

JOURNAL OF THE FLORIDA SENATE

Friday, April 30, 1976

The Senate was called to order by the president at 9:00 a.m.
A quorum present—38:

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

Excused: Senators Winn and Poston

Prayer by the Senate Chaplain:

A reading from the Old Testament promise to Israel in honor of a visitor from that country, suggested by Senators Gordon, Firestone and Myers and read with personal conviction:

"...And I will gather the remnant of my flock out of all countries whither I have driven them, and will bring them again to their folds: And they shall be fruitful and increase...

Behold the days come, saith the Lord that I will raise unto David a righteous branch, and a king shall reign and prosper, and shall execute judgement and justice in the earth...

In his days Judah shall be saved and Israel shall dwell safely: And this is the name whereby he shall be called, the Lord our righteousness...

Therefore, behold the days come, saith the Lord that they shall no more say, the Lord liveth which brought up the children of Israel out of the land of Egypt; but the Lord liveth which brought up and which led the seed of the House of Israel out of the north country, and from all countries whither I had driven them: And they shall dwell in their own land." Amen.

The President appointed Senators Firestone, Myers and Gordon to escort Mr. Joseph Sarid, a member of the Israeli Knesset, to the rostrum. Mr. Sarid addressed the Senate briefly.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Friday, April 30, 1976, at 9:00 a.m.:

SJR 266	SB 362	SB 318	SB 158
SB 259	SB 364	SB 235	SB 655
CS/SB 97, 102	SB 375	SB 175	SB 658
and 208	SB 440	SB 409	SB 700
SB 54	SB 470	SB 566	SM 714
SB 299	SM 478	SB 606	SB 849
SB 319	SB 578	SB 609	SB 865
SB 347	SB 283	SB 614	

Respectfully submitted,
Lew Brantley, Chairman

The Committee on Natural Resources and Conservation recommends the following pass: SB 553

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

The Committee on Judiciary-Criminal recommends the following pass: SB 314 with 2 amendments

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

The Committee on Governmental Operations recommends the following pass: SB 715 with 8 amendments

The Committee on Judiciary-Criminal recommends the following pass: SB 286

The bills contained in the foregoing reports were referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Commerce recommends the following pass: SB 740

The Committee on Governmental Operations recommends the following pass: SB 717 with 5 amendments

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

The Committee on Natural Resources and Conservation recommends the following pass: SB 820, SB 860 with 1 amendment

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

The Committee on Natural Resources and Conservation recommends the following pass: SCR 824 with 1 amendment

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

The Committee on Commerce recommends the following pass: SB 194, SB 709 with 1 amendment

The Committee on Governmental Operations recommends the following pass:

SB 366 with 1 amendment SB 583 with 3 amendments
SB 506

The Committee on Health and Rehabilitative Services recommends the following pass: SB 866 with 1 amendment

The Committee on Natural Resources and Conservation recommends the following pass: SB 540, SB 604

The Committee on Transportation recommends the following pass: SB 787

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

The Committee on Commerce recommends the following pass: SB 397 with 1 amendment

The Committee on Education recommends the following pass: SB 827 with 3 amendments

The Committee on Governmental Operations recommends the following pass:

SB 247 with 1 amendment SB 584
SB 481 with 1 amendment SB 694 with 4 amendments
SB 498 SB 725

The Committee on Health and Rehabilitative Services recommends the following pass: SB 742 with 2 amendments

The Committee on Judiciary-Criminal recommends the following pass:

SB 128 with 1 amendment SB 386 with 5 amendments
SB 192 SB 703
SB 276 SB 43
SB 310 SB 52
SB 568 SB 509

The Committee on Judiciary-Civil recommends the following pass: SB 761 with 2 amendments, HB 75

The Committee on Natural Resources and Conservation recommends the following pass: SB 611, SB 673

The Committee on Ways and Means recommends the following pass: SB 892 with 1 amendment

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

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 512

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 140

The Committee on Judiciary-Criminal recommends a Committee Substitute as recommended by the Committee on Health and Rehabilitative Services for the following: SB 53 with 3 amendments

The bills with Committee Substitutes attached 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 106

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

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 353, SB 354

The bills with Committee Substitutes attached were referred to Ways and Means Subcommittee C, under the original reference.

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 443

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

The Committee on Governmental Operations recommends the following not pass: SB 677

The Committee on Judiciary-Civil recommends the following not pass: SB 112

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

BILLS REFERRED TO SUBCOMMITTEE OR SELECT COMMITTEE

Senate Bills 206 and 536 were referred to a select subcommittee on Juvenile Legislation, composed of Senators MacKay, Dunn and Deeb, which will report to the Committee on Judiciary-Criminal within 10 days.

ENROLLING REPORT

SCR 896 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on April 29, 1976.

Joe Brown, Secretary

Senator Ware moved that Rule 4.6 be waived and a reviser's bill relating to administrative procedures be introduced. The motion was referred to the Committee on Rules and Calendar.

On motion by Senator Saylor, 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 Saylor, Ware and Deeb—

SB 1376—A bill to be entitled An act relating to Pinellas County; amending any proposed county charter to be offered to the electors of such county during the year 1976; providing that any conflicting provisions of such charter are superseded by this act; providing an effective date and referendum.

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

By unanimous consent, SB 1376 was taken up out of order and by two-thirds vote read the second time by title.

Senator Saylor moved the following amendment which was adopted:

Amendment 1—On page 1, line 26, following the period insert: The commissioners whose terms expire in 1978 shall receive compensation based upon general law until the expiration of their term.

On motion by Senator Saylor, by two-thirds vote SB 1376 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Tobiassen

On motion by Senator Saylor, the rules were waived and SB 1376 after being engrossed was ordered immediately certified to the House.

On motion by Senator Deeb, the rules were waived and by two-thirds vote SB 908 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

On motion by Senator Deeb, by unanimous consent—

SB 908—A bill to be entitled An act relating to Pinellas County; providing for repeal of chapter 57-501, Laws of Florida, relating to appointment of a county superintendent of public instruction; providing that the appointed superintendent shall serve until the superintendent is elected and qualifies; providing compensation; providing for a referendum.

—was taken up out of order and read the second time by title.

Senator Deeb moved the following amendments which were adopted:

Amendment 1—On pages 1 and 2, strike everything after the enacting clause and insert: Section 1. Chapter 57-501, Laws of Florida, is hereby repealed.

Section 2. The person currently holding the position of appointed superintendent of schools for the Pinellas County School District, unless replaced by the school board, shall continue to serve until the election and qualification of the superintendent of schools. Any person hereafter elected as superintendent of schools, or appointed to fill an unexpired portion of any term, shall receive the compensation provided in section 145.08, Florida Statutes.

Section 3. 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 Pinellas County voting in a referendum election which shall be called and held by

the School Board of Pinellas County, Florida, at the next county-wide election held in Pinellas County. There shall be at least 15 days' notice of the election by publication once a week for two consecutive weeks in a newspaper published within the county. If the election is not held at a regular primary election, the school board shall bear its proportionate cost of the election, and the expenditure of funds for this purpose is a proper school district expense.

Amendment 2—In title, strike all of lines 5 through and including line 10 and insert: for repeal of chapter 57-501, Laws of Florida, relating to appointment of a county superintendent of public instruction; providing that the appointed superintendent shall serve until the superintendent is elected and qualified; providing compensation; providing for a referendum.

On motion by Senator Deeb, by two-thirds vote SB 908 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—1

Gordon

Votes after roll call:

Yea—Tobiassen

Yea to Nay—Graham

On motion by Senator Deeb, the rules were waived and SB 908 after being engrossed was ordered immediately certified to the House.

On motion by Senator Gordon, by unanimous consent—

SB 892—A bill to be entitled An act making supplemental appropriations to the 1975 general appropriations act; providing additional moneys for the remainder of the annual period beginning July 1, 1975 and ending June 30, 1976, to pay salaries, other expenses, capital outlay - buildings and improvements, and for other specified purposes of the Department of Offender Rehabilitation which are in addition to those moneys appropriated in chapter 75-280, Laws of Florida; providing an effective date.

—was taken up out of order and read the second time by title.

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

Amendment 1—On page 1, line 16-27, strike all whereas clauses

On motion by Senator Gordon, by two-thirds vote SB 892 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—1

Wilson

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Spicola, the rules were waived and by two-thirds vote SB 480 was withdrawn from the Committees on Judiciary-Civil and Judiciary-Criminal and indefinitely postponed.

On motion by Senator Scarborough, the rules were waived and by two-thirds vote SB 879 was also referred to the Committee on Judiciary-Criminal.

On motion by Senator Deeb, the rules were waived and by two-thirds vote SB 85 was withdrawn from the Committees on Commerce and Governmental Operations and indefinitely postponed.

On motions by Senator Myers, the rules were waived and by two-thirds vote Senate Bills 296, 499, 623, 660, 732 and 857 were withdrawn from the Committee on Governmental Operations.

On motion by Senator Gallen, the rules were waived and by two-thirds vote SB 740 was withdrawn from the Committee on Judiciary-Civil and placed on the calendar.

On motion by Senator Lewis, the rules were waived and the Committee on Education was granted permission to meet in Room F upon adjournment this day to consider SB 799.

On motion by Senator Scarborough, the rules were waived and SB 255 was ordered immediately certified to the House.

REQUESTS FOR EXTENSION OF TIME

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

SB 543 by Senator MacKay

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

SB 454 by Senator Firestone, et al	SB 771 by Senator Henderson
SB 719 by Senator P. Thomas	SB 775 by Senator P. Thomas
SB 731 by Senator Renick	SB 779 by Senator Poston
SB 732 by Senator Graham	SB 780 by Senator MacKay
SB 734 by Senator Vogt	SB 781 by Senator J. Thomas
SB 737 by Senators Lewis and Sayler, et al	SB 782 by Senator Poston
SB 752 by Senators Sayler and Plante	SB 788 by Senator Myers
SB 763 by Senator Graham	SB 789 by Senator J. Lane
SB 769 by Senator McClain	SB 792 by Senator Myers
	SB 794 by Senator Vogt
	SB 798 by Senator Wilson

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

SB 718 by Senator Gordon	SB 767 by Senator Hair
SB 720 by Senator P. Thomas	SB 770 by Senator McClain
SB 735 by Senator Deeb	
SB 764 by Senator Scarborough	

The Special Master for Claims requests an extension of 15 days for consideration of the following:

SB 657 by Senator Saunders	SB 741 by Senator Henderson
SB 699 by Senator Spicola	SB 768 by Senator McClain
SB 733 by Senator Glisson	

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

SB 71 by Senator Deeb	SB 434 by Senator Poston
SB 108 by Senator Poston	SB 600 by Senator Renick
SB 150 by Senator Gallen	SB 661 by Senator McClain
SB 187 by Senator Peterson	SB 726 by Senator Lewis
SB 249 by Senator Poston	SB 765 by Senator McClain
SB 322 by Senator D. Lane	

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed in the office of the Secretary of State SB 24 which he had approved April 28.

The Secretary of State on April 28, 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:

Henry V. Haskins, Key West; Harbor Master, Port of Key West, Monroe County for term ending February 8, 1978

Lorin T. Bice, Haines City; Member of the Board of Trustees of the Polk Community College for term ending May 31, 1977

H. Quentin Duff, Hollywood; Member of the Florida State Fair Authority for term ending July 1, 1979

—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 failed to pass by the required Constitutional two-thirds vote of all Members of the House of Representatives present on April 28, 1976, SB 107.

The veto of the Governor was sustained.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all members present on April 28, 1976, the Governor's objections to the contrary notwithstanding, SB 440.

The Governor's objections attached thereto.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all members present on April 28, 1976, the Governor's objections to the contrary notwithstanding, CS for SB 251.

The Governor's objections attached thereto.

Allen Morris, Clerk

The bills contained in the above messages were transmitted to the Secretary of State.

SPECIAL ORDER

SJR 266—A joint resolution proposing an amendment to Article II of the State Constitution, adding section 8, prohibiting the number of state employees from exceeding one percent of the state population estimate.

—was read the second time.

Senator Vogt offered the following amendment:

Amendment 1—On page 1, strike all of lines 18 through 23 and insert: Section 8. State employees.—By July 1, 1978 and thereafter, the number of full-time salaried state employees, excluding officers elected by popular vote and persons appointed to fill such offices, shall not exceed one percent of the official estimate of the state population for the preceding year; and the number of part-time state employees shall not exceed ten percent of the full-time employees; but the governor, with the approval of three members of the cabinet, may be authorized by law to approve additional positions to meet emergencies for the duration of the emergency.

Senators Spicola, Dunn and Peterson offered the following amendment to Amendment 1 which was moved by Senator Spicola and failed:

Amendment 1a—On page 1, line 2, strike "salaried state employees" on line 2 and insert: state employment positions as defined by general law

Amendment 1 was adopted.

Senator Vogt moved the following amendments which were adopted:

Amendment 2—On page 1, lines 29-31, and on page 2, lines 1 and 2, strike all of lines 29 through 31, and all of lines 1 through 2 and insert: prohibit by July 1, 1978 and thereafter, the number of full-time salaried state employees, excluding officers elected by popular vote and persons appointed to fill such offices, from exceeding one percent of the official estimate of the state population for the preceding year; and prohibit the number of part-time state employees from exceeding ten percent of the full-time employees; but the governor, with the approval of three members of the cabinet, may be authorized by law to approve additional positions to meet emergencies for the duration of the emergency.

Amendment 3—In title, strike all of lines 6 through 8 and insert: section 8, prohibiting by July 1, 1978 and thereafter, the number of full-time salaried state employees from exceeding one percent of the state population estimate; prohibiting the number of part-time state employees from exceeding ten percent of the full-time employees.

On motion by Senator Vogt, by two-thirds vote SJR 266 as amended was read the third time in full as follows:

SJR 266—A joint resolution proposing an amendment to Article II of the State Constitution, adding section 8, prohibiting by July 1, 1978 and thereafter, the number of full-time salaried state employees from exceeding one percent of the state population estimate; prohibiting the number of part-time state employees from exceeding ten percent of the full-time employees.

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

That the following amendment to Article II of the State Constitution is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1976:

ARTICLE II

GENERAL PROVISIONS

SECTION 8. State employees.—By July 1, 1978 and thereafter, the number of full-time salaried state employees, excluding officers elected by popular vote and persons appointed to fill such offices, shall not exceed one percent of the official estimate of the state population for the preceding year; and the number of part-time state employees shall not exceed ten percent of the full-time employees; but the governor, with the approval of three members of the cabinet, may be authorized by law to approve additional positions to meet emergencies for the duration of the emergency.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE II

Proposing an amendment to the State Constitution to prohibit by July 1, 1978 and thereafter, the number of full-time salaried state employees, excluding officers elected by popular vote and persons appointed to fill such offices, from exceeding one percent of the official estimate of the state population for the preceding year; and prohibit the number of part-time state employees from exceeding ten percent of the full-time employees; but the governor, with the approval of three members of the cabinet, may be authorized by law to approve additional positions to meet emergencies for the duration of the emergency.

—and, as amended, passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—33

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

Nays—5

Gordon	Johnston	Myers	Spicola
Graham			

On motion by Senator Brantley, the rules were waived and SJR 266, after being engrossed was immediately certified to the House.

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 full-time students in the State University System; limiting the terms of future nonstudent members; providing for appointment and term of office of each student member; deleting obsolete language; providing an effective date.

—was read the third time by title.

Senators Plante and Zinkil offered the following amendment which was moved by Senator Plante and failed:

Amendment 12—On page 2, line 4, strike "5 9" and insert: 9

The vote was:

Yeas—14

Brantley	Henderson	Peterson	Ware
Childers, W. D.	Lewis	Plante	Zinkil
Gallen	MacKay	Spicola	
Gordon	Myers	Thomas, P.	

Nays—23

Mr. President	Graham	McClain	Thomas, J.
Childers, D.	Hair	Renick	Tobiassen
Deeb	Holloway	Sayler	Trask
Dunn	Johnston	Scarborough	Vogt
Firestone	Lane, D.	Sims	Wilson
Glisson	Lane, J.	Stolzenburg	

SB 259 passed and was certified to the House. The vote on passage was:

Yeas—23

Mr. President	Glisson	Myers	Thomas, P.
Brantley	Gordon	Peterson	Tobiassen
Childers, W. D.	Graham	Plante	Trask
Dunn	Hair	Renick	Wilson
Firestone	Holloway	Scarborough	Zinkil
Gallen	MacKay	Sims	

Nays—13

Childers, D.	Lane, D.	Sayler	Ware
Deeb	Lane, J.	Stolzenburg	
Henderson	Lewis	Thomas, J.	
Johnston	McClain	Vogt	

Votes after roll call:

Nay—Spicola

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 Gordon, W. D. Childers, Barron and P. Thomas—

SB 1009—A bill to be entitled An act relating to game and freshwater fish; amending s. 372.57(4)(a), Florida Statutes, providing that no fishing license is necessary for any resident when fishing with not more than three poles or lines for non-commercial purposes in the county of his residence; providing an effective date.

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

On motion by Senator W. D. Childers, by two-thirds vote SB 1009 was withdrawn from the Committee on Ways and Means and placed on the calendar. By unanimous consent, SB 1009 was taken up out of order and by two-thirds vote read the second time by title.

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

Amendment 1—On page 2, line 18, insert: Section 2. This act may be cited as the "Dempsey J. Barron and W. D. Childers Cane Pole Tax Repeal Act of 1976."

(Renumber subsequent section)

On motion by Senator W. D. Childers, by two-thirds vote SB 1009 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	Gallen	Lane, J.	Thomas, P.
Brantley	Glisson	McClain	Tobiassen
Childers, D.	Gordon	Peterson	Trask
Childers, W. D.	Graham	Renick	Wilson
Deeb	Hair	Scarborough	Zinkil
Dunn	Holloway	Sims	
Firestone	Johnston	Spicola	

Nays—9

Henderson	Myers	Stolzenburg	Ware
Lane, D.	Plante	Thomas, J.	
Lewis	Sayler		

On motion by Senator W. D. Childers, the rules were waived and SB 1009 after being engrossed was immediately certified to the House.

Consideration of CS for SB's 97, 102 and 208 was deferred.

SB 54—A bill to be entitled An act relating to compensation of county officials; repealing s. 145.18(1), Florida Statutes, which provides annual cost-of-living adjustments to county officials' salaries; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Sayler:

Amendment 1—On page 1, line 12, strike everything after the enacting clause and insert: Section 1. Section 145.18, Florida Statutes, is amended to read:

Section 145.18 Annual cost-of-living adjustments; limitations.—

(1) Commencing October 1, 1974 the salaries herein provided shall be adjusted annually, ~~whether the adjustment results in an increase or decrease of the salary,~~ by a factor based upon the United States Department of Labor Consumer Price Index, hereinafter referred to as the index. The factor is the quotient of the value of the index (1967=100) for the fiscal year ending June 30 prior to the year for which the factor is being computed, divided by the value of the index for the fiscal year ending June 30, 1973. The Department of Administration shall certify the factor to each county not later than September 1 of each year, and the county shall adjust the salaries as of October 1 of

each year. The adjusted salary rate shall be the product, rounded to the nearest dollar, of the salary rate granted by the appropriate section of this chapter, multiplied by the factor certified by the Department of Administration.

(2) No county officer whose salary is fixed pursuant to this chapter shall receive, in any county fiscal year, an increase in salary unless a salary adjustment for state employees under the career service system was authorized by the Legislature during the comparable state fiscal year and unless the annual cost-of-living adjustment, as computed pursuant to subsection (1), is 3 percent or greater than the adjustment computed for the preceding fiscal year. In no event shall such county officer receive, in any one fiscal year, a cost-of-living increase in salary in excess of 5 percent of his salary for the preceding fiscal year. This section shall not apply to the special qualification salary prescribed under section 145.10(2). In no event shall any person receive for the execution of his powers, functions, and official duties compensation in excess of the salaries provided in this chapter, and in no event shall any person receive an increase in salary in any one fiscal year in excess of 20 per cent of his total compensation for the preceding fiscal year ending June 30. However, the provisions of this section shall not apply to the special qualification salary under s. 145.10(2).

(3) In no event shall any county officer whose salary is fixed pursuant to this chapter receive for the performance of the powers, functions, and duties of his office any compensation in excess of the salary determined in accordance with this chapter.

Section 2. This act shall not affect cost-of-living adjustments certified prior to the effective date of this act.

Section 3. This act shall take effect on October 1, 1976.

Senator Plante presiding

Senator D. Childers moved the following amendment to amendment 1 which failed:

Amendment 1A—On page 2, line 2, strike the period and insert: ; provided, however, that the maximum yearly salary of any county official shall not exceed 25 percent of the base salary prescribed for that official in this chapter or 25 percent of the salary such official earned in fiscal year 1975-76.

Senators Zinkil, Sayler and Wilson offered the following substitute amendment for amendment 1 which was moved by Senator Zinkil:

Amendment 2—On page 1, line 14, strike in its entirety and insert: Section 2. This act shall not affect cost-of-living adjustments certified prior to the effective date of this act.

Section 3. This act shall take effect on July 1, 1976.

Amendment 2 was adopted by the following vote:

Yeas—28

Brantley	Lane, D.	Renick	Thomas, J.
Childers, D.	Lane, J.	Saunders	Thomas, P.
Childers, W. D.	Lewis	Sayler	Tobiassen
Deeb	MacKay	Scarborough	Vogt
Gallen	McClain	Sims	Ware
Glisson	Peterson	Spicola	Wilson
Henderson	Plante	Stolzenburg	Zinkil

Nays—8

Dunn	Gordon	Hair	Myers
Firestone	Graham	Johnston	Trask

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

Amendment 3—On page 1, line 5 in title, strike everything after the semi-colon and all of lines 6 and 7 and insert: amending s. 145.18(1), Florida Statutes; providing additional requirements before county officers may receive cost-of-living salary increases; providing a maximum percentage of increase annually; providing that cost-of-living salary adjustments already certified shall not be affected;

On motion by Senator Sayler, by two-thirds vote SB 54 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—4

Dunn	Johnston	Myers	Trask
------	----------	-------	-------

On motion by Senator Sayler, the rules were waived and SB 54 after being engrossed was immediately certified to the House.

SB 299—A bill to be entitled An act relating to libel, slander and invasion of privacy by publication or broadcast; amending ss. 770.01-770.03, Florida Statutes; requiring notice be given before bringing an action for libel, slander or invasion of privacy by publication or broadcast; limiting recovery to actual damages if certain conditions are met; providing for exception to the right of a radio station to require prior submission of a written copy of any statement to be broadcast; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendments which were moved by Senator P. Thomas and adopted:

Amendment 1—On page 1, strike all of lines 20 through 31 inclusive and insert: 770.01 Notice condition precedent to action or prosecution for libel or slander.—Before any civil action is brought for publication or broadcast, in a newspaper, periodical or other media, of a libel or slander, the plaintiff shall, at least 5 days before instituting such action, serve notice in writing on defendant, specifying the article or broadcast, and the statements therein, which he alleges to be false and defamatory.

770.02 Correction, apology, or retraction by newspaper or broadcast station.—If it appears upon the trial that said article or

Amendment 2—On page 1 in title, strike all of lines 4 through 14, inclusive, and insert: 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.

The President presiding.

On motion by Senator P. Thomas, by two-thirds vote SB 299 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Sims
Spicola
Stolzenburg
Nays—None

Thomas, J.
Thomas, P.
Tobiassen

Trask
Vogt
Ware

Wilson
Zinkil

Glisson
Gordon
Graham
Hair
Henderson
Johnston
Lane, J.

Lewis
MacKay
McClain
Myers
Peterson
Plante
Renick

Sayler
Scarborough
Sims
Spicola
Stolzenburg
Thomas, J.
Tobiassen

Trask
Vogt
Wilson
Zinkil

On motions by Senator Glisson, the rules were waived and by two-thirds vote CS for HB 2255 was withdrawn from the Committees on Commerce, Agriculture and Ways and Means and placed on the calendar.

SB 319 was taken up and on motion by Senator Glisson—

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

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

On motion by Senator Glisson, by two-thirds vote CS for HB 2255 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—33

Mr. President
Brantley

Childers, D.
Childers, W. D.

Deeb
Dunn

Firestone
Gallen

Nays—None

Vote after roll call:

Yea—P. Thomas

SB 319 was laid on the table.

On motion by Senator Graham, the rules were waived and Subcommittee B of the Committee on Ways and Means was granted permission to meet at 12:00 noon on May 3 in Room B.

On motion by Senator Plante, the rules were waived and Subcommittee C of the Committee on Ways and Means was granted permission to meet from 11:30 a.m. to 1:00 p.m. on May 3 in Room 413.

On motion by Senator Ware, the rules were waived and the Select Committee on Title Insurance was granted permission to meet at 10:30 a.m., May 3 in Room H.

The Journal of April 28 was corrected and approved as follows:

Page 176, column 1, line 5, strike "SB" and insert: HB

CO-INTRODUCERS RECORDED

Senator Hair—SB 610; Senator Henderson—SB 581; Senator MacKay—SB 568; Senator Sayler—SB 937; Senator Hair—SM 234

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 12:01 p.m. to convene at 8:30 a.m., May 3 and 4, 1976 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m. May 4.