the second time by title.

Senator Brantley moved the following amendment which was adopted:

Amendment 1—On page 5, line 30, strike after the word "government" the period (.) and insert: , and the Industrial Relation Commission.

Senator Firestone moved the following amendment which failed:

Amendment 2—On page 5, strike all of lines 12 through and including line 14

(Renumber subsequent subsections)

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

Amendment 3—On page 6, line 13, strike all of Section 8 and renumber

Senator Spicola moved the following amendment which was adopted:

Amendment 4—On page 7, line 4, strike Section 10 and insert: Section 10. This act shall take effect January 1, 1976.

Senator Plante moved the following amendment which was adopted:

Amendment 5—On page 7, line 4, strike Section 10 and insert: Section 10. This act shall take effect July 1, 1976.

On motion by Senator Brantley, by two-thirds vote CS for HB 874 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—20

Mr. President	Glisson	McClain	Thomas, P.
Brantley	Hair	Sayler	Tobiasen
Childers, W. D.	Holloway	Sims	Trask
Deeb	Lane, J.	Spicola	Ware
Gallen	Lewis	Thomas, J.	Zinkil

Nays—16

Childers, D.	Graham	Peterson	Saunders
Dunn	Henderson	Plante	Stolzenburg
Firestone	Johnston	Poston	Vogt
Gordon	Myers	Renick	Wilson

By unanimous consent Senator MacKay was recorded as voting yea.

SB 1320—A bill to be entitled An act relating to the Administrative Procedure Act; adding s.120.52(14), (15), Florida Statutes, 1974 Supplement, to provide definitions for "educational unit" and "hearing officer"; amending s.120.53(1)(d), Florida Statutes, 1974 Supplement, to provide agenda rules for school board meetings; amending s.120.54(1)(a), Florida Statutes, 1974 Supplement, to provide notice procedures for educational units; amending s.120.54(3), Florida Statutes, 1974 Supplement, to delete the requirement that copies of all rules be filed with the Division of Administrative Hearings of the Department of Administration; providing that the division director of said division determine if petitions meet statutory requirements and establishing a time during which a hearing officer must be assigned; providing that the hearing officer's order is final agency action; amending s.120.54(8)(a), Florida Statutes, 1974 Supplement, to require publication of emergency rules in the Florida Administrative Weekly; amending s.120.54(9), Florida Statutes, to provide for separate model rules for educational units; amending s.120.54(10), (11) and (12), Florida Statutes, 1974 Supplement, and adding a new subsection to said section to provide for notification of potential objections to rules; providing for three copies of rules to be filed; providing authority for the Department of State to decline to accept improper rules for filing; providing for a stay of the effective date of specified rules; providing a new effective date for rules of educational units; deleting the requirement that copies of rules be sent to the speaker of the house of representatives and the president of the senate; amending s.120.55(1)(b), Florida Statutes, 1974 Supplement, to delete the requirement that rules of limited geographical application be filed with the Department of State; adding s.120.55(3)(c), Florida Statutes, 1974 Supplement; providing for distribution of certain publications to the Administrative Procedures Committee; amending s.120.56, Florida Statutes, 1974 Supplement, to remove references to declaratory statements and to conform its provisions to s.120.54(3), Florida Statutes, 1974 Supplement; creating s.120.565, Florida Statutes, to provide for declaratory statements; amending s.120.57, Florida Statutes, 1974 Supplement; limiting certain requirements; providing qualifications for agency-designated hearing officers; providing legal assistance for lay hearing officers; providing for petitions for specified hearings to be filed with the agency concerned; providing for representation by other than bar members; providing for oral evidence at informal proceedings; amending s.120.58(1), Florida Statutes, 1974 Supplement, and adding a new paragraph to said subsection, to provide for wit-

ness fees; amending s.120.65(2), Florida Statutes, 1974 Supplement, to provide restrictions upon the use of contract hearing officers by the division; amending s.120.68(1), Florida Statutes, 1974 Supplement; providing judicial review; amending s.120.72(4)(a), Florida Statutes, 1974 Supplement, to clarify automatic repeal of specified prior rules; creating s.120.73, Florida Statutes, to preserve rights to circuit court hearings and to declaratory judgments; providing an effective date.

—was read the second time by title.

Senator Lewis moved the following amendments which were adopted:

Amendment 1—On page 18, line 16, strike the word “~~recommended~~” and insert: *or recommended*

Amendment 2—On pages 11 and 12, strike All of lines 29 and 30 on page 11, all of lines 1 and 2 on page 12 and all of lines 10 through 18 on page 12 and insert on page 11, line 29:

Section 4. Paragraphs (b) and (c) of subsection (1) of section 120.55, Florida Statutes, 1974 Supplement, is amended, new paragraph (c) is added to subsection (3) of said section and subsection (4) of said section is amended to read:

and insert on page 12, line 10

only one school district, community college district, county or a part thereof *or to the Florida School for the Deaf and Blind* shall not be published in the Florida Administrative Code. Rules so omitted shall be filed in the Department of State, and exclusion from publication in the Florida Administrative Code shall not affect their validity or effectiveness. *At least annually*, the department shall publish *an indexed compilation consisting of, and index to a summary of each rule* ~~all rules~~ so omitted ~~at least annually~~.

and insert on page 12 between lines 18 and 19:

(c) Publish a weekly publication entitled the “Florida Administrative Weekly” which shall contain:

1. A summary of and index to all proposed rules filed during the preceding week.

2. All hearing notices required by s.120.54(1), showing the time, place and date of the hearings and the summaries of all rules proposed for consideration.

3. *All notices of meetings, hearings and workshops conducted in accordance with the provisions of s.120.53(1)(d), including a statement of the location at which a copy of the agenda may be obtained.*

4. *Notice of each request for authorization to amend or repeal an existing model rule or for the adoption of new model rules.*

5. *Notice of each request for exemption from any provision of Chapter 120.*

6. *Notice of petitions for declaratory statements or administrative determinations.*

7. *A summary of each objection filed by the Joint Administrative Procedures Committee during the preceding week to any rule.*

3.8. Any ~~Other~~ material required or *authorized* by law, or

4. ~~Other material~~ deemed useful by the department.

(g) Make copies of the Florida Administrative Code ~~and the Florida Administrative Weekly~~ available for sale at no more than cost and *copies of the Florida Administrative Weekly on an annual subscription basis for not more than five (\$5) dollars per year.*

(h) *Charge each agency using the Florida Administrative Weekly a space rate computed to cover all costs related to the Florida Administrative Weekly.*

and insert on page 12 between lines 23 and 24:

(4) (a) There is hereby created in the state treasury a revolving fund to be known as the Department of State’s “Publication Revolving Trust Fund,” ~~and there is hereby appropriated to said revolving trust fund from the general revenue fund of the state the sum of \$25,000.~~

(b) All fees and moneys collected by the Department of State under this chapter shall be deposited in the revolving

trust fund for the purpose of paying for the publication and distribution of the Florida Administrative Code and the Florida Administrative Weekly and for associated costs incurred by the department in carrying out this chapter.

(c) The unencumbered balance in the revolving trust fund at the beginning of each fiscal year shall not exceed \$25,000, \$100,000, and any excess shall be transferred to the general revenue fund. ~~An amount sufficient to bring the revolving trust fund up to \$25,000 is appropriated and shall be transferred from the general revenue fund for the purposes set forth in this section.~~

(d) *It is the intent of the legislature that the Florida Administrative Weekly be supported entirely from funds collected for subscriptions to the Florida Administrative Weekly. To that end, the department of state is authorized to add a surcharge of 10% to any charge relating to the Florida Administrative Weekly until such time as the Publication Revolving Trust Fund has transferred to the general revenue fund an amount equal to all funds appropriated to the trust fund.*

Amendment 3—On page 21, strike all of lines 8 through 19 and insert: (c) *Any public employee appearing pursuant to a subpoena at an agency proceeding shall be entitled to reimbursement for per diem and travel expense in accordance with s.112.061. All other witnesses appearing at such proceedings pursuant to a subpoena shall receive fees and mileage as provided in chapter 90 for witnesses in cases in courts of this state. In the case of a public employee, such expenses shall be processed and paid in the manner prescribed for agency employee travel expense reimbursement, and in the case of a witness who is not an agency employee, payment of such fees and expenses shall accompany the subpoena.*

Amendment 4—On page 7, hyphen through all of line 29 after the word “(9)” and the word “subsection” on line 30. On page 8 strike all of lines 8 through 26.

and insert: on page 8, line 8:

precedent to receipt of federal funds or to permit persons in this state to receive tax benefits under federal law ~~or as required for the most efficient operation of the agency as determined by the Administration Commission. If the Administration Commission determines that one or more of the model rules is detrimental to the most efficient operation of an agency, the commission may, on request of the agency, authorize the amendment or repeal of a model rule or may adopt a separate set of model rules for an agency or a group of agencies. The adoption of additional model rules or the amendment or repeal of existing model rules shall be subject to all the provisions of this section. The reasons for the amendment shall be published in the Florida Administrative Weekly.~~

Amendment 5—On page 22, strike all of lines 8 and 9 and insert: Subsections (2) and (4) of section 120.65, Florida Statutes, 1974 Supplement, are amended to read:

Amendment 6—On page 22 between lines 21 and 22, insert:

(4) ~~Beginning July 1, 1976~~ *July 1, 1975*, all costs of administering the division shall be paid to the division trust fund on a pro rata basis by the agencies using its services. The division shall submit statements to the agencies at least quarterly.

Amendment 7—On page 1, line 28, strike the semicolon and insert: and to permit the Administration Commission to authorize the amendment or repeal of a model rule or to adopt separate model rules for an agency or group of agencies under certain circumstances;

Amendment 8—On page 2, strike all of lines 11 through 16 and insert: 120.55(1)(b), (c), (4), Florida Statutes, 1974 Supplement, and adding paragraph (3)(c) to said section, to provide for omission of rules pertaining to the Florida School for the Deaf and Blind from the Florida Administrative Code, to provide for annual publication of summaries of rules omitted from the code, to prescribe items required to be published in the Florida Administrative Weekly, to provide for funding of publication of the code and weekly, and to provide for distribution of

Amendment 9—On page 3, strike all of lines 5-8 and insert: for witness fees; amending s.120.65(2),(4), Florida Statutes, 1974 Supplement to provide restrictions upon the use of contract hearing officers by the division; changing date that all costs of administering the division shall be paid to division trust fund on a pro rata basis; amending s.

On motion by Senator Lewis, by two-thirds vote SB 1320 as amended was read the third time by title, passed and ordered engrossed. The vote on passage was:

Yeas—33

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

Nays—None

By unanimous consent Senators Glisson, Sayler and Vogt were recorded as voting yea.

On motions by Senator Brantley, by two-thirds vote CS for HB 660 was withdrawn from the Committees on Governmental Operations and Judiciary-Civil and placed on the calendar.

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

CS for HB 660—A bill to be entitled An act relating to public officers and employees and candidates for public office; amending ss.112.312 and 112.3145, Florida Statutes, 1974 Supplement; providing definitions; requiring disclosure of financial interest by source for persons seeking to become candidates for state or local office, local officers, state officers and specified employees and certain other persons; requiring persons seeking to become candidates for state or local office, state officers, local officers and specified employees to disclose certain sources of income, secondary sources of income, gifts, real property, and the source of certain personal debts; requiring state and local officers and specified employees to disclose clients represented before public agencies; adding subsection (6) to s.99.012, Florida Statutes, 1974 Supplement, requiring disclosure prior to qualification as a candidate; allowing other political subdivisions to establish additional disclosure requirements not contained herein; providing an effective date.

—which was read the second time by title.

The President Pro Tempore presiding

Senator Myers moved the following amendment:

Amendment 1—On page 2, beginning on line 3, strike everything after the enacting clause and insert: Section 1. Section 112.312, Florida Statutes, 1974 Supplement, is amended to read:

112.312 Definitions.—As used in this part, unless the context otherwise requires:

(1) "Advisory body" means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget or each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.

(2) (1) "Agency" means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative, and any department, division, bureau,

commission, authority, or political subdivision of this state, and any public school, community college or state university. special taxing district therein with authority to exercise the sovereign power of the state.

(3) "Represent" or "representation" means actual physical attendance on behalf of a client in an agency proceeding letters written or documents filed on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.

(4) (2) "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

(5) (3) "Candidate" means any person who has filed a statement of financial interest and his qualification papers and subscribed to the candidate oath as required by s.99.021 and or who seeks by election to become a public officer. This definition expressly excludes, but excluding a committeeman regulated by chapter 103 and persons seeking any other office or position in a political party.

(6) "Commission" means the Commission on Ethics created by s.112.320.

(7) (4) "Disclosure period" means the taxable year for the person or business entity, whether based on a calendar or fiscal year, the period extending from January 1 through December 31 immediately preceding the date on which or the last day of the period during which the financial disclosure statement required by this part is required to be filed.

(8) (5) "Material interest" means direct or indirect ownership in excess of 5% of the total assets or capital stock of any business entity.

(9) "Ministerial matter" means action that a person takes in a prescribed manner in obedience to the mandate of legal authority without the exercise of the person's own judgment or discretion as to the propriety of the action taken.

(10) (6) "Person or business entities provided a grant or privilege to operate" includes state and federally federal chartered banks, state and federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic beverage licensees, and spirituous liquor businesses, whether retail or wholesale, pari-mutuel wagering companies, utility companies, and entities controlled by the Public Service Commission or granted a franchise to operate by either a city or county government. This definition shall not apply to persons and entities so categorized merely for purposes of public notice or to certify the quality of professional or occupational services.

(7) "Public officer" or "officer" includes:

(a) All elected public officers, congressional, executive, judicial, legislative, state, county, municipal, or local.

(b) Members of boards, commissions, authorities, and special taxing districts, and the head of each state agency, however selected, but excluding advisory board members.

(c) Referees, receivers and hearing examiners appointed by any agency and judges of industrial claims.

(d) Members of the Board of Regents, the chancellor of the university system, presidents of state universities, and presidents and members of boards of trustees of community colleges.

(e) Any person employed in the office of the Governor or in the office of any member of the cabinet who is exempt from the career service system, except persons employed in clerical, secretarial, or similar positions.

(f) The appointed secretaries, assistant secretaries, deputy secretaries, executive directors, assistant executive directors, and deputy executive directors of all state departments and, unless otherwise provided, the division directors and bureau chiefs of all departments of state government.

(g) The institute directors of the mental health institutes authorized for Tampa and Miami for training and research in the mental health field.

(h) All full time state employees who, in addition to their regular duties, accept compensation for consultations with other state agencies or with other government or private entities.

(i) All sheriffs, tax collectors, tax assessors, supervisors of elections, clerks of the circuit court, chiefs of police, county managers, county administrators, county attorneys, assistant state attorneys, city managers, city attorneys, district school superintendents, appointed heads of city and county planning and zoning boards, city and county building inspectors, members of school boards, members of planning boards, members of zoning boards, and members of planning and zoning boards or any boards having jurisdiction with respect to planning and zoning.

(j) Purchasing agents for any agencies, or persons having the power normally conferred to purchasing agents by whatever title.

(11) (8) "Source" means the name, address, and description of the principal business activity of a person or the business entity.

Section 2. Section 112.3145, Florida Statutes, 1974 Supplement, is amended to read:

(Substantial rewording of section. See s.112.3145, F.S., 1974 Supp., for present text.)

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires:

(a) "Local officer" means:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of a board, commission, authority, community college district board of trustees, or council of any political subdivision of the state, excluding any member of an advisory body. A governmental body with land planning, zoning or natural resources responsibilities shall not be considered an advisory body.

3. Any person holding one or more of the following positions by whatever title, including persons appointed to act directly in such capacity, but excluding assistants and deputies unless specifically named herein: clerk of the circuit court, clerk of the county court, county or city manager, political subdivision chief, county or city administrator, county or city attorney, chief county or city building inspector, county or city water resources coordinator, county or city pollution control director, county or city environmental control director, county or city administrator with power to grant or deny a land development permit, chief of police, fire chief, city or town clerk, district school superintendent, community college presidents, or a purchasing agent having the authority to make any purchase exceeding \$100 for any political subdivision of the state or any entity thereof.

(b) "Specified employee" means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, a judge of industrial claims, and a hearing examiner.

2. Any person employed in the office of the Governor or in the office of any member of the cabinet if that person is exempt from the career service system, except persons employed in clerical, secretarial or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, council, and unless otherwise provided, the division director, assistant division director, deputy director, bureau chief and assistant bureau chief of any state department or division or persons having the power normally conferred upon such persons by whatever title.

4. The superintendent or institute director of a mental health institute established for training and research in the

mental health field or superintendents or directors of any major state institution or facility established for training, treatment or rehabilitation or persons having the power normally conferred on such persons by whatever title.

5. Business managers, purchasing agents, finance and accounting directors, personnel officers and grants coordinators for any state agency or persons having the power normally conferred upon such persons by whatever title.

6. The Auditor General, the Sergeant-at-Arms and the Secretary of the Senate, the Sergeant-at-Arms and Clerk of the House of Representatives, the executive director of the Joint Legislative Management Committee, the Director of Statutory Revision and the staff director of each standing committee of the state Legislature.

7. Each employee of the Commission on Ethics.

8. Any full-time state employee who, in addition to his regular duties, accepts compensation for consultations with other state agencies or with other government or business entities which compensation in the aggregate exceeds \$250.

(c) "State officer" means:

1. A person who is elected to the United States Senate or House of Representatives or elected to office in any state agency, and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body.

3. A member of the Board of Regents, the chancellor and vice-chancellor of the state university system, and the president of a state university.

(2) A person seeking nomination or election to a state or local publicly-elected office shall file a statement of financial interests together with and at the same time he files his qualifying papers. Each state or local officer and each specified employee shall file a statement of financial interests no later than 12 o'clock noon of July 15th of each year, including the July 15th following the last year a state or local officer is in office. Each state or local officer who is appointed and each specified employee who is employed shall file a statement of financial interests within 30 days from the date of appointment, or, in the case of specified employees, from the date on which the employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days from the date of appointment, whichever comes first. State officers, specified employees and persons seeking to qualify as candidates for state office shall file their statement of financial interests with the with the Secretary of State. Local officers and persons seeking to qualify as candidates for local office shall file their statement of financial interests with the clerk of the circuit court of the county in which they are principally employed or are residents.

(3) The statement of financial interests for state officers, specified employees, local officers, and persons seeking to qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable." Otherwise, the statement of financial interests shall include:

(a) All sources of income in excess of 3 percent of the gross income received during the disclosure period by the person in his own name or by any other person for his use or benefit; however, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first.

(b) All sources of income to a business entity in excess of 10% of the adjusted gross income of a business entity in which the reporting person held a material interest and received in excess of 10% of his gross income during the disclosure period, and which exceeds \$1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on or immediately prior to the end of the disclosure period of the person reporting.

(c) The location or description of real property in this state except for residences and vacation homes, owned directly

or indirectly by the person reporting where such person owns in excess of 10% of the value of such real property; and the general description of any intangible personal property worth in excess of 10 percent of such person's total assets.

(d) A list of all persons, business entities or other organizations, and the address and a description of the principal business activity of each, from whom he received a gift or gifts from one source, the total of which exceeds \$100 in value during the disclosure period. The person reporting shall list such benefactors in descending order of value with the largest listed first. Gifts received from a parent, grandparent, sibling child or spouse of the person reporting, or from a spouse of any of the foregoing, and gifts received by bequest or devise, or campaign contributions which were reported as required by law, or gifts disclosed pursuant to s.111.011, need not be listed. For purposes of this paragraph, a debt on which a preferential rate of interest substantially below the rate charged under the then customary and usual circumstances is charged shall be deemed a gift of an amount equal to the difference between the preferential and customary rate charged on the debt.

(e) A list of all persons or business entities and the address and a description of the principal business activities of each to whom a personal debt or debts for a total financial liability in excess of two thousand dollars (\$2,000) existed at any time during the disclosure period, excluding debts made or incurred in the ordinary course of business and also excluding life insurance policy cash value loans. The person reporting shall list such creditors in descending order with the creditor to whom the largest debt is owed being listed first.

(4) Each state officer, local officer and specified employee shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his level of government. For the purposes of this part, agencies of government shall be classified as state level agencies or as agencies below state level. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than 15 days after the last day of the quarter. Representation before any agency shall be deemed to include representation by such officer or specified employee or by any partner or associate of the professional firm of which he is a member and of which he has actual knowledge. For the purposes of this subsection, "representation before any agency" shall not include appearances before any court, or appearances before judges or commissioners of industrial claims, or representations on behalf of one's agency in his official capacity. Such term shall not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency, or a license or operation permit to engage in a profession, business or occupation, so long as the issuance or granting of such license, a variance, special consideration, or a certificate of public convenience and necessity.

Section 3. Subsection (6) is added to section 99.012, Florida Statutes, 1974 Supplement, to read:

99.012 Restrictions on individuals qualifying for public office.—

(6) *No individual may qualify as a candidate for public office until he has filed a statement of financial interest pursuant to s.112.3145.*

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, it is the legislative intent that 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 5. Nothing in this act shall prohibit the governing body of any political subdivision from imposing upon its own local officers, additional or more stringent disclosure requirements than specified in part III, chapter 112, Florida Statutes.

Section 6. This act shall take effect January 1, 1976, provided however, a public officer who has filed a disclosure for any calendar or fiscal year shall not be required to file a second disclosure for the same year or any part thereof notwithstanding any requirement of this act.

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

Amendment 1A—On page 1, line 8, strike the first "or" and insert: *of*

Amendment 1B was withdrawn.

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

Amendment 1C—On page 3, line 5, strike the hyphens through "credit union"

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

Amendment 1D—On page 5, line 12, strike all lines 12 through 18 (par. 2) and insert: 2. All appointed members of any governmental body with land planning, zoning or natural resources responsibilities.

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

Amendment 1E—On page 7, line 5, strike: "standing"

Amendment 1F—On page 8, line 24, strike "3" and insert: 5

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

Amendment 1G—On page 8, line 27, after the word "benefit" insert: excluding public salary

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

Amendment 1H—On page 2, line 28, insert after "entity.": For the purposes of this act indirect ownership shall not include ownership by a spouse or minor child.

Amendment 1I—On page 9, line 15, insert after "assets.": For the purposes of this paragraph indirect ownership shall not include ownership by a spouse or minor child.

Amendment 1J was withdrawn.

The President presiding

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

Amendment 1K—On page 4, between lines 29 and 30, insert: (12) "Value of real property" means the most recently assessed value in lieu of a more current appraisal.

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

Amendment 1L—On page 11, between lines 1 and 2, insert: (5) The secretary of state shall by certified mail return receipt requested, send a copy of the forms required to be filed by this part and by s.111.011, together with a notice of the filing deadlines, to each state officer and to each specified employee no later than 30 days prior to the annual or semiannual disclosure deadlines. The agency head shall send said forms and notice to each local officer no later than 30 days prior to the annual or semiannual disclosure deadlines. Provided the requirements of this subsection shall not apply to candidates or the first filing required by any state officer, specified employee or local officer.

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

Amendment 1M—On page 10, strike all (e) line 3—12

Further consideration of CS for HB 660 was deferred.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President June 4, 1975

I am directed to inform the Senate that the House of Representatives again refused to recede from House Amendments to Senate Amendments 2 & 6 to HB 1909 and acceded to the request of the Senate for a Conference Committee. The Speaker has appointed Representatives Hodes, Andrews and Clem as the Conferees on the part of the House.

Allen Morris, Clerk

The President appointed Senators Graham, Plante and Lewis as conferees on HB 1909.

On motion by Senator Poston, by two-thirds vote HB 736 was withdrawn from the Committee on Judiciary-Criminal and placed on the calendar.

On motion by Senator Poston, by two-thirds vote HB 1385 was withdrawn from the Committees on Transportation and Ways and Means and placed on the calendar.

The Honorable Dempsey J. Barron, President June 3, 1975

I am directed to inform the Senate that the House of Representatives requests the return of House Bills 458 and 462.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President June 3, 1975

I am directed to inform the Senate that the House of Representatives requests the return of HB 736.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President June 3, 1975

I am directed to inform the Senate that the House of Representatives requests the return of CS for CS for HB 1385.

Allen Morris, Clerk

On motions by Senator Poston, House Bills 458, 462, 736 and CS for CS for HB 1385 were returned to the House as requested.

The Honorable Dempsey J. Barron, President June 4, 1975

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1, 3 and 4 and passed SB 1207 as amended.

Allen Morris, Clerk

The bill was ordered engrossed.

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

HB 2099—A bill to be entitled An act relating to public officers, employees, and candidates for public office; amending s. 11.26(1), Florida Statutes, relating to employees of the Legislature, modifying restrictions on employment; adding subsections (6) and (7) to s.112.311, Florida Statutes, 1974 Supplement; providing additional responsibilities of public officers and employees; providing that public officers and employees shall avoid even the impression of corruptibility; amending s.112.312(1), Florida Statutes, 1974 Supplement, and adding new subsections (4), (7), (11), and (12); expanding the definition of "agency"; defining the terms "commission," "materially affected," "conflict of interest," and "corruptly"; amending s.112.313, Florida Statutes, 1974 Supplement; defining "public officer"; establishing standards of conduct for public officers and employees relating to conflicting gifts, doing business with

one's agency, unauthorized compensation, salary and expenses, misuse of public position, conflicting employment or contractual relationship, disclosure or use of information not generally available to the public, disclosure of specified interests, and employees holding office; removing provisions relating to ownership interests in business entities; amending s.112.3141, Florida Statutes, 1974 Supplement, providing additional standards of conduct for legislative employees; creating s.112.3143, Florida Statutes, providing that public officers shall abstain from voting on certain matters by reason of conflict; creating s.112.3155, Florida Statutes, providing post-employment and post-office-holding restrictions; amending s.112.317, Florida Statutes, 1974 Supplement, providing penalties; creating s.112.3175, Florida Statutes, providing remedies; creating s.112.3185, Florida Statutes, establishing procedural standards with regard to ex parte communications; amending s.286.012, Florida Statutes, relating to voting requirements at meetings of governmental bodies, to conform section references to chapter 112, Florida Statutes; providing for applicability to certain persons holding office on the effective date of the act; repealing s.112.323, Florida Statutes, 1974 Supplement, concerning applicability of the code of ethics to legislators and legislative employees; providing an effective date.

—as amended passed this day.

Senator MacKay moved the following title amendment which was adopted:

Amendment 18—On page 2, between lines 11 and 12, insert: providing for assessment of costs and attorneys fees with respect to frivolous and malicious complaints;

On motion by Senator MacKay, HB 2099 as further amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

By unanimous consent Senator Graham was recorded as voting **yea**.

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

CS for HB 1100—A bill to be entitled An act relating to public officers and employees and candidates for public office; adding a new subsection (4) to s.112.312, Florida Statutes, 1974 Supplement, amending ss.112.317, 112.321(1), 112.322, and 112.324, Florida Statutes, 1974 Supplement, and creating s.112-3241, Florida Statutes; providing for membership and terms of the Commission on Ethics; amending the powers and duties of the commission; providing procedures relating to advisory opinions; providing for complaint procedures; providing for a confidential preliminary investigation; providing for certain judicial proceedings and for judicial review; providing additional penalties; providing an effective date.

—as amended passed June 3.

Senator MacKay moved the following title amendment which was adopted:

Amendment 13—On page 1, line 11, after the semicolon insert: adding additional positions;

On motion by Senator MacKay, CS for HB 1100 as further amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:00 noon to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:00 p.m. A quorum present—35:

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
Firestone	Lane, J.	Sayler	Ware
Gallen	Lewis	Sims	Wilson
Glisson	MacKay	Spicola	Zinkil
Gordon	McClain	Stolzenburg	

Senator Poston moved that the rules be waived and the Senate revert to Messages from the House of Representatives.

Senator Brantley moved as a substitute motion that the Senate resume special order calendar. The motion was adopted.

On motion by Senator Brantley, by two-thirds vote HB 2182 was placed at the beginning of the Special Order Calendar.

SPECIAL ORDER

HB 2182—A bill to be entitled An act relating to local government; amending s.171.04(3), Florida Statutes, 1974 Supplement, relating to extension of municipal territorial limits, eliminating a population-based exemption therefrom; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote HB 2182 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

By unanimous consent Senator Gallen was recorded as voting yea.

Senator W. D. Childers presiding.

The Senate resumed—

CS for HB 660—A bill to be entitled An act relating to public officers and employees and candidates for public office; amending ss.112.312 and 112.3145, Florida Statutes, 1974 Supplement; providing definitions; requiring disclosure of financial interest by source for persons seeking to become candidates for state or local office, local officers, state officers and specified employees and certain other persons; requiring persons seek-

ing to become candidates for state or local office, state officers, local officers and specified employees to disclose certain sources of income, secondary sources of income, gifts, real property, and the source of certain personal debts; requiring state and local officers and specified employees to disclose clients represented before public agencies; adding subsection (6) to s.99.012, Florida Statutes, 1974 Supplement, requiring disclosure prior to qualification as a candidate; allowing other political subdivisions to establish additional disclosure requirements not contained herein; providing an effective date.

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

Amendment 1N—On page 9, strike all of lines 1, 2, 3 inclusively and insert: (b) All sources from a business entity in which the reporting person held a material interest and Re-

Senator Glisson moved that the Senate reconsider the vote by which Amendment 1N was adopted this day and the motion was adopted by the following vote:

Yeas—23

Barron	Gordon	Myers	Thomas, J.
Childers, D.	Hair	Peterson	Thomas, P.
Dunn	Holloway	Poston	Trask
Firestone	Johnston	Renick	Vogt
Gallen	MacKay	Spicola	Zinkil
Glisson	McClain	Stolzenburg	

Nays—8

Brantley	Deeb	Sayler	Tobiassen
Childers, W. D.	Henderson	Sims	Ware

Amendment 1N was withdrawn.

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

Amendment 1P—On page 3, line 11, insert: (11) "Indirect or indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.

(and renumber subsequent subsection)

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

Amendment 1Q—On page 11, between lines 1 and 2, insert: (6) The secretary of state shall send a copy of the applicable statutes to each such person required to file under this part.

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

Amendment 1R—On page 10, line 28, strike "judges" and insert: judges

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

Amendment 1S—On page 12, line 5, insert a new section and renumber subsequent sections.

Section 3. Section 112.3147, Florida Statutes, is created to read as follows:

Section 112.3147(1) A candidate for nomination or election shall file a sworn statement along with his qualifying papers in answer to the following questions:

(a) Have you ever been admitted to, or confined within, a hospital or institution for the purpose of obtaining treatment or therapy for any mental or nervous disability?

(b) Have you ever been addicted to or excessively used alcohol, narcotics, barbituates or habit-forming drugs, or charged with same?

(c) Have you ever been convicted of any offense involving moral turpitude?

(d) Have you ever been charged or convicted of any crime or unprofessional conduct?

(e) Has any judgment or decree of a court been entered against you in this or any other state, province, district, territory, possession or nation, in which you were charged in the petition, complaint, declaration, answer, counterclaim or other pleading with any fraudulent or dishonest dealings?

(f) Do you have any civil or state court action now pending against you?

(g) Have you ever organized or helped to organize or become a member of any organization or group of persons which, during the period of your membership or association, you knew was advocating or teaching that the government of the United States or any state or any political subdivision thereof should be overthrown or overturned by force, violence, or any unlawful means?

(h) Have you ever been impeached or removed from any public office or from any private position of trust or have any such impeachment or removal proceedings been taken against you?

(2) False statements given in answer to this part shall constitute grounds for removal of the candidate's name from the ballot or removal from office of a public officer or employee.

Senator Henderson moved the following amendment to Amendment 1:

Amendment 1T—On page 9, strike lines 1-9 and insert: (b) All sources of income to a business entity in excess of 15% of the gross income of a business entity in which the reporting person held a material interest and received 15% or more of his gross income during the disclosure period and which exceeds \$1,500.

Amendment 1T failed by the following vote:

Yeas—9

Deeb	Sayler	Tobiassen	Ware
Henderson	Sims	Vogt	
Holloway	Stolzenburg		

Nays—19

Brantley	Glisson	MacKay	Thomas, P.
Childers, D.	Gordon	Myers	Trask
Childers, W. D.	Hair	Renick	Wilson
Dunn	Johnston	Spicola	Zinkil
Firestone	Lane, J.	Thomas, J.	

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

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

Amendment 1U—On page 1, insert: New section 1. This act shall be known as "The Reubin O'D. Askew Disclosure Act".

Renumber subsection.

Amendment 1 as amended was adopted.

Senator Sayler moved the following title amendments which were adopted:

Amendment 2—On page 1, lines 22 and 23, strike "prior to qualification as a candidate" and insert: along with candidate's qualification papers

Amendment 3—On page 1, line 20, after the semicolon insert: creating s.112.3147, Florida Statutes; requiring candidates for nomination or election to file a sworn statement answering prescribed questions; providing that false statements are grounds for removal from ballot or office;

Senators Deeb and Brantley offered the following title amendment which was moved by Senator Deeb and adopted:

Amendment 4—On page 1, line 25, after the semicolon insert: requiring secretary of state to mail certain forms and information under certain circumstances;

On motion by Senator Myers, by two-thirds vote CS for HB 660 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—3

Henderson	MacKay	Ware
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By unanimous consent Senator Graham was recorded as voting yea; Senator MacKay changed his vote from nay to yea.

Explanation of Vote

In my opinion, HB 660 does not realistically approach the problem as to the need of full and open financial disclosure for public officials. Exotic and complicated formulas will only tend to confuse the issues. Recent history involving scandal surrounding the high office of the former President of the United States, the former Vice President, a U. S. Attorney General, a U. S. Senator, the Comptroller, Commissioner of Education, the Treasurer of Florida, Justices of the Supreme Court of Florida, and a number of county officials has cast considerable doubt as to the integrity of our governmental institutions.

Those in public office should take a leadership position in meeting a statutory requirement of the filing of current Federal income tax statements and financial statements containing all assets and liabilities. HB 660 fails to include this requirement. I voted in favor of HB 660 as it is a step in the right direction although inadequate.

George Firestone, District 36

HB 559—A bill to be entitled An act relating to credit unions; amending s.657.14, Florida Statutes, providing for an increase of interest rates; providing for the automatic repeal of this act at a future date; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 559 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Wilson

By unanimous consent Senator Gallen was recorded as voting yea.

On motions by Senator Brantley, by two-thirds vote HB 1975 was withdrawn from the Committee on Governmental Opera-

tions and placed at the beginning of the Special Order Calendar.

HB 1975—A bill to be entitled An act relating to appointment of the lieutenant governor as the head of various state departments; creating subsection (7) of s.20.04, Florida Statutes, providing that the governor may appoint the lieutenant governor as the head of any one department the head of which is a secretary appointed by the governor; amending s.20.17(1), Florida Statutes, 1974 Supplement, to delete the reference to the governor appointing the lieutenant governor as head of the Department of Commerce; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 1975 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

By unanimous consent Senator Plante was recorded as voting yea.

SB 872 was taken up and on motion by Senator Saunders—

HB 659—A bill to be entitled An act relating to mosquito control; amending s.388.081, Florida Statutes, changing the time period for filing a petition for election of members of the board of commissioners of a mosquito control district; providing and effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Saunders by two-thirds vote HB 659 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

On motion by Senator Dunn, by two-thirds vote HB 963 was withdrawn from the Committee on Judiciary-Civil and placed at the beginning of the special order calendar.

HB 963—A bill to be entitled An act relating to the seventh judicial circuit; amending s.26.28, Florida Statutes, changing the spring term for the seventh judicial circuit in St. Johns County; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 963 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Brantley	Firestone	Henderson	McClain
Childers, D.	Gallen	Johnston	Peterson
Childers, W. D.	Glisson	Lane, J.	Plante
Deeb	Graham	Lewis	Poston
Dunn	Hair	MacKay	Renick

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

Nays—None

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

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 548 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

HB 549—A bill to be entitled An act relating to podiatry; amending s.461.05, Florida Statutes; increasing the membership of the Board of Podiatry Examiners and providing for staggered terms; increasing the length of term for all board members; limiting terms of membership; eliminating the secretary of the State Board of Medical Examiners as an ex-officio executive officer of the board; deleting the requirement that members of the board be members of the Florida Podiatry Association; providing an effective date.

—was read the second time by title. On motion by Senator Glisson, by two-thirds vote HB 549 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Zinkil

SB 767 was taken up and on motions by Senator Lewis, by two-thirds vote HB 1902 was withdrawn from the Committees on Governmental Operations and Ways and Means and placed on the calendar.

On motion by Senator Lewis—

HB 1902—A bill to be entitled An act relating to the Bureau of Blind Services of the Division of Vocational Rehabilitation of the Department of Health and Rehabilitative Services; appropriating funds from the state general revenue fund to include blind vending stand operators under the Bureau in the Florida Retirement System for fiscal year 1975-1976; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 1902 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1140 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Appropriations and Representative Bloom and others—

CS for HB 1140—A bill to be entitled An act relating to marriage and the family unit; creating the Florida Task Force on Marriage and the Family Unit to study current laws relating thereto; providing for membership, duties, and operations of the task force; providing for appointment of advisory persons and groups throughout the state; providing for utilization of staff and resources of the Governor's Office and other executive agencies and for cooperation and consultation with legislative staff; providing an appropriation; 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. On motion by Senator Poston, by two-thirds vote CS for HB 1140 was read the second time by title.

Senators Gallen and Ware offered the following amendments which were moved by Senator Gallen and adopted:

Amendment 1—On page 3, line 7, strike "nine" and insert: eleven

Amendment 2—On page 3, line 9, strike "three" and insert: four

Amendment 3—On page 3, line 11, strike "and judiciary committees" and insert: and judiciary-civil committees and the minority leader, or his designee

Amendment 4—On page 3, line 12, strike "three" and insert: four

Amendment 5—On page 3, line 15, strike the period "." and insert: and the minority leader or his designee

Amendment 6—On page 3, line 23, strike "six" and insert: eight

On motion by Senator Gordon, by two-thirds vote CS for HB 1140 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

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

Nays—2

Wilson Zinkl

By unanimous consent Senators Glisson, Hair, J. Lane and Plante were recorded as voting yea; Senator Wilson changed her vote from nay to yea.

On motions by Senator Saunders, by two-thirds vote House Bills 1213, 171 and 472 were withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Brantley, by two-thirds vote House Bills 1213, 171 and 472 were placed at the end of the special order calendar.

SB 1279 was taken up and on motion by Senator Sims—

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

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Sims, by two-thirds vote HB 1372 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—2

Lewis Wilson

HB 2164—A bill to be entitled An act relating to Lafayette County; providing for the relief of Robert Dale Lyons and Alexander Lyons, his father; providing for an appropriation of the District School Board of Lafayette County to compensate them for injuries and expenses arising out of an accident on February 9, 1973, while Robert Dale Lyons was a pupil in the public schools of Lafayette County; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 2164 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Brantley	Gordon	McClain	Thomas, J.
Childers, D.	Graham	Peterson	Tobiassen
Childers, W. D.	Hair	Plante	Trask
Dunn	Henderson	Poston	Vogt
Firestone	Johnston	Renick	Ware
Gallen	Lane, J.	Saunders	Wilson
Glisson	Lewis	Spicola	Zinkl

Nays—None

By unanimous consent Senators P. Thomas and Sims were recorded as voting yea.

Senator Sayler moved that HJR 185 be added to the end of the special order calendar. The motion failed.

HB 361—A bill to be entitled An act for the relief of Lawrence Cousineau; compensating him for losses incurred while

an inmate in the state prison system in saving an instructor from an attack by inmates; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 361 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

By unanimous consent Senator Peterson was recorded as voting yea.

HB 95—A bill to be entitled An act for the relief of Mrs. Anna Bertie for damages sustained as a result of disrepair of State Road 26; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 95 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

By unanimous consent Senator Peterson was recorded as voting yea.

SB 525—A bill to be entitled An act providing for the relief of John D. Cruz of Key West, Monroe County, Florida; providing an appropriation to John D. Cruz to compensate him for injuries suffered due to negligence of personnel of the district school board of Monroe County; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote SB 525 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

By unanimous consent Senator Peterson was recorded as voting yea.

HB 431—A bill to be entitled An act for the relief of Isabella Y. Smith and Levant Smith; providing an appropriation to compensate them for personal injuries and property damage sustained as a result of the negligence of the Department of Transportation; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 431 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

By unanimous consent Senator Peterson was recorded as voting yea.

HB 1213—A bill to be entitled An act for the relief of Donald F. Dobson, Jr.; authorizing the Board of County Commissioners of Baker County to compensate him for damages to his automobile; providing an effective date.

—was read the second time by title. On motion by Senator Saunders, by two-thirds vote HB 1213 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

By unanimous consent Senators Peterson and Vogt were recorded as voting yea.

HB 171—A bill to be entitled An act for the relief of Nozzle Nolen, Inc.; providing an appropriation to compensate Nozzle Nolen, Inc., for loss of income, property damage, and other damages as a result of an accident caused through the careless operation of the guard rails at the Parker Bridge in North Palm Beach, Palm Beach County; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote HB 171 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

By unanimous consent Senators Lewis, Peterson and Vogt were recorded as voting yea.

HB 472—A bill to be entitled An act for the relief of Mark Bacon, by and through his legal guardian, William Bacon; authorizing and directing the district school board of Okaloosa County to compensate William Bacon for injuries sustained by Mark Bacon while playing football for Max Bruner Junior High School; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote HB 472 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

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

Nays—None

By unanimous consent Senator Holloway was recorded as voting yea.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President June 3, 1975

I am directed to inform the Senate that the House of Representatives has passed with amendments—By Senator Lewis and others—

SB 513—A bill to be entitled An act relating to elections; amending ss.101.121, 101.20(2), and 101.35(2), Florida Statutes; providing that the supervisor of elections or his deputy be allowed in polling places; providing publication of a sample ballot by the board of county commissioners; providing time for instruction to members of board of elections; amending ss.101.62(1)—(3), and s.101.63, Florida Statutes; providing one absentee ballot application sufficient for the regular primaries and general election; permitting application to be made by telephone; amending ss.101.64(1)(a), (c), 101.65(1), (2), 101.68(1), (2), Florida Statutes; conforming language and procedures and instructions; repealing s.101.65(3), Florida Statutes, which prescribes persons before whom an absentee elector must execute an affidavit; repealing s.101.66, Florida Statutes, which prescribes procedures for signing, sealing and returning absentee ballot; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

House Amendment 1—On page 7, line 3, after the period insert: If the ballot is printed and available at the time the application is mailed to an elector, the absentee ballot shall be mailed together with the application.

House Amendment 2—On page 6, line 5, after “ballot” insert was or

On motions by Senator Lewis, the Senate concurred in House amendments 1 and 2 to SB 513.

SB 513 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—29

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

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 as amended—HB 1521 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hill—

HB 1521—A bill to be entitled An act relating to employment policies for educational instructional personnel, amending s.236.-02(3) and 228.041(21), Florida Statutes; providing that the period of service for instructional personnel may include a maximum of six paid legal holidays; providing an effective date.

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

On motion by Senator Plante, unanimous consent was obtained to take up HB 1521 out of order. On motions by Senator Plante, by two-thirds vote HB 1521 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—28

Childers, D.	Johnston	Plante	Thomas, J.
Childers, W. D.	Lane, J.	Poston	Thomas, P.
Firestone	Lewis	Renick	Tobiassen
Gallen	MacKay	Saunders	Trask
Glisson	McClain	Sayler	Ware
Hair	Myers	Spicola	Wilson
Henderson	Peterson	Stolzenburg	Zinkil

Nays—None

By unanimous consent Senator Vogt was recorded as voting yea.

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

I am directed to inform the Senate that the House of Representatives has passed—HB 2039 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation—

HB 2039—A bill to be entitled An act relating to taxation; amending s.214.21(3), Florida Statutes, designating the Secretary of the Treasury as the federal official to whom the Department of Revenue may make available information received by the department in the administration of the corporate income tax; amending s.220.03(1)(h) and (2)(c), Florida Statutes, 1974 Supplement, redefining the term “Internal Revenue Code”; amending s.220.15(1)(a), Florida Statutes, providing a base for apportioning income in the case of taxpayers who own and lease real property; 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.

On motion by Senator Brantley, unanimous consent was obtained to take up HB 2039 out of order. On motions by Senator Brantley, by two-thirds vote HB 2039 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—28

Brantley	Hair	McClain	Thomas, J.
Childers, D.	Henderson	Myers	Thomas, P.
Childers, W. D.	Holloway	Peterson	Tobiassen
Deeb	Johnston	Poston	Vogt
Firestone	Lane, J.	Renick	Ware
Gallen	Lewis	Spicola	Wilson
Gordon	MacKay	Stolzenburg	Zinkil

Nays—None

By unanimous consent Senator Sims 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 as amended CS for HB 794 and requests the concurrence of the Senate.

Allen Morris, Clerk

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

CS for HB 794—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; providing legislative intent; providing definitions; creating a Group Living Home Trust Fund to be used by the department for granting loans, for certain initial costs of development, to eligible group living homes providing care to mentally retarded, autistic, or developmentally disabled persons; requiring the department to promulgate standards of eligibility to receive such loans; providing for the repayment of such loans; providing that loans constitute a priority lien in favor of the state against the property of a group living home if the home ceases to perform in compliance with its contract; providing for the repeal of Section 381.401, Florida Statutes; providing an effective date.

—was read the first time by title.

On motion by Senator J. Thomas, the rules were waived and CS for HB 794 was placed on the calendar.

On motion by Senator J. Thomas, unanimous consent was obtained to take up CS for HB 794 out of order. On motion by Senator J. Thomas, by two-thirds vote CS for HB 794 was read the second time by title.

Senator Plante moved the following amendment which was adopted:

Amendment 1—On page 2, line 15-19, strike all (2)

Senator J. Thomas moved the following amendments which were adopted:

Amendment 2—On page 4, strike all of lines 2 through 5 (renumber subsequent section)

Amendment 3—On page 1 in title, line 18, strike "providing an appropriation;"

Amendment 4—On page 1 in title, line 15, strike the word "priority"

Senator Dunn moved the following amendment which was adopted:

Amendment 5—On page 3, strike all of lines 25-29 and on page 4, strike line 1 and insert: of 5 percent per annum on the declining balance, and the amount of the loan due plus interest shall constitute a lien in favor of the state against all real and personal property of the group living home. The lien shall be perfected by the appropriate officer of the department by executing and acknowledging a statement of the name of the home, the amount due on the loan and a copy of the promissory note which shall be recorded by the department with the clerk of the circuit court in the county wherein the home is located. If the home has filed a petition for bankruptcy the department shall file and enforce the lien in the bankruptcy proceedings. Otherwise the lien shall be enforced in the manner provided in section 85.011, Florida Statutes. All funds received by the department from the enforcement of the lien shall be deposited in the Group Living Home Trust Fund.

On motion by Senator J. Thomas, by two-thirds vote CS for HB 794 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—1

Ware

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

The Honorable Dempsey J. Barron, President June 4, 1975

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1579

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Grosse—

HB 1579—A bill to be entitled An act relating to apprenticeship; amending s.446.101 (2)—(5), Florida Statutes; providing that contractors will hire a certain number of apprentices when performing public contracts; providing for certification by the Bureau of Apprenticeship of diligent effort by contractor; providing a penalty for entering into a contract with another contractor in violation of this section; 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.

On motions by Senator Poston, by two-thirds vote HB 1579 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—28

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

Nays—1

Johnston

By unanimous consent Senator J. Thomas was recorded as voting yea.

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

INTRODUCTION

By Senators Ware, Deeb and Sayler—

SB 1387—A bill to be entitled An act relating to Pinellas County; providing for charter government; providing for local government, name and county seat; providing for general powers and duties of county; providing for special powers; providing for exercise and limitation on powers; providing for conflicts between county and municipal ordinance; providing for seven (7) elected commissioners, one to be chairman; providing residency requirements, qualification, compensation and vacancies in commission; providing for meetings; providing for additional powers of the legislative branch; providing for non-interference in administrative branch; providing for office of auditor; providing for duties of chairman; providing for county

administrator, qualifications and duties; providing for county administrative code; providing for five (5) administrative departments headed by constitutional officers; providing for departments of zoning, legal affairs, finance and planning with appointative heads; providing for other administrative departments as established by county administrator; providing duties of initial administrative departments; providing for uniform personnel administration with personnel board; providing for charter amendments and charter review commission; providing for recall of officers; providing for effect of charter provisions on existing ordinances and on special acts of the legislature; providing prohibition on political activities; providing for retirement system and code of ethics; providing for severability; providing transition provisions; providing for referendum on charter; providing for cooperation of former governments and continuation of offices, officers and employees with compensation; providing for continuation of proceedings and outstanding bonds; providing an effective date.

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

On motions by Senator Saylor, by two-thirds vote SB 1387 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—32

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

Nays—None

The President presiding

On motion by Senator Brantley, by two-thirds vote HCR 2238 was withdrawn from the Committee on Rules and Calendar and placed on the special order calendar.

On motion by Senator Brantley, by two-thirds vote HB 1386 was placed on the special order calendar.

The Senate resumed Special Order.

HB 1860—A bill to be entitled An act relating to the State Theater of Florida; amending s.241.68(1), Florida Statutes, providing for a change in the membership of the board of trustees of the theater; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 1860 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

HB 1524—A bill to be entitled An act relating to Murphy Act lands; amending s.197.361, Florida Statutes; deleting provisions requiring the Board of Trustees of the Internal Improvement Trust Fund to publish a list of such lands in each county and to adopt a resolution relating thereto; prohibiting charging costs and attorney fees to the state in proceedings to quiet title; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote HB 1524 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.	Henderson	Poston	Trask
Childers, W. D.	Johnston	Renick	Vogt
Dunn	Lane, J.	Saylor	Ware
Firestone	Lewis	Sims	Wilson
Gallen	MacKay	Spicola	Zinkil
Glisson	McClain	Stolzenburg	
Gordon	Myers	Thomas, J.	

Nays—None

HB 1386—A bill to be entitled An act relating to the bicentennial commission of Florida; adding a subsection (5) to s.13-9971, Florida Statutes; providing that a quorum shall consist of 10 members; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote HB 1386 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

HCR 2238—A concurrent resolution expressing the intent of the Florida Legislature to promote the celebration of the nation's forthcoming bicentennial through the issuance of commemorative motor vehicle registration plates, which plates may be obtained and placed on the front of motor vehicles.

—was read the second time in full. On motion by Senator Trask, HCR 2238 was adopted and certified to the House. The vote on adoption was:

Yeas—30

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

Nays—2

Gordon Stolzenburg

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

CS for HB 660—A bill to be entitled An act relating to public officers and employees and candidates for public office; amending ss.112.312 and 112.3145, Florida Statutes, 1974 Supplement; providing definitions; requiring disclosure of financial interest by source for persons seeking to become candidates for state or local office, local officers, state officers and specified employees and certain other persons; requiring persons seeking to become candidates for state or local office, state officers, local officers and specified employees to disclose certain sources of income, secondary sources of income, gifts, real property, and the source of certain personal debts; requiring state and local officers and specified employees to disclose clients represented before public agencies; adding subsection (6) to s.99.012, Florida Statutes, 1974 Supplement, requiring disclosure prior to qualification as a candidate; allowing other political subdivisions to establish additional disclosure requirements not contained herein; providing an effective date.

—as amended passed this day.

Senators Saylor and Myers offered the following amendment which was moved by Senator Saylor and adopted by two-thirds vote:

Amendment 5—On page 7, line 15, strike all of subparagraph 1. and insert: All elected public officers to include the United States Senate and the House of Representatives not covered elsewhere in this part, and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

On motion by Senator Brantley, CS for HB 660 as further amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

The Senate resumed consideration of—

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.

Senator Lewis moved the following amendment to House Amendment 9 which was adopted:

Amendment 9A—On page 3, strike lines 5-13 and insert: (31) Rookery Bay Aquatic Preserve, the boundaries of which are generally: All of the state owned sovereignty lands lying waterward of the mean high water line in Rookery Bay and in Henderson Creek and the tributaries thereto in Collier County, Florida. Said lands being more particularly described as lying and being in Sections 1, 2, 11, 12 and 13, Township 51 South, Range 25 East and in Sections 7, 8, 9, 16, 17, 18, 19 and 20, Township 51 South, Range 26 East, Collier County, Florida.

On motions by Senator Lewis, the Senate concurred in House amendments 1 as amended, 9 as amended, 12 as amended, 19 as amended, 2, 13, 17 and 18 to CS for SB 321.

CS for SB 321 passed as amended by the House amendments and Senate amendments, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

By unanimous consent Senator Saylor was recorded as voting yea.

On motions by Senator Peterson, by two-thirds vote House Bills 968 and 386 were placed on the special order calendar.

HB 968—A bill to be entitled An act relating to forest protection; amending ss.590.081 and 590.082, Florida Statutes; providing that it is unlawful to cause fire to be set to any forest, grass, woods, wild lands, or marshes; providing procedures for the Governor, upon the advice of the Commissioner of Agriculture and the director of the Division of Forestry, to issue a proclamation declaring emergency drought or extraordinary fire hazard conditions; providing for revocation of such proclamations; providing an effective date.

—was read the second time by title.

The Committee on Agriculture offered the following amendments which were moved by Senator Peterson and failed:

Amendment 1—On page 2, line 18, after the word "State." add the following: Such proclamation shall be published in the next issue of the Administrative Weekly.

Amendment 2—On page 4 in title, line 5, after the word "State." add the following: Such proclamation shall be published in the next issue of the Administrative Weekly.

On motion by Senator Peterson, by two-thirds vote HB 968 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

HB 386—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s.570.10(1), Florida Statutes, removing provisions relating to the number, qualifications, assignment, removal, and compensation of members of the department's legal staff; repealing s.570.10(5), Florida Statutes, which provides for the employment of a part-time attorney as counsel for the Division of Plant Industry; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 386 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gordon	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, J.	Saunders	Vogt
Firestone	Lewis	Sims	Ware
Glisson	MacKay	Spicola	Zinkil

Nays—None

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

EXECUTIVE BUSINESS

On motion by Senator Dunn, the Senate reconsidered the vote by which the Senate on June 2, 1975, refused to approve and confirm the following executive appointments:

Margaret Blake Roach, Fort Lauderdale; Member, Board of Trustees, Broward Community College, for term ending May 31, 1978

Leonard Sacks, Daytona Beach; Member, Board of Trustees, Daytona Beach Community College, for term ending May 31, 1978

Vincent J. Whibbs, Pensacola; Member, Board of Trustees, Pensacola Junior College, for term ending May 31, 1978

W. F. Eldredge, Chattahoochee; Member, Florida Board of Building Codes and Standards as the Representative from the fire protection engineering or technology, for term ending February 7, 1977

William B. Faber, Tampa; Member, Florida State Fair Authority, for term ending July 1, 1977

The question recurred and on motion by Senator Dunn, the Senate approved and confirmed the foregoing appointments made by the Governor. The vote was:

Yeas—35

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

Nays—None

On motion by Senator Brantley, the Senate recessed at 3:35 p.m., awaiting the call of the President.

The Senate was called to order by the President at 3:55 p.m. A quorum present.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President June 3, 1975

I am directed to inform the Senate that the House of Representatives has passed CS for HB 1430 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation and Representative J. R. Clark—

CS for HB 1430—A bill to be entitled An act relating to taxation of motor and other fuels; amending s.206.01(4), Florida Statutes, restricting the meaning of the word "distributor" as it relates to taxation of motor fuels to holders of valid distributor of motor fuel licenses; amending s.206.404, Florida Statutes, providing a dealer transfer fee; amending s.206.41(2), Florida Statutes, providing that the exempt sale of motor fuel for export can only be between duly licensed distributors; amending s.206.86(8), Florida Statutes, restricting the word "dealer" as it relates to taxation of special fuels to holders of valid distributor of special fuels licenses; amending s.206.87(4) (d) and (5), Florida Statutes, and adding a new subsection, providing that the exempt sale of special fuel for export can only be between duly licensed dealers; providing that exempt sales be made only by licensed dealers; reducing the special fuel tax refund; amending s.206.875(2), Florida Statutes, providing for allocation of tax; amending s.206.97, Florida Statutes, providing for applicability of specified sections; providing an effective date.

—was read the first time by title. On motion by Senator Sayler the rules were waived and the bill was placed on the Calendar.

On motions by Senator Sayler by two-thirds vote CS for HB 1430 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—28

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

Nays—2

MacKay Stolzenburg

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

The Honorable Dempsey J. Barron, President June 4, 1975

I am directed to inform the Senate that the House of Representatives has passed HB 1581 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hodges—

HB 1581—A bill to be entitled An act relating to the retirement system for school teachers; adding a new subsection (3) to s.238.171, Florida Statutes, 1974 Supplement, lowering the age requirement to age 70 for certain retirement benefits with respect to incapacitated school teachers; providing an effective date.

—was read the first time by title. On motion by Senator W. D. Childers, the rules were waived and the bill was placed on the Calendar.

On motions by Senator W. D. Childers, by two-thirds vote HB 1581 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	Graham	Myers	Thomas, P.
Brantley	Hair	Peterson	Tobiassen
Childers, D.	Henderson	Poston	Trask
Childers, W. D.	Holloway	Renick	Ware
Dunn	Johnston	Sayler	Wilson
Firestone	Lane, J.	Sims	Zinkil
Gallen	Lewis	Spicola	
Glisson	MacKay	Stolzenburg	
Gordon	McClain	Thomas, J.	

Nays—None

Special order, continued

HB 1243—A bill to be entitled An act relating to mangoes; amending s.570.55, Florida Statutes; including mangoes within the coverage of the Florida Avocado and Lime Sales Law; providing a definition of "mangoes"; providing for enforcement and confiscation by any police department, sheriff, or deputy sheriff in the state; expanding the definition of "limes"; providing an effective date.

—was read the second time by title. On motion by Senator Poston by two-thirds vote HB 1243 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

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

Nays—None

CS for HB 1231—A bill to be entitled An act relating to local government; amending s.171.031(11), Florida Statutes, 1974 Supplement, providing a new definition of "contiguous," repealing ss.171.04 and 171.0415, Florida Statutes, 1974 Supplement, which provide procedures for extension of municipal territorial limits; creating s.171.0413, Florida Statutes, providing procedures for municipal annexation; amending the introductory paragraph of s.171.042(1), Florida Statutes, 1974 Supplement, providing a proper citation; amending s.171.044(1), Florida Statutes, 1974 Supplement, and adding subsection (4) thereto, prohibiting the annexation of land which will create a need for certain essential services; providing a proper citation; providing an effective date.

—was read the second time by title.

Senator Deeb moved the following amendments which were adopted:

Amendment 1—On pages 5 and 6, lines 25-29 on page 5, and lines 1-4 on page 6 strike all of lines 25 through 29 inclusive on page 5, and strike all of lines 1 through 4 inclusive on page 6, and insert:

(1) *The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality may petition the governing body of said municipality that said property be annexed to the municipality.*

(2) *Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after same has been published once a week for four consecutive weeks in some newspaper in such city or town; or if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is published in said county, then at least three printed copies of said ordinance shall be posted for four consecutive weeks at some conspicuous place in said city or town.*

(3) *An ordinance adopted hereunder shall be filed with the clerk of the circuit court of the county in which the municipality is located and with the department of state.*

(4) *The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.*

Amendment 2—On page 5, strike all of lines 21, 22 and 23 and insert: Section 4, Section 171.044, Florida Statutes, is amended to read:

Amendment 3—On page 1 in title, strike all of lines 14 through 17 inclusive and insert: citation; amending s.171.044, Florida Statutes.

Senator Wilson moved the following amendment which was adopted:

Amendment 4—On page 2, line 14, insert after (.): provided, however that nothing herein shall be construed to allow local rights-of-way, utility easements railroad rights-of-way or like entities to be annexed in a corridor fashion to gain continuity.

Senators Vogt and Wilson offered the following amendments which were moved by Senator Vogt and adopted:

Amendment 5—On page 2, line 14, strike the period and insert: ; provided, however, that when any provision or pro-

visions of special law or laws prohibit the annexation of territory that is separated from the annexing municipality by a body of water or watercourse, then that law shall prevent annexation under this act.

Amendment 6—On page 5, line 11, strike the period and insert: ; provided, however, that any provision or provisions of special law or laws which prohibit annexation of territory that is separated from the annexing municipality by a body of water or watercourse shall not be repealed.

Senator Vogt moved the following title amendment which was adopted:

Amendment 7—Insert after "contiguous": providing exceptions

On motion by Senator Spicola, by two-thirds vote CS for HB 1231 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	Hair	Peterson	Thomas, P.
Childers, D.	Henderson	Plante	Tobiassen
Childers, W. D.	Holloway	Poston	Trask
Deeb	Johnston	Renick	Vogt
Dunn	Lane, J.	Sayler	Ware
Firestone	Lewis	Sims	Wilson
Glisson	MacKay	Spicola	Zinkil
Gordon	McClain	Stolzenburg	

Nays—None

By unanimous consent, Senator Gallen was recorded as voting yea.

Senator Henderson moved that the rules be waived and HB 2139 be removed from the calendar and referred to an appropriate committee. The motion was adopted and the President referred the bill to the Committee on Natural Resources and Conservation.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President June 4, 1975

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12 & 13 and passed CS for HB 1100, as amended, and has refused to concur in Senate Amendment 5 and requests the Senate to recede.

Allen Morris, Clerk

By the Select Committee on Standards & Conduct and Representatives Tucker and McPherson—

CS for HB 1100—A bill to be entitled An act relating to public officers and employees and candidates for public office; adding a new subsection (4) to s.112.312, Florida Statutes, 1974 Supplement, amending ss.112.317, 112.321(1), 112.322, and 112.324, Florida Statutes, 1974 Supplement, and creating s.112.3241, Florida Statutes; providing for membership and terms of the Commission on Ethics; amending the powers and duties of the commission; providing procedures relating to advisory opinions; providing for complaint procedures; providing for a confidential preliminary investigation; providing for certain judicial proceedings and for judicial review; providing additional penalties; providing an effective date.

On motion by Senator MacKay, the Senate receded from Senate Amendment 5 to CS for HB 1100.

CS for HB 1100 passed as amended and was certified to the House. The vote on passage was:

Yeas—34

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, J.	Sayler	Wilson
Firestone	Lewis	Sims	Zinkil
Glisson	MacKay	Stolzenburg	
Gordon	McClain	Thomas, J.	

Nays—None

The Honorable Dempsey J. Barron, President June 4, 1975

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

By Senator Poston (by request)—

SB 525—A bill to be entitled An Act providing for the relief of John D. Cruz of Key West, Monroe County, Florida; providing an appropriation to John D. Cruz to compensate him for injuries suffered due to negligence of personnel of the district school board of Monroe County; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 3, line 16 and line 22, strike “\$59,210.50” and insert: \$20,000

On motion by Senator Poston, the Senate concurred in the House amendment to SB 525.

SB 525 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—35

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

Nays—None

The Honorable Dempsey J. Barron, President June 4, 1975

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1, 2 and 3 to HB 1329, again requests the Senate to recede, and in the event the Senate refuses to recede requests a Conference Committee.

Allen Morris, Clerk

By the Committee on Growth and Energy and Representatives Brown and Moffitt—

HB 1329—A bill to be entitled An act relating to electric utilities; authorizing publicly and privately owned electric utilities to jointly plan, finance, acquire, construct, own, manage, operate and utilize joint electric power supply projects; providing for the manner of purchase, sale and transfer of energy manufactured by and interests in such projects; providing definitions and powers including eminent domain; providing principles for construction of this act; authorizing taxation with respect to the private interest portions of joint power projects; providing an effective date.

On motion by Senator Ware, the Senate receded from Senate amendment 1 to HB 1329. The vote was:

Yeas—23

Mr. President	Hair	Plante	Stolzenburg
Brantley	Holloway	Poston	Thomas, J.
Childers, W. D.	Lane, J.	Renick	Tobiassen
Deeb	Lewis	Saunders	Ware
Gallen	MacKay	Sims	Zinkil
Graham	McClain	Spicola	

Nays—12

Dunn	Gordon	Myers	Trask
Firestone	Henderson	Peterson	Vogt
Glisson	Johnston	Thomas, P.	Wilson

On motions by Senator Ware, the Senate refused to recede from Senate amendments 2 and 3 to HB 1329 and the House was again requested to concur.

HB 1329 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—6

Glisson	Myers	Thomas, P.	Trask
Gordon	Peterson		

By unanimous consent Senator Sayler was recorded as voting yea.

Senator Glisson asked to have the record reflect that on the passage of HB 1329 it was not the intent of the Senate to discriminate in any way against any utility provider. He stated this was the concept offered by the introducer and others and this intent should be shown. There being no objection, the President ordered the statement printed in the Journal.

The Honorable Dempsey J. Barron, President June 5, 1975

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report as an entirety and passed HB 1909 as amended by the Conference Committee Report.

Allen Morris, Clerk

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

CONFERENCE COMMITTEE REPORT ON HB 1909

The Honorable Dempsey Barron June 4, 1975
President of the Senate

The Honorable Donald L. Tucker
Speaker, House of Representatives

Sirs:

Your conference committee on the disagreeing votes of the two houses on HB 1909, same being:

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 of 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.

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

1. That the House and Senate recede from all their amendments.
2. That the Senate and House of Representatives adopt the Conference Committee amendments attached hereto; and by reference made a part of this report.
3. That the Senate and the House of Representatives pass House Bill 1909 as amended by said Conference Committee amendments.

D. Robert Graham
P. D. Lewis
Ken Plante

Bill Andrews
Chester Clem
Richard S. Hodes

Managers on the part of the
Senate

Managers on the part of the
House of Representatives

Conference Committee Amendment 1—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-two 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 formula 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-four million nine 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-six million one hundred thousand 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.

(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.

Section 4. 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.

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 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.

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 law.

(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. The Office of Educational Facilities Construction may delegate its review and approval process as required in s.235.26(4) to a district school board if:

(1) The district has satisfactorily demonstrated that it is competent to inspect and approve plans for educational facilities;

(2) Such plans and facilities conform with the Uniform Building Code for Public Education Facilities as required in s.235.26; and

(3) 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 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 31, 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; *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.

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, 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 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.

Conference Committee Amendment 2—Strike the title and insert: A bill to be entitled An act relating to education; authorizing the State Board of Education to issue bonds in accordance with the provisions of the state constitution; specifying the purposes and maximum amounts for such bonds; amending s.235.41, Florida Statutes, 1974 Supplement, relating to budget requests for capital outlay, to provide that requests for educational facilities construction and fixed capital outlay funds be submitted, for each level of education, through the Commissioner of Education upon the basis of 5-year assessment of needs; amending s.235.42, Florida Statutes, 1974 Supplement, relating to educational construction and debt service, to create the Educational Facilities Working Capital Trust Fund, designating the sources of revenue to the fund, and providing for allocation to the district school boards, Division of Community Colleges, the Board of Trustees of the Florida School for the Deaf and the Blind, and Board of Regents through the Office of Educational Facilities Construction; amending Section 235.211(2)—(5), Florida Statutes, 1974 Supplement, adding a new subsection to said section; amending Section 235.0165, Florida Statutes; delegating review and approval authority; amending section 203.01, Florida Statutes, to provide semi-annual collections of the gross receipts taxes; providing for the first such payment; amending s.236.084(1)-(h),(i), (2)(d), and (3), Florida Statutes, 1974 Supplement, relating to the allocation of funds for school construction and debt service; modifying provisions relating to determination of unmet needs, determination of district percentage of state unfunded school plant and debt service needs, and provisions relating to student stations and special facilities; amending section 215.61, Florida Statutes; implementing the provisions of subsection (a)(2) of Section 9 of Article XII of the Florida Constitution; authorizing the issuance of bonds to finance and refinance capital projects authorized by the legislature of Florida for the state system of public education; amending s.235.31(1), Florida Statutes, 1974 Supplement, relating to bids on school building construction, to increase the maximum cost of projects as to which school boards may arrange for construction on a day labor basis; redesignating chapter 235 as "Educational Facilities;" providing severability; providing an effective date.

On motion by Senator Graham the Conference Committee Report was adopted, and HB 1909 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—34

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

Nays—2

Deeb Henderson

By unanimous consent Senator Glisson was recorded as voting yea.

The Honorable Dempsey J. Barron, President June 4, 1975

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 3 and 4, concurred in same as amended and passed CS for CS for HB 984, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Appropriations and Education and Representative Hodes and others—

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.

House Amendment 1 to Senate Amendment 3—On page 9, lines 12 and 13, strike "insofar as it may affect the distribution of state funds;" and insert on line 9 after "purposes": insofar as it may affect the distribution of state funds,

House Amendment 2 to Senate Amendment 3—On page 11, lines 10—11, strike all underlined language

House Amendment 4 to Senate Amendment 3—On page 13, lines 14—22, strike all language

House Amendment 5 to Senate Amendment 3—On page 21, line 4, strike "(8) (7)" and insert: (7)

House Amendment 6 to Senate Amendment 3—On page 23, lines 4-5, underline all language

House Substitute Amendment 7 to Senate Amendment 3—On page 25, lines 18-33 and on page 26 lines 1-2 strike all of section 9

House Amendment 8 to Senate Amendment 3—On page 30, line 19, insert after "materials": including a proportional amount for freight or transportation charges,

House Amendment 9 to Senate Amendment 3—On page 30, lines 30-34, strike all of lines 30 through 34

House Amendment 11 to Senate Amendment 3—On page 36, lines 1-17, strike all of section 21

House Amendment 12 to Senate Amendment 3—On page 43, lines 1-4, strike all of section 32

House Amendment 13 to Senate Amendment 3—On pages 38-41, strike all of section 26

House Amendment 14 to Senate Amendment 3—On page 38, line 1, strike all of Section 26 and insert a new Section 26 to read: Section 26. Subsection (7) of Section 236.02, Florida Statutes, 1974 Supplement, is amended to read:

236.02 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(7) **COMPREHENSIVE EDUCATIONAL PLAN REQUIRED.**—

(a) Each district school board shall maintain an ongoing systematic evaluation of the educational program needs in that district and shall develop a comprehensive annual and long-time range plan for meeting these needs, both on an annual and long-range basis, as prescribed by ss.230.33(5) and 230.23(3).

(b) In accordance with regulations prescribed by the state board, each school board shall annually submit to the Department of Education that district's annual and long-time range plan. Such plan shall reflect a structured program of action for meeting the educational needs of the district over a period of not less than 5 years and shall contain district goals and objectives which are consistent with the state goals for education.

(c) Each school district shall develop and maintain a method of evaluating its comprehensive plan and shall report annually the results of its evaluation to the Commissioner of Education. Such evaluation shall include, but not be limited to, the following student performance indicators:

1. Standardized student achievement test scores;
2. Advance placement;
3. Dropout rate;
4. College entrance examination scores;

(d) *By January 1, 1976, each district shall submit those student performance indicators, as specified in paragraph (c) above and as those maintained by the district, for the fiscal years 1969-70 through 1974-75, inclusive. Thereafter, each district shall submit those student indicators, as specified in paragraph (c) above, annually by January 1 for the prior fiscal year.*

(e) ~~The commissioner Department of Education shall review each district comprehensive plan, and its plan for evaluation of student performance and progress, and provide information and assistance to the superintendent and personnel of the district for improvement in the plan and in correcting the deficiencies discovered. in the evaluation plan and make recommendations for improvement to the district school board.~~

House Amendment 15 to Senate Amendment 3—On page 41, line 19, insert a new Section 27 to read: Section 27. Section 237.35, Florida Statutes, is created to read:

237.35 Program information and audit.—

(1) The commissioner of education shall examine 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 estab-

lished by the Department of Education and the procedures for placement established by that district school board.

(d) The 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;

(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 237.34.

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 be deducted from subsequent allocations of state funds to that district.

(2) 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.

(renumbered all subsequent sections)

House Amendment 16 to Senate Amendment 3—On page 34, line 4, after the period (.) insert the following: *Expenses for instruction in art, music, and physical education may be included within the amounts used to reach the percentages required for basic programs.*

House Amendment 17 to Senate Amendment 3—On page 9, line 1, strike "7" and insert: 8 and renumber all subsequent sections.

House Amendment 18 to Senate Amendment 3—On page 31, line 9, strike all of section 17 and insert a new section 17: Section 17. 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.

House Amendment 19 to Senate Amendment 3—On page 43, line 1, insert: Section 32. Nothing in this act shall in any way be construed to increase those maximum school millage levies as provided for in s.236.25(1), Florida Statutes, 1974 Supplement.

House Amendment 20 to Senate Amendment 3—On page 18, lines 5, 6, 7, strike *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.*

House Amendment 21 to Senate Amendment 3—On page 42, line 22, strike all of sections 28 and 30 and insert the following: New Section 28

New subsection (8) of Section 233.063, Florida Statutes, is created to read:

233.063 Instruction in operation of motor vehicles.—

(8) The school board is authorized to contract with a commercial driving school licensed under the provisions of chapter 488. The school board is also authorized to contract with instructors certified under the provisions of chapter 488. School districts shall earn funds on full-time equivalent students at the appropriate basic program cost factor regardless of the method by which such courses are offered.

AND RENUMBER SUBSEQUENT SECTIONS

House Amendment 22 to Senate Amendment 3—On page 43, line 5, insert: new section 33.

Section 33. Subsection (2), (4), and (6) of section 228.071, Florida Statutes, 1974 Supplement, are amended to read:

228.071 Community school program.—

(2) **PURPOSE.**—The community school is an expression of the philosophy that the school, as the prime educational institution of the community, is most effective when it involves the people of the community in a program designed to fulfill their educational, recreational, cultural, social, health, and other shared needs. The community school promotes a more efficient use of school and other public facilities through an extension of personnel, buildings, and equipment. The purpose of this section is to provide state leadership and financial support by encouraging and assisting local school districts, *the Florida School for the Deaf and the Blind*, and other local governmental agencies in the establishment of community schools.

(4) **COMMUNITY SCHOOL PROGRAM.**—Pursuant to policies and regulations to be adopted by the State Board of Education, each school board and the board of trustees for the *Florida School for the Deaf and the Blind* may submit to the department a request for a community school grant. A school board applying for a grant shall include in its annual and long-range comprehensive educational plan, as required by law and regulations of the State Board of Education, a description of its community school program. The district school board shall give priority to the programs serving the maximum number of persons within the limits of resources available and to programs which will allow for matching funds or for joint funding from the Federal Government or other public or private sources and which may be efficiently and effectively developed in conjunction with the community school program.

(6) **TECHNICAL ASSISTANCE: CONSULTANTS.**—Upon the request of any school board, or the board of trustees for the *Florida School for the Deaf and the Blind*, the department shall provide such technical assistance to the school board as is necessary to develop and submit a community school program. The department may use its own staff or such consultants as may be necessary to accomplish this purpose.

House Amendment 23 to Senate Amendment 3—On page 4, line 26, strike "Each" and insert the following: Starting July 1, 1976, each

House Amendment 1 to Senate Amendment 4—On pages 1, 2, 3, 4, lines 1 through 7, strike all the same being the title of the bill and insert: 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, relating to the definition of exceptional child; 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 instructional personnel to be noncertificated; providing standards for books used in the public school system; amending s.233.063, Florida Statutes, 1974, providing for instruction in operation of motor vehicles; amending s.488.04, Florida Statutes, providing for validity of instructors' certificates in con-

nection with driver education courses offered by public schools; amending s.236.081, Florida Statutes, 1974 Supplement; providing for computation of the basic amount to be included for current operation, providing cost factors, establishing the maximum full-time equivalent students in special programs, directing the department to project enrollments for special programs, providing for computation of compensatory education supplemental cost factor, providing for determination of district cost differentials, providing for educational training expenditures, providing for computation of district required local effort, providing for categorical programs, providing for calculation of total allocation of state funds to each district for current operation, providing a guaranteed minimum level of funding, 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 Section 234.-041(1), Florida Statutes, exempting persons from provisions making it unlawful to use a school bus or bus of similar color for other than the transportation of school children if the district school board authorizes such use; adding Section 236.-083(9), Florida Statutes; providing that funds available for payment of student transportation services may be paid to local general purpose transportation systems for transportation of such students, amending Section 234.02(2), Florida Statutes; providing that local general purpose transportation systems are qualified to transport children to and from school; adding Section (3) to Section 234.051, Florida Statutes, requiring that general purpose transportation facilities used to transport school children shall meet standards established by the State Board of Education; amending 236.122, Florida Statutes, 1974 Supplement, amending 233.14(3), Florida Statutes, 1974 Supplement, relating to specimen copies; amending s.229.-802, Florida Statutes, relating to recommendations for improvements in schools and institutions, repealing s.233.48(2), Florida Statutes, 1974 Supplement, relating to reimbursement for transportation charges; amending 233.22, F.S., 1974 Supplement, relating to requisitions of instructional materials; amending s.237.081, F.S., relating to advertising; amending 237.34(3), F.S., 1974 Supplement, relating to cost reporting; adding subsection (4) to s.237.34, F.S., 1974 Supplement, relating to program cost categories; declaring legislative intent that ad valorem taxation is an unsatisfactory method for financing schools, providing for a study of alternative methods of financing; providing for cooperation with the U.S. Commission of Education; adding subparagraph 7 to 230.23 (4) (m) 230.23, F.S., establishing a maximum amount which can be paid for an exceptional student contract; creating Section 237.35, F.S., establishing an office of educational evaluation, providing duties, providing for reports; amending s.234.082, Florida Statutes; providing that each school board shall make an annual survey and report on those hazards on or near public sidewalks, streets and highways which endanger the life or threaten the health or safety of school children; amending s.229.840, Florida Statutes; providing for a minimum allocation to each district for career education; providing for severability; providing limitation of millage levy as provided for in s.236.25(1); providing for a sparsity supplement to qualified school districts beginning with 1976-77 fiscal year; providing an effective date.

On motions by Senator Graham, the Senate concurred in House Amendments 1, 2, 4, 5, 6, 8, 11, 12, 13, 14, 15, 16, 17, 19 and 23 to Senate Amendment 3, and refused to concur in House Amendments 7, 9, 18, 20, 21, 22 and House Amendment 1 to Senate Amendment 4, to CS for CS for HB 984, and the House was requested to recede therefrom.

CS for CS for HB 984 passed as amended and was certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Henderson

By unanimous consent Senator Glisson was recorded as voting yea.

On motion by Senator Brantley, the Senate stood in recess at 6:10 p.m. awaiting the call of the President.

The Senate was called to order by the President at 7:20 p.m. A quorum present.

The Honorable Dempsey J. Barron, President June 4, 1975

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 1, 1A, 1C, 1E, 1F, 1G, 1H, 1I, 1K, 1L, 1M, 1P, 1R, 2, 3, 4 and 5 to:

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

CS for HB 660—A bill to be entitled An act relating to public officers and employees and candidates for public office; amending ss.112.312 and 112.3145, Florida Statutes, 1974 Supplement; providing definitions; requiring disclosure of financial interest by source for persons seeking to become candidates for state or local office, local officers, state officers and specified employees and certain other persons; requiring persons seeking to become candidates for state or local office, state officers, local officers and specified employees to disclose certain sources of income, secondary sources of income, gifts, real property, and the source of certain personal debts; requiring state and local officers and specified employees to disclose clients represented before public agencies; adding subsection (6) to s.99.012, Florida Statutes, 1974 Supplement, requiring disclosure prior to qualification as a candidate; allowing other political subdivisions to establish additional disclosure requirements not contained herein; providing an effective date.

and requests the Senate to recede.

Allen Morris, Clerk

On motions by Senator Brantley, the Senate refused to recede from the Senate amendments to CS for HB 660 and again requested the House to concur. The action of the Senate was certified to the House.

The Honorable Dempsey J. Barron, President June 3, 1975

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

HB 2212	HB 172	CS for HB's 522 & :
HB 2248	CS for HB 1358	1192
HB 2188	HB 2179	CS for HB 1533
HB 1291	HB 2203	HB 182
HB 435	HB 2205	HB 102
HB 1829	CS for HB 1759	HB 970
HB 2019	HB 2227	HB 2242
HB 1236		

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President June 4, 1975

I am directed to inform the Senate that the House of Representatives has passed by the required constitutional three-fourths vote of the membership of the House SB 223.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President June 3, 1975

I am directed to inform the Senate that the House of Representatives has passed SB 577.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President June 4, 1975

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

SB 293 SB 524

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President June 4, 1975

I am directed to inform the Senate that the House of Representatives has adopted SM 1384.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President June 4, 1975

I am directed to inform the Senate that the House of Representatives has passed SB 589.

Allen Morris, Clerk

The bills contained in the above messages were ordered enrolled.

The Honorable Dempsey J. Barron, President June 4, 1975

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House

Amendments 1, 9, 12 and 19 and passed CS for SB 321, as amended.

Allen Morris, Clerk

The bill was ordered engrossed.

The Honorable Dempsey J. Barron, President June 4, 1975

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments and passed SB 290 as further amended.

Allen Morris, Clerk

SB 290 was ordered engrossed.

ENGROSSING REPORTS

Your Engrossing Clerk has incorporated amendments to—

SB 551 SJR 1061
SB 332 CS for SB 1280

Joe Brown, Secretary

The bills were ordered enrolled.

The Journal of June 3 was corrected and approved.

On motion by Senator Brantley, the Senate adjourned at 7:24 p.m. to reconvene at 12:00 noon, June 5, 1975.