

# JOURNAL OF THE FLORIDA SENATE

Wednesday, May 26, 1976

The Senate was called to order by Senator Brantley 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 Senators W. D. Childers and Tobiassen—

SB 1442—A bill to be entitled An act providing for the incorporation of an unincorporated area of Escambia County, Florida, to be known as the City of Warrington; prescribing the charter for said municipality; providing for the election of municipal officers; providing for the transition from unincorporated to incorporated status; repealing chapter 75-518, Laws of Florida, the Warrington Incorporation Act; providing a referendum; providing an effective date.

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

SB 1443 was introduced and passed on May 18.

By Senators W. D. Childers and Tobiassen—

SB 1444—A bill to be entitled An act relating to Escambia County; amending s. 7, paragraph (10), chapter 67-1373, Laws of Florida; increasing the amount above which competitive bids shall be requested by the Escambia electronic data processing management board in the manner prescribed by the board of county commissioners from \$1,000 to \$3,000; repealing any laws or portions of laws inconsistent therewith; 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 Senators Tobiassen and W. D. Childers—

SB 1445—A bill to be entitled An act relating to Escambia County; repealing chapter 75-368, Laws of Florida, which provides for abatement of sanitary nuisances; 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.

SCR 1446 was introduced and adopted on May 20.

By Senator Glisson—

SB 1447—A bill to be entitled An act relating to the City of Palatka; amending section 3, chapter 9875, Laws of Florida, 1923, as amended; adding the boundaries of a certain territory lying Northerly and Westerly of and contiguous to the corporate limits of the City of Palatka, Florida; 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.

SR 1448 was introduced and adopted on May 25.

By Senators Holloway and Poston—

SB 1449—A bill to be entitled An act relating to historic preservation; designating a section of Coral Way located in the City of Coral Gables in Dade County as an historic, canopied roadway; prohibiting such roadway from being widened; requiring five specified plazas to be maintained in their existing condition; 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 8:35 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.  | Sayler      | Ware        |
| Gallen          | Lewis     | Scarborough | Wilson      |
| Glisson         | MacKay    | Sims        | Winn        |
| Gordon          | McClain   | Spicola     | Zinkil      |

Excused: Senators Gordon, J. Lane, Plante, W. D. Childers, Peterson, Brantley and J. Thomas, conferees on HB 3500, periodically.

Prayer by the Senate Chaplain:

Dear God none of us is angelic or super-spiritual. We are but earth-bound creatures save for the soaring faith and hope of our dreams and aspirations.

We thank You for our Senators who dare to take their hopes and aspirations for our state and direct them towards positive legislation.

Keep us in touch with reality that it may temper the impractical yet forbid us the boredom of status quo. Amen.

## REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Wednesday, May 26, 1976, at 9:00 a.m.:

|         |         |         |        |
|---------|---------|---------|--------|
| SB 286  | HB 3687 | SB 332  | SB 397 |
| SB 1276 | SB 249  | SB 333  | SB 310 |
| HB 1302 | SB 1348 | SB 335  | SB 220 |
| SB 1264 | SB 1340 | SB 336  | SB 505 |
| SB 1010 | SB 588  | SJR 341 | SB 367 |
| SB 245  | HB 3442 | HB 372  | SB 842 |
| SB 129  | SB 493  | HB 1290 | SB 483 |
| SB 817  | SB 742  | HB 1116 | SB 514 |
| SB 1206 | SB 914  | HB 3242 | SB 823 |
| HB 2537 | SB 1000 | HB 1682 | SB 481 |
| SB 1278 | SB 910  | HB 886  | SB 142 |
| HB 1514 | HB 2811 | SJR 825 | SB 306 |
| SB 858  | SB 477  | SB 406  | SB 752 |
| SB 725  | HB 33   | SB 803  | SB 898 |
| SB 1156 | HB 1886 | HB 505  |        |

Respectfully submitted,  
Lew Brantley, Chairman

Honorable Dempsey J. Barron  
President, The Florida Senate

Dear Mr. President:

Your Committee on Rules and Calendar met this date to consider a motion by Senator Spicola relative to introducing two (2) bills of an emergency nature after the 18th day cut-off. The subject matter of the first bill deals with aquatic preserves and the second deals with navigational inlet and channel operation and maintenance projects in the State of Florida on adjacent beaches.

Your Committee on Rules and Calendar also determined the emergency nature of a bill dealing with state buildings and facilities.

The Committee voted unanimously to allow the three (3) bills to be introduced and considered during the 1976 session of the Legislature.

Respectfully submitted,  
*Lew Brantley, Chairman*

The Committee on Commerce recommends the following pass:

SB 168                      SB 1039                      SB 1056

The Committee on Education recommends the following pass:

SB 1411 with 9 amendments      CS for HB 720  
SB 999                              SB 1243 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1322

The Committee on Judiciary-Criminal recommends the following pass: HB 2326, SB 1006 with 1 amendment

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

The Committee on Agriculture recommends the following pass: SB 1223

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

CS for HB 354 with 2 amendments  
SB 1365 with 4 amendments

The Committee on Governmental Operations recommends the following pass: SB 1146 with 2 amendments, HB 1711

The Committee on Judiciary-Civil recommends the following pass: SB 790 with 1 amendment

The Committee on Transportation recommends the following pass: CS for HB 1426 with 1 amendment

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

The Committee on Commerce recommends the following pass: SB 1154

The bill was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Commerce recommends the following pass: HB 1069, SB 202 with 4 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1380 with 1 amendment

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

The Committee on Agriculture recommends the following pass: HB 3298 with 5 amendments

The Committee on Commerce recommends the following pass:

SB 561                              SB 681  
SB 879 with 2 amendments      SB 1409 with 1 amendment

The Committee on Governmental Operations recommends the following pass: SB 1077 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass:

HB 4002 with 4 amendments

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

HB 3203

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

The Committee on Commerce recommends the following pass: HB 81

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

The Committee on Commerce recommends the following pass: SB 744 with 2 amendments, SB 1194

The Committee on Education recommends the following pass: SB 670 with 4 amendments, HB 596

The Committee on Governmental Operations recommends the following pass: SB 577

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

SB 947                              SB 1300  
SB 956                              SB 1005 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 1428 with 1 amendment

The Committee on Judiciary-Criminal recommends the following pass: SB 1246 with 12 amendments

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

The Committee on Agriculture recommends the following pass: SB 864, HB 2618

The Committee on Commerce recommends the following pass:

|                          |                           |
|--------------------------|---------------------------|
| SB 287                   | SB 1074 with 2 amendments |
| SB 930                   | SB 1344                   |
| SB 1261                  | SB 1383                   |
| SB 1298                  | SB 1402 with 5 amendments |
| SB 495                   | HB 2049                   |
| SB 528                   | HB 2057                   |
| SB 553                   | HB 2102 with 2 amendments |
| SB 781                   | HB 2108                   |
| SB 850 with 2 amendments | HB 2114                   |
| SB 992                   | HB 3986                   |

The Committee on Education recommends the following pass:

|                           |                          |
|---------------------------|--------------------------|
| CS for HB 783 with 2      | HB 872 with 2 amendments |
| amendments                | SB 848 with 1 amendment  |
| SB 1325 with 2 amendments | SB 972                   |
| SB 722                    | SB 1149                  |

The Committee on Governmental Operations recommends the following pass:

|         |         |                       |
|---------|---------|-----------------------|
| SB 1315 | HB 1047 | CS for HB 2558 with 5 |
|         |         | amendments            |

The Committee on Judiciary-Civil recommends the following pass:

|                           |                           |
|---------------------------|---------------------------|
| SB 883                    | HB 1809                   |
| SB 1191                   | HB 2264                   |
| SB 1391 with 7 amendments | HB 2386                   |
| HB 465                    | HB 2392                   |
| HB 562(cs) with 3 amend-  | HB 2594                   |
| ments                     | CS for HB's 2955 and 3056 |
| HB 828                    | with 5                    |
| HB 832                    | amendments                |
| HB 1264 with 1 amendment  | HB 4003                   |
| HB 1507 with 5 amendments |                           |

The Committee on Judiciary-Criminal recommends the following pass:

|                           |                           |
|---------------------------|---------------------------|
| HB 1941                   | SB 1116                   |
| HB 2048                   | HB 3259 with 2 amendments |
| HB 104                    | SB 922                    |
| HB 1926                   | SB 941                    |
| SB 1329 with 4 amendments | SB 996 with 2 amendments  |
| SB 1431 with 2 amendments | SB 1011 with 1 amendment  |
| SB 637 with 1 amendment   | SB 1219 with 3 amendments |
| SB 666                    | SB 860                    |

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

|                |                          |
|----------------|--------------------------|
| SB 466         | SB 715                   |
| CS for HB 1096 | SB 1046 with 1 amendment |

The Committee on Natural Resources and Conservation recommends the following pass: SB 1401, HB 657

The Committee on Ways and Means recommends the following pass: SB 1015, SB 1122

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

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 707

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 1251

The Committee on Commerce recommends a Committee Substitute for the following: SB 750

The Committee on Commerce recommends a Committee Substitute for the following: SB 260

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 1405

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 995, SB 1201

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 786

The Committee on Commerce recommends a Committee Substitute for the following: SB 1169

The Committee on Commerce recommends a Committee Substitute for the following: SB 1379

The Committee on Commerce recommends a Committee Substitute for the following: SB 602

The Committee on Education recommends a Committee Substitute for the following: SB 1285

The Committee on Commerce recommends a Committee Substitute for the following: SB 391

The Committee on Health and Rehabilitative services recommends a Committee Substitute for the following: SB 1148 and SB 1252

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

The Committee on Commerce recommends a Committee Substitute for the following: SB 1414

The Committee on Commerce recommends a Committee Substitute for the following: SB 1060

The Committee on Commerce recommends a Committee Substitute for the following: SB 499

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 1397

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 990

The Committee on Judiciary-Criminal recommends a Committee Substitute as offered by the Committee on Commerce for: SB 300

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 1259

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 1288

The Committee on Governmental Operations recommends a Committee Substitute for the following: SB 1132

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 395

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 980

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

The Committee on Education recommends the following not pass: SB 1041

The Committee on Governmental Operations recommends the following not pass:

|         |               |         |
|---------|---------------|---------|
| SB 1328 | CS for HB 186 | HB 1247 |
| SB 1347 |               |         |

The Committee on Judiciary-Criminal recommends the following not pass: SB 1029

The Committee on Transportation recommends the following not pass: SB 1178

The Committee on Ways and Means recommends the following not pass: SB 971

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

**BILLS REFERRED TO SUBCOMMITTEE**

The following have been referred to Ways and Means Subcommittee "B" which will report to the full committee within 5 days: SB 885, SB 1285

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Wilson, the rules were waived and by two-thirds vote SB 1410 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Hair, the rules were waived and by two-thirds vote SB 561 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Henderson, the rules were waived and by two-thirds vote SB 1375 was recalled from the Special Master and withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Henderson, the rules were waived and by two-thirds vote SJR 1427 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Henderson, the rules were waived and by two-thirds vote SB 937 was withdrawn from the Committee on Ways and Means.

On motion by Senator Poston, the rules were waived and by two-thirds vote HB 81 was withdrawn from the Committee on Transportation.

On motion by Senator Johnston, by two-thirds vote SB 28 was removed from the calendar and indefinitely postponed.

On motion by Senator Gallen, the rules were waived and by two-thirds vote SB 1365 was withdrawn from the Committee on Commerce.

On motion by Senator P. Thomas, the rules were waived and by two-thirds vote SB 1146 was withdrawn from the Committee on Commerce.

On motion by Senator Holloway, the rules were waived and by two-thirds vote SB 1085 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Gordon, the rules were waived and by two-thirds vote CS for HB 2812 was withdrawn from the Committees on Judiciary-Civil, Governmental Operations and Rules and Calendar.

On motion by Senator Vogt, the rules were waived and by two-thirds vote HB 596 was withdrawn from the Committee on Ways and Means.

On motion by Senator J. Lane, the rules were waived and by two-thirds vote SB 1262 was withdrawn from the Committee on Ways and Means.

On motion by Senator Myers, the rules were waived and by two-thirds vote SB 786 was withdrawn from the Committee on Ways and Means.

On motions by Senator Myers, the rules were waived and by two-thirds vote Senate Bills 533, 1020, 1368, 176, 1251, 1405, 1322, 887, 260, 750, House Bills 2326, 1052, 132, CS for HB 542 and CS for HB 1106 were withdrawn from the Committee on Governmental Operations.

On motion by Senator Poston, the rules were waived and by two-thirds vote SB 391 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator W. D. Childers, the rules were waived and by two-thirds vote SB 1212 was withdrawn from the Committees on Education, Governmental Operations and Ways and Means.

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 1251 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator J. Lane, the rules were waived and by two-thirds vote HB 3416 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

On motion by Senator J. Lane, by unanimous consent—

HB 3416—A bill to be entitled An act relating to Hillsborough County; creating a Consolidated Taxicab Commission to regulate taxicab use within Hillsborough County; prescribing the membership, terms, powers, and duties of the commission; granting the power to make rules in conformance with the provisions of chapter 120, Florida Statutes, the Administrative Procedure Act, to carry out its purposes; requiring persons

desiring to operate taxicabs within Hillsborough County to furnish certain information and comply with certain procedures; authorizing the commission to impose license fees including a fee for operating taxicabs; providing standards for the issuance of permits; providing procedures for hearings; providing penalties for violations of this act or commission rules and orders; specifying taxicab safety, equipment, insurance, and operator qualifications requirements; providing requirements for license form, term, renewal, suspension, and revocation; providing for the enforcement of this act; repealing chapter 24922, Laws of Florida, 1947, and chapter 67-2121, Laws of Florida, relating to the City of Tampa Taxicab Commission; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator J. Lane, by two-thirds vote HB 3416 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

On motions by Senator Gordon, the rules were waived and Subcommittee B of the Committee on Ways and Means was granted permission to meet this day to consider Senate Bills 885 and 1285.

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

|                             |                             |
|-----------------------------|-----------------------------|
| SB 443 by Senator Gordon    | SB 841 by Senator Vogt      |
| SB 592 by Senator Myers     | SB 904 by Senator Henderson |
| SB 676 by Senator Trask     |                             |
| SB 713 by Senator McClain   | SB 933 by Senator McClain   |
| SB 749 by Senator Firestone | SB 952 by Senator Deeb      |
|                             | SB 1331 by Senator Saunders |

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

|                                   |                                   |
|-----------------------------------|-----------------------------------|
| SB 1333 by Senator McClain        | SB 1366 by Senator Myers          |
| SB 1335 by Senator W. D. Childers | SB 1372 by Senator W. D. Childers |
| SB 1336 by Senator Poston         | SB 1381 by Senator Ware           |
| SB 1342 by Senator Lewis          | SB 1392 by Senator Peterson       |
| SB 1343 by Senator Henderson      | SB 1396 by Senator Vogt           |
|                                   | SB 1399 by Senator Deeb           |
| SB 1345 by Senator Poston         | SB 1407 by Senator MacKay         |
| SB 1352 by Senator W. D. Childers | SB 1412 by Senator J. Lane        |
| SB 1353 by Senator Holloway       | SB 1415 by Senator Dunn           |
| SB 1359 by Senator Gallen         | SB 1416 by Senator Firestone      |
|                                   | SB 1432 by Senator Plante         |

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

|                            |                                |
|----------------------------|--------------------------------|
| SB 61 by Senator McClain   | SB 289 by Senator Wilson       |
| SB 100 by Senator Graham   | SB 488 by Senator D. Childers  |
| SB 123 by Senator Lewis    |                                |
| SB 169 by Senator Peterson | SB 1357 by Senator Renick      |
| SB 178 by Senator Renick   | SB 1413 by Senator MacKay      |
| SB 179 by Senator Renick   | SB 1425 by Senator Gordon      |
| SB 201 by Senator Lewis    | HB 276 by Representative Haben |
| SB 238 by Senator McClain  |                                |
| SB 285 by Senator Johnston |                                |

## EXECUTIVE BUSINESS

### Appointments Subject to Senate Confirmation

The Secretary of State on May 20, 1976 certified that pursuant to the provisions of Section 112.071 (1) (b), Florida

Statutes, a commission subject to confirmation by the Senate had been prepared for the following:

Charles D. Stidham, Lake Placid; Member of the Board of Trustees of the South Florida Junior College for term ending May 31, 1979

The Secretary of State on May 21, 1976 certified that pursuant to the provisions of Section 112.071 (1) (b), Florida Statutes, a commission subject to confirmation by the Senate had been prepared for the following:

Ronald P. Schilling, Homosassa; Member of the Crystal River-Homosassa River Basin Water Board for term ending June 30, 1977

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Dempsey J. Barron, President*

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

SB 647            SB 200

*Allen Morris, Clerk*

*The Honorable Dempsey J. Barron, President*

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

SB 184            SB 45            SB 318

*Allen Morris, Clerk*

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has passed SB 221.

*Allen Morris, Clerk*

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has passed SB 892.

*Allen Morris, Clerk*

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has adopted SM 562.

*Allen Morris, Clerk*

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has passed SB 362 and SB 697.

*Allen Morris, Clerk*

*The Honorable Dempsey J. Barron, President*

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

SB 878            SB 1042            SB 1043  
SB 606            SB 655            SB 969

*Allen Morris, Clerk*

The bills contained in the above messages were ordered enrolled.

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has passed with 4 amendments—

By Senators W. D. Childers and Tobiassen—

SB 935—A bill to be entitled An act relating to the Escambia County School District; providing for the employment of the school superintendent by the school board; providing for two additional school board members-at-large; providing compensation for school board members; providing for nonpartisan election of school board members; providing for filing fees and conduct of candidates; providing penalties; providing a referendum; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On page 6, line 12, strike “on June 8, 1976” and insert: held thirty (30) days after the effective date but must be at least seven (7) days prior to July 6, 1976

Senator W. D. Childers moved the following amendment to House Amendment 1 which was adopted:

Amendment 1 to House Amendment 1—On page 1, lines 1 and 2, strike “thirty (30) days after the effective date but must be at least seven (7) days”

Amendment 2—On page 1, lines 27 through page 6, line 5, strike Sections 3 and 4 inclusive and renumber subsequent sections.

Amendment 3—On page 6, lines 20-25, strike Questions 3 and 4 inclusive

Amendment 4—In title, lines 8-12, strike “providing compensation for school board members; providing for nonpartisan election of school board members; providing for filing fees and conduct of candidates; providing penalties;”

On motions by Senator W. D. Childers, the Senate concurred in House Amendment 1 as amended and the House was requested to concur in the Senate amendment to the House amendment; and the Senate refused to concur in House Amendments 2, 3 and 4, and the House was requested to recede therefrom. The action, with the bill and amendments, was certified to the House.

*The Honorable Dempsey J. Barron, President*

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

By Senator Firestone and others—

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

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 1—On pages 1 and 2, strike everything after the enacting clause and insert:

Section 1. Definitions.—The following terms, wherever used or referred to in this part, shall have the following meanings:

(1) “Corporation” means any corporation organized for the purpose of establishing, operating, and maintaining a foreign trade zone.

(2) “Government Agency” means the state, any county or political subdivision thereof, any state agency, any consolidated government of a county, and some or all of the municipalities located within said county, any chartered municipality in the state, and any of the institutions of such consolidated governments, counties, or municipalities. Specifically included are airports, port authorities, and industrial authorities.

(3) "Act of Congress" means the Act of Congress approved June 18, 1934, entitled an Act to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, as amended, and commonly known as the Foreign Trade Zones Act of 1934, 19 U.S.C. ss. 81a-81u.

Section 2. Foreign trade zones; establishing, operating, maintaining.—Any corporation or government agency shall have the power to apply to the proper authorities of the United States for a grant of the privilege of establishing, operating, and maintaining foreign trade zones and foreign trade subzones under the provisions of the Act of Congress and, when the grant is issued, to accept the grant and to establish, operate, and maintain the foreign trade zones and foreign trade subzones and to do all things necessary and proper to carry into effect the establishment, operation, and maintenance of such zones, all in accordance with the Act of Congress and other applicable laws and rules and regulations.

Section 3. Foreign trade zones; select and describe locations.—Any corporation or government agency may select and describe the location of the foreign trade zones or foreign trade subzones for which an application is made under the provisions of the Act of Congress, and make such rules and regulations concerning the establishment, operation, and maintenance of the foreign trade zones or foreign trade subzones as may be necessary to comply with the Act of Congress or as may be necessary to comply with the rules and regulations made in accordance with the Act of Congress.

Section 4. Applicability of State Laws and Rules.—Any application for establishment of a foreign trade zone made pursuant hereto shall include a provision that all laws of this state and rules of the Florida Department of Citrus applicable to citrus fruit and processed citrus products shall equally apply within any foreign trade zone so established.

Section 5. This act shall take effect July 1, 1976.

Amendment 2—On page 1, in title, lines 3-10, strike the entire title and insert: A bill to be entitled An act relating to foreign trade zones; providing definitions; providing for the establishment, operation, and maintenance of such zones; providing for rules and regulations; providing for the applicability of state laws and department rules; providing an effective date.

On motions by Senator Firestone, the Senate concurred in House amendments 1 and 2 to SB 39.

SB 39 passed as further amended by the House amendments, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The bill was ordered engrossed and then enrolled.

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has reconsidered SB 235 and Amendment 1, has failed Amendment 1, further amended and passed as further amended—

By Senator Plante—

SB 235—A bill to be entitled An act relating to elections; requiring that polling places be accessible to and usable by elderly persons and by physically handicapped persons; pro-

viding exceptions; requiring reports to the board of county commissioners as to inaccessible polling places; providing for affirmative action to make selected polling places accessible; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

Amendment 2—On page 1, line 19, after "complying" insert: when necessary

On motion by Senator Plante, the Senate concurred in House Amendment 2 to SB 235.

SB 235 passed as further amended by the House amendment, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

The bill was ordered engrossed and then enrolled.

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 395 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Nelson and others—

HB 395—A bill to be entitled An act relating to the Board of Regents; amending s. 240.011(1), Florida Statutes; providing for an additional member of the board who shall be a full-time student in the state university system; providing procedures for appointing said member for a 1-year term; providing an effective date.

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

Senator Gordon moved that HB 395 be withdrawn from the Committees on Education and Governmental Operations and placed on the Calendar and the motion failed.

Senator Wilson moved that HB 395 be withdrawn from the Committees on Education and Governmental Operations and placed on the Calendar. The motion failed to receive the required two-thirds vote for adoption. The vote was:

Yeas—23

|               |          |            |        |
|---------------|----------|------------|--------|
| Mr. President | Holloway | Plante     | Trask  |
| Brantley      | Johnston | Poston     | Ware   |
| Dunn          | Lewis    | Renick     | Wilson |
| Firestone     | MacKay   | Sims       | Winn   |
| Gordon        | Myers    | Thomas, J. | Zinkil |
| Graham        | Peterson | Thomas, P. |        |

Nays—15

|                 |           |             |             |
|-----------------|-----------|-------------|-------------|
| Childers, D.    | Hair      | McClain     | Stolzenburg |
| Childers, W. D. | Henderson | Saunders    | Tobiassen   |
| Deeb            | Lane, D.  | Scarborough | Vogt        |
| Gallen          | Lane, J.  | Spicola     |             |

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has passed HB 3574 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Maxwell—

HB 3574—A bill to be entitled An act relating to Brevard County; transferring the duties of the Clerk of the Circuit Court of Brevard County, Florida, as clerk of the board of county commissioners, auditor, recorder and custodian of all county funds to the Board of County Commissioners of Brevard County, Florida; providing that said duties shall be performed by the administrative director of Brevard County within the administrative structure of Brevard county government; calling a referendum election to be held at the 1976 first primary election on the approval of said transfer of duties; providing that said act shall become effective only upon approval of a majority of the qualified electors voting at such referendum election.

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.

On motion by Senator Wilson, by two-thirds vote HB 3574 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

On motions by Senator Wilson, by unanimous consent HB 3574 was taken up out of order, and by two-thirds vote was read the second time by title.

Senator Wilson moved the following amendment which was adopted:

**Amendment 1**—On page 4, lines 4-28, strike all of sections 7 and 8 and insert: Section 7. This act, except for this section which shall take effect upon becoming a law, shall take effect upon the expiration of the current term of the Clerk of the Circuit Court of Brevard County, provided this act is approved by a majority vote of the electors of Brevard County voting in a referendum election which shall be called and held by the Board of County Commissioners of Brevard County at the next primary election. There shall be at least 30 days' notice of the election as provided by s. 100.342, Florida Statutes, and the form of the ballot shall be substantially as follows:

“Shall the duties of the Clerk of the Circuit Court of Brevard County as ex-officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds, be transferred to the Board of County Commissioners of Brevard County to be performed by an administrative director?”

On motion by Senator Wilson, by two-thirds vote HB 3574 as amended was read the third time by title, passed, and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

*The Honorable Dempsey J. Barron, President*

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

|         |         |         |
|---------|---------|---------|
| HB 3450 | HB 3457 | HB 3465 |
| HB 3504 | HB 3523 | HB 3524 |
| HB 3535 | HB 3542 | HB 3543 |
| HB 3570 | HB 3579 | HB 3575 |
| HB 3576 |         |         |

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Gorman and others—

HB 3450—A bill to be entitled An act relating to a special tax district in Orange County known as the West Orange Memorial Hospital Tax District; amending Sections 5 and 7, chapter 26066, Laws of Florida, 1949, as amended; the term “hospital” as used in this chapter shall include nursing home which will provide for the authorization to establish, purchase, construct, sell, operate and maintain a nursing home or nursing homes in addition to hospitals; and increasing the aggregate amount of principal money that can be borrowed by the district pursuant to said Section 7 not to exceed the sum at any one time of ten million dollars; 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 Representative Poorbaugh and others—

HB 3457—A bill to be entitled An act relating to the Loxahatchee River environmental control district; amending section 6(9), (12), and (27) of chapter 71-822, Laws of Florida, relating to powers of the district governing board; authorizing certain rate setting and collecting practices and allowing the board to compel water use reduction or sewage treatment in certain instances; providing certain bondholders' remedies; providing detailed procedures for authorizing the construction or extension of water or sewer lines and for apportioning, assessing, or collecting the costs thereof, including enforcement of liens; authorizing the governing board to issue bonds for certain purposes and setting forth requirements for bonds; ratifying previous actions by the governing board; 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 Representatives Mixson and Hutto—

HB 3465—A bill to be entitled An act relating to Washington County; increasing from five to nine the number of members of the Washington County Hospital Board of Trustees; providing for the appointment, terms, removal, compensation, and powers of such members; repealing chapter 65-2376, Laws of Florida, relating to the number and terms of such members; providing for a referendum; providing an effective date.

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

By Representatives Richmond and Culbreath—

HB 3504—A bill to be entitled An act relating to Pasco County; repealing section 2 of chapter 63-1761, Laws of Florida, as amended, providing that the Circuit Court in and for Pasco County shall provide for the filing of actions in either the county seat or branch courthouses established by law; 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 Representative Hodges—

HB 3523—A bill to be entitled An act relating to the Cedar Key Special Water and Sewerage District, Levy County; amending sections 6 and 11 of chapter 63-1569, Laws of Florida; increasing the maximum amount of bonds which the district is authorized to have outstanding at any one time; providing

for the purchase of certain chemicals and supplies without bid when the consideration involved does not exceed \$1,500; 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 Representatives Poorbaugh and Nergard—

**HB 3524**—A bill to be entitled An act relating to Martin County; amending section 3 of chapter 67-1710, Laws of Florida, relating to group insurance; providing that the board of county commissioners may, by resolution, determine the percentage (up to 100 percent) of the premiums for such group insurance which may be paid as operating expenses by such board and the various fee basis officers of the county; providing that such resolution shall be binding upon such board and such fee basis officers; 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 Representative Poorbaugh and others—

**HB 3535**—A bill to be entitled An act relating to the Loxahatchee River environmental control district; amending section 4(4) of chapter 71-822, Laws of Florida, as amended, providing for the qualifying of candidates for the governing board; providing for the canvassing of election results and absentee ballots; providing for the election of candidates for the governing board at the general election; 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 Representative Ryals and others—

**HB 3542**—A bill to be entitled An act relating to Hillsborough County; amending section 1 of chapter 71-687, Laws of Florida, as amended, by adding that the district school board may enter into agreements for group insurance with health and hospitalization, as well as life, insurance companies for the benefit of retired employees of the public schools in the county and by adding that said board may provide such health and hospitalization, as well as life, insurance for said retired employees; providing for contributions by the board to the premiums therefor; 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 Representative Moffitt and others—

**HB 3543**—A bill to be entitled An act relating to Hillsborough County; amending section 7(u) of chapter 23338, Laws of Florida, 1945, as amended, providing that the amount equal to ad valorem taxes which would be levied on a project owned by the Tampa Port Authority if it were privately owned shall be specifically identified in any lease of the project and shall be subject to annual adjustment during the lease; providing for the deduction of the payment of such amount by the lessee from any ad valorem tax levied and retained by the Authority; 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 Representative Tolton and others—

**HB 3570**—A bill to be entitled An act relating to the Northwest Florida Indian Council; amending sections 1, 2, and 4 of Chapter 75-370, Laws of Florida; providing legislative intent; increasing the number of members of the council; providing for selection of members on the council who reside within Santa Rosa and Okaloosa Counties; authorizing the Boards of

County Commissioners in Santa Rosa and Okaloosa Counties to make gifts, grants, and loans to the council; 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 Representatives Nergard and Clem—

**HB 3575**—A bill to be entitled An act relating to the St. Lucie County-Fort Pierce Fire District; amending section 1 of chapter 67-1993, Laws of Florida, authorizing the Board of Commissioners of the district to pay out of any of its available funds all or part of the premiums for life, health, accident, or hospitalization insurance provided for its employees and the families of such employees; 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 Representative Nuckolls and others—

**HB 3576**—A bill to be entitled An act relating to the Lehigh Acres Fire Control and Rescue District, in Lee County; adding certain described lands within the limits of the district; amending sections 2 and 3 of chapter 63-1546, Laws of Florida, as amended; extending the limits of the district; providing for the election of the members of the board of the district; providing for method and time of such elections; providing for assumption of office by members of the board; providing for the filling of vacancies; providing for continuation in office for a certain period of time by members of the board in office on the effective date of this act; providing for a referendum with respect to taxing authority in the new territory added to the district; providing for a referendum; 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 Representative Rish—

**HB 3579**—A bill to be entitled An act relating to Calhoun County; creating and establishing a transportation authority in said county and providing its purposes, powers, and duties; providing that the members of said authority be appointed by the Governor; providing the method of financing said authority and its activities; providing a tax exemption for said authority; 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 Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has adopted HCR 3260 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Tucker and others—

**HCR 3260**—A concurrent resolution adopting a policy on the economy for the State of Florida.

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

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2966 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Melvin (by request)—

**HB 2966**—A bill to be entitled An act relating to Brevard County; authorizing and directing the Board of County Commissioners of Brevard County to appropriate funds to compensate James Reed for the death of his son, Clarence Russell Reed, as a result of the negligence of the appropriate officials of Brevard County; 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.

*The Honorable Dempsey J. Barron, President*

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

**HB 3671**                      **HB 3959**                      **HB 1056**

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Hodges—

**HB 3671**—A bill to be entitled An act relating to marine animals; amending s. 370.12(1)(c), Florida Statutes, prohibiting the taking, killing, possessing, transporting for sale, offering for sale, sale, purchase or destroying of any marine turtle in the state; providing a penalty; providing an effective date.

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

By the Committee on Elections and Representative Kershaw and others—

**HB 3959**—A bill to be entitled An act relating to elections; renumbering chapters 97 through 106, Florida Statutes; amending ss. 97.011 and 105.10, Florida Statutes, relating to election code citations; amending s. 97.021(6)(d) and (18), Florida Statutes, and adding subsections, providing definitions; amending ss. 97.102 and 104.181, Florida Statutes, relating to residency requirements for electors; amending ss. 99.121 and 102.151, Florida Statutes, relating to notification by supervisors of county commissioners of persons nominated; repealing ss. 98.131, 98.141 and 98.151, Florida Statutes, which provide for implementation of permanent registration system by 1966; repealing ss. 98.381 and 104.44, Florida Statutes, which repealed conflicting laws; repealing s. 98.441, Florida Statutes, which provides an explanation of intent; repealing ss. 101.5601 and 101.291, Florida Statutes, which provide short titles; repealing s. 104.28, Florida Statutes, relating to violation of candidate expenditure provisions; repealing s. 104.46, Florida Statutes, relating to publication of the Election Code by Department of State; repealing ss. 104.371, 105.011 and 106.011, Florida Statutes, which provide definitions; directing the Statutory Revision and Indexing Division of the Joint Legislative Management Committee to make changes in terminology and statutory references in the Florida Statutes; providing an effective date.

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

By Representatives Avon and Rude—

**HB 1056**—A bill to be entitled An act for the relief of Gayle Celesti; providing an appropriation to compensate her for injuries received as the result of the negligent failure of the Department of Transportation to maintain a highway under its jurisdiction in proper repair; providing an effective date.

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

*The Honorable Dempsey J. Barron, President*

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

**HB 400**                      **HB 2645**                      **HB 2657**  
**HB 2957**                      **HB 2960**                      **HB 2965**  
**HB 2968**                      **HB 3315**                      **HB 3406**

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Gallagher and others—

**HB 400**—A bill to be entitled An act for the relief of the City of Coral Gables, Dade County; providing an appropriation to compensate the City for its loss of revenue sustained by overpayment of motor vehicle license taxes on city buses; providing an effective date.

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

By Representative Mixson—

**HB 2645**—A bill to be entitled An act relating to Washington County; providing for the relief of John Salter, to compensate him for the loss of his automobile which was stolen from the Washington-Holmes Area Vocational Technical Center; providing for payment by the District School Board of Washington County; 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 Representative Mixson—

**HB 2657**—A bill to be entitled An act relating to Washington County; providing for the relief of Lynn Lee and Benito Cunill, to compensate them for the loss of their automobile which was stolen from the Washington-Holmes Vocational School; providing for payment by the District School Board of Washington County; 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 Representative Thompson—

**HB 2957**—A bill to be entitled An act relating to Taylor County; providing for the relief of Tommy Wayne Luther, a minor, by and through his legal guardian; providing an appropriation to compensate him for damages sustained as a result of the negligence of the district school board of Taylor County; 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 Representative Forbes—

**HB 2960**—A bill to be entitled An act relating to the City of Jacksonville; authorizing and directing the city to provide an appropriation to compensate James A. Bartley for damages sustained as a result of the willful and malicious acts of a former constable of Duval County; 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 Representative Melvin (by request)—

**HB 2965**—A bill to be entitled An act relating to Okaloosa County; authorizing and directing the district school board of Okaloosa County to compensate Mrs. Helen O'Barr for injuries sustained due to the negligence of the board; 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 Representative Melvin (by request)—

**HB 2968**—A bill to be entitled An act relating to Polk County; authorizing, ratifying, and confirming payment made by the

Board of County Commissioners of Polk County, to or for the benefit of its injured employee, Emmett F. Varnadoe; 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 Representative Hector—

HB 3315—A bill to be entitled An act for the relief of Hume-Smith-Mickelberry, a Florida corporation; providing an appropriation to compensate it for money expended in the performance of a contract for the benefit of the State of Florida for which it has not been paid; providing an effective date.

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

By Representative Melvin (by request)—

HB 3406—A bill to be entitled An act to indemnify J. K. Davis, Wildlife Officer, for the Game and Fresh Water Fish Commission, for damages awarded to Raymond A. Watson; providing an appropriation to compensate Raymond A. Watson for injuries received through the actions of Wildlife Officer J. K. Davis while serving as a Wildlife Officer for the Game and Fresh Water Fish Commission; providing an effective date.

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

*The Honorable Dempsey J. Barron, President*

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

HB 3283                      HB 3557                      HB 3538  
HB 3555

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Mann and Nuckolls—

HB 3283—A bill to be entitled An act relating to the Iona-McGregor Fire Protection and Rescue Service District, Lee County; amending sections 3(2) and 6(3) of chapter 75-421, Laws of Florida, changing the date of election of the board of commissioners, and the method of reimbursement to the Lee County Property Appraiser for assessing taxes; 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 Representative Freeman—

HB 3557—A bill to be entitled An act relating to Monroe County; authorizing county building and zoning enforcement officials to issue citations for violations of county ordinances; providing procedures for the disposition of citations and for prosecutions therefor; 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 Representative Blackburn and others—

HB 3538—A bill to be entitled An act relating to Hillsborough County; amending chapter 69-1127, Laws of Florida, raising the applicability of said act from minors under 17 years of age to minors under 18 years of age; 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 Representative Young and others—

HB 3555—A bill to be entitled An act relating to Broward County; amending Chapter 75-350, Laws of Florida; providing for legislative intent; amending Section 2 of Chapter 75-350, Laws of Florida, to provide that candidates for municipal office shall file qualification papers no earlier than the 2nd day of January nor later than the 16th day of January of the calendar year in which election is to be held; amending Section 3 of Chapter 73-350, Laws of Florida, to provide that any primary election for municipal office in a municipality in Broward County shall be held on the 2nd Tuesday of February of the calendar year and all general elections for municipal office held in a municipality in Broward County shall be held on the 2nd Tuesday in March of the calendar year; amending Section 4 of Chapter 75-350, Laws of Florida, to provide that primary elections may be held in races for municipal offices in Broward County if a municipal charter or ordinance provided for a primary election prior to effective date of Chapter 75-350, Laws of Florida, provided the municipality adopts or reenacts an ordinance authorizing such primary elections approved by a referendum; amending Section 5 of Chapter 75-350, Laws of Florida, to provide that in determining the slate of candidates to be established by any primary election for races for municipal offices in Broward County that local charter provisions or ordinances shall provide how the slate of candidates for the general election shall be determined; 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 Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 4026 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Finance & Taxation—

HB 4026—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.12(5), Florida Statutes, providing for specific charges for extensions of time granted for remitting tax payments; providing for estimated tax payments; amending section 212.051, F.S., relating to materials, equipment or machinery for pollution control; exempting some from sales or use tax; providing an effective date.

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

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 4020 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Finance & Taxation—

HB 4020—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.12(5), Florida Statutes, providing for specific charges for extensions of time granted for remitting tax payments; amending s. 212.12(3), Florida Statutes, increasing the effective interest rates on delinquent taxes; providing legislative intent; providing an effective date.

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

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has adopted HCR 4189 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Hutto and Craig—

HCR 4189—A concurrent resolution requesting the Florida delegation to the United States Congress to prepare and seek enactment of federal legislation authorizing the expenditure of federal funds to place sand from navigational inlet and channel operation and maintenance projects on adjacent beaches.

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

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 2970 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Hawkins and others—

HB 2970—A bill to be entitled An act relating to sale of livestock; requiring prompt payment by livestock processors for cattle and hogs purchased; providing a penalty for failure to comply or for actions of a processor causing artificial delay in collection of funds; creating a lien in favor of the seller in livestock and the products and proceeds therefrom; providing for other matters relative to the foregoing; providing an effective date.

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

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 653 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Dixon and T. Lewis—

HB 653—A bill to be entitled An act relating to the Game and Fresh Water Fish Commission; amending s. 372.57(4)(a), Florida Statutes, providing that no license shall be required for any resident fishing with not more than three poles or lines for noncommercial purposes in the county of residence; creating s. 372.577, Florida Statutes; requiring a certificate of competency in handling firearms and bow and arrow; providing exceptions; directing the commission to provide for instruction and information regarding the safe handling of such weapons; providing for instructors; providing responsibility of parents for minors; making fraudulent use of certificates a misdemeanor; providing penalties; prohibiting any person with a specified blood alcohol content or under the influence of any chemical substance or drug from having in his manual possession a firearm in any wildlife management area; providing an effective date.

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

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has adopted HCR 3973 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Committee on Growth & Energy and Representative Coolman and others—

HCR 3973—A concurrent resolution adopting a policy on energy for the State of Florida.

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

*The Honorable Dempsey J. Barron, President*

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

HB 1773  
HB 3808

CS for HB 2891  
HB 3387

HB 4063  
HB 3870

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Wilson—

HB 1773—A bill to be entitled An act relating to intangible personal property tax; adding paragraph (g) to s. 199.072(1), Florida Statutes, exempting from intangible personal property tax the assets of a corporation registered under the investment company act of 1940 of the United States; providing an effective date.

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

By the Committee on Commerce and Representative Steinberg—

CS for HB 2891—A bill to be entitled An act relating to usury; amending s. 687.03, Florida Statutes, exempting, from certain provisions relating to usurious contracts and unlawful rates of interest, loans or other advances of credit made pursuant to a commitment to insure by the Federal Housing Administration or guaranty by the Veterans Administration or pursuant to a binding offer or sale made by a financial institution at the time of origination of a loan in whole or in part to the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, any department, agency, or instrumentality of the Federal Government, or any successor of any of them, pursuant to any provision of the acts of Congress or federal regulations as the same now exist or may hereafter be amended or supplemented; providing for prospective application only; providing an effective date.

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

By the Committee on Commerce and Representative Steinberg and others—

HB 4063—A bill to be entitled An act relating to public officers and employees; amending s. 112.08, Florida Statutes, permitting certain governmental entities to self-insure for health, accident, and hospitalization coverage; providing that such a plan is subject to approval by the Department of Insurance; providing that such entity shall contract with an approved insurance company or professional administrator to administer such plan; providing an effective date.

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

By the Committee on Finance & Taxation—

HB 3808—A bill to be entitled An act relating to taxation; amending s. 220.03(1)(h) and (2)(c), Florida Statutes, relating to definitions applicable to corporate income taxation, to redefine the term "Internal Revenue Code"; effective for taxable years beginning on or after January 1, 1976.

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

By Representative Fulford—

HB 3387—A bill to be entitled An act relating to state-owned lands; providing that state lands shall have a portion of such lands designated for indigenous trees to be established and maintained by the using agency with the assistance of the Division of Forestry of the Department of Agriculture and Consumer Services; providing that the division may exempt lands which are unsuitable; providing an effective date.

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

By Representatives Craig and Tucker—

HB 3870—A bill to be entitled An act relating to the Legislature; amending s. 11.145, Florida Statutes, to remove the

statutory requirement that legislative standing committees submit certain reports prior to the convening of each regular session; providing an effective date.

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

*The Honorable Dempsey J. Barron, President*

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

|         |         |         |
|---------|---------|---------|
| HB 3497 | HB 3262 | HB 3194 |
| HB 3974 | HB 776  | HB 1812 |

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Nuckolls and others—

HB 3497—A bill to be entitled An act relating to regulation of public utilities; creating s. 366.051, Florida Statutes, providing requirements for customer billing; providing an effective date.

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

By Representatives James and T. Lewis—

HB 3262—A bill to be entitled An act relating to jury commissions; amending s. 40.09, Florida Statutes, authorizing jury commissions in certain counties to divide the county into divisions with each division maintaining a separate jury list; providing an effective date.

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

By Representative Craig—

HB 3194—A bill to be entitled An act relating to energy resources; amending s. 377.37(1), Florida Statutes, increasing the maximum civil penalty for persons who violate any law or any rule of the Division of Resource Management of the Department of Natural Resources relating to the regulation of drilling or exploration for petroleum products, persons who violate the terms of a permit to drill, or persons who refuse inspection by the division; providing an effective date.

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

By the Committee on Growth & Energy and Representative Coolman and others—

HB 3974—A bill to be entitled An act relating to purchasing; creating s. 287.141, Florida Statutes, relating to purchases by the Division of Purchasing of the Department of General Services of major energy consuming appliances; requiring the division, prior to making a purchase, to consider energy efficiency of such appliances; requiring purchase of appliances with highest energy efficiency under certain conditions; providing for assistance by the State Energy Office of the Department of Administration; amending s. 287.032, Florida Statutes, providing energy conservation as a purpose of the division; providing an effective date.

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

By the Committee on Growth & Energy and Representative Tolton and others—

HB 776—A bill to be entitled An act relating to solar energy; directing the Florida Solar Energy Center to set standards for solar energy systems manufactured or sold in the state; setting testing fees; establishing a trust fund; requiring disclosure; providing an effective date.

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

By Representative Culbreath—

HB 1812—A bill to be entitled An act relating to school pedestrian crossing guards and school safety patrol; amending section 316.184(8), Florida Statutes, removing the requirement for retroreflective devices; adding a new subsection (3) to s. 316.182, Florida Statutes, authorizing charter counties to regulate speed in school zones in all areas of the county in accordance with speed limits established by law; providing an effective date.

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

On motion by Senator Lewis, by two-thirds vote HB 1812 was withdrawn from the Committee on Education.

On motion by Senator Poston, the rules were waived and by two-thirds vote HB 1812 was withdrawn from the Committee on Transportation.

*The Honorable Dempsey J. Barron, President*

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

|         |         |         |
|---------|---------|---------|
| HB 4122 | HB 4015 | HB 3193 |
|---------|---------|---------|

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Appropriations—

HB 4122—A bill to be entitled An act relating to the Florida Education Finance Program; amending s. 236.081(6) and (8), Florida Statutes, providing for certain general and transitional programs; providing for extension through fiscal year 1976-1977 of the effectiveness of certain provisions relating to reduction in personnel; creating s. 236.088, Florida Statutes, providing for student development services allocations; amending s. 236.122(1) and (2), Florida Statutes, providing for re-computation of the annual allocation for instructional materials based upon actual membership; repealing ss. 229.840, 232.255, 233.069, 236.085, and 236.086, Florida Statutes, as amended, relating, respectively, to allocation for career education, school safety fund, vocational improvement fund, allocation for occupational and placement specialists, and allocation for elementary school counselors; providing for other matters relative to the foregoing; providing an effective date.

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

By the Committee on Appropriations—

HB 4015—A bill to be entitled An act relating to motor carriers; amending s. 323.16, Florida Statutes; providing for disposition of moneys collected from such carriers, changing the amounts of certain allocations and the manner in which they are distributed; providing an effective date.

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

By Representative Craig—

HB 3193—A bill to be entitled An act relating to energy resources; amending s. 377.21(2), Florida Statutes, relating to the conservation of oil and gas; limiting the jurisdiction of the Division of Resource Management of the Department of Natural Resources; providing an effective date.

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

*The Honorable Dempsey J. Barron, President*

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

|         |         |            |
|---------|---------|------------|
| HB 2897 | HB 2898 | HB 944(cs) |
|---------|---------|------------|

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Fulford and Fechtel—

HB 2897—A bill to be entitled An act relating to environmental regulation; amending s. 372.85(1), Florida Statutes, exempting local governments and their representatives under certain circumstances from provisions prohibiting contaminating fresh waters; providing an effective date.

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

By Representatives Fulford and Fechtel—

HB 2898—A bill to be entitled An act relating to aquatic plant control; providing legislative intent; amending ss. 372.932 and 372.925, Florida Statutes, and combining and renumbering said sections as s. 370.24, Florida Statutes; providing definitions; vesting the Department of Natural Resources with certain authority with respect to nonindigenous and noxious aquatic plant control programs; requiring a permit as a condition precedent to undertaking, or causing to be undertaken, certain noxious and nonindigenous aquatic plant control programs; providing penalties; limiting liability of public agencies and agents who undertake certain programs; specifying certain duties and responsibilities of the Department of Natural Resources with respect to noxious and nonindigenous aquatic plant control programs; authorizing the Department of Natural Resources to enter into certain agreements for aquatic plant control; removing provisions authorizing the Department of Natural Resources to delegate certain functions to the Game and Fresh Water Fish Commission; authorizing the Department of Natural Resources to perform certain functions with respect to research activities; amending s. 403.271, Florida Statutes, and renumbering said section as s. 370.25, Florida Statutes; providing a condition precedent upon the authority of the Department of Natural Resources to issue an aquatic plant importation permit; providing for the conduct of certain investigations; providing for publicizing the provisions of the law and the expenditure of funds therefor; providing for other matters relative to the foregoing; providing certain responsibilities for the Division of Statutory Revision and Indexing of the Joint Legislative Management Committee; providing an effective date.

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

By the Committee on Governmental Operations and Representatives Hector and Kiser—

HB 944 (cs)—A bill to be entitled An act relating to security; amending s. 20.22(2)(g) and (h), Florida Statutes, 1974 Supplement, and adding paragraph (i) to said subsection; establishing the Division of Security of the Department of General Services; creating part IV of chapter 287, Florida Statutes; providing powers and duties of the Division of Security; providing for employment of security agents, guards, and other personnel; limiting investigations; providing for arrests; providing for ex officio security agents; authorizing contracts with local governments or licensed private security agencies; providing for equipment; providing a penalty; requiring bonding of officers and agents; providing for the adoption of rules relating to traffic regulation; transferring personnel and equipment of the legislative security force and the security guards of the Division of Building Construction and Property Management of the Department of General Services to the division; repealing ss. 272.13, 272.14, and 272.15, Florida Statutes, relating to the security of the capitol center area; adding subsection (4) to s. 943.04, Florida Statutes, 1974 Supplement; providing for additional duties of the Division of Law Enforcement of the Department of Criminal Law Enforcement; providing severability; providing an effective date.

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

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 2455 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Education and Representatives Singleton and Maxwell—

CS for HB 2455—A bill to be entitled An act relating to education; amending s. 229.814, Florida Statutes, relating to high school equivalency diplomas; removing provisions which require district school boards to administer examinations for such diplomas pursuant to rules of the State Board of Education, which place limitations upon admission to examinations and which exempt persons awarded the diplomas from compulsory school attendance; providing an effective date.

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

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of the membership of the House HJR 1643 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Craig—

HJR 1643—A joint resolution proposing an amendment to Section 5 of Article III of the State Constitution relating to the legislature.

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

*The Honorable Dempsey J. Barron, President*

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

|         |                |                |
|---------|----------------|----------------|
| HB 3050 | CS for HB 2847 | HB 3051        |
| HB 4071 | HB 2003        | HB 2002        |
| HB 3688 | HB 3121        | CS for HB 2708 |
| HB 1631 |                |                |

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Craig—

HB 3050—A bill to be entitled An act relating to the career service system; adding a paragraph to s. 110.051(2), Florida Statutes, providing that personnel employed by the Florida School for the Deaf and the Blind are exempt from the system; providing that salaries for such personnel shall be set by the board of trustees of the school subject to certain approval; providing an effective date.

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

By the Committee on Health & Rehabilitative Services and Representative Bloom and others—

CS for HB 2847—A bill to be entitled An act relating to ambulatory surgical centers; adding subsection (5) to s. 395.01, Florida Statutes, defining "ambulatory surgical center"; amending s. 395.02, Florida Statutes, including such centers within provisions providing the purpose for licensing hospitals; amending s. 395.03, Florida Statutes, requiring the licensure of such centers; amending s. 395.04(2), Florida Statutes, requiring the payment of license fees; amending s. 395.045, Florida Statutes, requiring such centers to establish minimum standards for the acceptance of clinical laboratory results and diagnostic x-ray results; amending s. 395.05, Florida Statutes, providing for the issuance and renewal of licenses; amending s. 395.07, Florida Statutes, requiring the Department of Health and Rehabilitative Services to adopt rules regarding such centers; amending s. 395.15, Florida Statutes, prohibiting persons from operating an ambulatory surgical center without a license; providing a penalty; amending s. 395.16, Florida Statutes, authorizing the department to seek to enjoin the operation of a center without a license; amending s. 395.171, Florida Statutes, prohibiting the use of the term "ambulatory surgical center" except by licensed centers; creating s. 395.21, Florida Statutes, delaying the effective date of rules for existing centers; creating s. 395.22, Florida Statutes, restricting the department from public dis-

closure of information pertaining to patient's records; creating s. 395.23, Florida Statutes, providing an appeals process for centers aggrieved by department actions; amending s. 381-493(3)(j), Florida Statutes, conforming to this act the definition of "ambulatory surgical center" as used in provisions relating to health facilities planning; providing an effective date.

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

By Representative Craig—

**HB 3051**—A bill to be entitled An act relating to public employment; amending s. 447.203(2), Florida Statutes, providing that the Board of Trustees of the Florida School for the Deaf and the Blind is deemed the public employer for the employees of the school for purposes of collective bargaining, and for all other employees not otherwise determined by the commission as properly belonging to a statewide bargaining unit composed of state career service employees; providing the district school board shall be deemed to be the public employer with respect to all employees of the school district; providing an effective date.

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

By the Committee on Transportation and Representative Jones and others—

**HB 4071**—A bill to be entitled An act relating to governmental reorganization; adding subsection (5) to s. 20.24, Florida Statutes, transferring the powers, duties, and functions of the Bureau of Financial Responsibility of the Division of Insurance Consumer Services of the Department of Insurance to the Department of Highway Safety and Motor Vehicles; providing for certain recommendations by the Bureau of Management Improvement of the Department of Administration; providing that changes in terminology in the Florida Statutes be made; providing an effective date.

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

By the Committee on Growth and Energy and Representatives Brown and Moffitt—

**HB 2003**—A bill to be entitled An act relating to the Public Service Commission; amending s. 350.78(3), Florida Statutes, to change the method of payment of the gross revenues fee from annually to semiannually; amending s. 350.781, Florida Statutes, to increase the gross revenues tax on railroad, express, and pullman companies for one-tenth to one-eighth of 1 percent; amending ss. 367.141 and 367.151, Florida Statutes, to increase fees and the gross receipts tax on water and sewer systems; amending s. 323.22(1), Florida Statutes, increasing the fee for motor vehicle identifying devices and permitting their transfer; creating s. 364.44, Florida Statutes, to impose a gross revenue tax of one-eighth of 1 percent on radio common carriers; creating s. 366.056, Florida Statutes, to authorize and impose a gross revenue tax of one-sixty-fourth of 1 percent on municipal electric utilities and rural electric cooperatives; amending s. 366.11, Florida Statutes, relating to exemptions; providing an effective date.

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

By the Committee on Growth & Energy and Representatives Brown and Moffitt—

**HB 2002**—A bill to be entitled An act relating to the Public Service Commission Regulatory Jurisdiction; establishing Title XXV as the "PSC Code"; transferring part of chapter 323, Florida Statutes, pertaining to common carriers and freight forwarding to Title XXV, chapter 352, Florida Statutes; transferring part of chapter 330, Florida Statutes, dealing with the regulation of aircraft by the state to Title XXV, chapter 353, Florida Statutes; transferring part of chapter 347, Florida Statutes, pertaining to toll bridges to Title XXV, chapter 354, Florida Statutes; transferring part of chapter 350, Florida Statutes, pertaining to railroads to chapter 351, Florida Statutes; amending sections 350.011, 350.04, 350.05, 350.051, 350.30, 350.31, 350.631, 350.641, 350.76, 350.78, 350.79, Florida

Statutes, making only style and grammar changes; repealing obsolete sections 350.03, 350.22, 350.24, 350.46, 350.47, 350.48, 350.49, 350.50, 350.51, 350.52, Florida Statutes; transferring sections in chapters 352 through 359, Florida Statutes, to newly created chapter 546, Florida Statutes; providing an effective date.

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

By the Committee on Commerce—

**HB 3688**—A bill to be entitled An act relating to premium finance companies; amending s. 627.840(3)(b), Florida Statutes, relating to service charges and other charges which a premium finance company may lawfully collect, increasing the allowable additional charge on premium finance agreements; providing an effective date.

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

By Representative Hutto and others—

**HB 3121**—A bill to be entitled An act relating to state government, interagency disputes between executive agencies; defining "agency"; prohibiting the institution of an action by an agency against another agency; providing that after good faith efforts and negotiations the final resolution of any dispute shall be made by the Governor and Cabinet and further may intervene to make a final resolution of such disputes at anytime; providing an effective date.

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

By the Committee on Education and Representative Wilson and others—

**CS for HB 2708**—A bill to be entitled An act relating to educational records; creating s. 229.782, Florida Statutes; providing definitions; providing that the parent or guardian of a student attending any public school, community college, or state university, or the student himself, if he is 18 or older, or otherwise eligible, be entitled to specified rights of access, challenge and hearing, and privacy, with regard to records and reports relating to such student maintained by such educational institution; providing for procedures and rules to be determined by the State Board of Education; prohibiting release of student records without written consent; providing exceptions; providing for notification of parents, guardians, and students of their rights; providing a penalty; amending ss. 230.7681, 232.23(1), and 239.77, Florida Statutes, relating to records maintained by public schools, community colleges, and state universities, to conform to this act; providing an effective date.

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

By Representative Craig—

**HB 1631**—A bill to be entitled An act relating to the Legislature; amending s. 11.143, Florida Statutes, to clarify existing language to authorize subcommittees of standing or select committees to issue subpoenas and perform certain other functions which are necessary to conduct hearings, and which are presently permitted to such committees; authorizing the chairman of each such committee or subcommittee to issue process; authorizing the chairman or any other member thereof to administer oaths or affirmations; providing that any such committee or subcommittee which conducts hearings to take sworn testimony must consist of at least five members; authorizing the presiding officer to direct witnesses to respond to certain requirements upon penalty of contempt; requiring the issuance of certain information to witnesses; authorizing witnesses, upon timely request and upon payment therefor, to be furnished with transcripts of proceedings; providing procedure for the issuance of civil action and legislative subpoenas; providing for service; providing for reimbursement of certain expenses of witnesses; extending the prohibition against false swearing before any standing or select committee to any subcommittee thereof, and providing a penalty therefor; providing an effective date.

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

*The Honorable Dempsey J. Barron, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 4081 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Regulated Industries & Licensing—

**HB 4081**—A bill to be entitled An act relating to the beverage law; amending s. 561.22(2), Florida Statutes, providing that an individual who applies for a vendor's license or renewal thereof may possess stock not to exceed one-half percent in corporations that manufacture, distribute, or export alcoholic beverages; amending s. 562.13, Florida Statutes, providing for the employment of persons under 18 years of age in dinner theaters under certain circumstances; providing a definition of a dinner theater; prohibiting the employment of certain persons convicted of certain enumerated offenses in certain enumerated capacities; providing exceptions to such prohibitions; deleting reference to employment of persons 21 or older to be in charge of specified places of business; amending s. 561.32(1), Florida Statutes; increasing, from 10 percent of the annual license tax to an amount equal to such tax, the fee for transfer of licenses issued pursuant to s. 565.02(1)(a)-(f), Florida Statutes; providing an effective date.

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

**MATTERS ON RECONSIDERATION**

Senator Johnston posed a parliamentary question that the Senate met on May 25 for a Bicentennial Observance and during that session a resolution of commendation was introduced out of order by unanimous consent and adopted, and inquired if the motions to reconsider which were made on May 20 were now abandoned inasmuch as they were not considered on the next legislative day.

The President subsequently ruled as follows:

**The President:** The chair has conferred with Senator Plante, members of our staff, and the chairman of the Rules Committee, and is inclined to draw this conclusion:

Rule 6.4 provides that the motion to reconsider is to be taken upon the next succeeding legislative day, with the suggestion that there can be days other than legislative days.

The ultimate purpose of the rules is to make every effort to reach the intent of what was attempted to be done.

The Journal of May 20th indicates that Senator Lane moved to reconsider SB 950, and says specifically on page 355 that the motion was placed on the calendar for May 26th.

On the next page it shows that Senator Plante moved to reconsider a committee substitute for a House bill, and it was placed on the calendar for May 26th. On the next page Senator Saunders and Senator Johnston are shown making the same motions on other bills with the same result.

Yesterday, and every Tuesday this session, we have been meeting in ceremony. I'm told, although I was not in the chair, that yesterday the question of "motion to reconsider" was never reached on the calendar and that we didn't go through the ordinary order of business we go through on a regular legislative day—roll call, prayer, reports of committees, motions relating to committee references, messages from the governor and a special order calendar.

I'm inclined to rule therefore that, since the journal for yesterday was not moved to be corrected, since only one matter was considered and that by unanimous consent of the Senate, and since this only happens every hundred years, that the motions to reconsider would be in order.

Further, the senator from the first was not in the chamber because he recognized and relied upon the fact that the Journal said this matter would be taken up on May 26th. He was out meeting with the conference committee. He knew we were here in ceremony.

So, in the absence of persuasive argument to the contrary, the chair will rule that all those motions I have made reference to can be taken up on reconsideration.

For further clarification, let me explain that to rule otherwise would put us in a very incongruous position since under Rule 4.3-Daily Order of Business, the rules state that at 8:30 a.m. every legislative day certain of us shall meet and call the Senate to order for the sole purpose of introduction of bills. If all these days—even the ones when we didn't have any other session—were counted as "next succeeding legislative days", this would preclude many of the motions to reconsider.

Senator W. D. Childers moved that the Senate reconsider the vote by which the Senate refused to withdraw SB 395 from the Committee on Judiciary-Criminal. The motion failed.

**SPECIAL ORDER**

**SB 286**—A bill to be entitled An act relating to the G. Pierce Wood Memorial Hospital at Arcadia, DeSoto County, Florida; amending s. 945.025(3), Florida Statutes; prohibiting conversion of the hospital into a correctional facility; providing an effective date.

—was read the second time by title.

Senator Gallen moved the following amendments which were adopted:

**Amendment 1**—On page 2, line 4, strike the period and insert: as long as such hospital is in use as a state mental health hospital.

**Amendment 2**—On page 1 in title, line 8, after "facility;" insert: as long as such hospital is in use as a state mental health hospital.

On motion by Senator Gallen, by two-thirds vote SB 286 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

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

Nays—None

Vote after roll call:

Yea—Peterson

On motions by Senator Gallen, the rules were waived and Senate Bills 286 and 1224 after being engrossed were ordered immediately certified to the House.

SB 1276 was taken up, together with:

By the Committee on Natural Resources and Conservation and Senators J. Thomas, Winn and Henderson—

**CS for SB 1276**—A bill to be entitled An act relating to the restoration of the Kissimmee River Valley and the Taylor Creek-Nubbins Slough Basin; establishing a coordinating council; directing the council to develop restoration measures for the water quality of such area; providing for the implementation of the restoration measures; requiring reports to the Legislature; providing an effective date.

—which was read the first time by title and SB 1276 was laid on the table.

On motion by Senator J. Thomas, by two-thirds vote CS for SB 1276 was read the second time by title.

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

**Amendment 1**—On page 4, insert between lines 5 and 6 a new paragraph (5) to read:

(5) There is hereby appropriated from the General Revenue Fund the sum of \$100,000 to be deposited in the Special Trust Fund for the Restoration of the Kissimmee River Valley and Lake Okeechobee.

Renumber subsequent paragraph.

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

**Amendment 2**—On page 2, line 14, after "District," insert: the commissioner of the Department of Agriculture and Consumer Services,

On motion by Senator J. Thomas, by two-thirds vote CS for SB 1276 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

|              |           |             |            |
|--------------|-----------|-------------|------------|
| Childers, D. | Henderson | Peterson    | Thomas, J. |
| Dunn         | Holloway  | Poston      | Tobiassen  |
| Freestone    | Johnston  | Renick      | Trask      |
| Gallen       | Lane, D.  | Saunders    | Vogt       |
| Glisson      | Lane, J.  | Sayler      | Ware       |
| Gordon       | Lewis     | Sims        | Wilson     |
| Graham       | MacKay    | Spicola     | Winn       |
| Hair         | McClain   | Stolzenburg | Zinkil     |

Nays—None

Vote after roll call:

Yea—Brantley

On motion by Senator J. Thomas, the rules were waived and CS for SB 1276 after being engrossed was ordered immediately certified to the House.

**HB 1302**—A bill to be entitled An act relating to stolen property; adding subsection (6) to s. 812.031, Florida Statutes, 1975, providing that a person injured by any person who unlawfully receives stolen property is entitled to certain damages in a civil action against the violator; providing an effective date.

—was read the second time by title.

Senators Dunn and Sims offered the following amendments which were moved by Senator Dunn and adopted:

**Amendment 1**—On page 1, between lines 27 and 28, insert:

(7) *In a prosecution for an attempt to commit the offense provided in subsection (1), it shall not be a defense that it was impossible for the defendant to commit the offense itself if the conduct engaged in by the defendant would constitute the offense if the circumstances were as he believed them to be.*

Section 2. Section 812.0412, Florida Statutes, is created to read:

812.0412 Possession of auto theft instruments or tools; presumption of intent.—

(1) Whoever makes, mends, or begins to make or mend or knowingly has in his possession any slam hammer, slim jim, or other instrument or tool or automobile master key, blank automobile key, and key cutting machine, who is not a licensed locksmith or authorized automobile dealer, and who intends to use the same unlawfully in connection with theft of any motor vehicle, aircraft, boat or boat motor, or the theft of property therefrom or unlawful damage thereto, shall be guilty

of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) For the purpose of this section it shall be prima facie evidence of intent to use any of the instruments or tools enumerated in subsection (1) unlawfully as provided in said subsection when the making, mending, or possession of the instruments or tools is in a manner, place or at a time and under circumstances not usual for the making, mending, or possession of such instruments or tools for legal and authorized purposes.

(Renumber subsequent Section)

**Amendment 2**—On page 1, line 14, strike "Subsection (6) is" and insert: Subsections (6) and (7) are

**Amendment 3**—On page 1 in title, lines 4 and 5, strike "stolen property; adding subsection (6)" and insert: criminal justice; adding subsections (6) and (7)

**Amendment 4**—On page 1, in title, line 9, after the semicolon insert: ;restricting the defense of impossibility in a prosecution for an attempt to receive, retain, dispose of, or aid in the concealment of stolen property; creating

On motion by Senator Hair, further consideration of HB 1302 was deferred.

Senator Saunders presiding

SB 1264 was taken up, together with:

By the Committee on Commerce and Senator Myers—

CS for SB 1264—A bill to be entitled An act relating to alcoholic beverage licenses; amending s. 561.20(2), Florida Statutes; providing that owners of hotels, motels, or motor courts may lease their restaurant operation to others, who may operate independently of the hotel or motel and may provide room service for alcoholic beverages within such hotel, motel, or motor court; amending s. 561.11(1), Florida Statutes; restricting power and authority of the Department of Beverage; providing an effective date.

—which was read the first time by title and SB 1264 was laid on the table.

On motion by Senator Brantley, by two-thirds vote CS for SB 1264 was read the second time by title.

Senator Brantley moved the following amendments which were adopted:

**Amendment 1**—On page 4, line 7, strike sections 2 and 3 and insert: Section 2. This act shall take effect upon becoming a law.

**Amendment 2**—On page 1 in title, strike all of lines 12 and 13 and through the ";" on line 14

On motion by Senator Brantley, by two-thirds vote CS for SB 1264 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

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

Nay—1

Poston

Votes after roll call:

Yeas—Gallen, MacKay, Myers and Thomas, P.

SB 1010—A bill to be entitled An act relating to the control of the imported fire ant; authorizing the Department of Agriculture and Consumer Services to institute a program for the control of the imported fire ant; providing for authority to set up cooperative programs with local governments or private landowners; establishing restrictions for application of mirex bait to wooded areas and the seacoast; providing an appropriation to the Department of Agriculture and Consumer Services; providing an effective date.

—was read the second time by title.

Senator Peterson moved the following amendments which were adopted:

Amendment 1—On page 3, line 21, strike “within 1,000 feet of the seacoast” and insert: applied to estuaries or major drainage basins thereof

Amendment 2—On page 3, strike all of lines 22 through and including line 26.

(Renumber subsequent section)

Amendment 3—On page 1, lines 12-14, strike “providing an appropriation to the Department of Agriculture and Consumer Services;”

Amendment 4—On page 1 in title, line 12, strike “the seacoast” and insert: estuaries or major drainage basins thereof

On motion by Senator Peterson, by two-thirds vote SB 1010 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yeas—Gallen, MacKay, Myers and Thomas, P.

SB's 129 and 245 were taken up, together with:

By the Committee on Health and Rehabilitative Services and Senators Gallen, Ware, Graham, Glisson, Plante, Deeb, Henderson, J. Thomas, Sims, McClain and Dunn—

CS for SB's 129 and 245—A bill to be entitled An act relating to correctional work programs; amending s. 945.06, Florida Statutes; changing the term “prison industries” to “correctional work programs” and requiring the department to adopt an agricultural and industrial production and marketing program; creating s. 945.061, Florida Statutes; establishing the objectives of correctional work programs; creating the Prison Industry Commission within the department and providing for selection of members, organization, and meetings; providing for the Prison Industry Commission to coordinate the development of correctional work programs in the department; creating s. 945.062, Florida Statutes; to establish a financing policy for correctional work programs to emphasize the involvement of private enterprise; creating s. 945.063, Florida Statutes; requiring the department to establish operational guidelines and evaluation processes for correctional work programs and to seek the aid of private labor and management; amending s. 945.16, Florida Statutes; providing that correctional work program products may be sold to political subdivisions, other states, and federal agencies within the state; amending s. 945.17, Florida Statutes; renaming the “Industrial Trust Fund” the “Correctional Work Program Trust Fund”; amending s. 945.18, Florida Statutes; providing for the disposition of the moneys in the fund; amending s. 945.19, Florida Statutes; providing for the establishment of budgeting and accounting procedures for the correctional work programs and the use of moneys in the fund for lease purchase agreements; providing

for the department to grant additional gain-time allowances to inmates for the faithful performance of work; amending s. 944.49(2), Florida Statutes; providing that any monetary payments made to prisoners for work performed be made to the prisoner's family or to satisfy court-ordered restitution; amending s. 945.21(1)(h), Florida Statutes; prohibiting monetary payments to inmates not performing work in a satisfactory manner; providing that the department maximize the use of inmate labor in construction projects; repealing s. 944.27(1), Florida Statutes, the schedule of gain-time allowances for good conduct; repealing s. 944.29, Florida Statutes, relating to extra good-time allowances; providing effective dates.

—which was read the first time by title and SB's 129 and 245 were laid on the table.

On motion by Senator Ware, by two-thirds vote CS for SB's 129 and 245 was read the second time by title.

Senators Myers and Ware offered the following amendments which were moved by Senator Ware and adopted:

Amendment 1—On page 9, between lines 9 and 10, insert: New Section 8, renumber present Section 8 to Section 9 and renumber all other subsequent Sections.

Section 8. Section 945.11, Florida Statutes, is amended to read:

945.11 Use of prisoners in public works.—

(1) The department is authorized to enter into agreements with such *political subdivisions*, agencies, or ~~and~~ institutions of the state as might, under supervision of employees of the department, use the services of inmates of correctional institutions and camps when it is determined by the department that such services will not be detrimental to the welfare of such inmates or the interests of the state in a program of rehabilitation.

(2) The budget of the department ~~may shall~~ be reimbursed from the budget of any *political subdivision*, state agency, or institution for the services of inmates and personnel of the department in such amounts as may be determined by agreement between the department and the head of such *political subdivision*, agency, or institution ~~on the basis of the costs of such services to the department or the value of such services to the agency or institution, whichever shall be lower.~~

Amendment 2—On page 1, in title, line 25, insert after the semicolon: amending s. 945.11, Florida Statutes; authorizing the use of prisoners in public works by political subdivisions; providing for reimbursement to the department; deleting the basis for determining the amount of such reimbursement;

On motion by Senator Ware, by two-thirds vote CS for SB's 129 and 245 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yeas—Dunn, Gallen and Spicola

On motion by Senator Ware, the rules were waived and CS for SB's 129 and 245 after being engrossed was ordered immediately certified to the House.

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

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Saylor, the rules were waived and by two-thirds vote SCR 1440 was withdrawn from the Committee on Rules and Calendar and placed on the Calendar.

On motion by Senator Saylor—

SCR 1440—A concurrent resolution recognizing the contribution to education made by St. Petersburg Junior College during its fifty years of existence and commending Dr. Michael M. Bennett for his more than thirty-six years of loyal service to the College.

—was taken up out of order by unanimous consent.

On motion by Senator Saylor, by two-thirds vote SCR 1440 was read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Glisson

On motion by Senator Ware, the rules were waived and SCR 1440 was ordered immediately certified to the House.

## SPECIAL ORDER, continued

SB 817 was taken up, together with:

By the Committee on Commerce and Senator Scarborough—

CS for SB 817—A bill to be entitled An act relating to thoroughbred, harness, and quarter horse racing; creating s. 550.48, Florida Statutes, prohibiting betting by minors or consumption of alcoholic beverages at racetracks; allowing attendance of minors at racetrack events under the regulation and control of the Division of Pari-mutuel Wagering of the Department of Business Regulation; providing for the application for a permit of admission of minors to racing events; setting standards for the granting of such permit, the regulation thereof, and providing for the revocation of such permit; providing an effective date.

—which was read the first time by title and SB 817 was laid on the table.

On motion by Senator Scarborough, by two-thirds vote CS for SB 817 was read the second time by title.

Senator Wilson moved the following amendment which failed:

Amendment 1—On page 1, line 23, insert after "horse": or dog

The vote was:

Yeas—12

|           |          |             |        |
|-----------|----------|-------------|--------|
| Gordon    | Lane, D. | Stolzenburg | Vogt   |
| Henderson | Myers    | Thomas, J.  | Wilson |
| Holloway  | Poston   | Tobiassen   | Winn   |

Nays—20

|                 |          |          |             |
|-----------------|----------|----------|-------------|
| Childers, D.    | Gallen   | Lewis    | Scarborough |
| Childers, W. D. | Glisson  | MacKay   | Spicola     |
| Deeb            | Hair     | McClain  | Trask       |
| Dunn            | Johnston | Renick   | Ware        |
| Firestone       | Lane, J. | Saunders | Zinkil      |

On motion by Senator Scarborough, by two-thirds vote CS for SB 817 was read the third time by title, and failed to pass. The vote was:

Yeas—12

|         |          |             |        |
|---------|----------|-------------|--------|
| Glisson | Lane, D. | Scarborough | Ware   |
| Gordon  | Myers    | Sims        | Wilson |
| Graham  | Renick   | Tobiassen   | Winn   |

Nays—20

|                 |           |          |             |
|-----------------|-----------|----------|-------------|
| Childers, D.    | Henderson | McClain  | Stolzenburg |
| Childers, W. D. | Holloway  | Peterson | Thomas, J.  |
| Deeb            | Johnston  | Poston   | Trask       |
| Gallen          | Lane, J.  | Saunders | Vogt        |
| Hair            | Lewis     | Spicola  | Zinkil      |

Vote after roll call:

Yea—MacKay

SB 1206—A bill to be entitled An act relating to the Election Code; amending subsection (1) of s. 98.031, Florida Statutes, and adding subsection (3) to said section; providing limitations with respect to precinct boundaries; limiting the periods of time during which precinct or election district boundaries may be changed; requiring supervisors of elections to provide certain maps to the Secretary of State; providing duties of the Secretary of State; providing for other matters relative to the foregoing; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 2, line 23, insert a new paragraph (c):

(c) *The Secretary of State may, upon the request of a county, waive compliance with paragraph (b) if such county has met the requirements of the U.S. Bureau of the Census as set forth in its guidelines.*

Senator Spicola moved the following amendment which was adopted:

Amendment 2—On page 2, line 21, insert after "detachment,": consolidation

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

Amendment 3—On page 1, line 10, after the semicolon insert: providing exceptions;

On motion by Senator Spicola, by two-thirds vote SB 1206 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

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 third time by title.

The President presiding

On motion by Senator Graham, by two-thirds vote HB 2537 was placed back on second reading.

On motion by Senator Graham, the Senate reconsidered the vote by which Amendment 2 was adopted May 12. The question recurred on Amendment 2 which failed.

Senator Wilson moved the following amendment which failed:

Amendment 6—On page 2, strike lines 26 and 27 and insert:

Section 3. In order to protect the pari-mutuel revenues of the State and its counties, a thoroughbred horse racing permittee who is unable or unwilling to race the dates assigned it by the Board of Business Regulation, is authorized to sell, lease or assign its permit to an existing thoroughbred horse racing licensee subject to approval of the Board of Business Regulation. No provision of this act shall be applicable to a sale, lease, or assignment of a permit pursuant to this section.

Section 4. This act shall take effect upon becoming a law.

HB 2537 was read by title and failed to pass. The vote was:

Yeas—17

|              |          |         |            |
|--------------|----------|---------|------------|
| Brantley     | Gordon   | McClain | Thomas, P. |
| Childers, D. | Graham   | Myers   | Winn       |
| Firestone    | Holloway | Poston  |            |
| Gallen       | Lane, J. | Renick  |            |
| Glisson      | MacKay   | Spicola |            |

Nays—18

|                 |          |             |        |
|-----------------|----------|-------------|--------|
| Mr. President   | Johnston | Scarborough | Vogt   |
| Childers, W. D. | Lane, D. | Sims        | Wilson |
| Dunn            | Lewis    | Stolzenburg | Zinkil |
| Hair            | Peterson | Thomas, J.  |        |
| Henderson       | Saunders | Trask       |        |

Vote after roll call:

Nay—Tobiassen

The Senate resumed—

**MATTERS ON RECONSIDERATION**

The motions to reconsider the votes by which HB 2694, CS for HB's 2740 and 2950, and SB 501 passed were not taken up and therefore considered abandoned.

By permission, Senator Johnston withdrew the motion to reconsider the vote by which CS for SB 586 passed on May 20.

On motion by Senator Johnston, the rules were waived and CS for SB 586 was immediately certified to the House.

**ENROLLING REPORTS**

Senate Bills 585, 872, 875, 877, 1269 and 892 have been enrolled, signed by the required Constitutional Officers and filed with the Governor on May 24, 1976.

Joe Brown, Secretary

SM 562 and SCR 838 have been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 24, 1976.

Joe Brown, Secretary

The Senate recessed at 12:00 noon to reconvene at 2:00 p.m.

**AFTERNOON SESSION**

The Senate was called to order by the President at 2:00 p.m. A quorum present—40:

|                 |           |         |           |
|-----------------|-----------|---------|-----------|
| Mr. President   | Deeb      | Glisson | Henderson |
| Brantley        | Dunn      | Gordon  | Holloway  |
| Childers, D.    | Firestone | Graham  | Johnston  |
| Childers, W. D. | Gallen    | Hair    | Lane, D.  |

|          |             |             |        |
|----------|-------------|-------------|--------|
| Lane, J. | Plante      | Sims        | Trask  |
| Lewis    | Poston      | Spicola     | Vogt   |
| MacKay   | Renick      | Stolzenburg | Ware   |
| McClain  | Saunders    | Thomas, J.  | Wilson |
| Myers    | Sayler      | Thomas, P.  | Winn   |
| Peterson | Scarborough | Tobiassen   | Zinkil |

**SPECIAL ORDER, continued**

SB 1278 was taken up, together with:

By the Committee on Commerce and Senator Gallen—

CS for SB 1278—A bill to be entitled An act relating to insurance; renumbering s. 627.351(8), Florida Statutes, and adding new subsections (4) and (5) to said section, and repealing subsections (3)-(7) of said section, relating to windstorm insurance and sinkhole losses; providing for windstorm apportionment plans; providing that the plan for the equitable apportionment of windstorm insurance coverage in certain areas may include the formation of a nonprofit corporation or nonprofit unincorporated association, with the power to issue notes, bonds, or other obligations; amending s. 625.317, Florida Statutes, to provide that such notes, bonds or other obligations be considered admitted assets for domestic insurers; providing for the accumulation of reserves to be used for the payment of catastrophe losses; providing that this plan shall insure that the rates to be charged shall meet certain standards; providing a definition for policyholders' surplus allocable to Florida operations for property lines of insurance; providing that the provisions of s. 627.351(4), Florida Statutes, not take effect in any particular county or area of the state, unless that county or area meets certain requirements; providing that no policy of insurance be written pursuant to these sections unless the risk to be insured is also insured under the National Flood Insurance Act; providing an effective date.

—which was read the first time by title and SB 1278 was laid on the table.

On motion by Senator Gallen, by two-thirds vote CS for SB 1278 was read the second time by title.

**The President Pro Tempore presiding**

Senator Gallen moved the following amendments which were adopted:

Amendment 1—On page 2, line 7, strike everything after the enactment clause and insert: Section 1. Subsections (3), (5), (6) and (7) of section 627.351, Florida Statutes, are hereby repealed; subsection (4) of said section is hereby renumbered as subsection (3); subsection (8) of said section is hereby renumbered as subsection (7) and new subsections (4), (5) and (6) are added to said section to read:

627.351 Insurance risk apportionment plan.—

(4) The Department of Insurance shall require all insurers licensed to transact property insurance on a direct basis in this state to provide windstorm coverage to applicants from areas determined to be eligible pursuant to subsection (5) who in good faith are entitled to, but are unable to procure, such coverage through ordinary means, or it shall adopt a reasonable plan or plans for the equitable apportionment or sharing among such insurers of windstorm coverage. For the purpose of this section, "properties" eligible for such windstorm coverage are defined as dwellings, buildings, and other structures, including mobile homes which are used as dwellings and which are tied down in compliance with mobile home tie-down requirements prescribed by the Department of Highway Safety and Motor Vehicles pursuant to sections 320.8235 and 320.8325, Florida Statutes, and the contents of all such properties. All insurers required to be members of such plan shall participate in its writings, expenses, profits and losses. Such gross participation shall be the proportion that the net direct premiums of each member written on property in Florida during the preceding calendar year bears to the aggregate net direct premiums of all members of the plan written on property in Florida during the preceding calendar year. The Commissioner, after review of annual statements, other reports and any other statistics which he shall deem necessary, shall certify to the plan the aggregate net direct premiums written on property in Florida by all members. Any such plan shall provide a formula whereby a company volun-

tarly providing windstorm coverage in affected areas will be relieved wholly or partially from apportionment. A company which is a member of a group of companies under common management may elect to have its credits applied on a group basis, and any company or group may elect to have its credits applied to any other company or group. The plan shall also provide that any member with a surplus as to policyholders of \$5,000,000 or less writing twenty-five percent of its total countrywide property insurance premiums in Florida may petition the Department within ninety days of the effective date of this act, and thereafter within the first ninety days of each calendar year, to qualify as a limited apportionment company. Such a company's apportionment in any calendar year for which it is qualified shall not exceed its gross participation which shall not be affected by the formula for voluntary writings. In no event shall a limited apportionment company be required to participate in any apportionment of losses in the aggregate which exceeds \$50,000,000 after payment of available plan funds in any calendar year. The plan shall provide that if the Department determines that any assessment will result in an impairment of the surplus of a limited apportionment company the Department may direct that all or part of such assessment be deferred. The plan may include deductibles and rules for classification of risks and rate modifications consistent with the objective of providing and maintaining funds sufficient to pay catastrophe losses. The plan may authorize the formation of a private nonprofit corporation, a private nonprofit unincorporated association or a nonprofit mutual company which may be empowered, among other things, to borrow money and to accumulate reserves or funds to be used for the payment of insured catastrophe losses. The plan shall incorporate and continue the plan of operation and articles of agreement in effect on the effective date of this act to the extent that it is not inconsistent with the act and as subsequently modified consistent with this act; the board of directors and officers currently serving shall continue to serve until their successors are duly qualified as provided under the plan; and the assets and obligations of the plan in effect immediately prior to the effective date of this act shall be construed to be the assets and obligations of the successor plan created herein. On such coverage, an agent's remuneration shall be that amount of money payable to him by the terms of his contract with the company with which the business is placed. However, no commission will be paid on that portion of the premium which is in excess of that company's standard premium.

(5) The provisions of subsection (4) shall be applicable only with respect to any county or area which the Department has heretofore designated, or as to which after public hearing finds that the following criteria exist:

(a) Due to the lack of windstorm insurance coverage in the county or area so affected, economic growth and development is being deterred or otherwise stifled in said county or area, mortgages are in default, and financial institutions are unable to make loans; and

(b) The county or area so affected shall first adopt and enforce the structural requirements of the Southern Standard Building Code, or its equivalent, for new construction and include adequate minimum floor elevation requirements for structures in areas subject to inundation.

Any time after the Department has determined that the criteria referred to in this section does not exist with respect to any county or area of the state, it may, after a subsequent public hearing, declare that the said county or area is no longer eligible for windstorm coverage through the plan.

(6) If a risk otherwise qualified under subsections (4) and (5) is eligible and qualified to be insured under the national flood insurance program, in order for it to be eligible under subsections (4) and (5), the risk shall be and remain insured under the national flood insurance program at least to the actual cash value of the risk against flood loss, or to the maximum amounts of flood insurance available under such program.

Section 2. Section 625.317, Florida Statutes, is amended to read:

625.317 Corporate bonds and debentures.—

An insurer may invest in bonds, notes, or other interest bearing or interest accruing obligations of any solvent corporation organized under the laws of the United States or Canada, or

under the laws of any state, District of Columbia, territory or possession of the United States or of any Province of Canada, or bonds or notes issued by the Florida Windstorm Underwriting Association or a private nonprofit corporation, a private nonprofit unincorporated association, or a nonprofit mutual company organized by that association, all as authorized in s. 627.351(4), or any subsidiary or affiliate thereof authorized by the Department of Insurance to issue such bonds or notes.

Section 3. This act shall take effect immediately upon becoming a law.

Amendment 2—Strike entire title and insert: A bill to be entitled An act relating to insurance; renumbering s. 627.351(4) and (8), Florida Statutes, and adding new subsection (4), (5), and (6) to s. 627.351 and repealing subsections (3), (5), (6), and (7) of said section, relating to windstorm insurance and sinkhole losses; providing for a windstorm apportionment plan; providing that the plan for the equitable apportionment of windstorm insurance coverage in certain areas may include the formation of a nonprofit corporation, nonprofit incorporated association or mutual company; amending s. 625.317, Florida Statutes, to provide that notes, bonds or other obligations be considered admitted assets for domestic insurers; providing for the accumulation of reserves to be used for the payment of catastrophe losses; providing that this plan shall insure that the rates to be charged shall meet certain standards; providing for limiting the participation of certain companies in windstorm plan losses; providing that the provisions of s. 627.351(4), Florida Statutes, not take effect in any particular county or area of the State, unless that county or area meets certain requirements; reenacting provisions relating to agents' commissions; providing that no policy of insurance be written pursuant to these sections unless the risk to be insured is also insured under the National Flood Insurance Act, if available; continuing the present plan of operation as identified; providing an effective date.

Whereas, the legislature recognizes that mandatory participation in the windstorm plan herein described could, in the event of a catastrophe, severely damage or cause the insolvency of certain insurance companies with limited financial resources, and that it is, therefore, in the public interest that such companies' participation in windstorm losses be limited. To that end, the insurance department shall have the authority to carry out the intent of this act by following the procedures and applying the criteria herein contained.

On motion by Senator Gallen, by two-thirds vote CS for SB 1278 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Votes after roll call:

Yeas—Lewis and Tobiassen

Senator Scarborough moved that the Senate reconsider the vote by which HB 2537 failed to pass this day.

The motion was placed on the calendar for consideration May 27.

The Senate resumed consideration of—

HB 1302—A bill to be entitled An act relating to stolen property; adding subsection (6) to s. 812.031, Florida Statutes, 1975, providing that a person injured by any person who unlawfully receives stolen property is entitled to certain damages in a civil action against the violator; providing an effective date.

**The President presiding**

On motion by Senator Hair, the Senate reconsidered the vote by which Amendment 1 was adopted and the amendment failed.

On motions by Senator Dunn, the Senate reconsidered the votes by which Amendments 2, 3 and 4 were adopted. By permission, Senator Dunn withdrew the amendments.

On motion by Senator Hair, by two-thirds vote HB 1302 was read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—39**

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

**Nays—None**

Vote after roll call:

Yea—Tobiassen

The motion by Senator J. Lane on May 20 that the Senate reconsider the vote by which—

**SB 950**—A bill to be entitled An act relating to environmental regulation; adding subsections to s. 403.804, Florida Statutes, relating to powers and duties of the Environmental Regulation Commission; requiring studies and hearings on certain standards; requiring approval by the Governor and Cabinet; prohibiting enforcement of certain environmental standards; providing an effective date.

—failed to pass on May 20, was taken up and adopted by the following vote:

**Yeas—21**

|                 |          |             |            |
|-----------------|----------|-------------|------------|
| Mr. President   | Lane, J. | Saunders    | Thomas, P. |
| Brantley        | Lewis    | Sayler      | Tobiassen  |
| Childers, W. D. | McClain  | Scarborough | Trask      |
| Deeb            | Peterson | Sims        |            |
| Gallen          | Plante   | Spicola     |            |
| Hair            | Poston   | Thomas, J.  |            |

**Nays—17**

|           |          |             |        |
|-----------|----------|-------------|--------|
| Dunn      | Holloway | Renick      | Winn   |
| Firestone | Johnston | Stolzenburg | Zinkil |
| Gordon    | Lane, D. | Vogt        |        |
| Graham    | MacKay   | Ware        |        |
| Henderson | Myers    | Wilson      |        |

Senator Spicola moved the following amendment:

**Amendment 5**—On page 1, line 14, strike all of Section 1 and insert:

Section 1. Subsection (2) of section 403.804, Florida Statutes, is amended to read:

403.804 Environmental regulation commission; powers and duties.—

(2) The commission shall direct the department to have a study conducted of the economic and environmental impact which sets forth the benefits and costs to the public of any proposed standard, or proposed standard that is ~~would be~~ stricter or more stringent than one which has been set by federal agencies pursuant to federal law or regulation. ~~The commission shall also direct the department to prepare such a study on any~~

standard existing on July 1, 1975 which sets a stricter or more stringent standard than one which has been set by federal agencies pursuant to federal law or regulation. All such studies shall be submitted to the Governor and Cabinet no later than March 1, 1976. Such studies as are provided for in this paragraph shall be submitted to the commission who shall initially adopt, or readopt, the standards. Final action shall be by the Governor and Cabinet, who shall accept, reject, modify, or remand for further proceedings the standard within 60 days from the submission. Such review shall be appellate in nature. Hearings by the commission and the Governor and Cabinet shall be in accordance with the provisions of chapter 120.

Senators W. D. Childers, Gallen and J. Lane offered the following amendment to Amendment 5 which was moved by Senator W. D. Childers and failed:

**Amendment 5A**—On page 2, line 4 after the period insert: A state standard which is stricter or more stringent than a comparable federal standard set by federal agencies pursuant to federal law or regulation shall not be enforced 6 months after enactment of the less strict or stringent federal standard unless the state standard has been approved by the Governor and Cabinet, or unless the commission finds as a matter of fact that the department cannot complete the study and recommendation procedure within the time limitation provided herein, and the commission's finding of fact is approved by the Governor and Cabinet. Upon approval of such finding of fact by the Governor and Cabinet, the department shall have an additional 90 days to complete the study and recommendation procedure and may enforce the state standard only until the expiration of the additional time.

Section 2. Nothing in this act shall prevent any local pollution control program from enforcing its own rules, regulations, or orders. Furthermore, nothing in this act shall be construed to have altered the authority of county and municipal governments as provided by law.

Renumber subsequent section.

The vote was:

**Yeas—16**

|                 |          |          |            |
|-----------------|----------|----------|------------|
| Mr. President   | Gallen   | McClain  | Thomas, J. |
| Brantley        | Glisson  | Peterson | Thomas, P. |
| Childers, W. D. | Lane, J. | Sims     | Trask      |
| Deeb            | Lewis    | Spicola  | Winn       |

**Nays—16**

|              |           |        |        |
|--------------|-----------|--------|--------|
| Childers, D. | Henderson | MacKay | Renick |
| Dunn         | Holloway  | Myers  | Vogt   |
| Firestone    | Johnston  | Plante | Wilson |
| Graham       | Lane, D.  | Poston | Zinkil |

Amendment 5 was adopted by two-thirds vote.

Senator Spicola moved the following title amendment which was adopted:

**Amendment 6**—On page 1, strike lines 5-12 and insert: amending s. 403.804(2), Florida Statutes; requiring a study of the economic and environmental impact of any standard or proposed standard which is stricter than that set by federal agencies; deleting requirement for study of certain existing standards which are stricter than federal standards; providing for adoption and readoption of standards; requiring hearings by the Commission and the Governor and Cabinet to be in accordance with chapter 120, Florida Statutes; providing an effective date.

On motion by Senator J. Lane, SB 950 as further amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

**Yeas—25**

|                 |          |             |           |
|-----------------|----------|-------------|-----------|
| Mr. President   | Holloway | Poston      | Tobiassen |
| Brantley        | Johnston | Sayler      | Trask     |
| Childers, D.    | Lane, J. | Sims        | Ware      |
| Childers, W. D. | Lewis    | Spicola     | Winn      |
| Deeb            | McClain  | Stolzenburg |           |
| Gallen          | Peterson | Thomas, J.  |           |
| Glisson         | Plante   | Thomas, P.  |           |

Nays—12

|           |           |        |        |
|-----------|-----------|--------|--------|
| Dunn      | Graham    | MacKay | Vogt   |
| Firestone | Henderson | Myers  | Wilson |
| Gordon    | Lane, D.  | Renick | Zinkil |

Vote after roll call:

Yea—Hair

Senator J. Thomas moved that the Senate reconsider the vote by which CS for SB 817 failed to pass this day.

The motion was placed on the calendar for consideration on May 27.

Senator Brantley moved that the rules be waived and SB 950 be immediately certified to the House. The motion failed.

Senator Johnston moved that the Senate reconsider the vote by which SB 950 passed this day.

The motion was placed on the calendar for consideration on May 27.

Senator Ware raised a point of order that the motion by Senator Poston this day by which SB 391 was withdrawn from the Committee on Ways and Means and indefinitely postponed was out of order inasmuch as the Committee on Commerce on May 24 recommended a CS for SB 391.

The President ruled the point well taken as the motion by Senator Poston was not available and the bill with the committee substitute remained in the Committee on Ways and Means.

On motion by Senator McClain, the rules were waived and HB 3416 was ordered immediately certified to the House.

**Special Order, continued**

HB 1514—A bill to be entitled An act relating to elections; creating s. 104.013, Florida Statutes; prohibiting the unauthorized use, possession, or destruction of a voter registration identification card; providing for penalties; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 1, line 30, strike “felony of the third degree,” and insert: misdemeanor of the first degree,

Senator Spicola presiding

Senator Vogt moved the following amendment:

**Amendment 2**—On page 2, lines 1 and 2, strike and renumber and insert: Section 2. Section 104.371, Florida Statutes, is amended to read as follows:

104.371 Political advertisement defined.—Political advertisement is an expression in any mass media, attracting public attention, whether radio, television, newspaper, magazine, periodical, direct mail, display or by means other than the spoken word in direct conversation which shall transmit any idea furthering the candidacy for public office of any person, or which shall endorse or oppose any proposition or issue which is submitted to the electors for their approval or rejection at any election held by this State or any political subdivision thereof.

Senator Wilson moved the following amendment to Amendment 2 which was adopted:

**Amendment 2A**—On page 1, line 4, strike “An” and insert: A paid

Amendment 2 as amended was adopted.

Senator Vogt moved the following title amendment which was adopted:

**Amendment 3**—On page 1, line 8, after the semicolon insert: amending section 104.371, Florida Statutes, redefining political advertisement;

On motion by Senator Firestone, by two-thirds vote HB 1514 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Gallen and Peterson

SB 858—A bill to be entitled An act relating to the Florida Industrial Development Corporation; amending s. 289.051(1), Florida Statutes, allowing the borrowing restrictions placed on the corporation to vary with its retained earnings; placing a cap on the amount any one member may lend to the corporation; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 2, strike everything on line 3 after “exceed” and strike all of lines 4, 5, 6, 7 and 8 and insert: *the greater of the following:*

1. *Twenty times the aggregate of the amount then paid in on the outstanding capital stock of the corporation and retained earnings of the corporation.*

2. *Twenty times the amount then paid in on the outstanding capital stock of the corporation.*

On motion by Senator Trask, by two-thirds vote SB 858 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Votes after roll call:

Yeas—Dunn and Gallen

**Abstention from Voting**

Due to possible conflict of interest I refrained from voting on this measure.

*Philip D. Lewis, 27th District*

SB 725—A bill to be entitled An act relating to the collection of delinquent personal property taxes; amending s. 197.072 (4), Florida Statutes; providing for the mailing of additional notices to taxpayers by the tax collector; amending s. 197.086 (1), Florida Statutes; providing for the issuance of warrants prior to a specified date; providing for notification to the tax-

payer, by certified mail, from the clerk of the court in which the delinquency petition is filed; authorizing the Department of Revenue to provide reasonable rules and regulations relating to collection of delinquent taxes; amending s. 197.092, Florida Statutes; providing that the tax collector may issue warrants allowing the tax on tangible personal property which is removed from his county to be collected by the sheriff in the county in which the property is now situated; providing an effective date.

—was read the second time by title.

Senator Myers moved the following amendments which were adopted:

**Amendment 1**—On page 5, line 8, strike entire Section 4, and insert a new Section 4; Section 5; and Section 6:

Section 4. Section 195.106, Florida Statutes, is amended to read:

195.106 Department of Revenue to pass upon and order refunds:—

(1) The Department of Revenue shall pass upon and order refunds, *except in those cases in which refunds have been ordered by a court order*, where payment has been made voluntarily or involuntarily of taxes assessed on the county tax rolls by reason of either of the following circumstances:

- (a) Any over-payment;
- (b) Payment where no tax was due; or
- (c) Where a bona fide controversy exists between the tax collector and the taxpayer as to the liability of the taxpayer for the payment of the tax claimed to be due, the taxpayer may pay the amount claimed by the tax collector to be due, and if it is finally adjudged by a court of competent jurisdiction that the taxpayer was not liable for the payment of the tax or any part thereof; or

(d) *Any payment made by a taxpayer to the tax collector in error.*

(2)(a) When the Department of Revenue orders a refund, it shall forward a copy of its order to the tax collector who shall then determine and certify to the county, *district school board, each municipality, and the governing body of each school district, and each other taxing district* their pro rata share of such refund, *the reason for the refund, and the date the refund was ordered by the department.*

(b) The board of county commissioners, the district school board, *each municipality* and the governing body ~~authority~~ of each taxing district shall comply with the order of the department *in the following manner:*

1. *Authorize the tax collector to make refund from undistributed funds held for that taxing authority by the tax collector;*
2. *Authorize the tax collector to make refund and forward to the tax collector their pro rata share of the refund from currently budgeted funds, if available; or*
3. *Notify the tax collector that the taxing authority does not have funds currently available and provide in their budget for the ensuing year funds for the payment of the refund.*

(3) *A refund ordered by the department pursuant to this section shall be made by the tax collector in one aggregate amount composed of all the pro rata shares of the several taxing authorities concerned, except that a partial refund is allowed when one or more of the taxing authorities concerned do not have funds currently available to pay their pro rata share of the refund, and this would cause an unreasonable delay in the total refund. A statement by the tax collector explaining the refund shall accompany the refund payment, by providing in their budget for the ensuing year for the payment of their pro rata share of such refund, and each shall have authority to authorize such tax levy as may be necessary to provide the funds with which to make the refund so ordered. However,*

(4) Nothing contained in this section ~~subsection~~ shall be construed to authorize any taxing authority to make any tax levy

in excess of the maximum authorized by the constitution or the laws of Florida.

(5) *The provisions of this section shall apply with respect to refunds of amounts paid for tax certificates which are subsequently determined to be void, as provided in s. 197.116(8).*

Section 5. Subsection (6) is added to section 197.241, Florida Statutes, to read:

197.241 Application for obtaining tax deed by holder of tax sale certificate; fees.—

(6) *Any fees collected pursuant to this section shall be refunded to the certificate holder in the event that the tax deed sale is canceled for any reason.*

Section 6. Subsection (8) is added to section 197.116, Florida Statutes, to read:

197.116 Sales of tax certificates for unpaid taxes.—

(8) *Any tax certificates issued pursuant to the provisions of this section on or after the effective date of this subsection which is void due to an error of the property appraiser, tax collector, any other county official, or any municipal official and which is subsequently canceled pursuant to the provisions of this chapter (Tax Collections, Tax Sales, Tax Liens) or Chapter 196 (Exemptions) shall earn interest at the rate of 8 percent per annum, simple interest, calculated from the date the certificate was purchased. Refunds made on tax certificates which are void shall be processed as provided in s. 196.116.*

Section 7. This act shall take effect upon becoming a law.

**Amendment 2**—On page 1 in title, lines 4 and 5, strike “the collection of delinquent personal property taxes” and insert: ad valorem tax administration and collection

**Amendment 3**—On page 1 in title, line 22, strike “providing an effective date.” and insert: amending s. 195.106, Florida Statutes, providing procedures for the refund of certain tax collections; providing for refund of certain collections made in error; providing for application of the provisions of this section with respect to refund of amounts paid for certain tax certificates; adding subsection (6) to s. 197.241, Florida Statutes, providing that fees collected shall be refunded to the certificate holder in the event that the tax deed sale is cancelled for any reason; adding subsection (8) to s. 197.116, Florida Statutes, providing for the payment of interest upon amounts paid for tax certificates which are canceled for certain reasons; providing an effective date.

On motion by Senator Deeb, by two-thirds vote SB 725 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Glisson

SB 1156 was taken up, together with:

By the Committee on Governmental Operations and Senators Myers, Ware, Lewis, Wilson, Brantley, McClain, Zinkil, Winn, Sims, D. Lane, Firestone, Sayler, Henderson, J. Lane, Vogt, Deeb, Gordon, Stolzenburg, MacKay, W. D. Childers, Spicola, Tobiassen, Barron, J. Thomas and Hair—

CS for SB 1156—A bill to be entitled An act relating to legislative review of programs and functions which regulate a pro-

fession, occupation, business, industry and other endeavor; repealing various chapters and sections of the Florida Statutes, relating to such programs and functions; providing for periodic legislative review, modification and reestablishment of such programs, and functions; providing criteria for determining reestablishment; providing for abolishment of units and subunits of government; providing for appointment of a select joint committee; preserving causes of action by or against abolished units of government; providing for severability; providing an effective date.

—which was read the first time by title and SB 1156 was laid on the table.

On motion by Senator Myers, by two-thirds vote CS for SB 1156 was read the second time by title.

Senator Myers moved the following amendments which were adopted:

**Amendment 1**—On page 10, line 27, strike "Upon the" and insert: One year from the date of

**Amendment 2**—On page 4, line 21, strike "561, 561" and insert: 561, 562

On motion by Senator Myers, by two-thirds vote CS for SB 1156 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Lewis and Sims

On motion by Senator Myers, the rules were waived and CS for SB 1156 after being engrossed was ordered immediately certified to the House.

#### The President presiding

**HB 3687**—A bill to be entitled An act relating to insurance; creating s. 627.7263, Florida Statutes; providing that the liability insurance or personal injury protection insurance of the lessee of an automobile which is leased or rented shall be primary; requiring certain statements in such lease or rental agreement; providing an effective date.

—was read the second time by title. On motion by Senator McClain, by two-thirds vote HB 3687 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

|                 |           |             |             |
|-----------------|-----------|-------------|-------------|
| Mr. President   | Graham    | McClain     | Stolzenburg |
| Brantley        | Hair      | Myers       | Thomas, J.  |
| Childers, D.    | Henderson | Poston      | Thomas, P.  |
| Childers, W. D. | Holloway  | Renick      | Vogt        |
| Dunn            | Johnston  | Saunders    | Winn        |
| Firestone       | Lane, D.  | Sayler      |             |
| Gallen          | Lane, J.  | Scarborough |             |
| Gordon          | Lewis     | Spicola     |             |

Nays—4

|         |      |        |        |
|---------|------|--------|--------|
| Glisson | Ware | Wilson | Zinkil |
|---------|------|--------|--------|

Votes after roll call:

Yeas—Sims, Tobiassen and Trask

**SB 249**—A bill to be entitled An act relating to the Financial Responsibility Law of 1955; transferring the powers, duties, and functions of the Department of Insurance prescribed in such law to the Department of Highway Safety and Motor Vehicles; amending ss. 324.021(2), 324.051, 324.061(1), (3), 324.071, 324.072(1), (2), 324.081(1), Florida Statutes; conforming provisions to reflect such transfer; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were moved by Senator Poston and adopted:

**Amendment 1**—On pages 1-7, strike everything after the enacting clause and insert: Section 1. Section 20.24, F. S., is amended by adding a new subsection (5) thereto, to read:

20.24 Department of Highway Safety and Motor Vehicles.—

(5) The Bureau of Financial Responsibility of the Division of Insurance Consumer Services of the Department of Insurance and all powers, duties and functions contained therein as well as responsibility for the enforcement of the relevant provisions of Chapters 324 and 627 are hereby transferred by a type four transfer to the Department of Highway Safety and Motor Vehicles. However, no later than November 1, 1976, the Bureau of Management Improvement of the Department of Administration shall review the functions of the Bureau of Financial Responsibility and recommend to the Department of Highway Safety and Motor Vehicles the number of positions, funds, appropriations, and equipment required to perform the requisite functions contained herein. Such recommendation shall be adopted by the director of the department.

Section 2. The Statutory Revision and Indexing Division of the Joint Legislative Management Committee is directed to make the necessary editorial changes in the affected laws consistent with the intent of this act.

Section 3. This act shall take effect upon becoming law and shall be implemented no later than October 1, 1976.

**Amendment 2**—On page 1 in title, strike lines 4-12 and insert: A bill to be entitled An act relating to governmental reorganization; amending s. 20.24, F.S., adding a new subsection (5) thereto, transferring the powers, duties and functions of the Bureau of Financial Responsibility of the Division of Insurance Consumer Services of the Department of Insurance to the Department of Highway Safety and Motor Vehicles; providing that changes in terminology in the Florida Statutes be made; providing an effective date.

On motion by Senator Brantley, further consideration of SB 249 was deferred.

**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 commitment of such person; providing an effective date.

—was read the second time by title.

Senator Myers moved the following title amendment which was adopted:

**Amendment 1**—On page 1, line 15, strike "facility" and insert: facility

On motion by Senator Myers, by two-thirds vote SB 1348 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Votes after roll call:

Yeas—Thomas, P., Tobiassen and Wilson

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 second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 1340 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Votes after roll call:

Yeas—Peterson, Thomas, P., Tobiassen and Wilson

SB 588 was taken up and on motion by Senator Sayler—

CS for HB's 2955 and 3056—A bill to be entitled An act relating to the Election Code; amending s. 104.36, Florida Statutes, prohibiting any type of solicitation within 100 yards of any polling place; providing penalties; providing an effective date.

—a companion measure was substituted therefor and read the second time by title. On motion by Senator Sayler, by two-thirds vote CS for HB's 2955 and 3056 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Votes after roll call:

Yeas—Thomas, P., Vogt and Wilson

SB 588 was laid on the table.

HB 3442—A bill to be entitled An act relating to criminal trespass; creating s. 810.095, Florida Statutes; defining "utility"; prohibiting alteration of, attachment to, or interference with certain utility fixtures; providing a presumption of intent; providing a penalty; providing liability for damages in a civil action; providing an effective date.

—was read the second time by title.

Senator Brantley presiding

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

Amendment 1—On page 1, strike line 17 and the balance of the bill and insert: 810.095 Trespass and larceny with relation to utility and or cable television fixtures.—

(1) As used in this section "utility" includes any person, firm, corporation, or association, whether private, municipal, or cooperative, which is engaged in the sale, generation, provision, or delivery of gas, electricity, heat, water, oil, sewer service, telephone service, telegraph service, radio service or communication service.

(2) It is unlawful to:

(a) Alter, tamper with, injure or knowingly to suffer to be injured any meter, meter seal, pipe, conduit, wire, line, cable, transformer, amplifier, or other apparatus or device belonging to a utility or a cable television service and or community antenna line service in such a manner as to cause loss or damage, or to prevent any meter installed for registering electricity, gas or water from registering the quantity which otherwise would pass through the same; or to alter the index or break the seal of any such meter; or in any way to hinder or interfere with the proper action or just registration of any such meter or device; or knowingly to use, waste, or suffer the waste of cable television service and or communication antenna line service, by any means, or electricity or gas or water passing through any such meter, wire, pipe or fitting, or other appliance or appurtenance connected with or belonging to any such utility or cable television service and or community antenna line service after such meter, wire, pipe or fitting, or other appliance or appurtenance has been tampered with, injured or altered.

(b) Make or cause to be made any connection with any wire, main, service pipe or other pipes, appliance or appurtenance in such manner as to use, without the consent of the utility or cable television service and or community antenna line service, any service or electricity, gas or water or to cause to be supplied any service or any electricity, gas or water from a utility or a cable television service and or community antenna line service to any person, firm or corporation or any lamp, burner, office, faucet or other outlet whatsoever without such service being reported for payment or such electricity, gas or water passing through a meter provided by the utility and used for measuring and registering the quantity of electricity, gas or water passing through the same.

(3) The existence, on property in the actual possession of the accused, of any connection, wire, conductor, meter alteration, or any device whatsoever, which effects the diversion or use of the service of a utility or a cable television service and or community antenna line service or the use of electricity, gas, or water without the same being reported for payment as to service or measured or registered by or on a meter installed or provided by the utility shall be prima facie evidence of intent to violate and of the violation of this section by such accused. The use or receipt of the direct benefits from the use of electricity, gas, water, heat, oil, sewer service, telephone service, telegraph service, radio service, communication service, television service or television community antenna line service derived from any tampering, altering or injury of any connection, wire, conductor, device, altered meter, pipe, conduit, line, cable, transformer, amplifier, or other apparatus or device shall be prima facie evidence of intent to violate and of the violation of this section by the person or persons so using or receiving such direct benefits.

(4) Any person who willfully violates this section shall be guilty of a misdemeanor of the first degree, punishable as provided in Section 775.082, Section 775.083 or Section 775.084.

(5) Whoever is found in a civil action to have violated the provisions hereof shall be liable to the utility involved in an amount equal to three times the amount of services unlawfully obtained or \$1,000 whichever is greater.

Section 2. This act shall take effect October 1, 1976.

Senator Saunders moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 1, line 10, after (a) insert: willfully

Amendment 1 as amended was adopted.

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

Amendment 2—On page 1, strike the title and insert: A bill to be entitled An Act relating to criminal trespass and larceny; creating Section 810.095, Florida Statutes; defining "utility"; prohibiting certain acts of alteration of, attachment to, or interference with certain utility or cable television service and or community antenna line service fixtures or using electricity, gas or water or other specified services from such altered fixtures; providing a presumption of intent; providing a penalty; providing liability for damages in a civil action; providing an effective date.

On motion by Senator Scarborough, by two-thirds vote HB 3442 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—4

|          |          |             |        |
|----------|----------|-------------|--------|
| Holloway | Lane, D. | Stolzenburg | Zinkil |
|----------|----------|-------------|--------|

On motion by Senator Glisson, the rules were waived and HB 3442 was ordered immediately certified to the House.

On motion by Senator Hair, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President.

I am directed to inform the Senate that the House of Representatives has passed as amended HB 3190 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Hagan and Smith—

HB 3190—A bill to be entitled An act relating to the banking code; creating ss. 660.011 and 660.012, Florida Statutes; authorizing the creation by a trust company of an agency relationship with another trust company; providing for the transfer of fiduciary relationships from one trust company to another pursuant to court order; providing procedures and limitations; providing for the payment of costs; providing for a final accounting; providing a bar to certain claims against trust companies; providing for other matters relative to the foregoing; providing for severability; providing an effective date.

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

The Senate resumed—

SPECIAL ORDER

SB 493 was taken up and on motion by Senator Hair—

HB 3190—A bill to be entitled An act relating to the banking code; creating ss. 660.011 and 660.012, Florida Statutes; authorizing the creation by a trust company of an agency relationship with another trust company; providing for the transfer of fiduciary relationships from one trust company to another pursuant to court order; providing procedures and limitations; providing for the payment of costs; providing for a final accounting; providing a bar to certain claims against trust companies; providing for other matters relative to the foregoing; providing for severability; providing an effective date.

—a companion measure, was substituted therefor. On motions by Senator Hair, by two-thirds vote HB 3190 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Gallen

SB 742—A bill to be entitled An act relating to dentistry; amending s. 466.17, Florida Statutes, providing for proof of continuing education as a condition for relicensure; providing for the type and duration of the education required; providing for waiver; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendments which were moved by Senator Hair and adopted:

Amendment 1—On page 3, following line 18, add new subsection (4) to read: (4) *The board shall require each dental hygienist who is licensed hereunder to complete not less than 12 hours nor more than 18 hours of continuing professional education in dental subjects annually, in programs prescribed or approved by the board or in equivalent programs of continuing education required for membership in the Florida Dental Hygienists' Association. Programs of continuing education approved by the board shall be programs of learning which, in the opinion of the board, contribute directly to the dental education of the dental hygienist and may include, but shall not be limited to, (a) attendance at lectures, study clubs, college postgraduate courses, or scientific sessions of conventions; and (b) research, graduate study, teaching, or service as a clinician. Proof of completion of the required number of hours of continuing education shall be submitted to the board annually by each dental hygienist with his renewal certificate fee. Compliance with the continuing education requirements shall be mandatory for issuance of the renewal certificate. The board shall have the authority to excuse licensees, as a group or as individuals, from the continuing educational requirements, or any part thereof, in the event an unusual circumstance, emergency or hardship has prevented compliance with this subsection.*

*The board in implementing and carrying out the provisions of this law shall give consideration to, and in those instances where it appears to it to be desirable and convenient for accomplishing the purposes of this law may utilize any of the following:*

(a) *professional development programs of the American Dental Hygienists' Association and of state, district and local dental hygiene associations and societies.*

(b) *professional development programs of national, state and local dental specialty organizations.*

(c) *scientific and technical sessions at meetings of the American Dental Hygienists' Association, state associations and district and local societies.*

(d) formal organized dental study group sessions.

**Amendment 2**—On page 1, in title, line 4, strike "dentistry" and insert: dentists and dental hygienists

Senator J. Thomas moved the following amendments which were adopted:

**Amendment 3**—On page 1, line 12, insert: Section 1. Subsection (1) of section 466.08, Florida Statutes, is amended to read:

466.08 Organization, powers, duties, etc., of board.—The board shall exercise, subject to the provisions of this chapter, the following powers and duties:

(1) The board shall organize annually by electing one of its members as chairman, one as vice-chairman, and one as secretary-treasurer. The board may appoint or employ such other personnel, including, but not limited to, an executive director as may be necessary to assist the board in doing and performing all of its powers, duties, and obligations as set forth in this act; provided, however, that all duties and responsibilities delegated to the executive director by this act or by the board shall be performed by the executive director under the direction and authorization of the board. ~~The executive director shall be a graduate of an accredited college of dentistry.~~ The board shall adopt such rules for its government as it may deem proper and shall adopt and use a corporate seal. It shall meet at least once a year, and more frequently if necessary, at such times and places as it may from time to time designate.

(Renumber subsequent section)

**Amendment 4**—On page 1 in title, line 4, after the semicolon insert: amending s. 466.08(1), Florida Statutes; deleting the requirement that the executive director of the Florida State Board of Dentistry be a graduate of an accredited college of dentistry;

On motion by Senator Hair, by two-thirds vote SB 742 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

|              |          |            |            |
|--------------|----------|------------|------------|
| Childers, D. | Holloway | Peterson   | Thomas, P. |
| Firestone    | Johnston | Poston     | Tobiassen  |
| Gallen       | Lane, J. | Renick     | Trask      |
| Glisson      | Lewis    | Saunders   | Vogt       |
| Graham       | MacKay   | Sayler     | Ware       |
| Hair         | McClain  | Sims       | Winn       |
| Henderson    | Myers    | Thomas, J. |            |

Nays—6

|                 |          |             |        |
|-----------------|----------|-------------|--------|
| Childers, W. D. | Lane, D. | Stolzenburg | Zinkil |
| Deeb            | Spicola  |             |        |

Votes after roll call:

Yeas—Dunn and Wilson

Nay—Wilson

Nay to yea—Childers, W. D., and Spicola

SB 914—A bill to be entitled An act relating to firemen; amending s. 112.191(2)(a), Florida Statutes, relating to eligibility of firemen for death benefits, extending from 180 days to one year the specified period within which death must occur after an injury is received; providing for purchase of insurance through the Department of General Services by any governmental entity; providing an effective date.

—was read the second time by title.

Senator Sayler moved the following amendments which were adopted:

**Amendment 1**—On page 1, strike line 30 in its entirety; and insert: Section 2. Subsection (2) of section 175.041, Florida Statutes, is amended to read:

175.041 Municipal Firemen's Pension Trust Fund created; applicability of provisions.—

(2) The provisions of this act shall apply only to municipalities organized and established pursuant to the laws of the state, and said provisions shall not apply to the unincorporated areas of any county or counties ~~nor shall the provisions hereof apply to any governmental entity whose employees are eligible for membership in a state or state and county retirement system.~~

Section 3. Section 175.131, Florida Statutes, is amended to read:

175.131 Funds received by municipalities; deposit in Municipal Firemen's Pension Trust Fund.—All funds received by any municipality under the provisions of this chapter, shall be by such municipality paid immediately into the Municipal Firemen's Pension Trust Fund of said municipality, as described in s. 175.041, or s. 175.351(13), *or into the Florida Retirement System Trust Fund, if the provisions of chapter 121 have been met.*

Section 4. Section 175.361, Florida Statutes, is amended to read:

175.361 Termination of plan and distribution of fund.—Upon termination of the plan for any reason, *except an election to join the Florida Retirement System*, or upon written notice to the board of trustees that contributions thereunder are being permanently discontinued, the fund shall be apportioned and distributed in accordance with the following procedures:

(1) The board of trustees shall determine the date of distribution and the asset value to be distributed, after taking into account the expenses of such distribution.

(2) The board of trustees shall determine the method of distribution of the asset value, that is, whether distribution shall be by payment in cash, the maintenance of another or substituted trust fund, by the purchase of insured annuities or otherwise, for each fireman entitled to benefits under the plan as specified in subsection (3).

(3) The board of trustees shall apportion the asset value as of the date of termination in the manner set forth below, on the basis that the amount required to provide any given retirement income shall mean the actuarially computed single-sum value of such retirement income, except that if the method of distribution determined under subsection (2) involves the purchase of an insured annuity, the amount required to provide the given retirement income shall mean the single premium payable for such annuity.

(a) Apportionment shall first be made in respect of each retired fireman receiving a retirement income hereunder on such date, each person receiving a retirement income on such date on account of a retired (but since deceased) fireman, and each fireman who has, by such date, become eligible for normal retirement but has not yet retired, in the amount required to provide such retirement income, provided that, if such asset value be less than the aggregate of such amounts, such amounts shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such asset value.

(b) If there be any asset value remaining after the apportionment under paragraph (a), apportionment shall next be made in respect of each fireman in the service of the city on such date who has completed at least 10 years of credited service and who has contributed to the Municipal Firemen's Pension Trust Fund for at least 10 years and who is not entitled to an apportionment under paragraph (a), in the amount required to provide the actuarial equivalent of the accrued normal retirement income, based on the firemen's credited service and earnings to such date, and each former participant then entitled to a benefit under the provisions of s. 175.211, who has not, by such date, reached his normal retirement date, in the amount required to provide the actuarial equivalent of the accrued normal retirement income to which he is entitled under s. 175.211, provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder, such latter amounts shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.

(c) If there be any asset value after the apportionments under paragraphs (a) and (b), apportionment shall lastly be made in respect of each fireman in the service of the city on such date who is not entitled to an apportionment under paragraphs (a) and (b) in the amount equal to his total con-

tributions to the plan to date of termination, provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder such latter amounts shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.

(d) In the event that there be asset value remaining after the full apportionment specified in paragraphs (a), (b) and (c), such excess shall be returned to the city, less return of state's contributions to the state, provided that, if the excess is less than the total contributions made by the city and the state to date of termination of the plan such excess shall be divided proportionately to the total contributions made by the city and state.

(4) The board of trustees shall distribute, in accordance with the manner of distribution determined under subsection (2), the amounts apportioned under subsection (3).

(5) Upon termination of the plan for the purpose of joining the Florida Retirement System, the total contributions available to the board of trustees shall be available for use as required payments for the purpose of joining such system.

Section 5. Subsection (2) of section 185.03, Florida Statutes, is amended to read:

185.03 Municipal Police Officers' Retirement Trust Fund created; applicability of provisions.—

(2) The provisions of this act shall apply only to municipalities organized and established pursuant to the laws of the state and said provisions shall not apply to the unincorporated areas of any county or counties ~~nor shall the provisions hereof apply to any governmental entity whose employees are eligible for membership in a state or state and county retirement system.~~

Section 6. Section 185.11, Florida Statutes, is amended to read:

185.11 Funds received by municipalities, deposit in retirement trust fund.—All funds received by any city or town under the provisions of this chapter, shall be by said town paid immediately into its Municipal Police Officers' Retirement Trust Fund or into its pension fund for policemen, where such latter fund exists, or into the Florida Retirement System Trust Fund if the provisions of chapter 121 have been met.

Section 7. Section 185.37, Florida Statutes, is amended to read:

185.37 Termination of plan and distribution of fund.—Upon termination of the plan for any reason, *except an election to join the Florida Retirement System*, or upon written notice to the board of trustees that contributions thereunder are being permanently discontinued, the fund shall be apportioned and distributed in accordance with the following procedures:

(1) The board of trustees shall determine the date of distribution and the asset value to be distributed, after taking into account the expenses of such distribution.

(2) The board of trustees shall determine the method of distribution of the asset value, that is, whether distribution shall be by payment in cash, the maintenance of another or substituted trust fund, by the purchase of insured annuities or otherwise, for each police officer entitled to benefits under the plan, as specified in subsection (3).

(3) The board of trustees shall apportion the asset value as of the date of termination in the manner set forth below, on the basis that the amount required to provide any given retirement income shall mean the actuarially computed single-sum value of such retirement income, except that if the method of distribution determined under subsection (2) involves the purchase of an insured annuity, the amount required to provide the given retirement income shall mean the single premium payable for such annuity.

(a) Apportionment shall first be made in respect of each retired police officer receiving a retirement income hereunder on such date, each person receiving a retirement income on such date on account of a retired (but since deceased) police officer, and each police officer who has, by such date, become eligible for normal retirement but has not yet retired, in the amount required to provide such retirement income, provided that, if such asset value be less than the aggregate of such amounts, such amounts shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such asset value.

(b) If there be any asset value remaining after the apportionment under paragraph (a), apportionment shall next be made in respect of each police officer in the service of the city on such date who has completed at least 10 years of credited service and who has contributed to the Municipal Police Officers' Retirement Trust Fund for at least 10 years and who is not entitled to an apportionment under paragraph (a), in the amount required to provide the actuarial equivalent of the accrued normal retirement income, based on the police officer's credited service and earnings to such date, and each former participant then entitled to a benefit under the provisions of s. 185.19, who has not, by such date, reached his normal retirement date, in the amount required to provide the actuarial equivalent of the accrued normal retirement income to which he is entitled under s. 185.19, provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder, such latter amounts shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.

(c) If there be an asset value after the apportionments under paragraphs (a) and (b), apportionment shall lastly be made in respect of each police officer in the service of the city on such date who is not entitled to an apportionment under paragraphs (a) and (b) in the amount equal to his total contributions to the plan to date of termination, provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder such latter amounts shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.

(d) In the event that there be asset value remaining after the full apportionment specified in paragraphs (a), (b) and (c), such excess shall be returned to the city, less return of state's contributions to the state, provided that, if the excess is less than the total contributions made by the city and the state to date of termination of the plan such excess shall be divided proportionately to the total contributions made by the city and the state.

(4) The board of trustees shall distribute, in accordance with the manner of distribution determined under subsection (2), the amounts apportioned under subsection (3).

(5) Upon termination of the plan for the purpose of joining the Florida Retirement System, the total contributions available to the board of trustees shall be available for use as required payments for the purpose of joining such system.

Section 8. This act shall take effect upon becoming a law and shall operate retroactively to July 1, 1975, except that section 1 shall take effect January 1, 1977, and sections 2, 3, 5 and 6 shall take effect July 1, 1976.

Amendment 2—On page 1 in title, line 3, strike “;” and insert: and municipal police and firemen's retirement and pension trust funds; and between lines 10 and 11, insert: amending ss. 175-041(2), 175.131, 175.361, 185.03(2), 185.11, 185.37, Florida Statutes; deleting the exceptions from the provisions of Chapters 175 and 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 Chapters 175 and 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 and pension 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;

On motion by Senator Johnston, by two-thirds vote SB 914 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nay—1

Lane, D.

Vote after roll call:

Yea—Vogt

On motion by Senator Sayler, the rules were waived and SB 914 after being engrossed was ordered immediately certified to the House.

**SB 1000**—A bill to be entitled An act relating to group insurance for public officers, employees and retired public officers and employees; amending s. 112.075(1)(b), (2), (3)(b), (5), (6), (7)(a), (e), Florida Statutes; authorizing part-time employees and retirees to participate in the state group insurance program at their own expense; providing an effective date.

—was read the second time by title.

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

**Amendment 1**—On page 2, lines 29 and 30, strike “part-time employees and retirees shall pay the entire cost of such coverage.” and insert: that no part of the cost of such group insurance for part-time employees and retirees shall be paid from public funds

On motion by Senator Ware, by two-thirds vote SB 1000 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

|                 |           |             |            |
|-----------------|-----------|-------------|------------|
| Brantley        | Graham    | McClain     | Thomas, P. |
| Childers, D.    | Hair      | Poston      | Tobiassen  |
| Childers, W. D. | Henderson | Renick      | Trask      |
| Dunn            | Holloway  | Sayler      | Vogt       |
| Firestone       | Johnston  | Scarborough | Ware       |
| Gallen          | Lane, D.  | Sims        | Wilson     |
| Glisson         | Lane, J.  | Spicola     | Zinkil     |
| Gordon          | Lewis     | Thomas, J.  |            |

Nays—None

Vote after roll call:

Yea—Peterson

The Senate resumed consideration of—

**SB 249**—A bill to be entitled An act relating to the Financial Responsibility Law of 1955; transferring the powers, duties, and functions of the Department of Insurance prescribed in such law to the Department of Highway Safety and Motor Vehicles; amending ss. 324.021(2), 324.051, 324.061(1), (3), 324.071, 324.072(1), (2), 324.081(1), Florida Statutes; conforming provisions to reflect such transfer; providing an effective date.

On motion by Senator Poston, by two-thirds vote SB 249 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

|              |           |             |             |
|--------------|-----------|-------------|-------------|
| Brantley     | Graham    | McClain     | Sims        |
| Childers, D. | Hair      | Myers       | Spicola     |
| Dunn         | Henderson | Peterson    | Stolzenburg |
| Firestone    | Holloway  | Poston      | Tobiassen   |
| Gallen       | Lane, D.  | Renick      | Ware        |
| Glisson      | Lane, J.  | Sayler      | Winn        |
| Gordon       | Lewis     | Scarborough | Zinkil      |

Nays—6

|                 |            |      |        |
|-----------------|------------|------|--------|
| Childers, W. D. | Thomas, P. | Vogt | Wilson |
| Johnston        | Trask      |      |        |

On motion by Senator Poston, the rules were waived and SB 249 after being engrossed was ordered immediately certified to the House.

**SB 910**—A bill to be entitled An act relating to dentistry; amending s. 466.06(2) and (3), Florida Statutes, and adding subsection (4) thereto; adding a dental hygienist to the Florida State Board of Dentistry and restricting such member's vote; amending s. 466.07, Florida Statutes, requiring a dental hygienist to have practiced in the state for 5 years to be eligible for membership on the board; prohibiting an instructor in the disciplines of dentistry from being a member of the board; providing an effective date.

—was read the second time by title. On motion by Senator Tobiassen, by two-thirds vote SB 910 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—15

|                 |           |             |        |
|-----------------|-----------|-------------|--------|
| Brantley        | Gordon    | Lane, J.    | Wilson |
| Childers, D.    | Graham    | Scarborough | Winn   |
| Childers, W. D. | Henderson | Stolzenburg | Zinkil |
| Dunn            | Holloway  | Tobiassen   |        |

Nays—13

|           |          |            |       |
|-----------|----------|------------|-------|
| Firestone | Lane, D. | Renick     | Trask |
| Gallen    | MacKay   | Sayler     |       |
| Glisson   | McClain  | Sims       |       |
| Johnston  | Poston   | Thomas, P. |       |

Votes after roll call:

Yeas—Hair, Peterson and Vogt

Nay—Myers

Nay to yea—Poston

The President presiding

Senator Sayler moved that the Senate reconsider the vote by which CS for HB's 2955 and 3056 passed this day.

The motion was placed on the calendar for consideration May 27.

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

—was read the second time by title.

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

**Amendment 1**—On page 1, line 27, strike “be granted” and insert: request

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

**Amendment 2**—On page 1, line 25, strike all of (2)(a) and insert: (2)(a) Any public officer or employee may request a hearing before the Commission on Ethics to present oral or written testimony in response to allegations made against such person that he or she violated the code of ethics established in this part provided a majority of the committee members present and voting consider the allegations are of such gravity as to affect the general welfare of the State and the ability of the subject public officer or employee to effectively discharge the duties of the office.

If the allegations made against the subject public officer or employee are made under oath, then he or she shall also be required to testify under oath.

Senator Brantley announced that the Committee on Rules and Calendar would meet immediately upon adjournment.

#### CO-INTRODUCERS

Senator Gordon—SB 1148; Senator Hair—CS for SB's 129 and 245; Senator Spicola—CS for SB 1276; Senators Wilson and Zinkil—SB 910

Senator Spicola—Withdrawn as co-introducer of SB 1325

The Journal of May 25 was corrected and approved.

The Journal of May 5 was further corrected and approved as follows:

Page 251, counting from the bottom of column 1, line 15, after "Senators" insert: McClain,

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:00 p.m. to convene at 9:00 a.m., May 27, 1976.