

JOURNAL OF THE FLORIDA SENATE

Thursday, May 6, 1976

The Senate was called to order by the President at 2:00 p.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

Excused: Senator Johnston at 4:30 p.m.

Prayer by the Senate Chaplain:

Our God, we confess we weary ourselves and you with our words yet the debate of issues must go on.

Give us patience to listen, the wisdom to be brief and articulate and the grace to accept the rejection of our ideas in favor of the majority when this occurs. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Thursday, May 6, 1976, at 2:00 p.m.:

SB 494	SB 181	SB 512
HM 2801	SB 238	SB 772
SB 128	CS/SB 35 & 37	SB 87
SM 478	CS/SB 97, 102 & 208	SB 73
SB 191	SB 224	SB 279
SB 276	SB 700	SB 696
CS/SB 575	SB 566	SB 502
CS/SB 107	SB 647	HB 1565
SB 318	SB 509	

Respectfully submitted,
Lew Brantley, Chairman

The Committee on Transportation recommends the following pass: SB 843 with 2 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: HB 1899 with two amendments

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

The Committee on Health and Rehabilitative Services recommends the following pass: SB 900

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

The Committee on Governmental Operations recommends the following pass: SB 702

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

The Committee on Natural Resources and Conservation recommends the following pass: HB 1183

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

The Committee on Governmental Operations recommends the following pass: SB 798 with 4 amendments

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

The Committee on Education recommends the following pass: SB 435

The Committee on Health and Rehabilitative Services recommends the following pass: SB 286, SB 980 with 6 amendments

The Committee on Transportation recommends the following pass: SB 1140

The Committee on Judiciary-Criminal recommends the following pass: SB 581 with 2 amendments

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

SB 931	SB 1099 with 1 amendment
SB 1015 with 3 amendments	SB 1122

The Committee on Governmental Operations recommends the following pass:

SB 6 with 6 amendments	SB 675 with 3 amendments
SB 579	SB 679

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

The Committee on Judiciary-Criminal recommends the following pass:

HB 3442 with 2 amendments	SB 720
SB 767 with 1 amendment	SB 142
SB 615 with 2 amendments	

The Committee on Education recommends the following pass: SB 727, SB 835

The Committee on Natural Resources and Conservation recommends the following pass: SB 1045

The Committee on Governmental Operations recommends the following pass:

SB 501 with 5 amendments	SB 815
SB 624 with 2 amendments	HB 2008
SB 705	HB 2338 with 2 amendments
SB 752 with 8 amendments	

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

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 925

The Committee on Governmental Operations recommends a Committee Substitute for the following: Senate Bills 297 and 641

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 640

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 Judiciary-Criminal recommends a Committee Substitute for the following: SB 269

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 406

The Committee on Governmental Operations recommends a Committee Substitute for the following: CS for SB 160

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Myers, the rules were waived and by two-thirds vote SB 900 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Myers, the rules were waived and by two-thirds vote SB 899 was withdrawn from the Committee on Ways and Means and placed on the calendar.

On motions by Senator Myers, the rules were waived and by two-thirds vote Senate Bills 964 and 1079 were withdrawn from the Committee on Governmental Operations.

On motions by Senator Myers, the rules were waived and by two-thirds vote SB 639 and HB 1460 were withdrawn from the Committee on Governmental Operations and placed on the calendar.

On motion by Senator Brantley, the rules were waived and by two-thirds vote SB 709 was withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Brantley, the rules were waived and by two-thirds vote HB 3143 was withdrawn from the Committees on Commerce and Ways and Means and placed on the calendar.

On motions by Senator Brantley, by two-thirds vote Senate Bills 804, 809, 833, 845, 846, 847 and 960 were withdrawn from the Committee on Commerce.

On motion by Senator Gordon, the rules were waived and Hubert Helton, staff director of the Committee on Ways and Means was granted privileges of the floor.

On motion by Senator Glisson, the rules were waived and SB 235 which passed May 5 was ordered immediately certified to the House after being engrossed.

On motion by Senator Gordon, the rules were waived and the Committee on Ways and Means was granted permission to meet from 8:00 a.m. to 2:00 p.m. May 7.

COMMITTEE REQUESTS FOR EXTENSION OF TIME

The Committee on Rules and Calendar requests an extension of 15 days for the consideration of the following:

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|---|---------------------------|
| SB 837 by Senator Glisson | SB 875 by Senator Vogt |
| SR 838 by Senators Poston, Brantley, W. D. Childers | SB 876 by Senator Vogt |
| SB 869 by Senator W. D. Childers | SB 877 by Senator Vogt |
| SB 870 by Senator Wilson | SB 878 by Senator Wilson |
| SB 871 by Senator Wilson | SB 882 by Senator Graham |
| SB 872 by Senator Wilson | SB 894 by Senator Glisson |
| SB 873 by Senator Wilson | SB 905 by Senator Wilson |
| SB 874 by Senator Zinkil | SB 906 by Senator Deeb |
| | SB 907 by Senator Deeb |
| | SB 908 by Senator Deeb |

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

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| CS for HB 42 by Finance and Taxation Committee | HB 2641 by Regulated Industries and Licensing |
| HB 81 by Representative Lockward | HB 2049 by Representative Steinberg |
| CS for HB 249 by Judiciary Committee | SB 222 by Senator Lewis |
| HB 425 by Representative Easley | SB 554 by Senator MacKay |
| HB 564 by Representative Fontana | SB 560 by Senators Winn and Gordon |
| HB 2057 by Representative Steinberg | SB 561 by Senator Hair |
| HB 2108 by Representative Steinberg | SB 572 by Senator Ware |
| HB 2109 by Representative Steinberg | SB 573 by Senator Hair |
| HB 2114 by Representative Steinberg | SB 589 by Senators Dunn, Gordon |
| | SB 594 by Senator Holloway |
| | SB 597 by Senator Graham |
| | SB 602 by Senator P. Thomas |
| | SB 612 by Senator Winn |

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| SB 622 by Senator Winn | SB 630 by Senator Winn |
| SB 625 by Senator Johnston | SB 635 by Senator Myers |
| SB 626 by Senators Saylor, Deeb | SB 644 by Senator Lewis |

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

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| SB 309 by Senator Trask, et al | HB 2640 by Regulated Industries Committee |
| SB 407 by Senator Holloway | HB 2643 by Regulated Industries Committee |
| SB 639 by Senator P. Thomas | SB 256 by Transportation Committee |
| HB 41 by Representative Ogden | SB 555 by Senator Scarborough |
| HB 46 by Representative Ogden | SB 570 by Senator Deeb |
| CS for | SB 577 by Senator Lewis |
| HB 340 by Commerce Committee and Representative Clark Maxwell | SB 580 by Senator Peterson |
| HB 1290 by Representative Jerry Melvin | SB 582 by Senator Myers |
| HB 1292 by Representative Jerry Melvin | SB 595 by Senator Wilson |
| HB 1460 by Representative Earl Hutto | SB 603 by Senator Scarborough |
| | SB 605 by Senator Vogt |
| | SB 617 by Senator W. D. Childers |
| | SB 627 by Senator Gallen |
| | SB 633 by Senator Johnston |

The Committee on Ways and Means requests an extension of 15 days for consideration of the following:

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| SB 22 by Senator Poston, et al | CS for SB 338 and SB 339 by Commerce Committee |
| SB 34 by Senator Deeb | SB 350 by Senator Spicola |
| SB 42 by Senator McClain, et al | CS for |
| SB 46 by Senator Myers | SB 353 by Judiciary-Civil Committee |
| CS for | CS for |
| SB 57 by Health and Rehabilitative Services Committee | SB 354 by Judiciary-Civil Committee and Senator Poston |
| CS for SB 83 and 316 by Judiciary Criminal Committee | SB 363 by Senator Peterson |
| SB 84 by Senator Deeb | SB 365 by Senator Poston |
| SB 94 by Senator Dunn | SB 366 by Senator Dunn |
| SB 101 by Senator Scarborough | SB 368 by Senator Myers, et al |
| SB 119 by Senator Saylor | SB 371 by Senator Deeb, et al |
| SB 125 by Senator Glisson, et al | SB 372 by Senator J. Thomas |
| SB 126 by Senator J. Lane | SB 392 by Senator Poston |
| SB 132 by Senator McClain | SB 415 by Senator Hair, et al |
| SB 133 by Senator Holloway, et al | SB 423 by Senator Renick |
| SB 143 by Senator Deeb | SB 424 by Senator Renick |
| SB 153 by Senator Spicola | SB 431 by Senator Gallen |
| SB 154 by Senator Sims | SB 449 by Senator W. D. Childers |
| SB 182 by Senator J. Lane | SB 456 by Senator MacKay |
| SB 186 by Senator Deeb | SB 467 by Senator Saunders |
| CS/SB 189 by Transportation Committee | SB 479 by Senator Gallen |
| SB 193 by Senator Plante | SB 489 by Senator Hair |
| SB 194 by Senator Plante | SB 496 by Senator Peterson, et al |
| SB 196 by Senator Plante | SB 506 by Senator Peterson |
| SB 199 by Senator Zinkil | SB 507 by Senator J. Lane |
| SB 220 by Senator Lewis | SB 520 by Senator W. D. Childers |
| SB 223 by Governmental Operations Committee, et al | SB 527 by Senator Gallen, et al |
| CS for | SB 530 by Senator Myers |
| SB 237 by Natural Resources and Conservation Committee | SB 532 by Senator J. Lane |
| SB 241 by Senator Saylor, et al | SB 535 by Senator Holloway, et al |
| SB 263 by Senator Gordon | SB 537 by Senator Spicola |
| SB 271 by Senator Plante | SB 540 by Senator MacKay |
| SB 296 by Senator P. Thomas | SB 549 by Senator Spicola |
| SB 324 by Senator Saylor, et al | SB 563 by Senator Graham |
| SB 326 by Senator P. Thomas | SB 567 by Senator Wilson |
| SB 328 by Senator P. Thomas | SB 583 by Senator Johnston, et al |
| SB 333 by Senator Henderson | SB 590 by Senator Hair |
| SB 336 by Senator Henderson, et al | SB 604 by Senator W. D. Childers |
| | SB 613 by Senator W. D. Childers |
| | SB 628 by Senator Glisson |

SB 642 by Senator Myers
 SB 653 by Senator Wilson
 CS for
 SB 654 by Governmental Operations Committee
 SB 660 by Senator McClain, et al
 SB 709 by Senator Glisson
 SB 723 by Senator Gordon, et al
 SB 732 by Senator Graham
 CS for
 SB 757 by Agriculture Committee
 SB 787 by Senator Trask
 SB 807 by Senator Gordon
 SB 808 by Senator Gordon
 SB 811 by Senator Poston, et al
 SB 864 by Senator Peterson
 SB 866 by Senator Wilson
 SB 895 by Senator W. D. Childers
 SB 899 by Senator Myers
 SB 971 by Senator Poston
 SB 1003 by Senator Myers
 SB 1034 by Senator Gordon
 CS for
 HB 344 by House Education Committee
 HB 1433 by Representative Brown, et al
 HB 3500 by Appropriations Committee

BILLS REFERRED TO SUBCOMMITTEE OR SELECT COMMITTEE

The following have been referred to the Select Subcommittee on Juvenile Legislation, composed of Senators MacKay, Deeb, and Dunn, which will report to the Committee on Judiciary within 7 days:

SB 676 by Senator Trask
 SB 735 by Senator Deeb
 SB 1052 by Senator Graham
 SB 1120 by Senator Deeb
 HB 1300 by Representative Langley

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President May 5, 1976

I am directed to inform the Senate that the House of Representatives has receded from House amendment 3 and further amended and passed as further amended—

By the Committee on Judiciary-Civil—

CS for SB 417—A bill to be entitled An act relating to the filing of disclosure forms by public officers, candidates for public office, and public employees; amending s. 111.011(2)-(b), Florida Statutes; requiring statement of contributions by elected public officers to be filed annually; requiring statement of contributions by elected municipal officers to be filed with the Clerk of the Circuit Court; amending s. 112.3145(5), Florida Statutes; prescribing period of time in which certain forms must be sent; amending s. 112.3147, Florida Statutes; specifying agencies which are to prescribe certain forms; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 6—On page 3, line 13, strike "October 1, 1976" and insert: upon becoming a law.

On motion by Senator Brantley, the Senate concurred in House Amendment 6 to CS for SB 417.

CS for SB 417 passed as further amended by the House amendment and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Tobiassen

The bill was ordered engrossed and then enrolled.

On motion by Senator Hair, 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 Barron, 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, P. Thomas, Tobiassen, Trask, Vogt, Ware, Wilson, Winn and Zinkil—

SR 1424—A Resolution commemorating Mother's Day, May 9, 1976.

WHEREAS, each of us, whatever our stature in life, has been blessed with a Mother who gave us life, sustained our first days, and formed the foundation upon which our life was to be built, and

WHEREAS, having the reassurance that Mothers are always there when we need them—even if we at times refuse to acknowledge that need—and though youth fades, love wanes and the leaves of friendship fall, our Mothers care for us and we for them and realize only when they are taken from us that no one on earth will ever care as much, and

WHEREAS, special tribute is due the working Mothers who fulfill duties to their families and as responsible members of the business community, especially those in government service.

WHEREAS, we tend to allow things we mean to say, feelings we mean to express, and kindnesses we mean to show to go undone, NOW, THEREFORE,

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

That though Mothers deserve much more than recognition one day each year, we pause in reverent contemplation in honor of Mother's Day, May 9, 1976, and manifest to the world our love and gratitude for our Mothers and all Mothers of our State, whether they be with us or departed this earth.

Be it further resolved that as a public expression of our appreciation, this resolution shall be spread upon the Journal of the Florida Senate and recorded as a testimonial to Mothers and Motherhood.

—which was read the first time in full and referred to the Committee on Rules and Calendar.

On motion by Senator Brantley, by two-thirds vote SR 1424 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 Hair, by two-thirds vote SR 1424 was read the second time by title 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

Senator Scarborough presiding

RECONSIDERATION

The motion by Senator Graham on May 5 that the Senate reconsider the vote by which—

CS for SB 212—A bill to be entitled An act relating to public contracts; creating s. 163.04, Florida Statutes, providing definitions; granting preferences to certain contractors; creating s. 287.057, Florida Statutes; placing certain conditions upon contracts for purchase of professional and technical services by the state and its agencies; providing for written agreement and for methods of billing for such services; providing that the conditions of this act do not apply to contracts for such services in effect on the effective date of this act; providing an effective date.

—passed on May 5, was taken up and adopted; and the Senate reconsidered the vote.

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

Amendment 2—On page 2, strike lines 1-7, and insert: (2) In the letting of public contracts through the competitive bidding procedure in Florida, all contractors domiciled in a state other than a preferring state shall be accorded a preference over a preferring state contractor to whom a preference relating to the same contract services as the subject of the public contract has been granted by the preferring state. The extent of such preference shall be to the same extent as that which would have been grounded by to a public body of the preferring state on the same goods or services to a preferring state contractor over a contractor not domiciled in the preferring state.

On motion by Senator Graham, CS for SB 212 as further amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Tobiassen

On motion by Senator W. D. Childers, the rules were waived and CS for SB 212 after being engrossed was immediately certified to the House.

SPECIAL ORDER

SB 494—A bill to be entitled An act relating to banks and trust companies; amending s. 659.061(2), (6), Florida Statutes; requiring a trust company to secure the consent of a majority of its board of directors to establish a trust service office at a bank; authorizing a bank which exercises trust powers to retain and continue to exercise such powers subsequent to the establishment of a trust service office at such bank; providing a savings clause; providing an effective date.

—was read the second time by title.

Senator Hair moved the following amendments which were adopted:

Amendment 1—On page 1, line 17, strike everything after the enacting clause and insert:

(Substantial rewording of subsection (6); See s. 659.061(6), F.S., for present text)

“Section 1. Subsection (6) of section 659.061, Florida Statutes, is amended to read:

659.061 Place of transacting trust business; trust service offices.—

(6) When a trust service office is established by a trust company at the location of a bank which has trust powers:

(a) The bank may retain its trust powers and continue to exercise such powers.

(b) This section shall not affect any substitution of fiduciaries made under existing s. 659.061(6) prior to the effective date of this act.”

Section 2. This act shall take effect upon becoming a law.

Amendment 2—On page 1 in title, lines 5-8, strike “s. 659.061(2), (6), Florida Statutes; requiring a trust company to secure the consent of a majority of its board of directors to establish a trust service office at a bank;” and insert: “s. 659.061(6), Florida Statutes;”

On motion by Senator Hair, by two-thirds vote SB 494 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	Henderson	Peterson	Thomas, J.
Childers, D.	Holloway	Poston	Thomas, P.
Childers, W. D.	Johnston	Renick	Trask
Dunn	Lane, D.	Saunders	Vogt
Firestone	Lane, J.	Sayler	Ware
Gallen	Lewis	Scarborough	Wilson
Glisson	MacKay	Sims	Winn
Graham	McClain	Spicola	Zinkil
Hair	Myers	Stolzenburg	

Nays—None

Vote after roll call:

Yea—Tobiassen

On motion by Senator Hair, the rules were waived and SB 494 after being engrossed was ordered immediately certified to the House.

HM 2801—A memorial to the Congress of the United States, petitioning that a convention be called pursuant to Article V of the United States Constitution, to consider amending the same to prohibit the incurrence of national debt except in a state of emergency as declared by a three-fourths vote of the members of both houses of Congress; providing that the purview of such convention be strictly limited to the consideration of this amendment.

—was read the second time in full. On motion by Senator Sims, HM 2801 was adopted and certified to the House. The vote on adoption was:

Yeas—29

Brantley	Holloway	Renick	Trask
Childers, D.	Johnston	Sayler	Vogt
Childers, W. D.	Lane, D.	Scarborough	Ware
Firestone	Lane, J.	Sims	Wilson
Gallen	Lewis	Spicola	Winn
Glisson	MacKay	Stolzenburg	
Hair	McClain	Thomas, J.	
Henderson	Poston	Thomas, P.	

Nays—4

Graham	Myers	Peterson	Plante
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Vote after roll call:

Yea—Tobiassen

Explanation of Vote

An explanation of my no vote on HM 2801 is the same as for other similar memorials; lack of assurance that a constitutional convention can be held to one subject.

Curtis Peterson, 12th District

SB 128—A bill to be entitled An act relating to criminal law; providing that any person convicted of a felony or mis-

demeanor and placed on probation may be required to perform some type of public service for a tax-supported or tax-exempt entity; requiring such public service to be performed at a time other than during such person's regular hours of employment; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, line 17, strike the “,”

On motion by Senator Gallen, by two-thirds vote SB 128 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

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

Nays—None

Vote after roll call:

Yea—Sims

SM 478—A memorial to the Congress of the United States urging the Congress to enact legislation for the construction of prisons located in different regions of the United States for the incarceration of violent and incorrigible offenders from the several states on a contractual per diem basis.

—was read the second time in full. On motion by Senator Firestone, SM 478 was adopted and certified to the House. The vote on adoption was:

Yeas—33

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

Nay—1

Dunn

Vote after roll call:

Yea—Sims

SB 191 was taken up and on motion by Senator Tobiassen—

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

—a companion measure to SB 191 was substituted therefor and read the second time by title.

Senator Vogt moved the following amendments which were adopted:

Amendment 1—On page 3, line 4, strike Section 2 and re-number and insert:

Section 2. Section 155.12, Florida Statutes, is amended to read:

155.12 County hospitals; general powers of trustees; duties; tax levies; etc.—The board of hospital trustees shall have power to appoint a suitable superintendent or matron, or both, and necessary assistants, and fix their compensation and shall also have power to remove such appointees and shall in general carry out the spirit and intent of this law in establishing and maintaining a county hospital. The board of hospital trustees shall hold meetings at least once each month, and keep a complete record of all its transactions. Three members of said board shall be required to constitute a quorum for the transaction of business and two or more of said trustees shall visit and examine said hospital twice each month. The board shall, prior to July 1 of each year, during the first week in January in each calendar year, if its books and records are kept on a calendar year basis, or, during the first week of the fiscal year, if its books and records are kept on a fiscal year basis, and if it is the desire of the board to report on the fiscal rather than the calendar year, file with the board of county commissioners of said county a report of their proceedings with reference to such hospital, and a statement of all receipts and expenditures made during the year and shall certify to the said board of county commissioners the amount necessary for the improvement and maintenance of such public hospital, so established during the ensuing year, and the said board of county commissioners shall, at its annual meeting for the purpose of determining the amount to be raised for all county purposes, levy a sufficient tax upon all the assessed value of the taxable property in the county, as will produce the sum required by the said board of trustees' report, but said hospital levy together with the levy necessary to liquidate the bonds aforesaid, shall not exceed 10 mills on the assessed valuation. No trustee shall have a personal, pecuniary interest, either directly or indirectly, in the purchase of any supplies for said hospital, unless the same are purchased by competitive bidding.

Amendment 2—On page 1, line 13, insert: (after the semicolon) amending s. 155.12, Florida Statutes; revising the date for the annual report of the board of hospital trustees to the board of county commissioners;

On motion by Senator Tobiassen, by two-thirds vote HB 1460 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 191 was laid on the table.

SB 276 was taken up and on motion by Senator Plante, by two-thirds vote HB 177 was withdrawn from the Committee on Judiciary-Criminal and placed on the calendar. On motion by Senator Plante by unanimous consent—

HB 177—A bill to be entitled An act relating to public assistance; amending s. 409.325(1), Florida Statutes, increasing the penalty for fraudulently obtaining, or attempting to obtain, assistance to which a person is not entitled when the aggregate value of the assistance in a 12-month period is \$200 or more; prohibiting persons from knowingly using or receiving any such fraudulently obtained assistance and providing penalties for violation; providing that repayment of any fraudulently obtained assistance shall not constitute grounds for a dismissal of charges; making the introduction into evidence of a state warrant in favor of the defendant prima facie evidence that the defendant received assistance; providing an effective date.

—a similar measure to SB 276 was substituted therefor and read the second time by title.

Senator Plante moved the following amendments which were adopted:

Amendment 1—On pages 1, 2 and 3, strike everything after the enacting clause and insert: Section 1. Section 409.325, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 409.325, F.S., for present text.)

409.325 Fraud.—

(1) Any person who knowingly fails, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose a material fact used in making a determination as to such person's qualification to receive aid or benefits under any state- or federally-funded assistance program, or who knowingly fails to disclose a change in circumstances in order to obtain or continue to receive under any such program aid or benefits to which he is not entitled or in an amount larger than that to which he is entitled, or who knowingly aids and abets another person in the commission of any such act is guilty of a crime, and shall be punished as provided in subsection (5).

(2) Any person who knowingly uses, transfers, acquires, traffics, alters, forges, or possesses, or who knowingly attempts to use, transfer, acquire, traffic, alter, forge, or possess, or who knowingly aids and abets another person in the use, transfer, acquisition, traffic, alteration, forgery, or possession of a food stamp, food stamp identification card, authorization for the purchase of food stamps, certificate of eligibility for medical services, or medicaid identification card in any manner not authorized by law is guilty of a crime and shall be punished as provided in subsection (5). For the purposes of this section, the value of an authorization to purchase food stamps shall be the difference between the coupon allotment and the amount paid by the recipient for that allotment.

(3) Any person having duties in the administration of a state- or federally-funded assistance program who fraudulently misappropriates, attempts to misappropriate, or aids and abets in the misappropriation of a food stamp, authorization for food stamps, food stamp identification card, certificate of eligibility for prescribed medicine, medicaid identification card, or assistance from any other state- or federally-funded program with which he has been entrusted or of which he gained possession by virtue of his position, or who knowingly fails to disclose any such fraudulent activity, or who knowingly misappropriates, attempts to misappropriate, or aids or abets in the misappropriation of funds given in exchange for food stamps is guilty of a crime and shall be punished as provided in subsection (5).

(4) Any person who knowingly files, attempts to file, or aids and abets in the filing of a claim for services to a recipient of benefits under any state- or federally-funded assistance program for services which were not rendered, or who knowingly files a false claim or a claim for nonauthorized items or services under such a program, or who knowingly bills the recipient of benefits under such a program or his family for an amount in excess of that provided for by law or regulation, or who knowingly fails to credit the state or its agent for payments received from social security, insurance, or other sources, or who in any way knowingly receives, attempts to receive, or aids and abets in the receipt of unauthorized payments as provided herein is guilty of a crime and shall be punished as provided in subsection (5).

(5)(a) If the value of the assistance or identification wrongfully received, retained, misappropriated, sought, or used is less than an aggregate value of \$200 in any 12 consecutive months, such person is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the value of the assistance or identification wrongfully received, retained, misappropriated, sought, or used is of an aggregate value of \$200 or more in any 12 consecutive months, such person is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084.

(6) Any person providing service for which compensation is paid under any state- or federally-funded assistance program who solicits, requests, or receives, either actually or constructively, any payment or contribution through a payment, as-

essment, gift, devise, bequest or other means, whether directly or indirectly, from either a recipient of assistance from such assistance program or from the family of such a recipient shall notify the Department of Health and Rehabilitative Services, on a form provided by the department, of the amount of such payment or contribution and of such other information as specified by the department within 10 days after the receipt of such payment or contribution or, if said payment or contribution is to become effective at some time in the future, within 10 days of the consummation of the agreement to make such payment or contribution. Failure to notify the department within the time prescribed is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7) Repayment of assistance or services wrongfully obtained shall not constitute a defense to or ground for dismissal of criminal charges brought under this section.

(8) The introduction into evidence of a paid state warrant made to the order of the defendants shall be prima facie evidence that the defendant did receive assistance from the state.

(9) All records relating to investigations of public assistance fraud in the custody of the Department of Health and Rehabilitative Services are business records within the meaning of s. 92.36.

Section 2. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

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

Amendment 2—On page 1 in title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to public assistance; amending s. 409.325, Florida Statutes; making false application or failure to disclose a change in entitlement a crime; making the unauthorized use, transfer, acquisition, traffic, alteration, forgery, or possession of public assistance identification or aid a crime; making the misappropriation of public assistance identification or aid by any person having duties in the administration of a public assistance program a crime; making the misappropriation of funds given in exchange for food stamps a crime; making the filing of false claims or claims for unauthorized items or services a crime; making the failure to credit the state for other payments received or billing the recipient or his family for an amount in excess of that authorized a crime; making the aiding and abetting or the attempting of any such act a crime; requiring certain persons soliciting, requesting, or receiving payment or contribution from a recipient of assistance or his family to report the same within the time specified; providing penalties; providing that the repayment of wrongfully obtained assistance does not constitute a defense or ground for dismissal of charges; making the introduction into evidence of a state warrant in favor of the defendant prima facie evidence that the defendant received assistance; providing that certain documents be considered business records for the purpose of introduction into evidence; providing severability; providing an effective date.

On motion by Senator Plante, by two-thirds vote HB 177 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

SB 276 was laid on the table.

SB 575 was taken up, together with:

By the Committee on Education and Senators MacKay, Graham and Lewis—

CS for SB 575—A bill to be entitled An act relating to student conduct and discipline; adding s. 228.041(26)-(29), Florida Statutes; providing definitions; amending s. 230.23(6)(c), Florida Statutes, and adding paragraph (d) to said subsection; requiring the school board to develop a code of student conduct and requiring such code be made available to certain persons; providing for the procedure in expulsion in hearings; amending s. 230.33(8)(c), Florida Statutes; requiring the superintendent to notify the pupil and his parent or guardian of recommendation for expulsion; amending ss. 232.26(1), 232.27, Florida Statutes; providing for the authority of principals and teachers in the control and discipline of students; creating s. 232.275, Florida Statutes; providing that certain persons are not liable for disciplinary actions; providing an exception; amending s. 230.234, Florida Statutes; authorizing the district school board to provide legal services and costs to certain persons against whom a civil action or criminal action is brought; adding s. 39.03(1)(g), Florida Statutes; authorizing a law enforcement officer to take a child into custody, for the purpose of delivering the child to the school system, when such officer has reasonable ground to believe that the child is truant; providing an effective date.

—which was read the first time by title and SB 575 was laid on the table.

On motion by Senator Peterson, by two-thirds vote CS for SB 575 was read the second time by title.

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

Amendment 1—On page 8, line 25, strike “is truant” and insert: is absent without authorization

Senator Brantley moved the following amendment which was adopted:

Amendment 2—On page 3, line 16, after the period insert: *provided, however, that the school board shall not have the authority to prohibit the use of corporal punishment as provided in this act.*

On motion by Senator Peterson, by two-thirds vote CS for SB 575 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	McClain	Spicola
Childers, D.	Hair	Myers	Stolzenburg
Childers, W. D.	Henderson	Peterson	Thomas, J.
Deeb	Holloway	Poston	Vogt
Dunn	Johnston	Renick	Ware
Firestone	Lane, J.	Saunders	Wilson
Gallen	Lewis	Scarborough	Winn
Gordon	MacKay	Sims	Zinkil

Nays—None

Votes after roll call:

Yeas—Glisson, Lane, D., Sayler, Tobiassen and Trask

On motion by Senator Peterson, the rules were waived and CS for SB 575 after being engrossed was ordered immediately certified to the House.

SB 107 was taken up, together with:

By the Committee on Education and Senators D. Childers, Lewis, Graham, Zinkil, Henderson, Deeb, J. Lane, Dunn, Trask and Renick—

CS for SB 107—A bill to be entitled An act relating to education; amending s. 229.57, Florida Statutes; providing the purposes of the statewide testing program; directing the Commissioner of Education to implement a program of statewide

assessment testing based on minimum performance standards adopted by the State Board of Education; providing for the assessment of special programs; requiring the results of the assessment program to be monitored; providing for technical assistance to districts; providing for the establishment of district assessment programs; requiring the establishment of minimum performance standards by the districts; requiring the attainment of minimum standards at certain grade levels; providing for the awarding of certificates of attendance and differentiated diplomas; amending s. 229.814(1), (3), (4), Florida Statutes, and adding subsection (6) to said section; providing for examinations in subject areas required for high school graduation; requiring school districts and community colleges to develop cooperative plans for providing advanced instruction; providing an effective date.

—which was read the first time by title and SB 107 was laid on the table.

On motion by Senator D. Childers, by two-thirds vote CS for SB 107 was read the second time by title

Senator Brantley presiding

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

Amendment 1—On page 2, line 28, after “board,” insert: by July 1, 1977,

Amendment 2—On page 4, line 19, after “standards” insert: which are at least as stringent as those adopted by the State Board and

Senator Scarborough presiding

On motion by Senator D. Childers, by two-thirds vote CS for SB 107 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

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

Nays—None

Votes after roll call:

Yeas—Lane, D., Myers, Sayler, Tobiassen and Trask

On motion by Senator D. Childers, the rules were waived and CS for SB 107 after being engrossed was ordered immediately certified to the House.

SB 318—A bill to be entitled An act revising the numbering system of the Florida Uniform Traffic Control Law; renumbering various sections of the law; amending various sections of the Florida Statutes to conform to the new number designations provided herein; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 35, strike line 5 and insert: 1977.

On motion by Senator Holloway, by two-thirds vote SB 318 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Gallen, Lane, D., and Trask

On motion by Senator Holloway, the rules were waived and SB 318 after being engrossed was ordered immediately certified to the House.

SB 181—A bill to be entitled An act relating to licensing of the construction industry; amending s. 468.102(7), Florida Statutes, to redefine "register"; amending s. 468.105(1)(a), (2), Florida Statutes, to provide that contractors register by filing an application as prescribed by the Florida Construction Industry Licensing Board and to specify the limitations authorized by registration for contracting in the state; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator W. D. Childers and adopted:

Amendment 1—On page 1, line 28, strike the hyphenated material beginning on line 28 of page 1 and ending on line 2 of page 2 and insert after "certified.":

Persons presently engaged in the contracting business as defined herein shall register with the board within 90 days after the effective date of this part. Persons later entering the business of contracting as defined herein shall register with the board prior to engaging in business as a contractor unless they are certified.

Senator Holloway moved the following amendment which was adopted:

Amendment 2—On page 2, lines 13-27, strike all of subsection (2) and insert: (2) Registration permits the registrant, after complying with local requirements, to engage in contracting for the type or types of work covered by the license or authority to contract in the local area or areas of the state. When a registrant qualifies to engage in contracting in additional areas of the state, he shall notify the board of same.

On motion by Senator Deeb, by two-thirds vote SB 181 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

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

Nays—7

Graham	MacKay	Poston	Wilson
Johnston	Plante	Saunders	

Votes after roll call:

Yeas—Lane, D. and Trask

SB 288 was taken up, together with:

By the Committee on Judiciary-Criminal and Senator Deeb—

CS for SB 288—A bill to be entitled An act relating to taking children into custody; adding s. 39.03(1)(g), Florida Statutes; authorizing a law enforcement officer to take a child into custody, for the purpose of delivering the child to the school system, when such officer has reasonable grounds to believe that the child is truant; providing an effective date.

—which was read the first time by title and SB 288 was laid on the table.

On motion by Senator Deeb, by two-thirds vote CS for SB 288 was read the second time by title.

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

Amendment 1—On page 1, line 20, strike "is truant from school" and insert: is absent from school without authorization

On motion by Senator Deeb, by two-thirds vote CS for SB 288 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	Graham	Peterson	Thomas, J.
Childers, D.	Hair	Plante	Thomas, P.
Childers, W. D.	Henderson	Poston	Tobiassen
Deeb	Johnston	Saunders	Vogt
Dunn	Lane, J.	Sayler	Ware
Firestone	Lewis	Scarborough	Wilson
Gallen	MacKay	Sims	Winn
Glisson	McClain	Spicola	Zinkil
Gordon	Myers	Stolzenburg	

Nays—None

Votes after roll call:

Yeas—Lane, D. and Trask

Senate Bills 35 and 37 were taken up, together with:

By the Committee on Governmental Operations and Senator Stolzenburg—

CS for SB's 35 and 37—A bill to be entitled An act relating to local governmental units; amending s. 125.66(2), (3), Florida Statutes, and adding subsections (5) and (6) to said section; amending s. 166.041(3), Florida Statutes; providing procedures for municipalities and counties to use to enact ordinances which rezone private real property or which enact or amend certain land use plans; prohibiting the adoption by municipalities or counties of emergency ordinances which rezone private real property or which enact or amend land use plans; providing for notice prior to the enactment of ordinances which rezone private real property or which enact or amend certain land use plans; providing for notice by mail in certain cases; providing for notice by advertisement in certain cases; specifying the method of advertisement; providing for public hearings; providing for a method of notice in lieu of advertisements; providing that municipalities shall give notice of proposed ordinances 7 days prior to adoption; amending s. 163.3181, Florida Statutes, providing for public participation in the comprehensive planning process; providing for notice prior to the enactment of an ordinance by a local governmental unit to enact or amend the land use element of a comprehensive plan; providing for notice by mail in certain cases; providing for notice by advertisement in certain cases; specifying the method of advertisement; providing for public hearings; providing for a method of notice in lieu of advertisements; providing an effective date.

—which was read the first time by title and Senate Bills 35 and 37 were laid on the table.

On motion by Senator Stolzenburg, by two-thirds vote CS for SB's 35 and 37 was read the second time by title.

Senator Stolzenburg moved the following amendment which was adopted:

Amendment 1—On page 9, strike all language in lines 11-13 and insert: (2) During consideration of the proposed plan or amendments thereto by the local planning agency or by the local governing body,

On motion by Senator Stolzenburg, by two-thirds vote CS for SB's 35 and 37 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

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

Nay—1

Zinkil

Votes after roll call:

Yeas—Lane, D. and Tobiassen

The President presiding

CS for SB's 97, 102 and 208—A bill to be entitled An act relating to fresh water fishing licenses; 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 non-commercial purposes; 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.

—was read the third time by title.

Senator Henderson moved the following amendments which were adopted by two-thirds vote:

Amendment 1—On page 1, strike all of lines 20-22 and insert: Section 1. Paragraph (e) is added to subsection (4), of section 372.57, Florida Statutes, to read:

Amendment 2—On page 2, strike all of lines 16 through and including line 28 and insert: (4)

Senator Henderson moved the following amendment which was adopted:

Amendment 3—On page 1, strike all of lines 5-10 in title and insert: licenses; adding s. 372.57(4)(e), Florida Statutes; providing an exemption

CS for SB's 97, 102 and 208 as amended, was read by title, passed, was 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	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

SB 224—A bill to be entitled An act relating to purchasing; amending ss. 283.10(1) and 287.102, Florida Statutes; requiring competitive bids on purchases of class B printing in excess of \$500; providing an effective date.

—was read the second time by title. On motion by Senator Myers by two-thirds vote SB 224 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Votes after roll call:

Yeas—Holloway and Lewis

SB 700—A bill to be entitled An act relating to shellfish; amending s. 370.16(11), Florida Statutes, relating to the prohibition against gathering oysters from natural reefs and private bedding grounds between sunset and sunrise, to include clams in the prohibition against such gathering; deleting the exception of gathering from a conspicuously lighted vessel; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 700 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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

Nay—1

Thomas, P.

Vote after roll call:

Nay to yea—Thomas, P.

SB 566—A bill to be entitled An act relating to areas of critical state concern; adding subsection (19) to s. 380.05, Florida Statutes, requiring the recordation of the boundaries of areas of critical state concern by the state land planning agency; providing an effective date.

—was read the second time by title. On motion by Senator Spicola, by two-thirds vote SB 566 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.	Holloway	Renick	Trask
Deeb	Johnston	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 647—A bill to be entitled An act relating to intangible personal property taxation; amending s. 199.052(5), Florida Statutes; providing that the making of a return by an affiliated group of corporations shall not provide taxable situs for intangibles held by an includable corporation which intangibles would not otherwise be required to be returned for taxation; providing an effective date.

—was read the second time by title. On motion by Senator J. Lane, by two-thirds vote SB 647 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

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	

Nays—None

On motion by Senator J. Lane, the rules were waived and SB 647 was immediately certified to the House.

Consideration of SB 509 was deferred.

SB 512 was taken up, together with:

By the Committee on Governmental Operations and Senators Johnston, Zinkil and W. D. Childers—

CS for SB 512—A bill to be entitled An act relating to appeals of board of tax adjustment decisions; amending s. 193.122 (1), Florida Statutes; deleting authority for property appraisers to appeal board of tax adjustment decisions to the Department of Revenue; amending s. 194.032(3), (5), Florida Statutes, and adding subsection (10) to said section; providing board of tax adjustment records shall be made available for judicial review; providing that board of tax adjustment decisions shall conform to certain requirements; authorizing board of tax adjustment decisions to be appealed to the circuit court by a property owner or property appraiser; repealing s. 193.122(4), Florida Statutes, relating to the extension of taxes against property under review by the Department of Revenue; providing an effective date.

—which was read the first time by title and SB 512 was laid on the table.

On motions by Senator Johnston, by two-thirds vote CS for SB 512 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

SB 772 was taken up and on motion by Senator Tobiassen—

HB 1641—A bill to be entitled An act relating to livestock at large; amending s. 588.13(4), Florida Statutes; enlarging the definition of "public roads" for purposes of the fence law

to include county maintained roads in addition to Department of Transportation maintained roads; providing an effective date.

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

Further consideration of HB 1641 was deferred.

SB 87—A bill to be entitled An act relating to state agency records; requiring each state agency which registers or licenses corporations, partnerships, or other business entities to include, within its numbering system, the federal employer's identification number; authorizing any state agency to maintain a dual numbering system subject to specified conditions; requiring the Department of State to keep a registry of federal employer's identification numbers; providing an effective date.

—was read the second time by title. On motion by Senator Firestone, by two-thirds vote SB 87 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, P.
Brantley	Henderson	Plante	Tobiassen
Childers, D.	Holloway	Poston	Trask
Childers, W. D.	Johnston	Renick	Vogt
Deeb	Lane, D.	Sayler	Ware
Dunn	Lane, J.	Scarborough	Wilson
Firestone	Lewis	Sims	Winn
Gallen	MacKay	Spicola	Zinkil
Gordon	McClain	Stolzenburg	
Graham	Myers	Thomas, J.	

Nay—1

Glisson

SB 73—A bill to be entitled An act relating to the state career service system; amending s. 110.022(3), Florida Statutes; deleting the requirement of fingerprinting all career service employees; providing that only employees in positions of special trust be fingerprinted; providing for the Department of Criminal Law Enforcement to process fingerprints for state agencies; providing for reimbursement of costs by the employing agency; providing an effective date.

—was read the second time by title.

Senator Lewis moved the following amendments which were adopted:

Amendment 1—On page 2, line 8, strike all of line 8 and insert: Section 2. Subsection (1) of Section 110.061, Florida Statutes, is amended to read:

110.061 Suspensions, dismissals, reductions in pay, demotions, layoffs and transfers.—

(1) Any employee who has permanent status in the career service may only be terminated for cause by the agency or officer by whom he is employed; *provided, however, that if the Legislature changes the activities of any agency by reducing the number of authorized positions, changing the program emphasis, reducing or eliminating program responsibility, or making any other change in the operation of the agency that requires a reduction in the total number of personnel employed in that agency, the employing agency or officer shall select those employees that are to be terminated and may make such selection without regard to the length of service of a particular employee, the provisions of this chapter and the rules of the Department of Administration relating to career service to the contrary notwithstanding, and the Division of Personnel and other agencies shall cooperate in assisting those employees terminated in locating job opportunities in positions for which they qualify.*

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

Amendment 2—In title, strike line 13 and insert: employing agency; amending s. 110.061(1), Florida Statutes; providing

for the termination of employees upon certain reductions in authorized position; providing an effective date.

On motion by Senator Firestone, by two-thirds vote SB 73 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	McClain	Stolzenburg
Brantley	Hair	Myers	Thomas, J.
Childers, D.	Henderson	Peterson	Tobiassen
Childers, W. D.	Holloway	Plante	Trask
Dunn	Johnston	Poston	Vogt
Firestone	Lane, D.	Saunders	Ware
Gallen	Lane, J.	Sayler	Wilson
Glisson	Lewis	Sims	Winn
Gordon	MacKay	Spicola	Zinkil

Nay—1

Deeb

SB 509—A bill to be entitled An act relating to bail; amending s. 903.132, Florida Statutes; providing that a court may grant bail pending appeal to a person convicted of a felony only upon a written order finding a good faith appeal; prohibiting such granting of bail if the convicted felon has a previous conviction or other felony charges pending; providing for direct appeal as a matter of right from any such denial of bail pending appeal; requiring advancement of such appeal on the appellate court's calendar; repealing Rules 3.130(a) and 3.691(a), Florida Rules of Criminal Procedure, insofar as these rules relate to post-trial release of persons convicted of a crime; providing an effective date.

—was read the second time by title.

Senator Dunn moved the following amendment:

Amendment 1—On page 2, lines 29 and 30, strike “unless the trial court shall find, in a written opinion” and insert: unless the defendant establishes

Senators Hair and Spicola offered the following substitute amendment which was moved by Senator Hair and failed:

Amendment 2—On page 2, lines 29-31, strike: “*unless the trial court shall find, in a written opinion, that the appeal is taken in good faith, on grounds fairly debatable, and not frivolous*”

Amendment 1 was adopted.

Senator Dunn moved the following amendment which was adopted:

Amendment 3—On page 3, line 5, after the word “him” insert: and probable cause has been found that the person has committed the felony or felonies

On motion by Senator Dunn, by two-thirds vote SB 509 as amended was read the third time by title, passed by the required constitutional two-thirds vote of the membership, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Gordon Spicola

Vote after roll call:

Yea—Renick

SB 279—A bill to be entitled An act authorizing and directing the Department of Military Affairs to name the Normandy Boulevard Armory located at Jacksonville in Duval County the Maxwell C. Snyder Armory; directing the department to prepare and locate appropriate signs and markers; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 279 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Renick

SB 696—A bill to be entitled An act relating to the Florida Cemetery Act; amending s. 559.31(1), Florida Statutes; defining the scope of the act; amending s. 559.32(3), Florida Statutes; defining a cemetery; amending s. 559.33(1), (3)(a), (d), Florida Statutes; requiring legal entities operating a cemetery to be licensed; amending s. 559.37(1), (6)(a), Florida Statutes; providing for the regulation of cemeteries; amending s. 559.39(2), Florida Statutes; adding standards for licensing based on population and need; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator J. Thomas:

Amendment 1—On page 1, line 26, after the word “burial” insert: *except private community cemeteries which only provide single level ground burial and do not sell burial spaces*

Senator J. Thomas moved the following substitute amendment:

Amendment 2—On page 1, line 26, after the word “burial” insert: *except private community cemeteries which only provide single level ground burial and do not sell burial spaces or cemetery merchandise and except for cemeteries owned and operated or dedicated by churches.*

Senator P. Thomas moved the following amendment to Amendment 2 which was adopted:

Amendment 2A—On page 1, line 4, strike “prior to the effective date of this Act.”

Amendment 2 as amended was adopted.

The Committee on Commerce offered the following amendment which was moved by Senator J. Thomas and failed:

Amendment 3—On page 1, strike all of lines 23 and 24 and insert: *cemeteries, except those owned and operated by churches and*

Senator Dunn moved the following amendment which was adopted:

Amendment 4—On page 2, line 10, strike “remains; and chapels” and insert: *remains.*

Senator MacKay moved the following amendment which was adopted:

Amendment 5—On page 1, line 23, strike “of less than 5 acres”

Further consideration of SB 696 as amended was deferred.

SB 696 was placed on the calendar on third reading after engrossing.

SB 502—A bill to be entitled An act relating to forest protection; amending s. 590.12, Florida Statutes; prohibiting any person from setting fire to certain types of vegetation on land owned or controlled by such person without first obtaining authorization from the Division of Forestry; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 502 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Gallen

HB 1565—A bill to be entitled An act relating to venue; repealing s. 47.163, Florida Statutes, as amended, which requires the consent of the parties before a change of venue may be made to any county where either of the parties reside; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote HB 1565 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—5

Dunn	Spicola	Ware	Wilson
Gallen			

The Senate resumed consideration of SB 696.

On motion by Senator Sims, further consideration of SB 696 was deferred.

The Senate resumed consideration of—

HB 1641—A bill to be entitled An act relating to livestock at large; amending s. 588.13(4), Florida Statutes; enlarging the definition of “public roads” for purposes of the fence law to include county maintained roads in addition to Department of Transportation maintained roads; providing an effective date.

Senator Trask moved the following amendment:

Amendment 1—On page 1, line 22, after the period insert: *provided, however, the Board of County Commissioners may, by resolution, exempt any county road from the provisions of this chapter.*

On motion by Senator W. D. Childers the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Glisson, the rules were waived and by two-thirds vote SB 774 was withdrawn from the Committee on Commerce.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 653, 654, 581, 659 and 738 were withdrawn from the Committee on Ways and Means.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 1182 was withdrawn from the Committee on Governmental Operations and indefinitely postponed.

On motion by Senator Gallen, the rules were waived and by two-thirds vote SB 998 was withdrawn from the Committee on Judiciary-Civil and referred to the Committee on Governmental Operations.

On motion by Senator Zinkil, the rules were waived and by two-thirds vote SB 998 was withdrawn from the Committee on Governmental Operations.

On motions by Senator McClain, the rules were waived and by two-thirds vote SB 38 was withdrawn from the Committees on Governmental Operations and Ways and Means and indefinitely postponed.

On motion by Senator Graham, the rules were waived and by two-thirds vote SB 943 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Lewis, the rules were waived and by two-thirds vote SB 435 was withdrawn from the Committee on Ways and Means.

Senator Plante moved that Rule 4.6 be waived and a bill relating to alcoholic beverages be introduced. The motion was referred to the Committee on Rules and Calendar.

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 7 to consider SB 783.

Senator Dunn moved that Rule 4.6 be waived and a bill relating to statute of limitations for crimes be introduced. The motion was referred to the Committee on Rules and Calendar.

CO-INTRODUCERS

Senator Winn—SB 86; Senator W. D. Childers—SB 512; Senators D. Childers, Glisson, D. Lane, Sims and J. Thomas—SB 472; Senator Poston—SB 1183

Senator W. D. Childers withdrew his name as co-introducer of SB 811.

The Journal of May 5 was corrected and approved as follows:
 Page 244, column 2, line 24, strike “1461” and insert: 1641
 Page 244, counting from bottom of column 2, line 18, strike “933” and insert: 833

The Journal was corrected and approved.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:10 p.m. to convene at 8:30 a.m., May 7 and 10, 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 11.