

JOURNAL OF THE FLORIDA SENATE

Wednesday, April 28, 1976

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

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

Prayer by the Senate Chaplain:

Almighty God help us to produce in our time an even greater heritage for those to come than we ourselves have received.

We recognize that the glories of the past neither guarantee the present nor the future and that each generation must produce its own greatness. Do not allow us to confuse greatness with perfection lest we fail by hypocritical self-righteousness, for pride comes before a fall.

May we spontaneously respond to human needs as we encounter them so that our greatness shall be in our persons and not merely our programs. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Wednesday, April 28, 1976, at 9:00 a.m.:

| | | | |
|---------------|--------|---------|--------|
| SB 422 | SB 122 | SB 259 | SB 364 |
| CS for SB 277 | SB 148 | SJR 266 | SB 375 |
| SB 711 | SB 200 | SB 301 | SB 440 |
| SB 10 | SB 221 | SB 290 | SB 470 |
| SB 70 | SM 234 | SB 299 | SM 478 |
| CS for SB 97, | SB 248 | SB 319 | SB 23 |
| 102 & 208 | SB 255 | SB 347 | |
| SB 121 | SB 258 | SB 362 | |

Respectfully submitted,
Lew Brantley, Chairman

The Committee on Commerce recommends the following pass: SB 493

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

The Committee on Judiciary-Civil recommends the following pass: SB 588, SB 749 with 1 amendment

The bills were referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Judiciary-Civil recommends the following pass: HB 1302

The Committee on Transportation recommends the following pass:

SB 287 with 1 amendment SB 495 with 1 amendment

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

The Committee on Commerce recommends the following pass: SB 449

The Committee on Education recommends the following pass: SB 220 with 3 amendments

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

The Committee on Judiciary-Civil recommends the following pass: SB 348, SB 631

The Committee on Commerce recommends the following pass:

| | |
|-------------------------|--------------------------|
| SB 28 | SB 524 |
| SB 432 with 1 amendment | SB 635 with 2 amendments |
| SB 519 | |

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

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 659

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

The Committee on Education recommends a Committee Substitute for the following: SB 107

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 654

The Committee on Judiciary-Civil recommends a Committee Substitute for the Committee Substitute for the following: SB 239

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

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 704

The bill with Committee Substitute attached was placed on the calendar.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Peterson, the rules were waived and by two-thirds vote SB 864 was withdrawn from the Committees on Commerce and Governmental Operations.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 361, 62, 54, 305 and 477 were withdrawn from the Committee on Ways and Means.

On motion by Senator Johnston, the rules were waived and by two-thirds vote SB 217 was withdrawn from the Committee on Natural Resources and Conservation and indefinitely postponed.

On motion by Senator Lewis, the rules were waived and by two-thirds vote SB 844 was withdrawn from the Committee on Education.

On motion by Senator Gordon, Rule 2.6 was waived and the Committee on Ways and Means was granted permission to meet April 29 from 2:00 until 7:00 p.m.

On motion by Senator Vogt, the rules were waived and by two-thirds vote SB 50 was withdrawn from the Committee on Judiciary-Criminal and indefinitely postponed.

On motions by Senator Wilson, the rules were waived and by two-thirds vote SB 131 was withdrawn from the Committees on Education and Governmental Operations and indefinitely postponed.

On motion by Senator Wilson, the rules were waived and by two-thirds vote SB 243 was withdrawn from the Committee on Judiciary-Criminal and indefinitely postponed.

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 239 was withdrawn from the Committee on Ways and Means.

On motion by Senator P. Thomas, by two-thirds vote SB 23 was removed from the special order calendar and referred to the Committee on Commerce.

On motion by Senator P. Thomas, the rules were waived and by two-thirds vote HB 1381 was also referred to the Committee on Commerce.

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

| | |
|---|-----------------------------|
| SB 670 by Senator MacKay | Committee and Senator |
| SB 671 by Senator MacKay | MacKay |
| SB 674 by Senator Graham | SB 722 by Senator P. Thomas |
| SB 690 by Senator Glisson | SB 727 by Senator Lewis |
| SB 708 by Senator Glisson | SB 762 by Senator Graham |
| SB 710 by Senator Vogt | SB 799 by Senators Barron |
| SB 712 by Senator Vogt | & Plante |
| CS for SB 576 by the Health and Rehabilitative Services | SB 800 by Senator Graham |

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

SB 786 by Senators Myers, Barron, Wilson, Brantley, et al

The Committee on Natural Resources and Conservation requests an extension of 15 days for consideration of the following:

| | |
|---------------------------------------|----------------------------------|
| SB 109 by Senator Spicola | SB 611 by Senator W. D. Childers |
| SB 429 by Senator Peterson and others | SB 759 by Senator Dunn |

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

INTRODUCTION

By Senators P. Thomas and Barron—

SR 1190—A resolution commending the Tallahassee Fire Department and its chief, William Earl Levy, Sr.

WHEREAS, the City of Tallahassee has received an overall Class 2 insurance rating from the Insurance Services Office as a result of field surveys performed throughout the nation, and this rating is mainly attributable to the efficiency of the Tallahassee Fire Department under the direction of Chief William Earl Levy, Sr., who first became employed as a paid member of the fire department in 1927 when a youth of 16, and who took command of the fire department in 1940 when the city had only a Class 6 insurance rating, and

WHEREAS, no other city in Florida has a Class 2 insurance rating, an achievement which has been attained by only 38 cities in the United States, no city having ever been awarded the higher Class 1 rating, and

WHEREAS, the caliber and compassion of the firemen and the proficiency of the Tallahassee Fire Department under the able direction of Chief Levy was exemplified by the expert manner in which it recently evacuated all of the elderly residents from the twelve-story Georgia Bell Dickinson Apartments, expeditiously extinguished the fire without loss of life or serious injury, and afterward humbly knelt to thank God for His assistance, and

WHEREAS, the citizens of Tallahassee respect and appreciate their Fire Department for its ability to arrive at the scene of a fire with care and utmost speed, its skill in extinguishing a blaze with minimum damage and disturbance to other areas, its customary precaution of returning to the premises to determine if it is secure, and the many acts of human kindness performed by Chief Levy and his staff that create a calming influence on those unfortunate ones who experience the tragedy of watching their life's possessions being consumed by flames, and

WHEREAS, the Tallahassee Fire Department, composed of meticulously selected personnel, expertly trained, and instilled with pride and compassion by Chief Levy who is totally dedicated to constant improving and upgrading of fire-fighting tech-

niques, inspections, and training programs, has made the Department probably the most superb service agency in the area and has set an example for all Florida fire departments, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Tallahassee Fire Department and its chief, William Earl Levy, Sr., are hereby commended for their efficiency in fire prevention and control which has helped earn the City of Tallahassee an overall Class 2 insurance rating from the Insurance Services Office, a rating to be emulated by every city of this state.

BE IT FURTHER RESOLVED that copies of this resolution, signed by the President of the Senate and duly attested by the Secretary, be transmitted to the Tallahassee Fire Department and to its chief, William Earl Levy, Sr., as tangible tokens of the gratitude and respect of the Florida Senate.

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

On motion by Senator Brantley, by two-thirds vote SR 1190 was withdrawn from the Committee on Rules and Calendar and placed on the calendar and, by unanimous consent, taken up out of order.

On motion by Senator Brantley, by two-thirds vote SR 1190 was read the second time in full and adopted. The vote on adoption was:

Yeas—40

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

Nays—None

On motion by Senator P. Thomas, SR 1190 was ordered spread upon the Journal.

Senators Brantley, D. Childers, W. D. Childers, Deeb, Dunn, Firestone, Gallen, Glisson, Gordon, Graham, Hair, Henderson, Holloway, Johnston, D. Lane, J. Lane, Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Saunders, Sayler, Scarborough, Sims, Spicola, Stolzenburg, J. Thomas, Tobiassen, Trask, Vogt, Ware, Wilson, Winn and Zinkil were recorded as co-introducers of SR 1190.

EXECUTIVE BUSINESS—Appointments Subject to Confirmation by the Senate

The Secretary of State on April 6, 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:

Karick A. Price, Orlando; Member, Citrus Commission, District Four, for term ending May 31, 1978

W. F. Edwards, Dade City; Member, Citrus Commission, State at Large, for term ending May 31, 1978

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

Louie L. Wainwright, Tallahassee; Secretary, Department of Offender Rehabilitation, for term ending Pleasure of Governor

—which was referred to the Committee on Judiciary-Criminal which will report to the Select Committee on Executive Suspensions.

Joseph W. Landers, Jr., Tallahassee; Secretary, Department of Environmental Regulation for term ending Pleasure of Governor

- Beverley P. Freeman, Maitland; Member, Board of Trustees, Seminole Junior College for term ending May 31, 1979
- James Y. Wilson, Lake City; Member, Board of Trustees, Lake City Community College for term ending May 31, 1979
- Jack C. Betz, Sarasota; Member, Environmental Regulation Commission for term ending July 1, 1979
- Mark D. Hollis, Lakeland; Member, Environmental Regulation Commission for term ending July 1, 1977
- Susan Uhl Wilson, Miami; Member, Environmental Regulation Commission for term ending July 1, 1977
- Terry McDavid, Lake City; Member, Environmental Regulation Commission for term ending July 1, 1979
- Philip O. Lichtblau, West Palm Beach; Member, Board of Trustees, Palm Beach Junior College for term ending May 31, 1977
- Standish L. Crews, Vero Beach; Member, Board of Trustees, Indian River Community College for term ending May 31, 1979
- James R. Smith, Orlando; Member, Board of Trustees, Valencia Community College for term ending May 31, 1979
- Shelby L. Walters, Cantonment; Member, Board of Trustees, Pensacola Junior College for term ending May 31, 1979
- James Wendell Agee, Sanford; Member, Board of Trustees, Seminole Junior College for term ending May 31, 1979
- John Robert Middlemas, Panama City; Member, Environmental Regulation Commission for term ending July 1, 1977
- T. W. Smith, Panama City; Member, Board of Trustees, Gulf Coast Community College for term ending May 31, 1979
- W. D. Frederick, Jr., Orlando; Member, Environmental Regulation Commission for term ending July 1, 1979
- John H. Payne, Fort Lauderdale; Member, Board of Trustees, Broward Community College for term ending May 31, 1979
- Helen V. Lawler, Key Colony Beach; Member, Board of Trustees, Florida Keys Community College for term ending May 31, 1979
- Charlotte F. Hubbard, Dunedin; Member, Commission on Ethics for term ending July 1, 1977
- Don L. Asher, Orlando; Member, Commission on Ethics for term ending July 1, 1976
- E. Harris Drew, Tallahassee; Member, Commission on Ethics for term ending July 1, 1977
- Benjamin Pete, Greenwood; Member, Board of Trustees, Chipola Junior College for term ending May 31, 1979
- Carl Simmons, Wauchula; Member, Peace River Basin Water Management District, Southwest Florida Water Management District for term ending June 30, 1978
- James W. Ringo, Immokalee; Member, Ridge and Lower Gulf Coast Water Management District for term ending July 1, 1979
- Robert H. Levison, Clearwater; Member of the Pinellas County Transportation Authority for term ending Pleasure of Governor
- Jack P. Brandon, Lake Wales; Member, Ridge and Lower Gulf Coast Water Management District for term ending July 1, 1979
- Laurel J. Chadwick, Tierra Verde; Member, Board of Examiners, Nursing Home Administrators for term ending July 7, 1976
- J. T. Griffin, Jr., Pensacola; Member, Board of Trustees, Pensacola Junior College for term ending May 31, 1979
- Peggy Friedmann, Jacksonville; Member, Board of Trustees, Florida Junior College at Jacksonville for term ending May 31, 1979
- Donald T. Martin, Jacksonville; Member, Board of Trustees, Florida Junior College at Jacksonville for term ending May 31, 1979
- Harriett M. Wilson, Tallahassee; Member, Board of Trustees, Tallahassee Community College for term ending May 31, 1979
- George A. Brown, Lake Mary; Member, St. Johns River Water Management District for term ending July 1, 1979
- Minnie A. Viti, Clermont; Member, South Lake County Hospital District, Board of Trustees for term ending July 5, 1979
- Sarah P. Sova, Callahan; Member, Board of Trustees, Florida Junior College at Jacksonville for term ending May 31, 1979
- Jasper Newton Joiner, Gainesville; Member, St. Johns River Water Management District for term ending July 1, 1979
- Robert W. Pickens, Crescent City; Member, Board of Trustees of the St. Johns River Junior College for term ending May 31, 1979
- Augusta T. Barclay, Greenville; Member, Board of Trustees, North Florida Junior College for term ending May 31, 1979
- Pamela P. Manley, Monticello; Member, Board of Trustees, North Florida Junior College for term ending May 31, 1979
- Marjorie P. Sangoree, Chipley; Member, Board of Trustees, Chipola Junior College for term ending May 31, 1979
- Robert Martinez, Tampa; Member, Governing Board, Southwest Florida Water Management District for term ending July 1, 1976
- Sandra C. Harris, Sebring; Member, Board of Trustees, South Florida Junior College for term ending May 31, 1979
- William J. Page, Jr., Tallahassee; Secretary, Department of Health and Rehabilitative Services, for term ending Pleasure of Governor
- W. Richard Johnston, St. Petersburg; Member, Board of Trustees, St. Petersburg Junior College for term ending May 31, 1979
- Edward A. Bandjough, Wewahatchka; Member, Board of Trustees, Gulf Coast Community College for term ending May 31, 1979
- Warren T. Jarvis, Perry; Member, Board of Trustees, North Florida Junior College for term ending May 31, 1979
- John Phillip Dicks, Jr., Reddick; Member, St. Johns River Water Management District for term ending July 1, 1979
- Mary A. Kumpe, Sarasota; Member, Ridge and Lower Gulf Coast Water Management District for term ending July 1, 1977
- Norbert E. Touchette, Miami; Member, Board of Examiners, Nursing Home Administrators for term ending June 2, 1976
- Reina Cohn Pollack, Clearwater; Member, Board of Trustees, St. Petersburg Junior College for term ending May 31, 1979
- Jimmy R. Peacock, Clermont; Member, Board of Trustees of the Lake-Sumter Community College for term ending May 31, 1979
- Edythe H. Martin, Wildwood; Member, Board of Trustees, Lake Sumter Community College for term ending May 31, 1978
- Jody Tharp Hendry, Fort Myers; Member, Board of Trustees, Edison Community College for term ending May 31, 1979
- M. Kennedy, Gulf Breeze; Member, Board of Trustees, Pensacola Junior College for term ending May 31, 1979
- Ronald E. Frazier, Miami; Member, Florida Board of Building Codes and Standards, for term ending August 11, 1979
- Sonny Wright, Miami; Member, Environmental Regulation Commission for term ending July 1, 1979
- H. S. Moody, Bradenton; Member, Board of Trustees, Manatee Junior College for term ending May 31, 1979
- Patty M. Thomas, Palmetto; Member, Board of Trustees, Manatee Junior College for term ending May 31, 1979
- N. William Ritz, Ocala; Member, Board of Trustees, Central Florida Community College for term ending May 31, 1979
- Violet M. Llanaeza, Tampa; Member, State Board of Cosmetology, District Four for term ending June 27, 1976
- Gary J. Coe, Westville; Member, Board of Trustees, Chipola Junior College for term ending May 31, 1977

Betty W. McNabb, Panama City; Member, State Board of Independent Post-Secondary, Vocational, Technical, Trade and Business Schools for term ending July 1, 1978

Wayne L. Cobb, New Port Richey; Member, Board of Trustees, Pasco-Hernando Community College for term ending May 31, 1979

Mrs. Lois (Jack) Linville, Zephyrhills; Member, Board of Trustees, Pasco-Hernando Community College for term ending May 31, 1979

C. H. Barton, Bonifay; Member, Board of Trustees, Chipola Junior College for term ending May 31, 1979

Frank Caldwell, Tallahassee; Member, Northwest Florida Water Management District for term ending July 1, 1979

Louis J. Atkins, Blountstown; Member, Northwest Florida Water Management District for term ending July 1, 1979

Henry Lane, Pensacola; Member, Northwest Florida Water Management District for term ending July 1, 1979

Claude O. Godwin, Titusville; Member, Governing Board of the Central and Southern Florida Flood Control District for term ending July 12, 1979

Don Schloesser, Tavernier; Member, Ridge and Lower Gulf Coast Water Management District for term ending July 1, 1977

Delores M. Vander-Meer, Clermont; Member, South Lake County Hospital District Board of Trustees for term ending July 5, 1979

Sheldon Jules Schlessinger, Hollywood; Member, Board of Trustees, Broward Community College for term ending May 31, 1979

C. T. Ayers, Gainesville; Member, Board of Trustees, Santa Fe Community College for term ending May 31, 1979

James Farquhar, Fort Lauderdale; Member, State Board of Independent Colleges and Universities for term ending August 31, 1978

James Michael Braddock, Deland; Member, St. Johns River Water Management District for term ending July 1, 1977

William H. Hampton, Jr., Inverness; Member, Crystal River-Homosassa River Basin Board for term ending June 30, 1978

Ida C. Morgan, Fort Pierce; Member, Board of Trustees, Indian River Community College for term ending May 31, 1979

John D. Bailey, St. Augustine; Member, Historic St. Augustine Preservation Board for term ending August 31, 1979

Guy Andrews, Starke; Member, Board of Trustees, Santa Fe Community College for term ending May 31, 1979

Latimer H. Turner, Sarasota; Member, Ridge and Lower Gulf Coast Water Management District for term ending July 1, 1977

W. J. Scarborough, Lake Placid; Member, Governing Board, Central and Southern Florida Flood Control District for term ending July 1, 1979

Cleo S. Higgins, Daytona Beach; Member, State Board of Independent Colleges and Universities for term ending August 24, 1978

Beverly B. Burnsed, Lakeland; Member, Board of Trustees, Polk Community College for term ending May 31, 1979

R. Hardy Matheson, Miami; Member, Governing Board of the Central Florida Flood Control District for term ending July 12, 1979

Stanley W. Hole, Naples; Member, Ridge and Lower Gulf Coast Water Management District for term ending July 1, 1979

Nanette Roadman Smith, Center Hill; Member, Board of Trustees, Lake-Sumter Community College for term ending May 31, 1979

Ben Shepard, Hialeah; Member, Governing Board of the Central and Southern Florida Flood Control District for term ending July 1, 1979

Guy N. Cromwell, Stuart; Member, Board of Trustees, Indian River Community College for term ending May 31, 1979

John W. Lee, Dover; Member, Alafia River Basin Water Management Board of the Southwest Florida Water Management District for term ending June 30, 1977

Isaac May Sulzbacher, Jacksonville; Member, Jacksonville Transportation Authority, Duval County, for term ending June 1, 1979

Eugene F. Shaw, Orange Park; Member, St. Johns River Water Management District for term ending July 1, 1979

W. O. McQuaig, Montverde; Member, South Lake County Hospital District Board of Trustees for term ending July 5, 1979

Bill Cockcroft, Groveland; Member, South Lake County Hospital District Board of Trustees for term ending July 5, 1977

Edward I. Cutler, Tampa; Commissioner for the Promotion of Uniformity of Legislation for term ending June 5, 1979

Donald H. Reed, Jr., Boca Raton; Member, Commission on Ethics for term ending July 1, 1977

Emory Gay Hobbs, Panama City; Harbor Master, Port of Panama City, Bay County for term ending July 1, 1977

Blake Whisenant, Parrish; Member, Ridge and Lower Gulf Coast Water Management District for term ending July 1, 1977

Richard T. Gaines, Daytona Beach; Member, Ponce De Leon Port Authority, Volusia County for term ending February 1, 1979

Merrill E. Grafton, Winter Park; Member, Board of Trustees, Polk Community College for term ending May 31, 1979

James G. Ward, Fort Walton Beach; Member, Northwest Florida Water Management District for term ending July 1, 1979

John M. DeGrove, Boca Raton; Member, Governing Board of the Central and Southern Florida Flood Control District for term ending July 1, 1979

Gerald W. Springstead, Brooksville; Member, Board of Trustees, Pasco-Hernando Community College for term ending May 31, 1979

Millard V. Coggshall, Minneola; Member, South Lake County Hospital District Board of Trustees for term ending July 5, 1977

Maria C. Hernandez, Miami; Member, Board of Trustees, Miami Dade Community College for term ending May 31, 1979

Clausson P. Lexow, Hollywood; Member, State Board of Independent Post-Secondary Vocational, Technical, Trade and Business Schools for term ending July 1, 1978

Maurice L. Plummer, Fort Myers; Member, Ridge and Lower Gulf Coast Water Management District for term ending July 1, 1979

W. J. Carlton, Cross City; Member, Suwannee River Water Management District for term ending July 1, 1979

Theodore Scott Jordan, Holder; Member, Board of Trustees, Central Florida Community College for term ending May 31, 1977

Donald L. Browning, Madison; Member, Suwannee River Water Management District for term ending July 1, 1979

Marie Nickels, Miami; Member, Florida State Fair Authority for term ending July 1, 1979

William H. Higgins, Lake City; Member, Board of Trustees, Lake City Community College for term ending May 31, 1978

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

Ray E. Howard, Tallahassee; Member, Parole and Probation Commission for term ending October 7, 1981

—which was referred to the Committee on Judiciary-Criminal which will report to the Select Committee on Executive Suspensions.

A. L. Nabors, Shalimar; Member, Board of Trustees, Okaloosa-Walton Junior College for term ending May 31, 1979

Susann F. Anstead, West Palm Beach; Member, Board of Trustees, Palm Beach Junior College for term ending May 31, 1979

Elinor Amy Wilkov, Hollywood; Member, Board of Trustees, Broward Community College for term ending May 31, 1978

B. W. Helvenston, III, Live Oak; Member, Suwannee River Water Management District for term ending July 1, 1979

Jerome Johns, Starke; Member, Suwannee River Water Management District for term ending July 1, 1979

George A. Michael, West Palm Beach; Member, Board of Trustees, Palm Beach Junior College for term ending May 31, 1979

Howard Jay Friedman, Tallahassee; Member, State Retirement Commission for term ending December 31, 1977

William D. Pawley, Miami; Member, Board of Trustees, Miami-Dade Community College for term ending May 31, 1979

Hilda S. Kressman, Trenton; Member, Suwannee River Water Management District for term ending July 1, 1979

George Alan Whidby, Milton; Member, Northwest Florida Water Management District for term ending July 1, 1979

Ann S. Combs, Macclenny; Member, Board of Trustees, Lake City Community College for term ending May 31, 1979

Martin Hochman, Miami; Member, State Board of Independent Post-Secondary Vocational, Technical, Trade and Business Schools for term ending July 1, 1978

Elliot J. Winograd, North Miami Beach; Member, State Retirement Commission for term ending December 31, 1979

Joshua M. Morse, Tallahassee; Commissioner, Promotion of Uniformity of legislation for term ending June 5, 1979

Frank X. Friedman, Jr., Jacksonville; Member, St. Johns River Water Management District for term ending July 1, 1977

Joseph F. Pulte, North Fort Myers; Member, Ridge and Lower Gulf Coast Water Management District for term ending July 1, 1979

Perry C. Harvey, Jr., Tampa; Member, State Retirement Commission for term ending December 31, 1978

Grayce Williamson, Jacksonville; Member, State Board of Independent Post-Secondary Vocational Technical, Trade and Business Schools for term ending July 1, 1977

James B. Hall, South Daytona; Member, Ponce de Leon Port Authority, Volusia County for term ending February 1, 1979

Edna S. Tait, Tallahassee; Member, State Retirement Commission for term ending December 31, 1977

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

Albin P. Crutchfield, Vero Beach; Member, Florida Citrus Commission for term ending May 31, 1978

George G. McClure, Apopka; Member, Florida Citrus Commission for term ending May 31, 1978

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

John F. Tingle, Bradenton; Member, State Retirement Commission for term ending December 31, 1978

Martha Virginia McKown, Avon Park; Member, State Board of Cosmetology, District One for term ending June 27, 1979

Nancy T. Ford, Tampa; Member, State Retirement Commission for term ending December 31, 1979

Lewis H. Homer, Clearwater; Member, Governing Board of the Southwest Florida Water Management District for term ending July 1, 1978

Leonard F. Hays, Jr., New Smyrna Beach; Member, Ponce De Leon Port Authority, Volusia County for term ending February 1, 1979

Kenneth O. Gangel, Miami; Member, State Board of Independent Colleges and Universities for term ending August 25, 1977

Joseph H. Stafford, Tallahassee; Member, State Board of Independent Colleges and Universities for term ending August 17, 1977

John R. Smith, Jr., Jacksonville; Member, State Retirement Commission for term ending December 31, 1979

Harold Roberts, Clermont; Member, South Lake County Hospital District Board of Trustees for term ending July 5, 1979

J. P. Hall, Jr., Green Cove Springs; Member, Career Service Commission for term ending November 22, 1978

Chet S. Tharpe, Tampa; Member, State Board of Building Codes and Standards for term ending February 7, 1977

T. Torrence, Daytona Beach; Member, Florida State Fair Authority for term ending July 1, 1979

Rose Mary W. Filipowicz, North Fort Myers; Member, Public Employees Relations Commission for term ending July 1, 1979

Mildred Louise Parrish, Madison; Member, Board of Trustees, North Florida Junior College for term ending May 31, 1977

John G. McKenney, Jr., Bunnell; Member, Board of Trustees, Daytona Beach Community College for term ending May 31, 1979

Richard B. Rosier, Daytona Beach; Member, Board of Trustees, Daytona Beach Community College for term ending May 31, 1979

Charles H. Martin, Odessa; Member, Northwest Hillsborough County Basin Water Management Board, Southwest Florida Water Management District for term ending June 30, 1978

Mary M. LeMire, Key West; Member, Historic Key West Preservation Board of Trustees for term ending October 17, 1979

Melinda Josephine Blair, Key West; Member, Historic Key West Preservation Board of Trustees for term ending November 21, 1979

Arthur N. Schiro, Tampa; Member, Tampa Port Authority, Hillsborough County for term ending November 15, 1979

Jeanne M. Goddard, Ormond Beach; Member, Board of Trustees, Daytona Beach Community College for term ending May 31, 1979

Willie Max Clark, Crestview; Member, Board of Trustees, Okaloosa-Walton Junior College for term ending May 31, 1979

Daniel C. McCormic, Wildwood; Member, Board of Trustees, Lake-Sumter Community College for term ending May 31, 1979

Robert L. Mason, St. Augustine; Member, Board of Trustees, Florida School for the Deaf and the Blind for term ending November 7, 1979

John A. Dillard, Ocala; Member, Oklawaha River Basin Water Management Board of the Southwest Florida Water Management District for term ending June 30, 1978

Murray R. Grubbs, Brooksville; Member, Board of Trustees, Pasco-Hernando Community College for term ending May 31, 1977

Dorothy W. Glisson, Tallahassee; Secretary, Department of Professional and Occupational Regulation for term ending Pleasure of the Governor

Douglas B. Milne, Jacksonville; Member, Jacksonville Transportation Authority for term ending August 4, 1979

Robert E. Ramsdell, Orlando; Member, Board of Funeral Directors and Embalmers, District Three for term ending July 17, 1979

Suzanne E. Bayley, Gainesville; Member, St. Johns River Water Management District for term ending July 1, 1979

S. D. Andrews, Wildwood; Member, Board of the Sumter County Recreation and Water Conservation and Control Authority for term ending November 9, 1978

Glyn Faircloth, Leesburg; Member, Northwest Lake County Hospital District for term ending October 10, 1979

Harris Mullen, Tampa; Member, Historic Tampa/Hillsborough County Preservation Board of Trustees for term ending November 1, 1979

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

Maurice G. Crockett, Tallahassee; Member, Parole and Probation Commission for term ending January 30, 1982

—which was referred to the Committee on Judiciary-Criminal which will report to the Select Committee on Executive Suspensions.

W. Carey Johnson, Boca Grande; Harbor Master, Port of Boca Grande, Lee County for term ending November 21, 1977

Nancy Moody Rollyson, Plant City; Member, Historic Tampa/Hillsborough County Preservation Board of Trustees for term ending November 1, 1978

Betty Anne Staton, Orlando; Member, Board of Regents for term ending January 1, 1985.

Frank R. Hunt, Jr., Tampa; Member, Tampa-Hillsborough County Expressway Authority for term ending July 1, 1979

William R. McClelland, Plant City; Member, Historic Tampa/Hillsborough County Preservation Board of Trustees for term ending November 1, 1978

Stanton Gideons, Jr., Webster; Member, Board of the Sumter County Recreation and Water Conservation and Control Authority, District Five for term ending December 1, 1979

Curtis L. Mack, Tallahassee; Member, Public Employees Relations Commission for term ending July 1, 1978

Charles J. Cetti, Pensacola; Member, Historic Pensacola Preservation Board of Trustees for term ending September 13, 1979

Harry I. Tuttle, Pensacola; Member, Historic Pensacola Preservation Board of Trustees for term ending September 19, 1979

Ann G. Simmons, Temple Terrace; Member, Historic Tampa/Hillsborough County Preservation Board of Trustees for term ending November 1, 1978

Marguerite B. Randolph, Warrington; Member, Pensacola Preservation Board of Trustees for term ending September 13, 1979

Domenic J. Montaldi, New Port Richey; Member, Board of Examiners of Nursing Home Administrators for term ending January 22, 1980

James L. Ryals, Fort Ogden; Member, Peace River Basin Water Management Board of the Southwest Florida Water Management District for term ending June 30, 1977

M. Kalman Gitomer, Palm Beach; Member, Public Employees Relations Commission for term ending July 1, 1979

Patricia P. Waterman, Odessa; Member, Historic Tampa/Hillsborough County Preservation Board of Trustees for term ending November 1, 1977

Kennedy Cornelius Bullard, St. Augustine; Major General, Florida Army National Guard for term ending Pleasure of the Governor

Betty P. Parrish, Titusville; Member, Board of Trustees, Brevard Community College for term ending May 31, 1979

F. James Wylie, Jr., Cocoa; Member, Board of Trustees, Brevard Community College for term ending May 31, 1979

Roger L. Laney, Jr., Chipley; Member, Board of Trustees, Chipola Junior College for term ending May 31, 1979

Paul R. Brown, Fort Myers; Member of the Commission on Ethics for term ending July 1, 1977

Edmond Joseph Gong, Miami; Member of the Board of Business Regulation for term ending Pleasure of Governor

Jean Beem, Seffner; Brigadier General, Florida Army National Guard for term ending Pleasure of Governor

Anthony P. Pizzo, Tampa; Member of the Historic Tampa Hillsborough County Preservation Board of Trustees for term ending November 1, 1977

Sheila G. Spicola, Tampa; Member of the Historic Tampa Hillsborough County Preservation Board of Trustees for term ending November 1, 1978

George G. Matthews, Palm Beach; Member of the Everglades Recreational Planning Board for term ending Pleasure of Governor

Yetive B. Olson, Tampa; Member of the Historic Tampa/Hillsborough County Preservation Board of Trustees for term ending November 1, 1979

Frank M. Parham, Jr., Jacksonville; Brigadier General of the Florida Army National Guard for term ending Pleasure of the Governor

Elizabeth Morley Towers, Jacksonville; Member of the Historic St. Augustine Preservation Board for term ending August 24, 1979

Stephan P. Mickle, Gainesville; Member, Career Service Commission for term ending November 22, 1976

Byron S. Hollinshead, New Smyrna Beach; Member, Ponce De Leon Port Authority, Volusia County for term ending February 1, 1977

George Ritchie, Cocoa; Member, Board of Trustees, Brevard Community College for term ending May 31, 1979

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

Kenneth G. Oertel, Tallahassee; Director, Division of Administrative Hearings, appointed by Administration Commission, subject to confirmation by the Senate, pursuant to Section 120.65, Florida Statutes.

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

Senator Hair presiding

The President presiding

On motion by Senator W. D. Childers, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following bill out of order:

INTRODUCTION

By Senators W. D. Childers and Tobiassen—

SB 985—A bill to be entitled An act relating to the Escambia County School District; providing for the employment of the school superintendent by the school board; providing for two additional school board members-at-large; providing compensation for school board members; providing for nonpartisan elections of school board members; providing for a referendum; providing an effective date.

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

On motion by Senator W. D. Childers, by two-thirds vote SB 985 was withdrawn from the Committee on Rules and Calendar and placed on the calendar. By unanimous consent, SB 985 was taken up out of order and read the second time by title by two-thirds vote.

Senator W. D. Childers moved the following amendments which were adopted:

Amendment 1—On page 1, lines 15-29, and pages 2 through 6 strike everything after the enacting clause and insert: Section 1. When 50 percent of the student body of any school petitions the administrators of such school or the district school board for a change in the school nickname, the administrators or the district school board shall hold an election on the change of the school nickname within 1 week after receiving the petition. The ballot for the election shall include the present school nickname and the nickname proposed in the petition. The nickname which receives a majority of the votes cast shall be the school nickname. The student body of any new school established within the school district shall select the school nickname by a majority vote of such student body.

Section 2. This act, except for this section which shall take effect upon becoming a law, shall take effect only upon approval by a majority vote of the electors of the Escambia County School District voting in a referendum election which shall be called and held by the School Board of the Escambia County School District at a special election on June 8, 1976. The following question shall appear on the ballot: "Do you favor student body elections to select a school nickname?" There shall be at least 10 days' notice of the election. The election required by this section shall be paid for by the Escambia County School District, and the expenditure of funds for this purpose is a proper school district expense.

Amendment 2—On page 1, lines 5 through 10, strike "providing for the employment of the school superintendent by the school board; providing for two additional school board members-at-large; providing compensation for school board members; providing for nonpartisan elections of school board members;" and insert: providing for student election for school nickname;

On motion by Senator W. D. Childers, by two-thirds vote SB 985 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

| | | | |
|-----------------|-----------|-------------|------------|
| Mr. President | Henderson | Peterson | Thomas, J. |
| Brantley | Holloway | Poston | Thomas, P. |
| Childers, D. | Johnston | Renick | Tobiassen |
| Childers, W. D. | Lane, D. | Sayler | Trask |
| Deeb | Lane, J. | Scarborough | Vogt |
| Glisson | Lewis | Sims | |
| Hair | McClain | Spicola | |

Nays—10

| | | | |
|-----------|--------|----------|------|
| Dunn | Graham | Plante | Winn |
| Firestone | MacKay | Saunders | |
| Gordon | Myers | Wilson | |

Vote after roll call:

Yea—Gallen

On motion by Senator W. D. Childers, SB 985 was immediately certified to the House after engrossing.

SPECIAL ORDER

SB 422—A bill to be entitled An act relating to replevin; creating s. 78.068, Florida Statutes, providing for the issuance of a prejudgment writ of replevin upon a certain showing by the petitioner and the posting of a bond; providing that the defendant or petitioner may obtain release of property subject to such writ upon furnishing certain security; requiring such writ to be issued by a circuit or county court judge and permitting a defendant to obtain a dissolution of such writ upon a failure of the petitioner to make a certain showing; amending s. 78.20, Florida Statutes, providing for damages and attorney's fees; repealing s. 78.055(6), Florida Statutes, relating to temporary restraining order; repealing s. 78.069, Florida Statutes, relating to the issuance of a temporary restraining order against a defendant upon a certain showing by the plaintiff; repealing s. 78.073, Florida Statutes, relating to the issuance of writs of replevin upon a showing that the defendant will violate a restraining order; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator McClain and adopted:

Amendment 1—On page 2, lines 8 and 9, strike "it is shown" and insert: the court finds

The Committee on Judiciary-Civil offered the following amendment which was moved by Senator McClain and failed:

Amendment 2—On page 2, lines 14-15, strike "or that the defendant has failed to make payment as agreed." and insert: following the word action on line 14 (.) period

Senator McClain moved the following amendment which was adopted:

Amendment 3—On page 3, lines 5 and 6, strike "hearing according to rule provided by the Supreme Court." and insert: an immediate hearing.

On motion by Senator McClain, by two-thirds vote SB 422 as amended was read the third time by title.

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

Amendment 4—On page 3, line 2, strike "5" and insert: 10

On motion by Senator McClain, SB 422 as amended was read by title, passed and certified to the House after engrossing. The vote on passage was:

Yeas—37

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

Nays—None

Votes after roll call:

Yeas—Childers, W. D., Tobiassen and Renick

On motion by Senator McClain, the rules were waived and SB 422 was ordered immediately certified to the House after engrossing.

SB 277 was taken up, together with:

By the Committee on Judiciary-Civil and Senators Trask, W. D. Childers, Brantley and Graham—

CS for SB 277—A bill to be entitled An act relating to mobile homes; creating the "Florida Mobile Home Landlord and Tenant Act"; creating ss. 83.750-83.758, Florida Statutes; providing for the application of the act; providing definitions; providing for good faith performance of rental agreements; providing for the effect of unconscionable mobile home lot agreements; prohibiting or declaring unenforceable certain provisions in mobile home lot rental agreements; authorizing award of attorney's fees to mobile home owners in certain cases; providing for park owner's access to mobile homes only upon written consent; providing for reasonable access to lots; providing for the obligation of the mobile home owner and the mobile home park owner to maintain their premises; amending and renumbering s. 83.69, Florida Statutes, as s. 83.759; providing for the eviction of mobile home owners and residents with written notice; amending and renumbering s. 83.695, Florida Statutes, relating to mobile home leases, as s. 83.760; conforming language to the provisions of the act; repealing ss. 83.72 and 83.73, Florida Statutes, relating to civil remedy and injunctions, and creating s. 83.761, Florida Statutes; providing for civil remedy, venue, court costs, attorney's fees, and injunctions with respect to violation of part III of chapter 83; creating ss. 83.762 and 83.763, Florida Statutes; requiring mobile home park owners to make certain disclosures prior to any rental agreements with mobile home owners; providing defenses to an action for rent or possession with respect to mobile homes; amending and renumbering s. 83.70, Florida Statutes, as s. 83.764, and amending and renumbering s. 83.71, Florida Statutes, as s. 83.765; conforming language to the provisions of the act; designating ss. 83.750-83.765, Florida Statutes, as set forth herein, as part III of chapter 83, Florida Statutes, "Landlord and Tenant: Mobile Homes"; providing an effective date.

—which was read the first time by title and SB 277 was laid on the table.

On motions by Senator Trask, by two-thirds vote CS for SB 277 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Votes after roll call:

Yeas: Childers, W. D., and Tobiassen

SB 711—A bill to be entitled An act relating to industrial savings banks; amending s. 656.071(1), Florida Statutes; providing for the establishment of branch banks, the relocation of a parent or branch bank, and the merger of banks; providing an effective date.

—was read the second time by title. On motion by Senator Plante, by two-thirds vote SB 711 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

Dunn Lewis

Votes after roll call:

Nay to Yea—Dunn

Yea—Childers, W. D.

On motion by Senator Zinkil, 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—

HB 645 (cs)

HB 849

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Finance & Taxation and Representative Maxwell—

HB 645 (cs)—A bill to be entitled An act relating to mortgage lenders; providing for prompt payment of ad valorem taxes by those who collect escrow funds for such payment so as not to deprive the depositor of a lawfully available tax discount for prompt payment; providing that the mortgagee shall issue annually to the mortgagor a statement of the escrow account; providing an effective date.

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

By Representative Hutto—

HB 849—A bill to be entitled An act relating to civil actions for libel; amending ss. 770.01, 770.02, and 770.03, Florida Statutes, providing that notice be given precedent to an action or prosecution for libel or slander based upon publication by broadcast; providing that if a broadcast has been made in good faith and by honest mistake, a correction, apology, or retraction at a comparable time permits the plaintiff to recover only actual damages; providing for exception to the right of an owner, lessee, licensee, or operator to require submission of a written copy of any statement to be broadcast; providing an effective date.

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

On motion by Senator Zinkil, by two-thirds vote CS for HB 645 (cs) was withdrawn from the Committee on Commerce and placed on the calendar.

SB 10 was taken up and on motion by Senator Zinkil—

HB 645 (cs)—A bill to be entitled An act relating to mortgage lenders; providing for prompt payment of ad valorem taxes by those who collect escrow funds for such payment so as not to deprive the depositor of a lawfully available tax discount for prompt payment; providing that the mortgagee shall issue annually to the mortgagor a statement of the escrow account; providing an effective date.

—a companion measure was substituted therefor. On motion by Senator Zinkil, by two-thirds vote HB 645 (cs) was read the second time by title.

Senators Zinkil and Johnston offered the following amendment which was moved by Senator Zinkil and adopted:

Amendment 1—On page 1, line 25, strike "7" and insert: 15

On motion by Senator Zinkil, by two-thirds vote HB 645 (cs) as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SB 10 was laid on the table.

SB 70—A bill to be entitled An act relating to the Florida Uniform Traffic Control Law; amending s. 316.183(3), Florida Statutes; deleting the maximum speed limit for school buses in business or residential districts; providing an effective date.

—was read the second time by title.

Senator Sims moved the following amendments which were adopted:

Amendment 1—On page 1, lines 15-23, strike the word "limit" and all of lines 16 through and including line 23 and insert: *limits provided in subsection (2)(c) limit of 55 miles per hour on highways which form a part of the national interstate system or on any expressway or limited access 4 lane road or when involved in intercounty travel on highways outside of municipalities with respect to extra-curricular activities authorized by the school board, 40 miles per hour on highways outside of municipalities which are not a part of the national system of interstate highways, or 25 miles per hour in any business or residential district*

Amendment 2—On page 1 in title, lines 6-8, strike the words "deleting the maximum speed limit for school buses in business

or residential districts" and insert: prohibiting school buses from exceeding the maximum speed limits provided for vehicles over 8,000 pounds

On motion by Senator Sims, by two-thirds vote SB 70 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Senate Bills 97, 102 and 208 were taken up, together with:

By the Committee on Natural Resources and Conservation and Senators W. D. Childers, Spicola and Renick—

CS for SB's 97, 102 and 208—A bill to be entitled An act relating to fresh water fishing licenses and permits; adding s. 372.57(4)(e), Florida Statutes; providing an exemption for any state resident who is totally and permanently disabled; amending s. 372.573(2), Florida Statutes; exempting any state resident who is totally and permanently disabled from payment of a permit fee; providing an effective date.

—which was read the first time by title and Senate Bills 97, 102 and 208 were laid on the table.

Senators W. D. Childers, P. Thomas, Spicola, Dunn, Trask, Gordon, Brantley, Tobiasen and Peterson offered the following amendment which was moved by Senator W. D. Childers:

Amendment 1—On page 2, strike line 10 and insert: (4)(a) No license shall be required for residents of the state fishing with not more than three (3) poles or lines for non-commercial purposes in the county of his residence except on legally established fish management areas.

(4)(a) No license shall be required for any resident of the state who receives public assistance under any federal, state, or county welfare program when fishing with not more than three poles or lines for noncommercial purposes in the county of his residence, except on legally established fish management areas; provided, each such person, while fishing, shall possess documentation of his eligibility for such public assistance. The documentation shall be issued on an annual basis by the state or county welfare authority.

Amendment 1 was adopted by the following vote:

Yeas—21

Mr. President Gallen Renick Tobiasen
Brantley Glisson Saylor Trask
Childers, D. Gordon Scarborough Winn
Childers, W. D. Graham Spicola
Deeb McClain Thomas, J.
Dunn Peterson Thomas, P.

Nays—17

Firestone Lane, J. Saunders Wilson
Henderson Lewis Sims Zinkil
Holloway Myers Stolzenburg
Johnston Plante Vogt
Lane, D. Poston Ware

Votes after roll call:

Yea—Hair
Nay to yea—Holloway

Senator Gordon moved the following amendments which were adopted:

Amendment 2—On page 1, strike lines 15 and 16 and insert: Section 1. Paragraph (a) of subsection (4) of section 372.57, Florida Statutes, is amended, and a new paragraph (e) is added to said subsection to read:

Amendment 3—On page 1 in title, strike lines 5 through 6 and insert: amending s. 372.57(4)(a), Florida Statutes, and adding a new paragraph to said subsection; providing that no license is required for residents of the state fishing with not more than three poles or lines for noncommercial purposes; providing an exemption for any state

Senator W. D. Childers moved that the rules be waived and CS for SB's 97, 102 and 208 as amended be read the third time by title. The motion failed. The vote was:

Yeas—20

Mr. President Dunn Hair Thomas, J.
Brantley Gallen Holloway Thomas, P.
Childers, D. Glisson McClain Tobiasen
Childers, W. D. Gordon Peterson Trask
Deeb Graham Spicola Winn

Nays—20

Firestone Lewis Renick Stolzenburg
Henderson MacKay Saunders Vogt
Johnston Myers Saylor Ware
Lane, D. Plante Scarborough Wilson
Lane, J. Poston Sims Zinkil

The bill was ordered engrossed.

On motion by Senator J. Thomas, the rules were waived and by two-thirds vote HB 1356 was withdrawn from the Committee on Judiciary-Civil and placed on the calendar.

SB 121 was taken up and on motion by Senator J. Thomas—

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.

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

Senator J. Thomas moved the following amendment which was adopted:

Amendment 1—On page 1, strike all of lines 23 through 25 and insert: minority, unless the consent of the parent or parents of such a minor specifically object, in writing, shall not be necessary in order to the authorize such donation or and such penetration of skin tissue.

On motion by Senator J. Thomas, by two-thirds vote HB 1356 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—6

Childers, D. Henderson Stolzenburg Wilson
Dunn Johnston

Vote after roll call:

Yea—Peterson

SB 121 was laid on the table.

SB 122—A bill to be entitled An act relating to the Department of Professional and Occupational Regulation; to require the department to devise a plan for the staggered biennial renewal of licenses issued by boards and commissions within the department; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator J. Thomas and adopted:

Amendment 1—On page 1, line 14, strike “devise” and insert: implement

Amendment 2—On page 1, lines 16, 17 and 18, strike “and shall submit the plan” on line 16 and strike all of lines 17 and 18 and insert a period after “department”.

Amendment 3—On page 1, line 19, strike “1976” and insert: 1977

Amendment 4—On page 1, line 6 in title, strike “devise” and insert: implement

On motion by Senator J. Thomas, by two-thirds vote SB 122 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

SB 148—A bill to be entitled An act relating to juveniles; amending s. 39.03(6)(a), Florida Statutes; authorizing the photograph of a child taken into custody upon probable cause that he has committed a criminal act to be shown to any victim or witness of a crime for the purpose of identifying the person who committed such crime; providing an effective date.

—was read the second time by title. On motion by Senator Deeb, by two-thirds vote SB 148 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Gordon

On motion by Senator Myers, by two-thirds vote SB 959 was withdrawn from the Committee on Governmental Operations.

SB 200—A bill to be entitled An act relating to weapons and firearms; amending ss. 790.16, 790.161, Florida Statutes; distinguishing the crime of discharging a machine gun from the crime of making, discharging, or attempting to discharge

a destructive device; increasing the penalties for making, discharging, or attempting to discharge a destructive device resulting in death, bodily harm, property damage, or disruption of governmental operations, commerce, or the private affairs of another person; providing an effective date.

—was read the second time by title.

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

Amendment 1—On pages 2 and 3, strike all of lines 17 through 31 on page 2 and all of lines 1 through 18 on page 3 and insert: 790.161 Making, possessing, throwing, placing or discharging any destructive device or attempt so to do, felony; penalties.—A person who makes, possesses, ~~It is unlawful for any person to throws, throw, places, place, discharges discharge, or attempts attempt~~ to discharge any destructive device, as defined herein, with intent to do bodily harm to any person or with intent to do damage to property; ~~and any person convicted thereof~~

(1) Shall be guilty of a felony of the second degree, punishable as provided in s. 775.082 or s. 775.084. ~~and punished in the following manner.~~

(2) If the act results in a disruption of governmental operations, commerce, or the private affairs of another person, shall be guilty of a felony of the second degree, punishable as provided in s. 775.082 or s. 775.084, and the person shall be required to serve a term of imprisonment of not less than 5 calendar years before becoming eligible for parole.

(3) If the act results in bodily harm to another person or in property damage, shall be guilty of a felony of the first degree, punishable as provided in s. 775.082 or s. 775.084, and the person shall be required to serve a term of imprisonment of not less than 10 calendar years before becoming eligible for parole.

(4) If the act results in the death of another person, shall be guilty of a capital felony.

Amendment 2—On page 1 in title, strike all of lines 8-10 and insert: throwing, placing, possessing, discharging, or attempting to discharge a destructive device; providing penalties for making, throwing, placing, possessing, discharging, or attempting to

On motion by Senator Renick, by two-thirds vote SB 200 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Votes after roll call:

Yeas—Childers, W. D., Trask and Wilson.

Explanation of vote

While I am opposed to the death penalty, I voted for the bill in order to increase the other penalties in the bill.

Jack D. Gordon, 35th District

SB 221—A bill to be entitled An act relating to nonpublic colleges; amending s. 246.021(1)(a), (c), (h), Florida Statutes; changing certain definitions relating to colleges excluded from licensing and regulation requirements; amending s. 246.051, Florida Statutes; providing minimum educational standards for the licensing of colleges and agents; amending s. 246.091, Florida Statutes; providing certain requirements for licensed colleges which seek to expand their educational pro-

gram and degrees to be conferred and prior to the discontinuance of operation; creating s. 246.095, Florida Statutes; requiring the disclosure of certain information to prospective students as a condition of the issuance and renewal of licenses; requiring that a sworn statement of compliance be made to the State Board of Independent Colleges and Universities; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote SB 221 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—3

| | | |
|--------|--------|--------|
| Gallen | Plante | Wilson |
|--------|--------|--------|

Vote after roll call:

Yea—Childers, W. D.

SM 234—A memorial to the Congress of the United States making application to the Congress to call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions thereto.

—was read the second time in full. On motion by Senator Ware, SM 234 was adopted and certified to the House. The vote on adoption was:

Yeas—31

| | | | |
|-----------------|-----------|-------------|------------|
| Mr. President | Hair | McClain | Thomas, J. |
| Brantley | Henderson | Poston | Thomas, P. |
| Childers, D. | Holloway | Renick | Tobiassen |
| Childers, W. D. | Johnston | Sayler | Trask |
| Deeb | Lane, D. | Scarborough | Vogt |
| Dunn | Lane, J. | Sims | Ware |
| Gallen | Lewis | Spicola | Wilson |
| Glisson | MacKay | Stolzenburg | |

Nays—6

| | | | |
|-----------|--------|----------|--------|
| Firestone | Graham | Peterson | Plante |
| Gordon | Myers | | |

Consideration of SB 248 was deferred.

SB 255—A bill to be entitled An act relating to county boundaries; amending ss. 7.10 and 7.16, Florida Statutes, defining the boundaries of Clay and Duval Counties; providing an effective date.

—was read the second time by title. On motion by Senator Scarborough, by two-thirds vote SB 255 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

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|---------------|-----------|-------------|-------------|
| Mr. President | Hair | McClain | Spicola |
| Childers, D. | Henderson | Myers | Stolzenburg |
| Deeb | Holloway | Peterson | Thomas, J. |
| Dunn | Johnston | Poston | Trask |
| Firestone | Lane, D. | Renick | Vogt |
| Gallen | Lane, J. | Sayler | Wilson |
| Glisson | Lewis | Scarborough | |

Nays—None

Votes after roll call:

Yeas—Brantley, Childers, W. D., Sims, Tobiassen

SB 258—A bill to be entitled An act relating to state or county officers; creating s. 116.015, Florida Statutes; providing such public officer shall not be held personally liable for the unknown receipt of counterfeit currency; providing for discharging such loss; providing an effective date.

—was read the second time by title. On motion by Senator Vogt, by two-thirds vote SB 258 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Brantley, Childers, W. D., Tobiassen

Consideration of SB 259 was deferred.

Senator Plante presiding

Consideration of SJR 266 was deferred.

SB 301—A bill to be entitled An act relating to collective bargaining; adding s. 447.203(3)(e), (f), Florida Statutes, to except persons employed with the Legislature and persons who are prison inmates from the definition of “public employee”; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote SB 301 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 290—A bill to be entitled An act relating to the Florida Uniform Traffic Control Law; adding s. 316.008(1)(u), Florida Statutes; providing that a local governing authority may enact ordinances and erect signs which control, regulate or prohibit hitchhiking on any street or highway within its boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Trask, by two-thirds vote SB 290 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

| | | | |
|-------------|------------|-------|--------|
| Sayler | Thomas, J. | Trask | Wilson |
| Spicola | Thomas, P. | Vogt | Winn |
| Stolzenburg | Tobiassen | Ware | Zinkil |

University System and at least one student shall be pursuing an undergraduate degree."

Senator P. Thomas moved the following amendment:

Amendment 5—On page 1, lines 22-25, strike "three of whom shall be registered as full-time students in the State University System and at least one student shall be pursuing an undergraduate degree" and insert: two of whom shall be registered as full time students in the state university system one of whom shall be a full-time initial graduate or post baccalaureate professional student and one of whom shall be a full-time initial undergraduate student,

Senator McClain moved the following Amendment to Amendment 5 which failed:

Amendment 5A—On page 1 of amendment 5, strike line 7, 8, and 9 and insert: one of whom shall be a full time faculty member in the state university system.

Amendment 5 was adopted.

Senator J. Lane moved the following amendment which failed:

Amendment 6—On page 1, line 22, strike "three of whom" and insert: plus two non-voting members who

The vote was:

Yeas—11

| | | | |
|--------------|----------|-------------|------|
| Childers, D. | Lane, D. | Scarborough | Vogt |
| Deeb | Lane, J. | Sims | Ware |
| Johnston | McClain | Stolzenburg | |

Nays—27

| | | | |
|-----------------|-----------|------------|------------|
| Mr. President | Gordon | Myers | Thomas, P. |
| Brantley | Graham | Peterson | Tobiassen |
| Childers, W. D. | Hair | Plante | Trask |
| Dunn | Henderson | Poston | Wilson |
| Firestone | Holloway | Renick | Winn |
| Gallen | Lewis | Spicola | Zinkil |
| Glisson | MacKay | Thomas, J. | |

Senators Lewis, Dunn, Sayler, Peterson, Scarborough, and Deeb offered the following amendment which was moved by Senator Lewis and adopted:

Amendment 7—On page 2, line 1, strike "9" and insert: 5

On motion by Senator Brantley, time of adjournment was extended until final consideration of SB 259.

On motion by Senator Brantley, the rules were waived and the Committee on Commerce was granted permission to consider SB 212 at the meeting April 29.

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

MOTIONS RELATING TO COMMITTEE REFERENCE

Senator Poston moved that the Senate reconsider the vote by which SB 23 was referred to the Committee on Commerce.

Following inquiry, the President stated that Senator Poston's motion was to reconsider a collateral matter and quoted Rule 6.7: ". . . a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the Senate has passed to other business".

The motion by Senator Poston was adopted and the Senate reconsidered the vote by which SB 23 was referred to the Committee on Commerce. The bill was placed on the calendar.

The Senate resumed consideration of—

SB 259—A bill to be entitled An act relating to the Board of Regents; amending s. 240.011(1), Florida Statutes; increas-

Nays—2

Gordon Myers

Vote after roll call:

Yea—Sims

SB 259—A bill to be entitled An act relating to the Board of Regents; amending s. 240.011(1), Florida Statutes; increasing the membership of the board to include three full-time students in the State University System; providing for appointment and term of office of each student member; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator Gordon and adopted:

Amendment 1—On page 2, lines 13-29, strike " provided, however, the" on line 13 and all of lines 14-29 and insert: a period (.).

Senator J. Lane moved the following amendment:

Amendment 2—On page 1, line 18, strike "12" and insert: 9

Senator P. Thomas moved the following substitute amendment:

Amendment 3—On page 1, line 18, strike "12" and insert: 11

Senators Lewis and Sayler offered the following amendment to Amendment 3 which was moved by Senator Lewis:

Amendment 3a—On page 1 of amendment 3, line 2, strike "11" and insert: 10

Amendment 3a failed. The vote was:

Yeas—12

| | | | |
|--------------|----------|----------|-------------|
| Barron | Dunn | Lewis | Sims |
| Childers, D. | Johnston | Peterson | Stolzenburg |
| Deeb | Lane, D. | Sayler | Vogt |

Nays—26

| | | | |
|-----------------|-----------|-------------|--------|
| Brantley | Hair | Poston | Trask |
| Childers, W. D. | Henderson | Renick | Ware |
| Firestone | Lane, J. | Scarborough | Wilson |
| Gallen | MacKay | Spicola | Winn |
| Glisson | McClain | Thomas, J. | Zinkil |
| Gordon | Myers | Thomas, P. | |
| Graham | Plante | Tobiassen | |

Amendment 3 was adopted by the following vote:

Yeas—24

| | | | |
|-----------------|----------|-------------|------------|
| Barron | Glisson | Myers | Sims |
| Brantley | Gordon | Peterson | Thomas, J. |
| Childers, W. D. | Graham | Plante | Thomas, P. |
| Dunn | Hair | Poston | Trask |
| Firestone | Lane, D. | Renick | Vogt |
| Gallen | Lewis | Scarborough | Winn |

Nays—14

| | | | |
|--------------|----------|-------------|--------|
| Childers, D. | Lane, J. | Spicola | Wilson |
| Deeb | MacKay | Stolzenburg | Zinkil |
| Henderson | McClain | Tobiassen | |
| Johnston | Sayler | Ware | |

The President presiding

Senator Deeb moved the following amendment which failed:

Amendment 4—On page 1, lines 22-25, strike "Three of whom shall be registered as full-time students in the State

ing the membership of the board to include three full-time students in the State University System; providing for appointment and term of office of each student member; providing an effective date.

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

Amendment 8—On page 2, lines 8-9, strike “, and except as in this section otherwise provided; provided, however” and insert: *; provided, that the provisions of this subsection shall not affect the length of the term to which any member of the board was appointed prior to October 1, 1976; and provided further,*

Senator P. Thomas moved the following title amendment which was adopted:

Amendment 9—On page 1, line 7, strike “three”

Senator Lewis moved the following title amendments which were adopted:

Amendment 10—On page 1, line 9, after the semicolon insert: deleting obsolete language;

Amendment 11—On page 1, line 8, after the “;” insert: limiting the terms of future nonstudent members;

Senator Gordon moved that the rules be waived and SB 259 as amended be read the third time by title. The motion failed to receive the required two-thirds vote. The vote was:

Yeas—23

| | | | |
|-----------------|----------|------------|-----------|
| Mr. President | Glisson | Myers | Tobiassen |
| Brantley | Gordon | Peterson | Trask |
| Childers, W. D. | Graham | Plante | Wilson |
| Dunn | Hair | Poston | Winn |
| Firestone | Holloway | Thomas, J. | Zinkil |
| Gallen | MacKay | Thomas, P. | |

Nays—16

| | | | |
|--------------|----------|-------------|-------------|
| Childers, D. | Lane, D. | Renick | Spicola |
| Deeb | Lane, J. | Sayler | Stolzenburg |
| Henderson | Lewis | Scarborough | Vogt |
| Johnston | McClain | Sims | Ware |

The bill was ordered engrossed.

CO-INTRODUCERS RECORDED

Senator MacKay—SB 260; Senator Ware—SB 750; Senator Myers—SB 898; Senator Hair—SB 951; Senator Lewis—Senate Bills 5 and 11

Senator Holloway removed as co-introducer of SB 798

The Journal of April 27 was corrected and approved.

The Senate adjourned at 12:35 p.m. to convene at 8:30 a.m., April 29 and 30, 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 30, 1976.