

JOURNAL OF THE FLORIDA SENATE

Friday, April 23, 1976

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

SB 148
SB 219
SB 405

SB 200 with 2 amendments
SB 375 with 3 amendments

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

The Committee on Transportation recommends the following pass: SB 632

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

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SJR 458

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

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 342

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 586

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 35 and SB 37

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 288

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

Prayer by The Rev. Thomas E. Farmer, John Wesley United Methodist Church, Tallahassee:

Father, bless these men and women who assemble this day as the Senate of this great state.

Instill within each of these our Senators a true sense of the responsibility of their office; grant them the gifts of discernment and integrity as they make the laws of our state.

Father, we pray for the lives represented in the areas from which these Senators come. For those who depend on the actions in this and other chambers for health, justice and actual livelihood we would pray a special prayer.

By thy grace, bless this Senate session with wise council and sound judgement so that we who follow will know direction and meaning in these perilous times.

Finally, Father, bless the families of these Senators; husbands, wives and children who must also pay the price of public service. Make your presence known in this session in the strong name of Jesus Christ we pray. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order Calendar for Friday, April 23, 1976, at 9:00 a.m.:

SB 598	SB 64	SB 5	SB 146
SB 321	SB 39	SB 323	

Respectfully submitted,
Lew Brantley, Chairman

The Committee on Education recommends the following pass: SB 407, with 2 amendments, SB 639

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

The Committee on Judiciary-Criminal recommends the following pass: SB 469

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

The Committee on Transportation recommends the following pass: SB 415 with 3 amendments

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

The Committee on Rules and Calendar recommends the following pass:

SM 478	SJR 510	SM 714
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The Committee on Commerce recommends the following pass:

SB 526	SB 609	SB 645	SB 711
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The Committee on Judiciary-Criminal recommends the following pass:

ENROLLING REPORT

SB 24 has been enrolled, signed by the required Constitutional Officers and filed with the Governor on April 23, 1976.

Joe Brown, Secretary

EXECUTIVE BUSINESS—Appointments Subject to Confirmation by the Senate

Members of the Condominium Advisory Board, appointed by the Chairman, Board of Business Regulation, for a term at pleasure of the Board, subject to confirmation by the Senate, pursuant to Section 711.808, Florida Statutes:

Joseph J. D'Apice, North Miami Beach; W. Earl Downs, Longwood; Patrick C. Cahill, West Palm Beach; Lloyd C. Hagaman, Jr., Sarasota; George L. Mallory, Clearwater; Ernest Samuels, Miami.

—which were referred to the Select Committee on Executive Suspensions.

The Secretary of State on April 12, 1976 certified that pursuant to the provisions of Section 112.071(1)(b), Florida Statutes, commissions subject to confirmation by the Senate had been prepared for the following:

John E. Johns, Deland, Member of the State Board of Independent Colleges and Universities for term ending March 20, 1979

Sol Fleischman, Jr., Tampa, Member of the Historic Tampa/Hillsborough County Preservation Board of Trustees for term ending November 1, 1977

—which were referred to the Select Committee on Executive Suspensions.

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 adopted SCR 896.

Allen Morris, Clerk

The concurrent resolution was ordered enrolled.

The Honorable Dempsey J. Barron, President

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

HB 424	HB 1292	HB 41
HB 2338	HB 425	HB 1135
HB 42(CS)		

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Langley—

HB 424—A bill to be entitled An act relating to provisions supplemental to criminal procedure law; repealing ss. 932.45 and 932.46, Florida Statutes, which provide for proceedings on estreat of bond and for certificate of judge when the surety fails to produce the bonded person; providing an effective date.

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

By Representative Melvin—

HB 1292—A bill to be entitled An act relating to state officers and employees; amending s. 110.111(1), Florida Statutes; providing penalties for willful violations of any law or rule of the State Career Service System by any state officer or employee; providing an effective date.

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

By Representative Ogden—

HB 41—A bill to be entitled An act relating to the Department of Revenue; amending s. 201.131(1), Florida Statutes, to specifically authorize quarterly setting of metering machines used in the payment of the excise tax on documents; providing an effective date.

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

By the Committee on Transportation and Representatives Dick Clark and Avon—

HB 2338—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.05, Florida Statutes, prohibiting disclosure of certain information with respect to motor vehicle registration by telephone unless authorized by departmental rule; providing an effective date.

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

By Representatives Easley and Nuckolls—

HB 425—A bill to be entitled An act relating to motor vehicle title certificates; amending s. 319.21(2), Florida Statutes, prohibiting the practice of updating motor vehicles for sale; defining updating; providing an exception; providing an effective date.

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

By Representative Hazelton—

HB 1135—A bill to be entitled An act relating to state uniform traffic control; amending s. 316.210(5), Florida Statutes, 1975, exempting certain electric powered vehicles from the requirement of safety glass windshield and wipers; requiring such vehicles to be equipped with a windscreen when operated on public roads and highways; creating s. 316.267, Florida Statutes, providing that certain electric powered motor vehicles be equipped with hydraulic brakes on two rear wheels; providing specific brake requirements on certain electric powered motor vehicles; providing an effective date.

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

By the Committee on Finance & Taxation and Representative Ogden—

HB 42 (cs)—A bill to be entitled An act relating to the sales and use tax; creating subsection (4) of s. 212.11, Florida Statutes; authorizing the filing of returns and the payment of taxes by small dealers on a quarterly basis; requiring a bond or other security to be posted; requiring such dealers to file returns and pay taxes on a monthly basis upon certain conditions; providing an effective date.

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

The Honorable Dempsey J. Barron, President

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

HB 249 (cs) HB 46

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Judiciary and Representative Richard and others—

HB 249 (cs)—A bill to be entitled An act relating to towing of motor vehicles; creating sections 713.78 and 715.07, Florida Statutes; providing for removal of motor vehicles from private property; providing conditions for such removal without liability; establishing liability for improper removal; establishing liens for towing and storage of motor vehicles; establishing immunity from liability for towing and storage under certain conditions; providing for enforcement; providing an effective date.

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

By Representative Ogden—

HB 46—A bill to be entitled An act relating to the documentary excise tax; amending s. 201.17(2)(b), Florida Statutes, reducing the penalty for failure to place the proper value documentary stamps upon the required document, instrument, or paper; providing an effective date.

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

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has adopted HM 2406 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives T. Lewis and Hazouri—

HM 2406—A memorial to the President and Congress of the United States, urging the adoption of a policy of no trade agreements between the United States and Cuba until the Cuban Government accounts for American and Cuban lives and compensates Americans for the confiscation of their property.

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

The Honorable Dempsey J. Barron, President April 20, 1976

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

HB 2114	HB 669	HB 2811
HB 272	HB 1811	HB 2109
HB 1460	HB 33(cs)	HB 2013
HB 671		

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Steinberg—

HB 2114—A bill to be entitled An act relating to group life insurance, amending section 627.573, Florida Statutes, 1974 Supplement, to provide that upon replacement or termination of a group life insurance policy the prior insurer remains liable to the extent of its accrued liabilities and extensions of benefits; adding section 627.574, Florida Statutes, setting forth the liability of the succeeding insurer upon replacement; adding section 627.575, Florida Statutes, requiring extension of benefits and providing provisions therefor; providing an effective date.

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

By Representative Rish—

HB 669—A bill to be entitled An act for the relief of Robert E. Manual; providing an appropriation to compensate him for loss of personal property as the result of an accident caused through malfunction of the drawbridge at Highland View, Gulf County; providing an effective date.

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

By Representative McPherson—

HB 2811—A bill to be entitled An act relating to public officers and employees; adding a new subsection (2) to s. 112-322, Florida Statutes, relating to duties and powers of the Commission on Ethics; providing that any public officer or employee against whom allegations of violation of the code of ethics have been publicly made may be granted a hearing before the commission under certain conditions; providing that the commission shall make a finding and public report; providing that all such proceedings and records shall be public; providing an effective date.

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

By Representative T. Lewis—

HB 272—A bill to be entitled An act for the relief of Margaret Case of Palm Beach County; providing an appropriation to compensate her for losses sustained by injury resulting from a fall caused by debris carelessly left by state employees on state property; providing an effective date.

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

By Representative Sheldon—

HB 1811—A bill to be entitled An act relating to tuberculosis hospitals; amending section 392.242, Florida Statutes, relating to redesignating the W. T. Edwards Tuberculosis Hospital as the W. T. Edwards Human Resources Center; providing an effective date.

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

By Representative Steinberg—

HB 2109—A bill to be entitled An act relating to insurance; amending section 624.404, Florida Statutes, 1974 Supplement, by adding new subsection (8); requiring investment portfolio for initial certificate of authority be valued at market value to meet surplus requirements; providing an effective date.

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

By Representative Hutto—

HB 1460—A bill to be entitled An act relating to county hospitals; amending ss. 155.07 and 155.11, Florida Statutes; providing that a designated full time hospital employee may countersign vouchers in certain instances; providing that the chairman pro tem and any full time employees designated to countersign warrants or vouchers must post a bond; providing that a designated individual may countersign warrants in the absence of the chairman; providing an effective date.

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

By the Committee on Judiciary and Representative Richmond—

HB 33 (cs)—A bill to be entitled An act relating to maps and plats; creating s. 177.132, Florida Statutes, to provide for the recording with the Clerks of the Circuit Courts in the several counties, for informational purposes only, of certain not otherwise recorded maps which do not have the dignity of being plats; providing for availability of reproductions to the public for a reasonable fee; providing an effective date.

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

By the Committee on Health & Rehabilitative Services and Representative Kutun—

HB 2013—A bill to be entitled An act relating to child custody; creating the Uniform Child Custody Jurisdiction Act; providing legislative intent; providing definitions; providing a procedure for determining jurisdiction in child custody cases between states; providing notice requirements; providing a required list of information which parties in a custody proceeding are required to file under oath; requiring the addition of parties to a custody proceeding under certain circumstances; providing for the appearance of any party as well as the child who is the subject of the custody proceeding before the court under certain circumstances; providing for the binding force and res judicata effect of custody decrees; providing for the legal recognition of out-of-state custody decrees and for the filing and enforcement of such decrees; providing for the modification of such decrees; requiring the Clerk of the Circuit Court to keep a registry of out-of-state custody decrees and proceedings and authorizing the clerk to provide certified copies to certain courts and persons; providing for the taking of testimony in another state; providing for hearings and studies in another state as well as orders to appear; requiring courts of this state to render assistance to courts of other states regarding custody proceedings; authorizing the preservation of documents in such proceedings until the child reaches 18 years of age; requiring courts of this state to request court records of other states in custody proceedings; providing for the international application of this act; amending s. 39.06(6) and s. 61-13(2)(b), Florida Statutes, 1975, to conform to the provisions of this act; providing an effective date.

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

By Representative Rish—

HB 671—A bill to be entitled An act for the relief of Rebecca Jean Leach; providing an appropriation to compensate her for personal injury and loss of personal property as the result of an accident caused through malfunction of the drawbridge at Highland View, Gulf County; providing an effective date.

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

The Honorable Dempsey J. Barron, President April 20, 1976

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2360 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hagan and others—

HB 2360—A bill to be entitled An act relating to cruelty to animals; creating s. 828.122, Florida Statutes; providing definitions; making it unlawful for persons to keep, use, manage, receive money for or encourage the fighting or baiting of animals; providing an exception; providing a penalty; providing for seizure and disposition of animals which are used for fighting or baiting or are cruelly mistreated; creating s. 828.123, Florida Statutes; making it unlawful for persons to bet on or attend any fighting or baiting of animals; providing a penalty; providing that this act shall not be applicable to violations of the prohibition against conducting simulated bullfighting exhibitions; providing an effective date.

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

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed— HB 644 HB 1432

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Morgan (by request)—

HB 644—A bill to be entitled An act for the relief of Otho B. Clark; providing an appropriation to compensate him for losses incurred during the course of his employment with the Department of Natural Resources; providing an effective date.

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

By Representative Skinner—

HB 1432—A bill to be entitled An act for the relief of George W. Adams; providing an appropriation to compensate him for damages caused by the negligence of the Game and Fresh Water Fish Commission; providing an effective date.

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

The Honorable Dempsey J. Barron, President

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

HB 505	HB 1047	HB 1356
HB 3081	HB 3082	HB 1096 (cs)
HB 2057	HB 2108	HB 277

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hill and others—

HB 505—A bill to be entitled An act relating to civil liability; providing that, under certain conditions, off-duty law enforcement officers rendering aid at the scene of a crime or during a criminal incident will not be held liable for civil damages; providing a definition; providing an effective date.

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

By Representative Fontana—

HB 1047—A bill to be entitled An act relating to law enforcement; adding subsection (4) to s. 112.531, Florida Statutes, 1974 Supplement, defining "interrogation"; amending s. 112.532(1)(d), (2) and (3), Florida Statutes, 1974 Supplement, relating to law enforcement officers' rights; providing for complaints of a criminal nature; providing for hearing procedure; providing for suits against employing agency; providing an effective date.

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

By Representatives Haben and Moffitt—

HB 1356—A bill to be entitled An act relating to minors; amending s. 743.06, Florida Statutes, providing that any minor who has reached the age of 17 years may give consent to the donation of his blood and to the penetration of tissue which is necessary to accomplish such donation without the prior consent of the parent or parents of such a minor; providing an effective date.

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

By the Committee on Criminal Justice—

HB 3081—A bill to be entitled An act relating to the justifiable use of force; transferring s. 782.02, Florida Statutes, as reenacted by chapter 75-298, Laws of Florida, relating to the justifiable use of deadly force to s. 776.015, Florida Statutes;

repealing s. 776.012, Florida Statutes, 1974 Supplement, relating to the use of force in defense of person; providing an effective date.

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

By the Committee on Criminal Justice—

HB 3082—A bill to be entitled An act relating to criminal extortion; creating chapter 835, Florida Statutes, providing for definitions; providing a rule of construction; prohibiting extortionate extensions of credit; prohibiting the financing of extortionate extensions of credit; prohibiting collecting extensions of credit by extortionate means; redesignating and amending s. 836.05, Florida Statutes, defining and prohibiting criminal extortion; providing penalties; providing an effective date.

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

By the Committee on Health & Rehabilitative Services and Representative Sheldon—

HB 1096 (cs)—A bill to be entitled An act relating to prisoners; creating s. 945.31, Florida Statutes, authorizing prisoners in the state correctional system to make donations of blood, tissue, or organs under certain circumstances; providing an effective date.

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

By Representative Steinberg—

HB 2057—A bill to be entitled An act relating to insurance; amending section 631.291(3), Florida Statutes; providing that certain arbitration awards shall not be considered by the receiver of an insolvent insurer as conclusive evidence of liability or the amount of damages; providing an effective date.

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

By Representative Steinberg—

HB 2108—A bill to be entitled An act relating to insurance; amending subsection (4) of section 624.418, Florida Statutes, relating to suspension or revocation of an insurer's certificate of authority; deleting the exemption for companies with five million dollars (\$5,000,000) or more surplus as to policyholders; providing an effective date.

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

By Representative Melvin—

HB 277—A bill to be entitled An act for the relief of Jean Hubbird, widow of Joseph William Hubbird, and Joseph William Hubbird, Jr., Rejeania Hubbird and Candis Hubbird, minors; providing an appropriation to compensate them for the death of Joseph William Hubbird; providing an effective date.

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

The Honorable Dempsey J. Barron, President

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

CS for HB 2255	HB 2694	HB 2641
HB 2312	HB 2008	CS for HB 2272
HB 2640	HB 1290	

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Regulated Industries & Licensing and Agriculture & General Legislation—

CS for HB 2255—A bill to be entitled An act relating to veterinary medicine; amending s. 474.031(9) and (11)(b), add-

ing a subsection to s. 474.081, amending ss. 474.101, 474.141(1)(d) and (5), 474.15, 474.17, 474.20(2), 474.31(19), 474.32(1), and 474.38, Florida Statutes, and creating s. 474.48, Florida Statutes, defining graduate veterinarian; defining preceptor; defining animal technician; redefining the practice of veterinary medicine to include acupuncture; authorizing the Florida State Board of Veterinary Medicine to issue administrative warning letters for apparent violation; providing for confidentiality of licensing examination results prior to notification of examinee; amending existing statutory language to reflect altered name of the national veterinary association; providing for automatic expiration of veterinary faculty certificates upon separation from faculty position at veterinary college; providing for a revision of temporary permit law; authorizing the increase of license fees; prohibiting preceptors from holding themselves out as doctors of veterinary medicine; deleting requirement that the written examination be in English language; conforming disciplinary authority to chapter 120, Florida Statutes; requiring judicial review of board action to be taken in accord with appellate rules; establishing proper venue; providing for annual report of proceedings and finances to the Governor and the Florida Veterinary Medical Association; providing an effective date.

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

By the Committee on Agriculture & General Legislation and Representative Hodges and others—

HB 2694—A bill to be entitled An act relating to trespass; creating s. 810.12, Florida Statutes; specifying circumstances under which unauthorized entry upon land is prima facie evidence of intent to trespass or commit other acts pertaining thereto; providing an effective date.

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

By the Committee on Transportation and Representative Hawkins—

HB 2312—A bill to be entitled An act relating to bridge designation; designating the bridge on State Road 92 in Collier County which spans the Marco River as "The Goodland Bridge;" authorizing and directing the erection of plaques; providing an effective date.

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

By the Committee on Transportation and Representatives Jones and Clem—

HB 2008—A bill to be entitled An act relating to the Central Florida Air Fair; designating the Central Florida Air Fair as the official Florida State Air Fair; providing an effective date.

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

By the Committee on Regulated Industries & Licensing—

HB 2641—A bill to be entitled An act relating to containers of distilled spirits; amending s. 565.05, Florida Statutes, 1975, clarifying legislative intent by correcting an error in the text relating to the purchase of distilled spirits by clubs; providing an effective date.

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

By the Committee on Regulated Industries & Licensing—

HB 2640—A bill to be entitled An act relating to worthless checks; amending s. 832.06(1), Florida Statutes, relating to the procedure by which a county tax collector is to prosecute and collect any fee for which payment was made by a worthless check, to remove reference to any payment so made for a beverage license; providing an effective date.

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

By Representative Melvin—

HB 1290—A bill to be entitled An act relating to authorized state personnel positions; adding subsection (4) to s. 216.262, Florida Statutes; prohibiting an agency from employing more than one full-time officer or employee in the same position except as provided by rules of the Department of Administration; providing an effective date.

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

By the Committee on Agriculture & General Legislation—

CS for HB 2272—A bill to be entitled An act relating to fertilizer; amending ss. 576.011, 576.021(1)(f) and (3), 576.051(3), (4), and (7), 576.061(2) and adding subsection (4) thereto, 576.085, 576.091(1), and 576.151(8), all Florida Statutes; providing clarification language and new definitions; changing the term "foods" to "nutrients" as it appears throughout the text; providing for less than whole percentage guarantees; excepting specialty fertilizer from exemption of separate registration when adding secondary plant nutrients or authorized pesticides to commercial fertilizer; providing a penalty for unlabeled commercial fertilizer; providing an effective date.

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

The Honorable Dempsey J. Barron, President

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

HB 564	HB 2643	HB 1183
HB 372	HB 596	HB 1941
HB 344(cs)	HB 3259	HB 872
HB 3083	HB 81	HB 340(cs)
HB 2048	HB 783(cs)	HB 2049

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Fontana—

HB 564—A bill to be entitled An act relating to the beverage law; amending s. 561.25, Florida Statutes, relating to the prohibition against law enforcement officers and certain employees engaging in business related to the sale of alcoholic beverages, to provide that such officers and employees may own certain securities which are traded on a major stock exchange; providing an effective date.

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

By Representative James—

HB 1183—A bill to be entitled An act relating to salt water conservation; prohibiting the taking of salt water fish by any means other than hook and line within 300 feet seaward from the mean low water line on the public beaches of the City of Boca Raton; providing an effective date.

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

By the Committee on Regulated Industries & Licensing—

HB 2643—A bill to be entitled An act relating to public officers and employees; repealing s. 112.07, Florida Statutes, which contains obsolete language relating to terms of office of members of the State Racing Commission; providing an effective date.

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

By Representatives James and Moore—

HB 372—A bill to be entitled An act relating to condominiums; amending s. 711.11(2)(g), Florida Statutes, 1974 Supplement, providing that condominium bylaws shall provide

that assessments shall be made against unit owners on a monthly, bimonthly, or quarterly basis; providing an effective date.

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

By Representative Nuckolls—

HB 596—A bill to be entitled An act relating to Teacher's Day; creating s. 683.14, Florida Statutes, designating the third Friday in May of each year as Teacher's Day; providing an effective date.

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

By Representative Moffitt—

HB 1941—A bill to be entitled An act relating to criminal law; amending s. 775.083(2), Florida Statutes, 1974 Supplement, changing the word "installments" to "within a specified period of time" with reference to payment of fines; providing an effective date.

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

By the Committee on Education and Representative Young and others—

HB 344 (cs)—A bill to be entitled An act relating to the State University System; amending s. 240.062, Florida Statutes, and s. 240.052(1), Florida Statutes, 1974 Supplement; providing a procedure for the approval of registration and tuition fees by the Legislature; providing that such fees so approved shall remain in effect until amendments thereto are approved; providing an effective date.

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

By the Committee on Criminal Justice—

HB 3259—A bill to be entitled An act relating to drug abuse prevention and control; amending the "Florida Comprehensive Drug Abuse Prevention and Control Act"; amending s. 893.03, Florida Statutes; revising standards and schedules under which controlled substances are controlled to encompass recent federal amendments; amending s. 893.13(1)(a)-(e), Florida Statutes, relating to prohibited acts and penalties; revising certain offenses and penalties; establishing penalties for substances listed in newly created schedules; providing an effective date.

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

By Representatives Young and Adams—

HB 872—A bill to be entitled An act relating to nonpublic educational and training institutions; amending s. 246.131, Florida Statutes, prohibiting schools that have not obtained a license or schools that are under an injunction against operating from advertising for students; providing an effective date.

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

By the Committee on Criminal Justice—

HB 3083—A bill to be entitled An act relating to drug abuse prevention and control; amending s. 893.02(2), Florida Statutes, 1975; amending the definition of "Cannabis" to include all parts of any species of Cannabis; providing an effective date.

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

By Representative Lockward and others—

HB 81—A bill to be entitled An act relating to insurance; adding subsection (8) to s. 626.970, Florida Statutes, 1975, to restrict insurers from increasing premiums or refusing cover-

age solely because of a citation for a moving traffic violation which was nolle prosequi or dismissed; providing an effective date.

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

By the Committee on Commerce and Representative Maxwell—

HB 340 (cs)—A bill to be entitled An act relating to labor; amending s. 447.605, Florida Statutes, 1974 Supplement, clarifying the requirements of the Government in the Sunshine Law as it applies to collective bargaining negotiations; providing an effective date.

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

By Representative Fortune—

HB 2048—A bill to be entitled An act relating to the distribution and dispensing of controlled substances; amending subsections (1)(a) and (2)(a) of s. 893.13, Florida Statutes, to provide that the dispensing or distribution of controlled substances shall be subject to the same penalties as the sale, manufacture or delivery of a controlled substance; providing an effective date.

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

By the Committee on Education and Representative Young and others—

HB 783 (cs)—A bill to be entitled An act relating to education; amending sections 231.40(1)(c), and 231.48(2), Florida Statutes, 1974 Supplement; clarifying application of terminal pay provisions for instructional and non-instructional personnel; providing terminal pay for administrative personnel; providing an effective date.

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

By Representative Steinberg—

HB 2049—A bill to be entitled An act relating to insurance; amending section 631.341(1) and (2), Florida Statutes; providing that notice of the entry of an order of liquidation of an insurer entered by a court of competent jurisdiction in Florida shall be given by the receiver to each general agent and licensed agent of the insurer in Florida; providing that unless the licensed agents, subagents, producing agents, brokers, solicitors, and service representatives shall have replaced or reinsured the insurance coverage placed by or through such licensed agents, subagents, producing agents, brokers, solicitors, and service representatives, such persons shall then by registered or certified mail send to the last known address of any policyholder a written notice of the entry of the order of liquidation of the insurer; providing an effective date.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator J. Thomas, the rules were waived and by two-thirds vote SB 180 was withdrawn from the Committees on Commerce and Ways and Means and indefinitely postponed.

On motions by Senator Brantley, the rules were waived and by two-thirds vote SB 135 was withdrawn from the Committees on Rules and Calendar and Ways and Means and indefinitely postponed.

On motions by Senator J. Thomas, the rules were waived and by two-thirds vote SB 534 was recalled from the Special Master and withdrawn from the Committee on Ways and Means and indefinitely postponed.

On motion by Senator Gallen, by two-thirds vote HB 3328 was withdrawn from the Committee on Judiciary-Civil.

REQUESTS FOR EXTENSION OF TIME

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

SB 194 by Senator Plante SB 222 by Senator Lewis

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

SB 564 by Senator Saylor SB 591 by Senator P. Thomas
SB 575 by Senator Peterson

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

SB 256 by Transportation Committee	SB 605 by Senator Vogt
SB 555 by Senator Scarborough	SB 617 by Senator W. D. Childers
SB 570 by Senator Deeb	SB 623 by Senator Glisson
SB 577 by Senator Lewis	SB 624 by Senator Johnston
SB 579 by Senator Lewis	SB 627 by Senator Gallen
SB 580 by Senator Peterson	SB 633 by Senator Johnston
SB 582 by Senator Myers	SB 640 by Senators Myers & Plante
SB 583 by Senator Johnston	SB 641 by Senator Myers
SB 584 by Senator Firestone	SB 309 by Senator Trask, et al
SB 595 by Senator Wilson	
SB 603 by Senator Scarborough	

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

SB 601 by Senator Lewis	SB 198 by Judiciary-Criminal Committee
SB 620 by Senator Glisson	SB 716 by Senator Gordon
SB 691 by Senator Peterson	SB 723 by Senator Gordon
SB 697 by Senator Trask	SB 742 by Senator Hair
SB 707 by Senator Glisson	

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

SB 52 by Senator Lewis	SB 618 by Senator W. D. Childers
SB 60 by Senator McClain	SB 637 by Senator P. Thomas
SB 310 by Senator Peterson	SB 638 by Senator Graham
SB 568 by Senator Wilson	SB 53 by Senator Lewis
SB 569 by Senator Saylor	SB 676 by Senator Trask
SB 592 by Senator Myers	SB 703 by Senator Spicola
SB 608 by Senator Childers, W. D.	SB 713 by Senator McClain
SB 615 by Senator Deeb	

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

SB 600 by Senator Renick	SB 726 by Senator Lewis
SB 606 by Senator Henderson	SB 765 by Senator McClain
SB 661 by Senator McClain	SB 787 by Senator Trask

SPECIAL ORDER

CS for SB 598—A bill to be entitled An act relating to insurance; creating s. 627.4131, Florida Statutes; providing that no liability insurer may be prohibited from including a clause in a contract which precludes an injured third party from directly suing and joining the insurer as a codefendant to determine the insured's liability; creating s. 627.4132, Florida Statutes; prohibiting stacking of motor vehicle liability insurance coverages; amending s. 627.727(1), Florida Statutes; providing that the tort exemption and limitation on damages shall apply to uninsured motorist claims; amending s. 627.736(3), Florida Statutes; providing for an insured's rights to recovery of special damages in tort claim; providing that no insurer paying personal injury protection benefits shall have a lien on recoveries in tort whether or not suit has been filed; providing a claimant in any tort claim for which personal injury protection benefits have been paid shall have no right to recover in tort for any damages for personal injury protection benefits paid; providing that a plaintiff will be permitted to prove all of his special damages, but if such damages are introduced into evidence, the trier of fact shall not be permitted to award damages for personal injury protection benefits paid or payable; providing that proper jury instructions shall be given in jury trials; amending s. 627.737(2), Florida Statutes; providing that certain costs not be considered in calculating the medical

expenses threshold; increasing the medical expenses threshold; deleting the threshold based on certain bone fractures; requiring that other allowable thresholds to sue in tort be serious and permanent; creating s. 627.7375, Florida Statutes; prohibiting the use of fraud, or a conspiracy to use fraud, to exceed the threshold for tort liability with respect to certain claims, by any insured, insurer, physician, osteopath, chiropractor, attorney, hospital administrator or employee, hospital licensee, or hospital; providing for appropriate administrative action against, and penalties for, such persons; providing criminal penalties; creating s. 627.742, Florida Statutes; providing that in any tort action brought pursuant to ss. 627.730-627.741, Florida Statutes, the defendant may introduce evidence of certain collateral sources of indemnity; providing that such collateral sources of indemnity shall not be subrogated to the rights of the plaintiff against the defendant; repealing s. 627.738, Florida Statutes, which provides for full or basic coverage for accidental property damage to motor vehicle; repealing s. 627.740, Florida Statutes, which provides that the rights of residents to claim damage in tort, when involved in motor vehicle accidents with persons not required to provide security, shall not be diminished; providing an effective date.

—was taken up with pending Amendment 4.

Senators MacKay and Barron offered the following substitute amendment for Amendment 4 which was moved by Senator MacKay and adopted:

Amendment 5—On page 5, line 3, strike the period and all of lines 4-10 and insert: ; therefore, in a suit by an injured person against an insured person, the liability insurer shall not be joined as a party.

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

Amendment 6—On page 5, at the end of line 24 insert: This section shall not apply to reduce the coverage available by reason of insurance policies insuring different named insureds.

Senator Ware moved the following amendment which was adopted:

Amendment 7—On page 5, line 11-24, strike all of existing Section 2 and insert: New Section 2

Section 2. Section 627.4132, Florida Statutes, is created to read:

627.4132 Contents of policies; stacking of coverages prohibited.—At the option of the insured, if an insured or named insured is protected by any type of motor vehicle insurance policy for liability, uninsured motorist, medical payments or personal injury protection coverage, the policy may provide that the insured or named insured is protected only to the extent of the coverage he has on the vehicle involved in the accident; provided that if none of the insured's or named insured's vehicles is involved in the accident, coverage may at the option of the insured be made available only to the extent of coverage on any one of the vehicles with applicable coverage. Coverage on any other vehicles shall not be added to or stacked upon that coverage unless at the option of the insured an additional premium is charged for such additional coverage.

Senators Ware and Dunn offered the following amendment which was moved by Senator Ware and adopted:

Amendment 8—On page 7, strike all of lines 13-18 inclusive and insert: Section 4, Subsection (1)(b) and (3) of Section 627.736 Florida statutes is amended to read:

(Substantial rewording of sections)

See s. 627.736 (3) F.S. for present text
627.736 Required personal injury protection benefits.—

(1) **REQUIRED BENEFITS**.—Every insurance policy complying with the security requirements of §627.733 shall provide personal injury protection providing for payment of all reasonable expenses incurred for necessary medical, surgical, x-ray, dental, and rehabilitative services, including prosthetic devices; necessary ambulance, hospital, nursing services; and funeral and disability benefits to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in such motor vehicle, and

other persons struck by such motor vehicle and suffering bodily injury while not an occupant of a motor vehicle or motorcycle, all as specifically provided in subsections (2) and (4)(d), to a limit of five thousand dollars for loss sustained by any such person as a result of bodily injury, sickness, disease, or death arising out of the ownership, maintenance, or use of a motor vehicle as follows:

(b) ~~Sixty—One hundred percent of any loss of gross income and loss of earning capacity per individual, unless such benefits are deemed not includable in gross income for federal income tax purposes; in which event such benefits shall be limited to 85 percent from inability to work proximately caused by the injury sustained by the injured person plus all expenses reasonably incurred in obtaining from others ordinary and necessary services in lieu of those that, but for the injury, the injured person would have performed without income for the benefit of his household. All disability benefits payable under this provision shall be paid not less than every two weeks.~~

Senator Dunn moved the following amendment which failed:

Amendment 9—On pages 8 and 9, lines 29, 30, 1, 2-7 and line 8 On page 8: Line 27 strike "serious and irreparable" Line 30 strike "serious and" On page 9: Line 1 strike "serious and permanent injury shall" Lines 2-7 strike all of lines 2 through 7 inclusively Line 8 strike "surgery"

Senator Ware moved the following amendment which was adopted:

Amendment 10—On page 9, line 8, after the word "surgery" strike the period (.) and insert: provided that a reasonable refusal to submit to surgery shall not bar or reduce recovery under this section.

Senator Ware moved the following amendment which failed:

Amendment 11—On page 7, line 4, insert after "section": , unless otherwise provided in the policy at the option of the insured,

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

Amendment 12—On page 9, line 17, insert: new Section 6. and renumber subsequent sections.

Section 6. Subsection (3) of section 627.737 is created to read:

627.737 Tort exemption; limitation on right to damages.—

(3) When a defendant, in a proceeding brought pursuant to ss. 627.730-627.741, questions whether the plaintiff has met the requirements of s. 627.737(2), then the defendant may file an appropriate motion with the court and the court shall, by examining the pleadings and the evidence before it, ascertain whether the plaintiff has met the requirements of s. 627.737(2). If the court finds that the requirements of s. 627.737(2) have not been met, then the court shall dismiss the plaintiff's claim.

Senator Spicola presiding.

Senator Johnston moved the following amendment to Amendment 12 which was adopted:

Amendment 12A—On page 1, line 13, insert after "claim": without prejudice

Amendment 12 as amended was adopted.

Senator Gallen moved the following amendments which failed:

Amendment 13—On page 12, line 29, insert new section 10 and renumber subsequent sections:

Section 10. Section 627.741 is amended to read as follows:

627.741 Implementation of ss. 627.730-627.741.—

(1) The Department of Insurance shall adopt rules and regulations necessary to implement the provisions of ss. 627.730-627.741.

(2) Notwithstanding any other provision of law, all insurers issuing insurance coverage under ss. 627.730-627.741 shall comply with the following provisions:

(a) Within 60 days after July 1, 1976, each insurer shall file its proposed manual, rules, rates, and rating plans with the department for approval. Rates for required financial responsibility coverage after January 1, 1977 shall be reduced by each insurer by not less than 15 percent, calculated as a percentage of the combined required financial responsibility rate of such insurer in effect on June 7, 1976 or of the combined required financial responsibility rate of such insurer approved by the commissioner and in effect at the time of the filing of the new rates required herein. There shall be no exception to the requirements of this provision unless the department shall find that the use of the rates required herein by any insurer will result in rates which are inadequate under s. 627.082 to the extent that such rates jeopardize the solvency, as defined in s. 631.011, of the insurer required to use such rates. Notwithstanding the provisions of chapter 71-3(B), Laws of Florida, no rate for the insurance required by ss. 627.730-627.741 shall be increased prior to January 1, 1978 unless the insurer proposing such rate increase shall show that the rates required herein are inadequate as defined in s. 627.082.

(b) Within 60 days from the date of filing by such insurer, the department may approve or disapprove the filing. If no action is taken by the department within 60 days, the filing shall be deemed approved.

(c) If the department approves the filing or the filing otherwise becomes effective, the manual, rules, rates, and rating plans shall take effect January 1, 1977. If the department disapproves the filing, the insurer shall revert to a rate level for required coverage which shall be lower, by not less than 15 percent, than the combined premiums for required financial responsibility coverage at the time such proposed new rates were filed.

(d) Upon complying with this subsection, any insurer appealing an order of disapproval may use the rates set forth in the disapproved filing during the pendency of the appeal, so long as such rates do not exceed its rates for required financial responsibility coverage at the time of its rate filing required herein. As a condition to the use of such disapproved rates, the insurer must enter into a legally binding agreement with the department to secure the repayment to the insurer's policyholders of the difference between the insurer's proposed rate and that rate which would be lower, by not less than 15 percent, than the combined premiums for required financial responsibility coverage at the time such proposed new rates were filed. In addition to the repayment of the difference in premium, the company shall agree to pay to the insured the legal rate of interest on any money refunded.

(e) Any private passenger automobile liability policy in force on January 1, 1977 and thereafter shall reflect by endorsement any reduction in rates for the required coverage under ss. 627.730-627.741 as filed by the insurer, and such reduction shall be computed on a pro rata basis for the remaining term of said policy. Such endorsement may be issued at the renewal date of the policy or the termination of the policy. Any return premium shall be credited to the renewal policy, or, if the policy is terminated, the return premium shall be refunded to the insured.

(f) For the purposes of the implementation of ss. 627.730-627.741, rating organizations as defined in chapter 627 shall be permitted until January 1, 1978 to develop and furnish rates and forms to their members or subscribers. However, members and subscribers of rating organizations shall not participate in the decisions or deliberations of such organizations in the development of such rates under ss. 627.730-627.741.

History.—s. 12, ch. 71-252.

Amendment 14—On page 8, line 20, strike everything after "treatment" and strike lines 21-22-23 and "identified and billed" on line 24

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

Amendment 15—On page 11, lines 18-25, strike after Section 7 on line 18 all of lines 18, 19, 20, 21, 22, 23, 24, and through "omissions," on line 25 and insert: Section 768.043, Florida Statutes, is created to read:

768.043 Collateral sources of indemnity.—

(1) In any action for personal injury or wrongful death.

On motion by Senator Myers, the Senate reconsidered the vote by which Amendment 15 was adopted.

The question recurred on Amendment 15 which was adopted.

Senator Ware moved the following amendment which was adopted:

Amendment 16—On page 12, line 16, add after "evidence": and may establish in the evidence the extent to which subrogation rights exist

Senator D. Lane moved the following amendments which were adopted:

Amendment 17—On page 8, line 20, after "treatment" insert: including ambulance services

The President presiding

Amendment 18—In Section 5, line 22, page 8, strike: "services" and insert: examinations

Senator Gordon moved the following title amendment which was adopted:

Amendment 19—On page 3, line 5, after the semicolon, insert: requiring the Department of Insurance to review automobile insurance rates annually and to order a reduction in rates if such reduction is actuarially sound;

Senators Ware and Dunn offered the following title amendment which was moved by Senator Ware and adopted:

Amendment 20—On page 1, lines 16 and 17, strike "(3), Florida Statutes;" and insert: (1)(b), (3), Florida Statutes; decreasing required disability benefits

Senator Ware moved the following title amendment which was adopted:

Amendment 21—On page 1, line 11, strike: "prohibiting" and insert: authorizes insurance policy to prohibit

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

Amendment 22—On page 1, lines 5-10, after the semicolon, strike: "providing that no liability insurer may be prohibited from including a clause in a contract which precludes an injured third party from directly suing and joining the insurer as a codefendant to determine the insured's liability" and insert: prohibiting the joinder of a liability insurer in a suit by an injured person against an insured person

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

Amendment 23—On page 2, line 10, after the semicolon insert: creating s. 627.737(3), Florida Statutes; providing for dismissal of suit not meeting threshold;

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

Amendment 24—On page 2, lines 20 through 23, strike "s. 627-742, Florida Statutes; providing that in any tort action brought pursuant to ss. 627.730-627.741, Florida Statutes" and insert: s. 768.043, Florida Statutes; providing that in any personal injury or wrongful death action

On motion by Senator MacKay, by two-thirds vote CS for SB 598 as amended was read the third time by title.

Point of Order

Senator Ware attempted to raise a point of order on the germanity of Amendment 15. The President stated it was his

feeling that the point was not timely because the amendment had been voted on, reconsidered and voted on again, passing both times, but that he would take the matter under advisement because had the point been properly raised, he would have ruled it not well taken.

The President later ruled the point not in order, quoting Hinds Precedents of the United States House of Representatives as follows: "Section 6912. The House having voted to consider a matter, a point of order against it comes too late. Section 6915. When the House is voting on a motion, it is too late to make the point of order that the motion is not in order. Section 6917. A motion once made and carried is binding, although in the first instance it might have been ruled out had a point of order been made in time."

CS for SB 598 passed, was ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—5

Dunn	Myers	Plante	Ware
Johnston			

Votes after roll call:

Yeas—Deeb and Saylor

Nay—Spicola

Explanation of Vote

Sharing the concern of the sponsors of this bill of outrageously high auto insurance rates being charged our citizens, I voted "yes" in order to allow this subject to go to conference between both houses of the Florida Legislature. I have serious concerns and/or objections to certain portions of this bill. I feel the bill as now written might very well conflict with Article I, sections 21 and 22 of the Florida Constitution guaranteeing access to the courts by all people and the right to trial by jury. In addition, I feel there may be problems with the principle involving equal protection of the law. It is my hope that through conference, a much better version of the bill will emerge, thereby providing the reduction of costs to our consumers that we're all working for.

Senator Lori Wilson, 16th District

On motion by Senator MacKay, the rules were waived and CS for SB 598 was immediately certified to the House.

Senator Brantley presiding

SB 321—A bill to be entitled An act relating to education; amending s. 236.02(6), Florida Statutes; providing that the minimum financial effort of each school district shall be as prescribed in the general appropriations act; amending s. 236-081(1)(b), (d), (e), (3), (5)(a), (7)(a), Florida Statutes; renaming the base student cost and providing that this value shall be that amount prescribed in the general appropriations act; providing that the assigned weighted full-time equivalent student membership in certain special programs shall not exceed the maximum prescribed in the general appropriations act; renaming the base student cost figure; changing the method of computing the district cost differential; changing the method of computing the district required local effort; deleting obsolete language; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 5, line 1, strike "two years" and insert: year

Amendment 2—On page 8, between lines 24 and 25, insert: *3. Commencing with the 1978-79 Fiscal Year, determine ninety-five percent (95%) of the final tax roll of non exempt assessed valuation of the district for the prior calendar year, subject to the provisions of paragraphs (b) and (c), and multiply this product by the millage rate prescribed in the general appropriations act for the current year. For the purpose of this paragraph the final tax roll of non exempt assessed valuation for the prior year shall be the tax roll on which the tax bills were computed and mailed to the taxpayer for the prior calendar year.*

On motion by Senator Lewis, by two-thirds vote SB 321 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Renick

On motion by Senator Lewis, the rules were waived and SB 321 was immediately certified to the House.

The President presiding.

SB 64—A bill to be entitled An act relating to eminent domain; creating s. 73.092, Florida Statutes; providing certain criteria to be considered by the court in assessing attorneys' fees; providing an effective date.

—was read the second time by title. On motion by Senator Hair by two-thirds vote SB 64 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 39—A bill to be entitled An act relating to foreign trade zones; providing definitions; providing for the establishment, operation, and maintenance of such zones; providing for rules and regulations; providing an effective date.

—was read the third time by title.

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

Amendment 1—On page 2, between lines 12 and 13 insert: Section 4. Applicability of State Laws and Rules.— Any application for establishment of a foreign trade zone made pursuant hereto shall include a provision that all laws of this state and rules of the Florida Department of Citrus applicable to citrus fruit and processed citrus products shall equally apply within any foreign trade zone so established.

(Renumber subsequent section.)

Senators Peterson and Firestone offered the following title amendment which was moved by Senator Peterson and adopted:

Amendment 2—On page 1, line 8, after the semicolon (;) insert: providing for applicability of state laws and Department rules;

On motion by Senator Brantley, by two-thirds vote SB 39 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motion by Senator Zinkil, the rules were waived and by two-thirds vote CS for HB 483 was withdrawn from the Committee on Commerce and placed on the calendar.

On motion by Senator Plante the Senate reconsidered the vote by which CS for HB 483 was withdrawn from the Committee on Commerce.

CS for HB 483 was recommitted to the Committee on Commerce.

SB 5—A bill to be entitled An act relating to mobile home parks; amending s. 83.70(7), Florida Statutes; to prohibit a mobile home park owner from charging a price in excess of his cost for certain utility services purchased from a municipally-owned utility; providing an effective date.

—was read the second time by title.

On motion by Senator Zinkil, by two-thirds vote SB 5 was read the third time by title, passed, and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

On motions by Senator D. Lane, the rules were waived and by two-thirds vote HB 2312 was withdrawn from the Committee on Transportation and placed on the calendar.

SB 323 was taken up and on motion by Senator D. Lane—

HB 2312—A bill to be entitled An act relating to bridge designation; designating the bridge on State Road 92 in Collier County which spans the Marco River as "The Goodland Bridge; authorizing and directing the erection of plaques; providing an effective date.

—a companion measure was substituted therefor. On motions by Senator D. Lane, by two-thirds vote HB 2312 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—36

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

Nays—None

Vote after roll call:

Yea—Trask

SB 323 was laid on the table.

SB 146—A bill to be entitled An act relating to contract bids pursuant to the Florida Transportation Code; amending s. 337.14, Florida Statutes; providing for the qualification of applicants to bid on work on which bids are taken by the Department of Transportation; requiring persons seeking qualification to bid on contracts in excess of \$100,000 to submit certain information to the department; providing that such certification is not necessary to bid on contracts not in excess of \$100,000, or on contracts for the construction of a building; repealing s. 337.13, Florida Statutes, relating to regulations of the department for the qualification of bidders; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendment which was moved by Senator Zinkil and adopted:

Amendment 1—On page 2, strike lines 11-16 and insert: *information as the department may deem necessary.* Each application for certification shall be accompanied by a financial statement of the applicant, which financial statement shall reflect the financial condition of the applicant as of a date not more than 120 days prior to the date of filing the application. No applicant may be certified

Senator Deeb moved that further consideration of SB 146 be temporarily deferred.

Senator Scarborough moved as a substitute motion that the Senate do now adjourn. The motion was adopted.

CO-INTRODUCERS RECORDED

Senator Sayler—Senate Bills 436 and 142; Senator D. Lane—Senate Bills 587, 791, 586 and 525; Senators Gordon, Firestone and Graham—SCR 1; Senator Johnston—Senate Bills 76, 454, 455 and 889; Senators D. Lane, Johnston, J. Lane, Lewis, Sims, Stolzenburg, Wilson, D. Childers, Firestone, Graham, Henderson, McClain, Ware, Brantley, MacKay, Gordon, Myers, Spicola, Zinkil—SB 142; Senators J. Lane, Hair, McClain and Spicola—SB 895; Senator Tobiassen—Senate Bills 791, 525, 586, 587; Senator Ware—Senate Bills 436 and 588; Senator Peterson—SB 321

The Journals of April 20 and 22 were corrected and approved.

Pursuant to the motion by Senator Scarborough, the Senate adjourned at 11:56 a.m. to convene at 8:30 a.m., April 26 and 27, 1976 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m. April 27.