

# JOURNAL OF THE FLORIDA SENATE

Wednesday, May 12, 1976

The Senate was called to order by the President Pro Tempore at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

## INTRODUCTION

By Senator Saylor—

SB 1330—A bill to be entitled An act relating to the Municipal Police Officers' Retirement Trust Fund; amending ss. 185.03(2), 185.11, 185.37, Florida Statutes; deleting the exception from the provisions of chapter 185, Florida Statutes, for a governmental entity whose employees are eligible for membership in a state or state and county retirement system; authorizing funds received under the provisions of chapter 185, Florida Statutes, to be deposited in the Florida Retirement System Trust Fund if certain conditions have been met; excepting an election to join the Florida Retirement System from the apportionment and distribution requirements of retirement plans that terminate; authorizing contributions available to the board of trustees of a fund to be used as required payments for the purpose of joining the Florida Retirement System; providing for retroactive effect; providing effective dates.

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

By Senator Saunders—

SB 1331—A bill to be entitled An act relating to state attorneys and public defenders; amending ss. 27.34(2), 27.54(3), Florida Statutes; specifying which items of office and other expenses are to be provided by counties; providing an effective date.

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

By Senator Ware—

SB 1332—A bill to be entitled An act relating to hemophilia; creating the Hemophilia Advisory Council; requiring the Department of Health and Rehabilitative Services to develop and administer a program to assist hemophiliacs in obtaining treatment, to develop programs for treatment, and to institute educational programs; requiring the Hemophilia Advisory Council to advise appropriate the Department of Health and Rehabilitative Services on programs for the care and treatment of hemophilia and to coordinate programs of various organizations; providing an effective date.

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

By Senator McClain—

SB 1333—A bill to be entitled An act relating to the regulation of boats; amending s. 371.141(3), Florida Statutes, deleting certain requirements with respect to the confidentiality of required accident reports filed by the operator of any vessel involved in a collision, accident, or casualty; providing an effective date.

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

By Senators J. Thomas (by request), Zinkil (by request), Winn (by request), Firestone (by request), Poston (by request), Renick (by request), Gordon (by request), Holloway (by request) and Stolzenburg (by request)—

SB 1334—A bill to be entitled An act relating to the Department of State; providing an appropriation from the General Revenue Fund to the Department of State to cover costs of a special election in Broward and Dade counties; providing an effective date.

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

By Senator W. D. Childers—

SB 1335—A bill to be entitled An act relating to the Beverage Law; creating s. 565.16, Florida Statutes; requiring distributors of spirituous beverages to purchase from the primary American source; defining "primary American source of supply"; providing an effective date.

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

By Senator Poston—

SB 1336—A bill to be entitled An act relating to insurance; adding s. 627.351(9), Florida Statutes; providing for agreements for equitable apportionment and for the use of reasonable rate modification among casualty and surety insurers of applicants for insurance who are unable to procure insurance through ordinary methods; providing for adoption of a plan by the department for the equitable apportionment among general liability insurers; requiring all such insurers licensed in the state to participate in the plan so adopted; providing an effective date.

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

By Senator Ware—

SB 1337—A bill to be entitled An act relating to administrative procedure; amending s. 120.72(2), Florida Statutes; clarifying the transitional provisions for administrative adjudicative proceedings begun prior to January 1, 1975; providing for the reinstatement of actions dismissed under certain conditions; providing an effective date.

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

By Senator Tobiassen—

SB 1338—A bill to be entitled An act relating to public school personnel; amending s. 231.43, Florida Statutes; allowing a member of the instructional staff of any public school a maximum number of days leave of absence for personal reasons; requiring such member to pay the compensation for his substitute during such leave; providing an effective date.

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

By Senator MacKay—

SB 1339—A bill to be entitled An act designating the bridge on State Road 40 in Marion County, which spans the Oklawaha River, as the R. N. "Bert" Dosh Bridge; authorizing and directing the erection of markers; providing an effective date.

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

By Senators W. D. Childers, Vogt and Brantley—

SB 1340—A bill to be entitled An act relating to use of sovereignty and certain other state lands; prohibiting the issuance by state agencies of any permit for use of such lands without proof of receipt of the required lease, license, easement, or other consent to such use by the Board of Trustees of the Internal Improvement Trust Fund; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Lewis—

SB 1341—A bill to be entitled An act relating to ad valorem taxation; amending s. 200.071(3), Florida Statutes, providing for clarification of the type of special taxing district providing

municipal services with respect to which an additional ad valorem tax millage may be levied; providing an effective date.

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

By Senator Lewis—

SB 1342—A bill to be entitled An act relating to condominiums and cooperative apartments; providing that a developer shall not offer a residential unit of a condominium or cooperative apartment for sale or lease when the use of recreational facilities is an incentive to purchase or lease unless said recreational facilities are adequate for the number of units which are authorized to use such facilities; providing that the Division of Florida Land Sales and Condominiums of the Department of Business Regulation shall set standards for determining the adequacy of recreational facilities; providing for public hearings on such standards; providing an effective date.

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

By Senator Henderson—

SB 1343—A bill to be entitled An act relating to electric utilities; providing that service may not be discontinued for nonpayment of bills without at least 5 days' written notice; providing an effective date.

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

By Senators Gordon, Myers, J. Thomas, Hair, Winn, Brantley, Poston, Graham, Holloway, Zinkil, Firestone and Renick—

SB 1344—A bill to be entitled An act relating to banks, trust companies, and savings associations; amending ss. 659.20, 665.-361, Florida Statutes; authorizing a specified percentage of unimpaired capital and surplus of a bank or trust company to be used to invest in or purchase bonds or other evidences of indebtedness of the State of Israel; authorizing a specified percentage of capital reserves and surplus of a savings association to be used to invest in or purchase bonds or other evidences of indebtedness of the State of Israel; providing an effective date.

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

By Senator Poston—

SB 1345—A bill to be entitled An act relating to liquefied petroleum gas; amending s. 527.02(1), Florida Statutes; increasing certain license fees with respect to manufacture, dealing, and installing such gas and appliances and equipment; providing an effective date.

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

By Senator Saunders—

SB 1346—A bill to be entitled An act relating to county government; adding s. 125.01(7), Florida Statutes; providing for the issuance of licenses; providing an effective date.

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

By Senator Zinkil—

SB 1347—A bill to be entitled An act relating to determination of millage; amending s. 200.065(1), Florida Statutes; requiring the property appraiser, in calculating the certified millage, to use 100 percent of taxable value and to exclude from the prior year's revenue any amount held by a court to have been unlawfully levied; providing an effective date.

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

By Senator Myers—

SB 1348—A bill to be entitled An act relating to the treatment of alcoholics; amending ss. 396.072(2), 396.082(1), 396.-

102(1), Florida Statutes; changing the length of time an intoxicated person may be detained in protective custody; permitting a municipal or county jail or other detention facility used for protective custody to be used as a treatment resource; requiring the Department of Health and Rehabilitative Services to annually notify certain agencies of the treatment resource nearest each detention facility; removing the disability of minority for a person under 18 years of age for the purpose of consent for rehabilitative or medical treatment for alcoholism or alcohol abuse; providing that a person involuntarily committed for treatment as an alcoholic not be committed to a state-operated mental hospital for such treatment; authorizing the chief of police of a municipality to petition the circuit court for the involuntary treatment of an alcoholic; creating s. 396.105, Florida Statutes; authorizing a court to commit an habitual abuser to inpatient or outpatient treatment after a hearing on a petition by any treatment resource or by such person's spouse, guardian, or next of kin; authorizing the recommitment of such person; providing an effective date.

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

By Senator Scarborough—

SB 1349—A bill to be entitled An act relating to the dissolution of marriage; amending s. 61.08, Florida Statutes; providing standards for a court to follow in determining a proper alimony award relating to the expected earning abilities of the respective parties, and certain other specified factors; providing an effective date.

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

By Senator Vogt—

SB 1350—A bill to be entitled An act relating to the Medical Examiners Commission; amending s. 406.02(1), Florida Statutes; adding an additional member to the commission to represent the State Association of County Commissioners; providing an effective date.

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

By Senator P. Thomas—

SB 1351—A bill to be entitled An act relating to training and qualifications of correctional officers; amending ss. 944.584, 944.592(1), Florida Statutes; providing that correctional officers employed on or before July 1, 1976, are not required to meet certain standards or qualifications; providing an effective date.

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

By Senator W. D. Childers—

SB 1352—A bill to be entitled An act relating to the Beverage Law; amending s. 565.15(1), Florida Statutes; changing the reporting requirements with respect to the price affirmation report required of a manufacturer or licensed seller of distilled spirits to distributors; providing an effective date.

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

By Senator Holloway—

SB 1353—A bill to be entitled An act relating to taxes on motor fuels and special fuels; creating s. 206.606, Florida Statutes; imposing an additional 1-cent tax per gallon on motor fuel and on special fuels; providing that the proceeds of the additional tax be used by the Department of Transportation for public transportation purposes in areas for which a comprehensive transportation study has been made or is being conducted and in transportation corridors connecting urban areas and for mass transit projects qualifying for federal funds; providing for interim use of unexpended funds to advance certain road or other projects; providing for budgeting and accounting of such funds; repealing s. 336.021, Florida Statutes, which allows counties to impose a 1-cent tax on motor

fuels and special fuels sold in that county, with the funds to be used for local transportation systems; providing an effective date.

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

By Senator MacKay—

SB 1354—A bill to be entitled An act relating to the Teachers' Retirement System of Florida; amending s. 238.07(16)(a), Florida Statutes; redefining child as a natural or legally adopted child of a member until such child reaches 18 years of age; allowing certain previously married children to be eligible for survivor benefits; providing an effective date.

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

By Senators Plante and Brantley—

SJR 1355—A joint resolution proposing an amendment to Section 4, Article VII of the State Constitution, relating to finance and taxation, to provide for the assessment of slum or blighted urban real property for the purpose of redeveloping or restoring such property.

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

By Senator Henderson—

SB 1356—A bill to be entitled An act relating to the Board of Building Codes and Standards within the Department of Community Affairs; amending s. 553.74(1), Florida Statutes; increasing and changing the composition of the board; providing an effective date.

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

By Senator Renick—

SB 1357—A bill to be entitled An act for the relief of Curtis Starling and Lydia Starling; providing an appropriation to compensate them for the death of their daughter, Paulette Starling; providing an effective date.

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

SB 1358 was withdrawn prior to introduction.

By Senator Gallen—

SB 1359—A bill to be entitled An act relating to sales, storage, and use of aviation motor fuels; amending ss. 206.42, 212.08(4), Florida Statutes; providing that such fuels are subject to the full tax on sales, use, and other transactions; requiring the revenue from such taxes be deposited in the State Transportation Trust Fund; providing an effective date.

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

By Senator Winn (by request)—

SB 1360—A bill to be entitled An act relating to banks and trust companies; creating s. 658.051, Florida Statutes; providing that the Department of Banking and Finance, may permit state banks to exercise the same lending and investment powers that national banks have in this state; amending s. 659.06(2)(b), Florida Statutes; deleting limitations on services that may be offered at drive-in and walkup facilities; amending s. 659.14, Florida Statutes; requiring department approval for acquisition of a controlling interest in a bank or trust company; defining "controlling interest" and providing exceptions; creating ss. 659.561-659.564, Florida Statutes; authorizing the department to issue cease and desist orders and to remove officers, directors, and employees of banks or trust companies; providing procedure therefor; providing for hearings; prescribing administrative fines for violation of cease and desist orders; providing an effective date.

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

By Senators P. Thomas, Barron and Poston—

SB 1361—A bill to be entitled An act relating to state roads; designating the bridge on Interstate 10 spanning the Apalachicola River as the Dewey M. Johnson Bridge; providing for the erection of markers; providing an effective date.

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

By Senator Winn (by request)—

SB 1362—A bill to be entitled An act relating to the "Florida Banking Code"; amending s. 658.08(3)(c), (f), (g), Florida Statutes, and adding paragraph (h) to said subsection; requiring payment of a fee on applications to acquire a controlling interest in an existing bank or trust company, to operate a branch bank or trust branch under s. 659.06 or s. 659.061, Florida Statutes, or to effect a merger; amending s. 659.11(2), (3), Florida Statutes; eliminating the requirement that directors shall own a certain number of shares of stock; amending s. 659.141(3)(c), Florida Statutes; deleting the requirement that debts have to be previously contracted; amending s. 659.17(2)(c), Florida Statutes, deleting the requirement that the department shall furnish a list of acceptable securities; amending s. 659.53(4), (5), Florida Statutes; making it unlawful for any officer or director of a bank or trust company to willfully violate any provisions of the Banking Code or to provide false or fraudulent information to the department; providing an effective date.

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

By Senator Gallen—

SB 1363—A bill to be entitled An act relating to the principal and income of trusts; amending ss. 738.01(2), 738.03(1)(b), (e), 738.06(2), 738.07, Florida Statutes; deleting provision which authorizes a trustee of a testamentary trust to use the estate or inheritance tax values in determining inventory value; clarifying cross-references and the status of corporate distributions as principal; providing that the increment of appreciation of certain bonds bearing no stated interest be designated and distributable as income; providing an effective date.

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

By Senator Myers—

SB 1364—A bill to be entitled An act relating to collective bargaining; creating s. 447.609, Florida Statutes; prescribing actions that will be considered as failures to bargain in good faith, on the part of public employers and public employee organizations; providing an effective date.

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

By Senators Graham and Gordon—

SB 1365—A bill to be entitled An act relating to the licensing of health-care facilities; adding s. 381.493(3)(1), Florida Statutes; defining health-care facility; amending s. 381.494(1), Florida Statutes; requiring notification of the appropriate health systems agency with respect to certain projects for capital expenditures of \$50,000 or more for diagnostic or treatment equipment; providing an effective date.

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

By Senator Myers—

SB 1366—A bill to be entitled An act relating to collective bargaining by public employees; amending s. 447.403(1), Florida Statutes; repealing the required impasse within 60 days after the commencement of collective bargaining if no agreement is reached; providing that collective bargaining may continue, by mutual agreement of the parties, when the 70-day impasse date is reached; providing an effective date.

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

By Senator D. Lane—

SB 1367—A bill to be entitled An act relating to forest protection; creating s. 590.025, Florida Statutes, authorizing the Division of Forestry of the Department of Agriculture and Consumer Services to control burn wild lands under certain circumstances and subject to certain conditions; providing an effective date.

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

By Senator Hair—

SB 1368—A bill to be entitled An act relating to government employees deferred compensation programs; amending s. 112.-215(3)-(7), Florida Statutes; authorizing deferred compensation programs for the employees of the state, state agencies, counties, municipalities, and other political subdivisions; providing for approval and administration of such programs; providing an effective date.

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

By Senators Scarborough, Dunn, Vogt, Hair, Deeb, MacKay and Firestone—

SB 1369—A bill to be entitled An act relating to offender rehabilitation and parole; providing for a mutual agreement offender program; providing legislative intent; providing definitions; creating a 2-year mutual agreement program pilot program for negotiating terms of incarceration and parole date; providing for a program coordinator; enumerating the responsibilities and obligations of the Department of Offender Rehabilitation, the Parole and Probation Commission and the offender under the conditions of a parole agreement; providing procedure to be used by the negotiating team, in designing and establishing a program and agreement for offenders; providing authority, and specified date for the adoption of rules and regulations; providing for annual reports to Legislature; providing appropriation; providing an effective date.

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

By Senator Peterson—

SB 1370—A bill to be entitled An act relating to the Citrus Plant Protection Trust Fund, levying an excise tax on each box of citrus fruit grown in this state; creating the Citrus Plant Protection Trust Fund; limiting the balance of said fund; providing for expenditures from the fund to control and eradicate citrus plant diseases and pests; providing for a referendum election.

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

By Senator Winn (by request)—

SB 1371—A bill to be entitled An act relating to consumer and commercial credit; establishing the Florida Advisory Committee on Consumer and Commercial Credit; providing for membership and organization; providing duties and functions of the committee; providing that members shall not be compensated but shall be reimbursed for expenses; providing for the procurement of information and assistance; exempting the commission from the provisions of certain statutes; providing an effective date.

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

By Senator W. D. Childers—

SB 1372—A bill to be entitled An act relating to the Beverage Law; adding s. 561.01(12), Florida Statutes; defining the term "drop shipments" or "multiple deliveries"; requiring all car-load shipments of alcoholic beverages by a manufacturer to a distributor to be delivered to the purchasing distributor's licensed premises or bonded warehouse; providing exceptions; providing an effective date.

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

By Senator W. D. Childers—

SB 1373—A bill to be entitled An act relating to fine arts; authorizing the Division of Cultural Affairs of the Department of State to accept and administer state appropriations for fine art grants; providing for use and expenditure of funds; providing limitations on grants; repealing s. 265.29(5), Florida Statutes, relating to expenditures of funds by the Fine Arts Council; providing an effective date.

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

By Senator P. Thomas—

SB 1374—A bill to be entitled An act relating to saltwater fishing; amending s. 370.102, Florida Statutes; requiring that regulation of the taking or possession of saltwater fish be initiated by general law; prohibiting special laws or general laws of local application pertaining to such regulation; requiring the Department of Natural Resources to review such laws and file a report with the Governor and Cabinet as head of the Department of Natural Resources and with the Legislature; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Henderson—

SB 1375—A bill to be entitled An act for the relief of Betty Campbell, widow of Charles Campbell, and Edward Campbell and Elaine Campbell, minors; providing an appropriation to compensate them for the tragic death of Charles Campbell; providing an effective date.

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

SB 1376 was introduced and passed April 30.

By Senator Gallen—

SB 1377—A bill to be entitled An act relating to Manatee County; creating section 15, chapter 25996, Laws of Florida, 1949, as amended; designating the Whitfield Zoning District as a sanctuary for birds and wildlife; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Gordon—

SB 1378—A bill to be entitled An act relating to planning and budgeting; amending s. 216.262(1)(b), Florida Statutes; requiring the Department of Administration to delegate to state agencies or departments, upon written request, the authority to classify, reclassify, add, delete, or transfer authorized positions; providing that the eligibility for, receipt of, or use of federal funds shall not be endangered by use of the authority delegated; requiring agencies to report all personnel actions taken under said authority to the Department of Administration, the legislative appropriations committees, and the Auditor General; providing an effective date.

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

By Senator MacKay—

SB 1379—A bill to be entitled An act relating to cemeteries; amending s. 559.34, Florida Statutes; increasing the fee for an application for a purchase or change of control of a cemetery company; amending s. 559.37(4), Florida Statutes; increasing the fee for the examination of a cemetery company; amending s. 559.46, Florida Statutes; providing an annual license fee for cemetery sales organizations, cemetery management organizations, and cemetery brokers; providing a penalty fee for late applications for annual licenses; providing an effective date.

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

By Senator Gordon—

SB 1380—A bill to be entitled An act relating to health care facilities and services; requiring physicians, osteopathic physicians, and dentists having a legal or equitable interest in, or who are employees, partners, directors, owners, stockholders, or officers of certain health care facilities or services, to file an annual report, with the Department of Health and Rehabilitative Services, disclosing all business and financial transactions, except compensation received for direct provision of professional services, with that same health care facility or service provider; providing that the department shall furnish to each patient, referred to such a facility or service, a brief statement disclosing the interest of such physician, osteopath or dentist in that facility or service; requiring physicians and osteopaths to report annually, to the department, any financial interests in pharmaceutical firms; providing that any person who is a trustee, director, or officer of any nonprofit hospital or nursing home and is also an employee, partner, director, or officer of a partnership, firm, corporation, or other entity, or owns 3 percent or more interest in such business entity, shall file annual reports with the department, disclosing in detail all business transactions between such hospital or home and such business entity that the trustee, director, or officer is associated with; providing conditions and administrative penalties for those who fail to report as required; prohibiting commissions, kickbacks, rebates, and split fee arrangements for patient referrals to a hospital, nursing home, or clinical laboratory; providing administrative penalties for violation of this referral prohibition; amending s. 395.12, Florida Statutes; providing that the public may have access to information received by licensing agencies, except for confidential medical information; providing an effective date.

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

By Senator Ware—

SB 1381—A bill to be entitled An act relating to title insurance; amending s. 624.608, Florida Statutes; defining the terms "title insurance" and transacting title insurance; amending s. 627.784, Florida Statutes; prohibiting the insurance of any title in disregard of a known adversity or defect; requiring a title insurer to have a title search made and determine insurability of a title prior to insuring such title; requiring the keeping of evidence of such search; adding s. 627.786(3), Florida Statutes; authorizing title insurers to furnish a prospective insured instruments upon assuming liability for certain acts of their agents or members of a business trust title insurer in connection with proposed title insured and real property transaction; creating s. 627.787, Florida Statutes; requiring title insurers to annually account for certain forms; authorizing the Department of Insurance to require such an accounting by a title insurer; creating s. 627.789, Florida Statutes; prohibiting a title insurer from furnishing certain supplies to any person who is not under an agency contract or who is not a member of a business trust title insurer; providing for civil liability; designating what constitutes a violation; providing a penalty; providing an effective date.

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

By Senator Myers—

SB 1382—A bill to be entitled An act relating to professional and occupational regulation; creating ss. 455.10-455.16, Florida Statutes; providing definitions; creating the Commission for Professional and Occupational Regulation; providing for compensation of certain members of the commission; prescribing the powers and duties of the commission; providing for the regulation of professions or occupations not otherwise regulated; providing for the determination of the need to regulate any such profession or occupation; providing for creation of boards to regulate any profession or occupation for which a need for regulation is established; prescribing the powers and duties of such regulatory boards; providing an effective date.

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

By Senator MacKay—

SB 1383—A bill to be entitled An act relating to the Florida Cemetery Act; creating ss. 559.371-559.373, Florida Statutes; authorizing the Department of Banking and Finance to issue certain cease and desist orders; authorizing administrative fines for violation of cease and desist order of the department; allowing attorneys' fees to the prevailing party in civil litigation resulting from an alleged violation of the Florida Cemetery Act; providing that cemetery owners or cemetery company officers are personally liable for certain trust fund income not used to care for and maintain a cemetery; providing an effective date.

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

By Senators Lewis, Ware and Saunders—

SB 1384—A bill to be entitled An act relating to administrative rules; amending s. 11.60(2), Florida Statutes; authorizing the Administrative Procedures Committee to disapprove and temporarily suspend a rule of an executive agency; providing that the committee may recommend to the Legislature that it disapprove the rule by concurrent resolution; providing an effective date.

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

By Senators J. Thomas, Vogt and Poston—

SB 1385—A bill to be entitled An act relating to care of the mentally retarded; creating s. 393.16, Florida Statutes; providing definitions; providing for community care programs for the mentally retarded and providing standards and guidelines for community care facilities; authorizing the department to contract with private and public agencies to meet community care standards; requiring the department to submit a plan of community care to the Legislature annually for 5 years; repealing s. 393.015, Florida Statutes, relating to the establishment of regional community centers for the retarded; providing an effective date.

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

By Senator W. D. Childers—

SB 1386—A bill to be entitled An act relating to motor carriers; adding s. 323.01(19), Florida Statutes; defining non-emergency service; amending s. 323.02, Florida Statutes; requiring motor carriers supplying non-emergency service to obtain certificate or permit; providing an effective date.

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

By Senator Gallen—

SB 1387—A bill to be entitled An act relating to trusts; amending s. 737.101, Florida Statutes; deleting provisions relating to the duty to register a trust; amending s. 737.105, Florida Statutes; providing that local qualification by a foreign trustee is not required for purposes of distribution; amending s. 737.201, Florida Statutes; deleting references to registration of a trust; amending s. 737.202, Florida Statutes; deleting references to registration of a trust and providing for venue in principal place of administration; amending s. 737.303(1), Florida Statutes; providing notice of trustee's acceptance and his name and address to current income beneficiaries and vested remaindermen; amending s. 737.304, Florida Statutes; deleting reference to registration and providing that the bond of a trustee be filed in the county where the trust has its principal place of business; amending s. 737.305, Florida Statutes; deleting reference to release of registration; adding s. 737.306(4), Florida Statutes; providing proceedings in which issue of a trustee's liability may be determined; amending s. 737.401, Florida Statutes, deleting the provision authorizing an instrument that is not a trust to incorporate any part of the provisions of trust law by reference; amending s. 737.405, Florida Statutes; clarifying the provision relating to protection of third parties; amending and transferring s. 738.151, Florida Statutes, extending date for final accounting of trust being administered under the Trust Accounting Law; repealing ss. 737.102, 737.103,

737.104, Florida Statutes, relating to registration procedures, effect of registration, and effect of failure to register; providing an effective date.

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

By Senator Dunn—

SB 1388—A bill to be entitled An act relating to obstructing justice; amending ss. 843.01, 843.02, Florida Statutes; prescribing penalties for any person to resist, obstruct, or oppose certain law enforcement officers or persons authorized to execute process in the execution of legal process or in the lawful execution of any legal duty; providing an effective date.

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

By Senator Lewis—

SB 1389—A bill to be entitled An act relating to obscenity laws; amending s. 847.012(2), Florida Statutes; making it unlawful to display obscene literature at newsstands or other business establishments which juveniles frequent; repealing ss. 847.013(4) and 847.09(1), Florida Statutes, in which the state preempts, to the exclusion of counties and municipalities the field of obscenity relating to motion pictures, exhibitions, shows, presentations or representations; providing an effective date.

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

By Senator Johnston—

SB 1390—A bill to be entitled An act relating to law enforcement; amending s. 943.14(2), Florida Statutes; authorizing temporary employment as a police officer prior to having obtained a certificate of compliance with the required training programs; amending s. 943.25(2), (3), (7), (9), Florida Statutes; restricting the prohibition on fees and charges for police training programs to advanced training programs; changing the assessment charged against court costs, bond estreatures, and forfeited bails; specifying the distribution of the proceeds of such collections; providing certain changes for purposes of clarification; providing an effective date.

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

By Senator Poston—

SB 1391—A bill to be entitled An act relating to The Florida Election Code; requiring a supervisor of elections, with the assistance of county and municipal attorneys, to provide instructional programs on the code; specifying times for holding such programs and requiring notice thereof; requiring a supervisor to provide instruction for poll watchers on the conduct of an election at the request of a political party, county, or municipality; specifying time for conducting such instruction; providing an effective date.

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

By Senator Peterson—

SB 1392—A bill to be entitled An act relating to credit cards; prohibiting certain service charges; providing an effective date.

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

By Senator Dunn—

SB 1393—A bill to be entitled An act relating to circuit courts; authorizing creation of Citizen Dispute Settlement Centers by the chief judges of the circuit courts of this state; establishing objectives for the center; establishing authority in chief judge of circuit to oversee operations of centers, and to appoint a director for each center; establishing eligibility for participation in the mediation programs; establishing procedures for center operations; providing confidentiality of information re-

ceived by center from participants; providing for written settlements; providing for funding of centers; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil, Judiciary-Criminal and Ways and Means.

By Senator Peterson—

SB 1394—A bill to be entitled An act relating to institutions of higher learning; amending s. 240.052(4), Florida Statutes, changing certain provisions with respect to deferral of registration fees for veterans at institutions within the State University System and community college system; providing for other matters relative thereto; providing an effective date.

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

By Senator W. D. Childers—

SB 1395—A bill to be entitled An act relating to the Teachers' Retirement System of Florida; amending s. 238.06(4), Florida Statutes; providing that any member who receives out-of-state prior service credit must affirm that he will not claim such service under any other retirement system; providing that if he receives a benefit for such service under any other system, his benefits under the Teachers' Retirement System of Florida will be reduced by the amount received, and the reduced benefit will be suspended until any deficit is repaid; providing an effective date.

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

By Senators Vogt, Sims, MacKay, and P. Thomas—

SB 1396—A bill to be entitled An act relating to title insurance; amending s. 624.608, Florida Statutes; providing that title insurance is limited to real property and contractual interests derived therefrom; providing a definition of transacting of title insurance; amending s. 627.784, Florida Statutes; providing for the requiring of title searches and examinations prior to the issuance of any title insurance policy, binder, commitment, or guarantee; providing that no title insurance policy, binder, commitment or guarantee be issued with disregard of the known existence of adverse matters or defects of title; providing that evidence of the title search shall be preserved for not less than 7 years after issuance of any title insurance or guarantee; requiring title insurers to provide for the insuring against loss from the last available record of title evidence and the time of recording of document or documents creating the estate to be insured; adding s. 627.786(3), Florida Statutes; permitting title insurers to recognize and assume liability for certain acts of their agents or members of a business trust title insurer in connection within proposed title insured and real property transaction on forms approved by the Department of Insurance; creating s. 627.787, Florida Statutes; providing for an annual accounting, and for a special auditing, of outstanding forms by title insurers of their agents or members of a business trust title insurer; creating s. 627.789, Florida Statutes; prohibiting the furnishing of title insurance supplies to agents not under contract with the title insurer or approved as members of a business trust title insurer; providing a civil liability and a criminal penalty; providing an effective date.

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

By Senator Graham—

SB 1397—A bill to be entitled An act relating to state health planning; providing for the development of a state health plan; requiring annual submission to the legislature; providing definitions; providing for functions of the office of the Deputy Assistant Secretary for State Health Planning and Development; providing for the creation and maintenance of an information system regarding the health status of the citizens of the state; providing an effective date.

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

By Senators Lewis, Ware and Saunders—

**SJR 1398**—A joint resolution proposing an amendment to Section 6, Article IV of the State Constitution, providing for legislative disapproval, by concurrent resolution, of the administrative rules of executive agencies and for delegation, by law, to a joint legislative committee of the authority to temporarily suspend rules of executive agencies.

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

By Senator Deeb—

**SB 1399**—A bill to be entitled An act relating to sale of aerosol sprays; prohibiting sale or offer of sale of aerosol sprays containing certain propellants; providing a penalty; providing an effective date.

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

By Senator Graham—

**SB 1400**—A bill to be entitled An act relating to registration of births; amending s. 382.16, Florida Statutes; providing time and place for filing of a birth certificate; providing who shall file a birth certificate under specified conditions of birth; providing for entry of father's surname or mother's surname as the child's surname under specified conditions; providing for legitimization of children born as a result of artificial insemination of a married woman with the husband's consent; providing for attestation of parents; repealing s. 382.18, Florida Statutes, relating to birth certificates; repealing s. 382.35(2), relating to disclosure of undetermined parentage in birth records; providing an effective date.

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

By Senator Lewis—

**SB 1401**—A bill to be entitled An act relating to the Estero Bay Aquatic Preserve; amending s. 258.39(28), Florida Statutes; excepting certain submerged lands from inclusion within the preserve; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senators J. Lane and Brantley—

**SB 1402**—A bill to be entitled An act relating to the Beverage Law; amending s. 561.22, Florida Statutes; providing that prohibition against a license being issued to an exporter as a vendor and to a vendor as an exporter shall apply only to prohibit the same individual, copartnership, firm, association, or corporation from being issued, holding or operating under both a vendor's and an exporter's license; providing restrictions on any individual, copartnership, firm, association, or corporation operating as an exporter of alcoholic beverages under a license of this state which is interested in, or affiliated or connected with, directly or indirectly, any other such entity operating as a vendor; providing an effective date.

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

By Senator Poston—

**SB 1403**—A bill to be entitled An act relating to universities; providing for regulation of traffic; amending s. 239.53, Florida Statutes; providing additional definitions; providing for promulgation of traffic rules or regulations by each institution of higher education; amending s. 239.54, Florida Statutes; requiring posting, filing, and availability of such rules or regulations; providing for applicability of municipal traffic ordinances and provisions of state law; amending s. 239.55, Florida Statutes; providing for violations and penalties; amending s. 239.56, Florida Statutes; providing procedure for payment of fines and adoption of a procedure for a hearing upon a violation; deleting current provisions of law relating to jurisdiction of municipal courts and campus traffic courts, and to violation

fees and cash bonds; amending s. 239.57, Florida Statutes; providing for disposition of parking fees and traffic fines; providing an effective date.

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

By Senator Tobiassen—

**SB 1404**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.051(6)(b), Florida Statutes; providing that any blind or partially sighted person employed or licensed under part I of chapter 413, Florida Statutes, as a vending stand operator may elect to participate in such system; providing an effective date.

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

By Senator Gordon—

**SB 1405**—A bill to be entitled An act relating to community mental health services; amending various sections of part IV of chapter 394, Florida Statutes, to conform to governmental reorganization of the Department of Health and Rehabilitative Services; adding subsections (8)-(10) to s. 394.66, Florida Statutes, providing legislative intent; amending s. 394.67(1), (2), (3), (5), (6), (9), (10), and (11), Florida Statutes, and adding subsections (12), (13) and (14) thereto, providing definitions; repealing s. 394.68, Florida Statutes, relating to the establishment of service districts by the former Division of Mental Health; amending s. 394.69, Florida Statutes, providing that a district mental health board shall be established in each district; providing for the transfer of the powers and responsibilities of district mental health boards established under the former Division of Mental Health to the boards established by this act; providing a budget for the board; amending s. 394.70(1) and (2), Florida Statutes, deleting obsolete provisions relating to nonprofit corporations petitioning for appointment to such boards; providing that first priority be given to certain individuals for such membership; providing for 2-year terms; providing a procedure for filling of vacancies; increasing the number of successive terms such members may serve; prohibiting appointment of certain persons to boards; increasing the number of board members; providing that each county in a board district be represented by at least one member; providing a weighted voting formula for board members; requiring boards to define "malfeasance" and "misfeasance"; providing for replacement of members guilty of malfeasance or misfeasance; amending s. 394.71(3), Florida Statutes, and adding subsections (6) and (7) thereto, relating to duties of such boards; providing that such boards contract with district administrators for state funds; requiring well publicized meetings with certain community groups at least annually; amending s. 394.72, Florida Statutes, providing that staffs of the district administrator and of mental health boards shall not duplicate activities; providing that board staff members shall not serve on staffs of mental health service providers; amending s. 394.73(1) and (4), Florida Statutes, conforming terminology; amending s. 394.74(2)(c) and adding a paragraph, relating to service contracts, requiring the department to develop certain standard forms; amending s. 394.75(1) and (5), Florida Statutes, requiring such boards to submit district plans for services; amending s. 394.76, Florida Statutes, relating to financial provisions; providing that district administrators shall inform such boards of services to be funded by the state; deleting certain fees and payments from the formula determining the state's share of financial participation; providing that upon application for state funds, district administrators may allow a board to provide or contract for the providing of certain services under certain circumstances; authorizing district administrators to authorize the use of Certified Public Accountants for audits; providing that claims for state reimbursement of expenditures shall utilize a purchase of service approach; providing that certain capital improvements be subject to certain provisions; requiring district governing bodies to provide 25 percent of funds for district services; amending s. 394.77, Florida Statutes, providing for the establishment of certain cost control systems; amending s. 394.78, Florida Statutes, relating to operation and administration, conforming terminology; deleting provisions relating to the 6-year plan; providing procedures in unresolved disputes between providers and boards; amending s. 394.79(1) and (2), Florida Statutes, requiring the Mental Health Program Office

to list core programs in the state plan; amending s. 394.81, Florida Statutes, continuing current state financial aid to certain programs under certain circumstances; providing effective dates.

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

By Senator Dunn—

**SB 1406**—A bill to be entitled An act relating to corporations; amending ss. 48.091, 607.011(2)(n), 607.021, 607.027(1), Florida Statutes; adding s. 607.034(3)-(6), Florida Statutes; amending ss. 607.054(6), 607.161, 607.224(3), 607.234(1)(b), 607.251(2)(a), 607.267(1), 607.284, Florida Statutes; adding s. 627.301(4), Florida Statutes; amending ss. 607.314, 607.337(2), 607.354(2), 607.357(1), 607.361(4), (5), 607.371, Florida Statutes; providing for designation of registered agent and office for service of process; providing penalty for failure to comply; clarifying terminology; authorizing renewal of name reservation; eliminating the prohibition on receiving promissory notes as consideration for shares; eliminating the requirement of filing duplicate articles of incorporation or dissolution with the Department of State; repealing mandatory filing of articles of merger or consolidation in the county; providing that liquidation proceedings do not affect enforceability of a recorded mortgage, lien, or the perfected security interest of persons in possession of property; providing that after dissolution a majority of the surviving trustees of the corporation may act as the board of trustees; providing that failure of a foreign corporation to obtain authority to transact business does not impair the validity of deeds, mortgages, security interests or liens; requiring the names and addresses of directors to be in the annual report; granting the Department of State authority to make rules; providing an effective date.

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

By Senator MacKay—

**SB 1407**—A bill to be entitled An act relating to medical practice and medical injury compensation; amending s. 627.351(8)(d)-(f), (h), Florida Statutes, and adding paragraph (i) to said subsection; making the temporary joint underwriting plan available for all health care providers; removing the requirement that the Joint Underwriting Association cancel the current policies of those who fail to pay premium contingency assessments; providing that the association pay no further claims on policies for which the policyholder failed to pay such assessments; removing the requirement that the temporary joint underwriting plan provide policy service through one or more insurers; providing that records of the association are not available to the public during processing of a claim; defining health care provider; amending s. 395.18, Florida Statutes, requiring all hospitals and certain other health care facilities to establish a risk management program; authorizing two or more health care facilities to combine their risk management programs; requiring every hospital to carry liability insurance or insure itself for the negligence of employees or any person authorized to practice in the hospital; prohibiting health care professionals from purchasing their own individual coverage for hospital practice; providing that individuals shall be responsible for their own negligence outside the hospital; providing that individual rights to recover for negligence in the hospital are not abrogated; authorizing assessments of certain individual health care providers; providing for a deductible amount when injuries are determined to have resulted from an individual's negligence; providing for apportionment of damages when any negligence is determined to have occurred both inside and outside a hospital; providing for medical injury reporting and investigation; providing civil and criminal immunity for persons acting pursuant to medical incident investigations; providing for compensation for medical injury; providing for assessments for funding the compensation system; authorizing rule making by the Department of Insurance; providing criteria for compensation; providing certain tort or contract claim limitations when compensation benefits have been received; providing for exceptions to the tort limitations; providing for punitive damages in certain cases; requiring that a medically injured patient be advised of the injury and right to receive or reject compensation; requiring certain information be obtained from a patient

prior to an award of compensation; providing for coordination of benefits with collateral sources of indemnity; providing for arbitration of disputed compensation claims; providing for maintenance of medical injury files and reports to professional boards when negligence is found; providing that an offer of compensation shall not be an admission of negligence unless such admission is in writing; providing for personal assessment for a percentage of compensation when negligence is determined; providing for investigations by the appropriate licensing board in certain cases; providing for severability; providing an effective date.

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

By Senator Gallen—

**SB 1408**—A bill to be entitled An act relating to guardianship; amending s. 744.337(1), Florida Statutes; providing for a hearing on petition for appointment of guardian without notice if filed at the end of incompetency hearing; amending s. 744.441, Florida Statutes; requiring court approval before a guardian executes any power of appointment or other powers ward might have lawfully exercised, consummated, or exercised, sells, mortgages, or leases homestead property, or makes gifts of property for income tax purposes; amending s. 744.444, Florida Statutes; authorizing the guardian, without court approval, to elect to dissent from a will or assert rights or choices available to a surviving spouse, to deposit and invest liquid assets of the estate, to pay expenses incidental to administration, to sell or exercise stock subscriptions or conversion rights and consent to reorganization, consolidation, merger, dissolution, or liquidation of a corporation or business, to employ persons to assist in performing guardianship duties, execute instruments to carry out court orders, or to hold a security in the name of a nominee; providing an effective date.

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

By Senator MacKay—

**SB 1409**—A bill to be entitled An act relating to cemeteries; amending ss. 559.33(6)(c), 559.481(1), Florida Statutes; requiring notice of certain deed restrictions on cemetery property; amending s. 559.37(6), (7), Florida Statutes; providing for the investigation of any person operating a cemetery and the suspension or revocation of a right to operate a cemetery; providing for appointment of an administrator and prescribing his powers and duties; amending s. 559.39(2), Florida Statutes; providing criteria to be used in determining the need for a cemetery in a county; creating s. 559.374, Florida Statutes; authorizing political subdivisions to maintain an abandoned cemetery and recover the cost of such services; amending s. 559.43(1)(b), Florida Statutes; requiring cemetery companies to deposit into the care and maintenance trust fund \$10 for each burial right provided without charge; amending s. 559.441, Florida Statutes; requiring that remittances by cemetery companies to the merchandise trust fund be made within 30 days after the calendar month in which payments for merchandise or services are received; providing for deposit of merchandise trust funds in a bank or savings and loan association by the cemetery company; requiring notice to the department of such deposit; requiring powers of attorney or indemnification agreements with such banks or savings and loan associations to protect purchasers; providing for refunds to purchasers if the cemetery company fails or refuses to perform the contract as agreed; requiring financial reports at the end of each fiscal year; requiring production of trust fund records held by any bank or savings and loan association upon request of the department; amending s. 559.49(1), Florida Statutes; requiring a bond by existing cemetery companies upon licensing; amending s. 559.50, Florida Statutes; revising the maximum liability on surety bond; amending s. 559.51, Florida Statutes; prescribing penalties; providing an effective date.

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

By Senator Wilson—

**SB 1410**—A bill to be entitled An act relating to motor vehicle inspection; amending s. 325.16, Florida Statutes; prescribing a \$1 charge for the reinspection of a vehicle at a safety

inspection station other than the one originally used for the inspection; providing an effective date.

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

By Senators Graham and MacKay—

SB 1411—A bill to be entitled An act relating to early retirement of public school administrative and instructional personnel; adding s. 230.23(17), Florida Statutes; providing that district school boards may direct early retirement of instructional or administrative personnel who are at least 55 years of age and have completed 30 years of creditable service; adding s. 230.33(24), Florida Statutes; providing that the school superintendent shall recommend to the district school board persons for possible early retirement; amending s. 121.091(3), Florida Statutes; providing the amount to be paid as benefit to forced early retirees, who are under the Florida Retirement System, and the method for funding such payments; amending s. 238.07(2)(e), (7), Florida Statutes; providing the amount of benefits to be paid to forced early retirees, who are under the Teachers' Retirement System of Florida; providing that district school boards be liable for the difference between amounts actually paid to a retiree and amounts the retiree was actually entitled to receive at the date of forced early retirement; providing an effective date.

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

By Senator J. Lane (by request)—

SB 1412—A bill to be entitled An act relating to automobile liability; amending s. 627.727(1), Florida Statutes; allowing automobile liability insurers to provide uninsured motorist coverage for their insureds; prohibiting such recovery from more than one policy; amending s. 627.735(1), Florida Statutes; providing that owners or registrants of certain motor vehicles who operate or permit their vehicles to be operated without adequate security are trespassers on the roads and highways for the purposes of civil litigation; amending s. 627.736(1)(b), (3), (6), Florida Statutes; decreasing the disability benefits for loss of income derived from personal employment earnings; requiring another person or organization to keep such person's records in order for these benefits to be payable; deleting the provisions allowing attorneys' fees and other reasonable expenses in effecting a recovery to be excluded in the computation of the insurer's indemnity; providing new requirements for notice, disclosure, examination, and reports regarding the discovery of facts about an injured person; adding s. 627.737(3), (4), Florida Statutes; establishing the defense of contributory negligence and imputing negligence to guests or passengers for certain accidents; amending s. 627.738(4), (5), Florida Statutes; prohibiting the plaintiff from recovering for the loss of use of his vehicle or for the rental costs of a replacement; deleting certain exemptions from tort liability for damages because of accidental property damage; creating s. 627.7381, Florida Statutes; providing insurers with the sole right to settle claims against its insureds, except where the contract provides otherwise; creating s. 627.7384, Florida Statutes; requiring the plaintiff in a civil action for damages arising from a motor vehicle accident to meet the disclosure requirements of this act and requiring that the defendant be afforded the opportunity to meet personally with the plaintiff and make a settlement offer of record; requiring an affidavit stating such requirements have been met; providing for the nondisclosure of such offers of record to the jury; providing certain limitations on attorneys' contingent fees; providing an effective date.

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

By Senator MacKay—

SB 1413—A bill to be entitled An act for the relief of Richard Hugh Wolcott; providing an appropriation to compensate him for the loss of survivor benefits under the Teachers' Retirement System of Florida; providing an effective date.

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

By Senator P. Thomas—

SB 1414—A bill to be entitled An act relating to insurers; amending s. 624.319(3), Florida Statutes; providing a limit for the withholding of the report of an examination or investigation of an insurer; amending ss. 624.407, 624.408, Florida Statutes; establishing the amount of capital funds and surplus required of an insurer; requiring such insurer to cease writing new business if its surplus funds drop below a certain level; adding s. 624.412(4), Florida Statutes; authorizing the Department of Insurance, after a hearing, to require a deposit by an alien insurer for the protection of its policyholders and creditors in this state; amending s. 624.414(1)-(3), Florida Statutes; providing administrative requirements for issuing or denying certificates of authority; amending s. 624.430(1), Florida Statutes; deleting hearing requirement for an insurer desiring to surrender its certificate of authority; amending s. 624.513, Florida Statutes; providing that domestic insurers are, under certain conditions, subject to the same premium tax as foreign insurers; amending s. 625.031(2), Florida Statutes, and adding subsections (6) and (7) to said section; providing what assets are not allowed in a determination of the financial condition of an insurer; amending s. 625.161(2), Florida Statutes; providing for appraisal of property; amending s. 625.172(1), Florida Statutes; requiring the department to require the insurer to replace certain unsuitable assets; amending s. 625.303(2), Florida Statutes; prohibiting acquisition of a security or investment by any means at a value above its market value; amending s. 625.305, Florida Statutes; prescribing the amounts required to be maintained by domestic stock and mutual insurers; prohibiting more than a certain percentage of admitted assets from being real estate; adding s. 625.327(5), Florida Statutes; requiring approval of the department to acquire or hold an interest in certain mortgage loans; amending s. 625.331, Florida Statutes; deleting provision that the department could approve investments not otherwise authorized by the Florida Insurance Code; amending s. 625.333(2), Florida Statutes; limiting the amount an insurer may invest in real estate; amending s. 627.754(1), Florida Statutes; establishing the amount of paid-in capital stock or surplus required for an insurer to be a surety upon the bonds of city, county, and state officers; amending s. 628.271(1), Florida Statutes; defining "home office"; amending s. 638.461, Florida Statutes; prescribing the requirements for changes in the holding of the controlling capital stock of an insurer; adding s. 632.571(3)(c), Florida Statutes; providing for application of surplus requirements to fraternal benefit societies; providing an effective date.

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

By Senator Dunn—

SB 1415—A bill to be entitled An act relating to securities; amending s. 517.01, Florida Statutes; redesignating the "Sale of Securities Law" as the "Florida Securities Act"; amending s. 517.02(3), (4), Florida Statutes, and adding subsections (11), (12) to said section; redefining terms; adding definitions; amending s. 517.05(1), (3), (5)-(10), Florida Statutes; prescribing the securities which are exempt; amending s. 517.06, Florida Statutes; prescribing the transactions which are exempt; amending s. 517.07, Florida Statutes; requiring a permit to sell securities; amending s. 517.08(5), Florida Statutes; clarifying language; amending s. 517.09(2), (3), (5), Florida Statutes; prescribing procedure and content for applications to have securities registered by qualification; amending s. 517.091(3)(c), (j), Florida Statutes; prescribing procedure and content for applications to register securities by announcement; amending s. 517.10, Florida Statutes; requiring consent, by issuers and dealers, to service of process to be filed with certain applications to register securities; amending s. 517.11, Florida Statutes; specifying grounds for the suspension or revocation of the registration of any security or for the denial of any application to register securities; amending s. 517.12, Florida Statutes; providing for the registration of dealers, salesmen, and investment advisers; amending s. 517.16, Florida Statutes; prescribing grounds for the revocation, suspension, or denial of dealers', salesmen's, and investment advisers' registration; amending s. 517.19, Florida Statutes; providing for injunction to restrain violations; authorizing the appointment of an administrator; amending s. 517.20, Florida Statutes; authorizing the Department of Banking and Finance to conduct investigations within or outside the state; providing procedures and powers in conducting a nonadjudicatory investigation or examination; amending s. 517.21(1), Florida Statutes; prescribing

remedies available in case of an unlawful sale; providing that the seller and each director, officer, or agent of the seller who personally participated or aided in the sale shall be jointly and severally liable to the purchaser for the full amount paid together with interest, damages, court costs, and attorney's fees; amending s. 517.24, Florida Statutes; providing for review of final order of the Department of Banking and Finance; amending s. 517.28, Florida Statutes; prescribing guidelines for adoption of rules and regulations with respect to interstate commerce; amending s. 517.301(1), Florida Statutes; extending fraud provisions to include the offer of a security; amending s. 517.302, Florida Statutes; providing for a civil penalty for any violation; creating s. 517.34, Florida Statutes; authorizing the Department of Banking and Finance to issue cease and desist orders; prescribing procedures to be followed in issuing such orders; repealing ss. 517.13, 517.14, Florida Statutes, which provide the form of bond to be given by dealers and for deposits in lieu of a bond; repealing s. 517.15, Florida Statutes, which relates to permits and bonds for dealers in federal, state, and certain other securities; repealing s. 517.27, Florida Statutes, which provides for uniform interpretation of security laws with those of other states; providing an effective date.

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

By Senator Firestone (by request)—

SB 1416—A bill to be entitled An act relating to detection of deception examiners; creating part III of chapter 493, Florida Statutes; providing for the licensing by the Department of State of persons who administer examinations for the purpose of detecting truth or deception by using any instrument, devise, or machine other than a polygraph; establishing application and license fees; providing for approval of schools teaching such testing; providing exemptions from the licensing requirements; requiring a bond; providing prohibited acts and penalties; providing an advisory council; providing an effective date.

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

By Senator Gallen—

SB 1417—A bill to be entitled An act relating to the Florida Probate Code; amending s. 731.108, Florida Statutes; providing that any interested person may waive any right given him under the code and may dispense with the filing of any document required to be filed; amending s. 731.110, Florida Statutes; providing for the filing of a caveat with the court; amending s. 731.201(2), Florida Statutes; defining "beneficiary"; amending s. 731.301(1)(c), (2)(b), Florida Statutes; providing for proof of service by verified statement; amending s. 731.303(2), (4), Florida Statutes; providing that orders binding holders of a general power of appointment binds other persons to the extent that their interests are subject to the power; prescribing when notice must be given; amending s. 732.106, Florida Statutes; providing that relatives conceived before but born after decedent's death may inherit intestate property; amending s. 732.205, Florida Statutes; deleting reference to dower rights as regards Florida property of a decedent not domiciled in Florida; amending s. 732.301(1), Florida Statutes; providing for waiver by spouse of share of decedent's estate; amending s. 732.402, Florida Statutes; providing that rights to exempt property have priority over all claims against the estate other than a perfected security interest in any item of exempt property; amending s. 732.502(1), Florida Statutes; providing method for execution of a will; amending s. 732.503, Florida Statutes; providing for the notary seal on affidavits of witnesses to wills; amending s. 732.505(1), Florida Statutes; providing for revocation of a will or codicil by a subsequent inconsistent will or codicil; amending s. 732.702(1), Florida Statutes; providing for the waiver of certain rights by the surviving spouse; amending s. 732.801(2)(a), (4)(b), Florida Statutes; delineating the scope of a beneficiary's right to disclaim; providing that any disclaimer is effective and irrevocable when filed for record; amending s. 732.803(1), Florida Statutes; providing for avoidance of charitable devises; amending s. 733.103, Florida Statutes; providing that the probate of a will in Florida shall be conclusive of certain facts in any collateral action relating to devised property; amending s. 733.109(1), Florida Statutes; providing

for revocation of probate; amending s. 733.202(3), Florida Statutes; prescribing the contents of a petition for administration when the decedent is a nonresident of this state; amending s. 733.203(1), Florida Statutes; providing for notice of the filing of a petition; amending s. 733.301(5), Florida Statutes; prescribing the order of preference in appointment of personal representatives; amending s. 733.303, Florida Statutes; providing that if a person named as personal representative in a will is not qualified, letters shall be granted as provided in s. 733.301, Florida Statutes; amending s. 733.402(1), Florida Statutes; prescribing a bond of the personal representative; amending s. 733.502, Florida Statutes; providing that acceptance of the resignation of a personal representative shall not exonerate him from liability previously incurred; amending s. 733.507, Florida Statutes; prescribing the procedure for appointment of a successor personal representative when a personal representative has resigned or has been removed; amending s. 733.602(1), Florida Statutes; directing the personal representative to use his authority for the best interests of interested persons; amending s. 733.607, Florida Statutes; exempting the homestead from the possession of the personal representative; amending s. 733.608, Florida Statutes; exempting the homestead from the control of the personal representative; amending s. 733.611, Florida Statutes; protecting persons who assist or deal with a personal representative as if the personal representative properly exercised his power; amending s. 733.612, Florida Statutes; authorizing transactions for the personal representative; amending s. 733.619(1), (3), Florida Statutes; providing for individual liability of the personal representative; amending s. 733.701, Florida Statutes; prescribing notice to creditors; amending s. 733.705(4), Florida Statutes; providing that no interest shall be paid or allowed on a claim until the expiration of 5 calendar months from first publication of the notice of administration; amending s. 733.707, Florida Statutes; providing for order of payment of the expenses of administration and the obligations of the estate; amending s. 733.710, Florida Statutes; providing a 3-year limitation on actions against unadministered estates; providing an exception for recorded liens and liens of persons in possession of personal property; amending s. 733.802(1), Florida Statutes; providing for compulsory payment to beneficiaries of certain distributive interests; amending s. 733.808(2), Florida Statutes; providing for the disposition of death benefits; amending s. 733.809, Florida Statutes; providing that indebtedness of a beneficiary to the estate may be offset by his distributive interest in the estate; amending s. 733.810(2), Florida Statutes, and adding subsection (3) to said section; providing for distribution in kind; authorizing the personal representative or trustee to make such distribution; amending s. 733.817(1)(b), (c), Florida Statutes; providing for the apportionment of estate taxes; amending s. 733.901(1), Florida Statutes; providing for distribution and for final discharge; amending ss. 734.102(2), (3) and 734.103(1), (2), Florida Statutes; providing for the administration of the estate of a nonresident decedent; amending s. 734.104(1), (2), Florida Statutes; providing for the admittance to record of foreign wills; amending s. 735.107(3)(d), (e), Florida Statutes; providing clarification as to which property is still liable for claims against the decedent after order of family administration; creating s. 735.2055, Florida Statutes; providing that a petition for summary administration may be filed at any time if the estate would qualify; amending s. 735.206(3)(d), (e), Florida Statutes; providing clarification as to which property is still liable for claims against the decedent after order of summary administration; amending s. 735.209(2), Florida Statutes; requiring notice of the petition for summary administration to beneficiaries not joining or consenting thereto; amending s. 735.301(1), Florida Statutes; providing for disposition without administration; amending s. 735.302(1), Florida Statutes; providing for refund of income taxes of the decedent in certain cases on a verified application; repealing s. 731.302, Florida Statutes, relating to waiver of notice and consent to proceedings under the code; providing an effective date.

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

By Senator Graham—

SB 1418—A bill to be entitled An act relating to circuit courts; authorizing the creation of a family court division; providing definitions; providing for jurisdiction of the family court; providing for an administrative family court judge, executive assistant, and special masters; requiring the Department of Health and Rehabilitative Services to supply certain person-

nel and services; providing for other personnel; requiring the Department of Offender Rehabilitation to supervise pretrial intervention programs; providing for budgeting and finance; providing for records of the family court; providing for a family court section in the Conference of Circuit Court Judges of Florida; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil, Health and Rehabilitative Services and Ways and Means.

By Senators W. D. Childers and Tobiassen—

SB 1419—A bill to be entitled An act relating to Escambia County; providing for the appointment of the Board of Hospital Trustees of Escambia County by the Board of County Commissioners of Escambia County; authorizing the Board of Hospital Trustees of Escambia County to contract with a management concern to manage the hospital; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Glisson—

SB 1420—A bill to be entitled An act relating to Sumter County; amending ss. 2 and 3, chapter 71-932, Laws of Florida; authorizing up to \$4,400,000 of certificates of indebtedness to be issued by the school board to acquire, construct, repair, equip, and remodel school buildings, payable from racetrack funds and jai alai fronton funds accruing to the county and from revenue from the licensing of motor vehicles by the state; authorizing the school board to determine the interest and rate of maturities of such certificates, not to exceed 40 years from their date of issuance; setting a minimum sale price of 97 percent of par value; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Dunn—

SB 1421—A bill to be entitled An act relating to Flagler County; establishing and incorporating a special tax district in Flagler County, to be known as "Palm Coast Fire District"; fixing and prescribing the boundaries of said district; providing for the government and administration of the district; prescribing the powers and purposes of the district and the board of commissioners thereof; providing for such commissioners' election; authorizing and empowering the board to accept title to, operate, and maintain facilities and equipment for fire protection in the district; authorizing the district to contract for the purpose of providing fire protection and fire rescue service; authorizing the district to contract to provide services outside the district; authorizing the board to borrow money; authorizing the board to levy ad valorem taxes; limiting the rate of such taxation; repealing laws in conflict with this act; providing for a referendum; providing an effective date.

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

SR 1422 was introduced and adopted May 11.

By Senator Poston—

SB 1423—A bill to be entitled An act relating to pilots, piloting, and pilotage; requiring reports by pilots; requiring accounting by pilots; prohibiting payment of commissions for the assignment of pilotage; providing for compensation to ships or pilots kept waiting beyond an appointed time; requiring pilots to be divided into watches; limiting working hours of pilots; amending s. 310.001, Florida Statutes; providing legislative intent; amending s. 310.002(1), (2), (5), Florida Statutes, and adding subsections (9)-(11) to said section; revising and providing definitions; providing penalty; amending ss. 310.011, 310.021, Florida Statutes; revising the composition of the Board of Pilot Commissioners; amending s. 310.061, Florida Statutes; requiring the board to determine the number of pilots for each port; amending s. 310.071, Florida Statutes; providing alternative and additional required qualifications for an applicant for a pilot's license; amending s. 310.081, Florida Statutes; provid-

ing requirements for examinations of pilot license applicants; requiring physical examinations of pilots at set intervals; prescribing fees; prohibiting a pilot from engaging in any other business; providing for notice and hearing if the board withholds a renewal of a license; adding s. 310.091(7)-(10), Florida Statutes; providing the board with additional powers; amending s. 310.101, Florida Statutes; providing additional reasons for discipline or suspension or revocation of a license; amending s. 310.111(1), Florida Statutes; requiring reporting and investigation of collisions, groundings, strandings, and other casualties; amending s. 310.141, Florida Statutes; designating vessels subject to pilotage; providing that certain vessels shall pay one-half of pilotage fee; amending s. 310.151(3), Florida Statutes, and adding subsection (4) to said section; providing factors to be used in determining pilotage rates; freezing pilotage rates until new rates are established by the board; amending s. 310.161, Florida Statutes; deleting the provision for double pilotage rates; providing an exemption from the penalty for failure to have a pilot when required to have one; providing an effective date.

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

SR 1424 was introduced and adopted May 6.

By Senator Gordon (by request)—

SB 1425—A bill to be entitled An act for the relief of Mr. and Mrs. George R. Holder, Sr.; authorizing and directing the Board of County Commissioners of Broward County to compensate them for the death of their son, George R. Holder, III, due to the negligence of the Broward County Road Department; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senators Ware, Lewis and Brantley—

SB 1426—A bill to be entitled An act relating to administrative procedures; amending s. 120.52(14), Florida Statutes, to provide that certain forms are rules and to narrow the exemption from the definition of rule for internal management memoranda; amending s. 120.53(1)(b), (d), Florida Statutes, to permit the publishing of a list of forms instead of copies and to require notice of all meetings, hearings and workshops to be published; amending s. 120.54(3)(a), (c), Florida Statutes, to delete the invalidity of a statute as ground for invalidating a proposed rule and to require a copy of certain petitions and decisions be transmitted to the Joint Administrative Procedures Committee and to the Department of State; amending s. 120.54(10) and creating s. 120.545, Florida Statutes, to bring existing rules under the same committee review as proposed rules; amending s. 120.54(11), Florida Statutes, to set out the actions an agency may take during the various stages of rule promulgation; amending s. 120.54(13), Florida Statutes, to permit an agency to promulgate rules prior to the effective date of the law implemented; amending the introductory paragraph to s. 120.57 and adding s. 120.54(15), Florida Statutes, to transfer a rulemaking provision to the proper section of the statute; amending s. 120.55(1)(c), (g), Florida Statutes, to increase the subscription price of the Florida Administrative Weekly from \$5 to \$25 and to provide for publication of agenda therein; adding s. 120.55(1)(i), (j), Florida Statutes, to authorize the Department of State to use legislative computer facilities; amending s. 120.55(3)(a), Florida Statutes, to provide copies of the Florida Administrative Code and Weekly to the committee; amending s. 120.56(1)-(3), Florida Statutes, to delete the invalidity of a statute as ground for invalidating a rule and to require a copy of certain petitions and decisions to be transmitted to the Joint Administrative Procedures Committee and to the Department of State; amending s. 120.565, Florida Statutes, to require notice of petition for declaratory statement and its disposition; amending s. 120.57, Florida Statutes, to substitute the Social and Economic Services Program Office for the former Division of Family Services as an agency whose hearings are exempt from a provision of the act and to exempt district school boards from certain hearing officer and notice provisions; amending s. 120.58(1)(b), Florida Statutes, to make it clear that an agency does not have jurisdiction to subpoena legislators and their employees to testify relative to legislative activities; amending s. 120.60(2), Florida Statutes, and adding a

subsection (6) to said section, to set limits upon the time permitted an agency to request additional information and to make decisions on license applications, to provide for automatic issue of licenses under specified circumstances and to limit permissible exceptions; amending s. 120.63(2)(a), Florida Statutes, to require publication of petitions for exemptions; providing an effective date.

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

By Senator Henderson—

SCR 1427—A resolution in commendation of James Melton "Mel" Williams.

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

By Senators Saunders, W. D. Childers and Brantley—

SB 1428—A bill to be entitled An act relating to district school boards; providing for the nonpartisan election of district school board members; providing procedures for such nonpartisan elections; providing that the electors of a school district must approve, in a referendum, the provisions of this act before it can be implemented in a district; providing for adoption by districts already having nonpartisan elections and validation of such elections; providing an effective date.

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

By Senators W. D. Childers and Tobiassen—

SB 1429—A bill to be entitled An act relating to Escambia County; authorizing the county property appraiser to lease the computer equipment in his office to any governmental agency or private person or business under certain conditions; providing for disposition of the proceeds of any such lease; providing an effective date.

Proof of publication of the required notice was attached.

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

By the Committee on Ways and Means—

SB 1430—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1976 and ending June 30, 1977 to pay salaries, other expenses, capital outlay-buildings and improvements, and for other specified purposes of the various agencies of state government; suspending sections 20.22, 27.34(2), 27.54(3), 215.32(2)(c), 216.011(1)(c), 216.181, 216.192, 216.262, 216.292, 216.301(2)(3), 216.351, 230.767(4), 242.331(4), 255.25, 287.161, and 402.17(3), F.S.; providing an effective date.

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

By Senators Dunn, Firestone, Gallen, Spicola, Poston, Renick, Zinkil, D. Lane, McClain, Holloway, Hair, Trask, W. D. Childers, Lewis and Vogt—

SB 1431—A bill to be entitled An act relating to the statute of limitations for crimes; amending s. 775.15(1), Florida Statutes; providing that if the death penalty is held unconstitutional, prosecution for crimes theretofore classified as capital felonies may be commenced at any time; providing an effective date.

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

By Senator Plante—

SB 1432—A bill to be entitled An act relating to alcoholic beverage licenses; amending s. 561.20(2)(a), Florida Statutes; providing that food sales in restaurants need not be simultaneous with alcoholic beverage sales; providing that certain special licenses issued prior to the effective date of chapter 57-773, Laws of Florida, shall not include package sales as part of its gross income per annum factor; providing an effective date.

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

By Senator Scarborough—

SB 1433—A bill to be entitled An act relating to the Jacksonville Port Authority amending Chapter 63-1447, Laws of Florida, as amended; providing for the removal of board members; providing that the authority shall use the legal services of the City of Jacksonville; extending financial disclosure and conflict of interest provisions; providing that any lease of real property by the authority shall be of public record; restricting the ability of the authority to sell land; providing a further budget limitation; amending certain bidding procedures; providing for prior review of proposed outside consultants or other professional work; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Scarborough—

SB 1434—A bill to be entitled An act relating to the Duval County Beaches Public Hospital Board; amending chapter 25807, Laws of Florida, 1949, as amended, providing for the removal of board members; extending financial disclosure and conflict of interest provisions; providing that any lease of real property by the hospital board shall be of public record; restricting the ability of the hospital board to sell land; providing that the hospital board shall use the legal services of the City of Jacksonville; providing for prior review of proposed outside consultants or other professional work; amending certain bidding procedures; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Scarborough—

SB 1435—A bill to be entitled An act relating to the Jacksonville Electric Authority, City of Jacksonville; amending Chapter 67-1569, Laws of Florida, as amended; providing for the removal of board members; extending financial disclosure and conflict of interest provisions; providing that any lease of real property by the authority shall be of public record; restricting the ability of the authority to sell land; providing for prior review of proposed outside consultants or other professionals; providing that the authority shall use the legal services of the City of Jacksonville; amending certain bidding procedures; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Scarborough—

SB 1436—A bill to be entitled An act relating to the Jacksonville Area Planning Board; amending Chapter 61-2329, Laws of Florida, as amended; providing for the removal of board members; extending financial disclosure and conflict of interest provisions; providing that the board shall use the legal services of the City of Jacksonville; requiring the board to review proposals by independent agencies of the City of Jacksonville to employ outside consultants and other professionals and to make recommendations on those proposals; providing that any lease of real property by the board shall be of public record; restricting the ability of the board to sell land; amending certain bidding procedures; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Scarborough—

SB 1437—A bill to be entitled An act relating to the Duval County Hospital Authority amending Chapter 63-1305, Laws of Florida, as amended; providing for the removal of board members; extending financial disclosure and conflict of interest provisions; providing that any lease of real property by the Authority shall be of public record; restricting the ability of the Authority to sell land; providing for prior review of proposed

outside consultants or other professional work; amending certain bidding procedures; providing that the Authority shall use the legal services of the City of Jacksonville; providing an effective date.

Proof of publication of the required notice was attached.

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

The Senate recessed at 8:55 a.m.

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

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

Prayer by the Rev. Edward W. Norman, minister, Trinity United Methodist Church, Tallahassee:

Almighty God, who not only created the world, but who has acted in this world's life, working out your purpose in history, from the very beginning; help us to be aware of your nearness, and of your involvement in the world of here and now.

Make us sensitive to your way of love, responsive to your way of justice, and open to your way of righteousness and truth; so that the choices we make, and the words we speak, and the votes we cast, will make our state a better place this afternoon than it is this morning for all of its citizens. Amen.

#### REPORTS OF COMMITTEES

The Committee on Governmental Operations recommends the following pass: SB 396 with 5 amendments

The bill was referred to the Committee on Natural Resources and Conservation under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 325 with 2 amendments, CS for HB 340

The Committee on Judiciary-Civil recommends the following pass: SB 1261

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

The Committee on Judiciary-Civil recommends the following pass: SB 1095, SB 1134

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

The Committee on Judiciary-Civil recommends the following pass: SB 634 with 1 amendment, SB 921

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Governmental Operations recommends the following pass:

SB 794                      HB 1290                      HB 2440

The Committee on Judiciary-Civil recommends the following pass:

SB 1206 with 2 amendments    HB 886  
SB 1309 with 1 amendment    HB 1116

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

The Committee on Transportation recommends a Committee Substitute for the following: SB 1018

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 1278

The Committee on Education recommends a Committee Substitute for the following: SB 800

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

The Committee on Governmental Operations recommends the following not pass: SB 978

The bill was laid on the table.

#### REPORT OF SUBCOMMITTEE TO STANDING COMMITTEE

The Select Subcommittee on Juvenile Legislation of the Judiciary-Criminal Committee recommends to the standing committee HB 1300 with 2 amendments and SB 1120 with 3 amendments favorably.

#### ENROLLING REPORTS

SB 255

SB 422

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor's Office on May 12, 1976.

*Joe Brown, Secretary*

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scarborough, the rules were waived and by two-thirds vote SB 555 was withdrawn from the Committee on Governmental Operations.

On motions by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 1254 was withdrawn from the Committees on Ways and Means and Governmental Operations and referred to the Committee on Commerce.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 1114 was withdrawn from the Committee on Transportation and indefinitely postponed.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 1291 was withdrawn from the Committee on Governmental Operations.

#### COMMITTEE REQUESTS FOR EXTENSION OF TIME

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

SB 287 by Senator Poston                      SB 495 by Senator Henderson

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

CS for SB 576 by Health and                      SB 722 by Senator P. Thomas  
Rehabilitative                      SB 762 by Senator Graham  
Services Committee

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

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

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

HB 2567 by Representative Richmond



erated state governmental units and their subunits on listed dates; providing a deadline for reaching a recommendation as to continuance or termination on the February 15th immediately following review; providing that any unit or subunit which is terminated shall have 1 year in which to conclude its affairs after which time the specified unit, subunits and their personnel positions would be abolished and all unexpended funds would revert to the fund from which appropriation was made; providing for an 8-year limit on the life of any continued or newly created unit or subunit after which time review and evaluation procedures shall be repeated; providing for public hearings on the sufficient public need of units and subunits under review; providing for review and evaluation criteria; providing for a review and evaluation criterion of a "zero-based review and evaluation"; providing for a select committee to assist in the implementation of the provisions of this act; providing that appropriate House and Senate committees, upon assignment of the Speaker and President, respectively, shall sit jointly and complete the review and evaluation process and that their recommendation report shall be submitted to the Legislature for distribution prior to the ensuing legislative session; providing for voting as to the termination or continuance of any unit or subunit by simple majority vote of both Houses; providing for the Auditor General to assist in the review and evaluation processes; providing that the Governor be urged to adopt a "zero-based review and evaluation" budgetary procedure; providing for the retention of all claims and rights of citizens; providing for severability; providing an effective date.

—was taken up with pending Amendment 7 which was withdrawn.

Senator Graham moved the following amendment which was adopted:

**Amendment 8**—On page 6, between lines 16 and 17, insert: Section 5. The statutory authority for each source of state revenue levied for support of the unit of government shall expire with the termination of the unit of government as provided in Section 3 of this act.

Senator Ware moved the following amendment which was adopted:

**Amendment 9**—On page 10, line 31, after "functions of any" insert: elected official,

On motion by Senator Wilson, by two-thirds vote SB 798 as amended was read the third time by title.

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

**Amendment 10**—On page 6, after Section 3 insert: If said recommendation is to continue as is, then no action of the Legislature will be required for continuation of said office unit or subunit covered under this act.

SB 798 as further amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—5

Dunn	Gordon	Johnston	Saunders
Firestone			

Votes after roll call:

Yeas—MacKay and Tobiassen  
 Nay—Gallen

**Explanation of Vote**

The "Sunset Bill" is a charade which delegates to future legislatures our present responsibilities through an impractical and expensive boondoggle which will result in little more than a great deal of lobbying by the public agencies.

*Tom Gallen, 24th District*

Consideration of SB 696 was deferred.

Senator Ware presiding

Senator Wilson was excused at 9:45 a.m. until 10:00 a.m.

**HB 2537**—A bill to be entitled An act relating to thoroughbred horse racing; amending s. 550.17, Florida Statutes, placing certain conditions precedent upon the transfer of permits or licenses for the conduct of thoroughbred horse race meetings; providing for payment of certain expenses relating to such conditions; providing a limitation to the provisions of s. 550.47, Florida Statutes; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1 before line 14, insert:

WHEREAS, thoroughbred horse racing in Florida has, since its inception, in 1924, been one of the foremost tourist attractions in Florida, and

WHEREAS, Hialeah Race Track, located in Hialeah, Florida, was the first of such thoroughbred race tracks in Florida, and

WHEREAS, Hialeah is known throughout Florida and the rest of the United States as one of the foremost thoroughbred race tracks in existence, not only for its contribution to Florida racing, but for its beauty and aesthetic value to the State of Florida, and

WHEREAS, thoroughbred racing tradition over the years has been fostered and nurtured by Hialeah Race Track, and

WHEREAS, the thoroughbred breeding industry in the State of Florida was nurtured by Hialeah Race Track over the years so that the horse breeding industry in Florida is the third in the nation, and

WHEREAS, the need to maintain not only a tourist attraction, but a tradition of thoroughbred racing in Florida at Hialeah is in the best interests of the State and the counties as well as the horse breeding industry and its attendant employment and contribution to the welfare of the State, it is the express intent of the legislature to preserve Hialeah Race Track both financially and aesthetically in Hialeah, Dade County, Florida, NOW, THEREFORE,

The vote was:

Yeas—17

Childers, D.	Gordon	McClain	Ware
Dunn	Graham	Myers	Winn
Firestone	Hair	Poston	
Gallen	Lane, J.	Renick	
Glisson	MacKay	Saunders	

Nays—17

Childers, W. D.	Lane, D.	Sims	Vogt
Deeb	Peterson	Spicola	Zinkil
Henderson	Plante	Stolzenburg	
Holloway	Sayler	Thomas, J.	
Johnston	Scarborough	Thomas, P.	

The Committee on Commerce offered the following amendment which was moved by Senator Graham and adopted:

**Amendment 2**—On page 2, strike all of lines 22 through line 25 and insert: another thoroughbred horse racing permit holder's facilities after January 15, 1976, without the approval of the Legislature.

Senator Zinkil moved the following amendment which failed:

**Amendment 3**—On page 2, strike all of lines 8-14 and insert:

*2. If the proposed new location is not within the same county as the already licensed location, in the county where the licensee desires to conduct the race meeting, and that a majority of the electors voting on that question in such election voted in favor of the transfer of such license.*

The vote was:

Yeas—11

Childers, W. D.	Lane, D.	Saylor	Thomas, J.
Deeb	Peterson	Sims	Zinkil
Henderson	Plante	Stolzenburg	

Nays—24

Brantley	Gordon	McClain	Spicola
Childers, D.	Graham	Myers	Thomas, P.
Dunn	Hair	Poston	Trask
Firestone	Holloway	Renick	Vogt
Gallen	Lane, J.	Saunders	Ware
Glisson	MacKay	Scarborough	Winn

Senator Stolzenburg moved the following amendment which failed:

**Amendment 4**—On page 2, strike all of lines 18 and 19 and insert: 550.06 The expenses of each such referendum shall be borne by the counties wherein the referendums shall be held.

The vote was:

Yeas—13

Deeb	Lane, D.	Stolzenburg	Zinkil
Henderson	Plante	Thomas, J.	
Holloway	Saylor	Thomas, P.	
Johnston	Scarborough	Ware	

Nays—21

Brantley	Gordon	Myers	Trask
Childers, D.	Graham	Poston	Vogt
Childers, W. D.	Hair	Renick	Winn
Firestone	Lane, J.	Saunders	
Gallen	MacKay	Sims	
Glisson	McClain	Spicola	

Senator Zinkil moved the following amendment which failed:

**Amendment 5**—On page 2, line 26, insert: *Section 3. Section 550.482 as amended by Chapter 75-43, Laws of Florida shall be extended one year and shall expire July 1, 1978, however no one horse track shall be allocated the second period two consecutive years under the special provisions of this act (Ch. 75-43).*

(and renumber subsequent section)

The vote was:

Yeas—12

Childers, W. D.	Lane, D.	Sims	Tobiassen
Henderson	Plante	Stolzenburg	Trask
Johnston	Scarborough	Thomas, J.	Zinkil

Nays—20

Childers, D.	Graham	McClain	Saunders
Firestone	Hair	Myers	Spicola
Gallen	Holloway	Peterson	Vogt
Glisson	Lane, J.	Poston	Ware
Gordon	MacKay	Renick	Winn

Senator Graham moved that the rules be waived and HB 2537 as amended be read the third time by title and the motion failed. The vote was:

Yeas—15

Firestone	Graham	MacKay	Renick
Gallen	Hair	McClain	Ware
Glisson	Holloway	Myers	Winn
Gordon	Lane, J.	Poston	

Nays—18

Childers, W. D.	Peterson	Stolzenburg	Vogt
Deeb	Plante	Thomas, J.	Wilson
Henderson	Saunders	Thomas, P.	Zinkil
Johnston	Scarborough	Tobiassen	
Lane, D.	Sims	Trask	

Votes after roll call:

Yea—Brantley  
Nay—Spicola

SB 949 was taken up, together with:

By the Committee on Rules and Calendar and Senators Plante and Myers—

**CS for SB 949**—A bill to be entitled An act relating to the economic impact of proposed legislation and state agency rules; amending s. 120.54(1), (10)(a), Florida Statutes; requiring a summary of economic impact as part of the required notice of proposed agency rules; prescribing information to be included in an estimate of economic impact and requiring such estimate be included in the record presented to the Administrative Procedures Committee; requiring the Legislature to consider the economic impact of proposed legislation prior to its enactment; repealing chapter 76-1, Laws of Florida, the Florida Economic Disclosure Act of 1975, which act requires agencies to prepare economic impact statements along specified lines, requires agencies to make an economic impact statement a part of the record in proceedings relating to agency action under the Administrative Procedure Act, authorizes specified elected officials to request economic impact statements from agencies, and which provides for judicial review; providing an effective date.

—which was read the first time by title and SB 949 was laid on the table.

On motion by Senator Myers, by two-thirds vote CS for SB 949 was read the second time by title.

Senator MacKay moved the following amendment:

**Amendment 1**—On page 5, strike lines 21-27 and insert:

Section 3. Estimate of Economic Impact.—Prior to the enactment of any general or special law, each house of the Legislature shall consider the economic impact such legislation will have upon the public and upon the agencies of state government assigned to implement or enforce such legislation.

(1) For such consideration, a written estimate of economic impact shall be prepared, including, as a minimum, the following factors:

(a) The cost to all persons directly affected of complying with the proposed law, estimated on the basis of the net increase in such cost relative to current practice and the identity of the persons or classes of persons who will bear the increased cost, if any;

(b) The cost to an agency of state government in administering and enforcing the proposed law, estimated on the basis of the net increase in cost of administration and enforcement relative to current practice;

(c) A determination whether the action is the most feasible method for achieving the stated purpose, including a statement of any considered alternatives and the cost of such alternatives; and

(d) A listing, quantified where possible, of the social and economic benefits to be obtained under the proposed law.

(2) If the Legislature determines that there is either no net increased cost of compliance to any person directly affected by the proposed law or no net increased cost to an agency of state government responsible for administration and enforcement of the proposed law, the estimate of economic impact

shall reflect each such conclusion separately and the basis for each such conclusion.

(3) If the Legislature finds, after a good faith effort, that it is impossible to determine any factor listed in subsection (1), the statement shall reflect a description of the efforts made to determine such factor and the specific reasons why the agency was unable to determine such factor.

Senator Graham moved the following substitute amendment which failed:

Amendment 2—On page 5, insert: Between lines 25 and 26 a new sentence: For purposes of this Section, economic impact shall be defined as in section 120.54(1)(a).

The vote was:

Yeas—14

Childers, D.	Johnston	Myers	Sayler
Dunn	Lane, D.	Plante	Vogt
Firestone	Lewis	Renick	
Graham	MacKay	Saunders	

Nays—16

Brantley	Glisson	Spicola	Tobiassen
Childers, W. D.	McClain	Stolzenburg	Trask
Deeb	Peterson	Thomas, J.	Ware
Gallen	Poston	Thomas, P.	Zinkil

Vote after roll call:

Nay—Hair

Amendment 1 was withdrawn on motion by Senator MacKay.

Senator Poston moved that the Senate reconsider the vote by which Amendment 2 failed. The motion was adopted by the following vote:

Yeas—26

Brantley	Holloway	Plante	Thomas, P.
Childers, D.	Johnston	Poston	Trask
Childers, W. D.	Lewis	Renick	Wilson
Dunn	MacKay	Saunders	Winn
Firestone	McClain	Spicola	Zinkil
Glisson	Myers	Stolzenburg	
Graham	Peterson	Thomas, J.	

Nays—7

Deeb	Hair	Sayler	Ware
Gallen	Lane, D.	Vogt	

The question recurred on Amendment 2 which was adopted by the following vote:

Yeas—33

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

Nays—1

Gallen

Vote after roll call:

Yea—Glisson

On motion by Senator Myers, by two-thirds vote CS for SB 949 as amended was read the third time by title, passed,

ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Tobiassen

HB 1445—A bill to be entitled An act relating to the Department of Professional and Occupational Regulation; adding subsection (13) to s. 20.30, Florida Statutes; providing legislative intent with regard to the role of the professional and occupational examining and licensing boards of the department; providing an effective date.

—was read the second time by title.

Senator Plante moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 2 and 3, insert: Section 2. Subsection (3) of Section 467.08, Florida Statutes, is amended to read:

467.08 Rules Governing Examinations.—

(3) Any applicant who has filed a proper form and been accepted by the board for consideration *as of April 20, 1973 at the time this law becomes effective* shall be subject only to the requirements of this section as they existed immediately prior to *April 20, 1973 July 1, 1969*.

(And renumber subsequent section)

Amendment 2—On page 2, line 14 after the word "statutes" insert: , *including but not limited to federal antitrust laws*

Senator Holloway moved the following amendment which was adopted:

Amendment 3—On page 2, strike line 6 and insert: regulation on state of Florida accepted private certification.

Senator Plante moved that the Senate reconsider the vote by which Amendment 3 was adopted.

The question recurred on Amendment 3 which failed.

Senator Holloway moved the following amendment which was adopted:

Amendment 4—On page 2, lines 5 and 6, strike all of lines 5 and 6 and insert on line 5: available.

Senator Plante moved the following title amendment which was adopted:

Amendment 5—On page 1, line 10, (after the word department) insert: amending section 467.08(3), Florida Statutes, providing certain licensing requirements;

Senator Deeb moved the following amendment:

Amendment 6—On page 2, line 17, strike "it finds that"

Senator Graham moved the following substitute amendment:

Amendment 7—On page 2 strike lines 17-30; Page 3, strike lines 1-2 and insert after the word "place" on page 2, line 16: a period (.)

Senator Vogt moved the following amendment to Amendment 7:

**Amendment 7A**—On pages 2 and 3, strike page 2 “lines 7-30” page 3 “lines 1-2”

On motion by Senator Brantley, further consideration of HB 1445 as amended was deferred.

On motion by Senator Wilson, the rules were waived and SB 798 after being engrossed was ordered immediately certified to the House.

On motion by Senator Henderson, the President appointed Senators Myers, Henderson and Brantley as a committee to escort into the Senate Chamber the following former members of the Senate in attendance for Alumni Day, who were welcomed by the President:

Arnold, Lynwood  
Barrow, William D.  
Beauford, C. W. (Bill)  
Bishop, W. E.  
Blank, Ralph J., Jr.  
Brannen, R. F. (Bob)  
Dressler, James  
Drummond, A. P.  
Elrod, Robert  
Fincher, Dick  
Fisher, John J.

Floyd, C. H.  
Fraser, Edwin G.  
Friday, Elmer O.  
Griffin, Ben Hill  
Gunter, Bill  
Haverfield, Robert M.  
Hodges, Randolph  
Johnson, Beth  
Johnson, Dewey M.  
Karl, Frederick B.  
Matthews, John E., Jr.

McLaughlin, Maurice  
Ott, T. Truett  
Rodgers, J. B., Jr.  
Savage, Charles A.  
Slade, Tom  
Smathers, Bruce

Tapper, George G.  
Thomas, Dave  
Usher, Etter T.  
Weber, Charles  
Williams, Robert  
Williams, J. H. (Jim)

Also former officer of the Senate and special guests:

LeRoy Adkinson, Sergeant at Arms  
Cathryn Sheldon, widow of Senator Raymond Sheldon, Sr.  
Esther Horne, widow of Senator R. C. Horne  
Anabel Butler, widow of J. M. Butler  
Nella Shivers, widow of Senator Olin G. Shivers  
Helen Shelley, widow of Senator W. P. Shelley

On motion by Senator Brantley, the President appointed former Senators Robert Williams, Dick Fincher and W. D. Barrow as a committee to escort Belva Lee Myers of Compass Lake, Florida, Miss National Peanut Festival Queen, to the rostrum, where she briefly addressed the Senate.

**CO-INTRODUCER**

Senator Myers—SB 472

The Journal of May 11 was corrected and approved.

On motion by Senator Brantley, the Senate adjourned at 11:45 a.m. to convene at 9:00 a.m., May 13, 1976.