

JOURNAL OF THE FLORIDA SENATE

Thursday, May 27, 1976

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; Senator Trask at 4:30 p.m.

Prayer by Senator Lewis:

Dear Heavenly Father, as we go into the closing days of our session and when the times are really getting stressed, let's keep this ever in mind, that what we do here today affects the people of Florida for years to come.

Guide us in our decisions that they will be for the best interest of the public. We ask you to help us in every decision that we make in the name of our Lord, Jesus Christ. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends the following bills be placed on Special Order Calendar for Thursday, May 27, 1976, at 9:00 a.m.:

HB 2811	SB 1249	SB 1110	SB 483
SB 477	SJR 341	SJR 825	SB 514
HB 33	HB 372	SB 406	SB 132
HB 1886	SB 1257	SB 803	SB 823
SB 895	HB 1290	HB 505	SB 481
HB 2812	SB 980	SB 310	SB 645
SB 397	HB 1116	SB 241	SB 142
SB 332	HB 3242	SB 220	SB 898
SB 333	SB 1274	SB 505	SB 604
SB 335	HB 1682	SB 367	SB 287
SB 336	SB 1240	SB 723	SB 306
SB 659	HB 886	SB 842	SB 752

Respectfully submitted,
Lew Brantley, Chairman

The Honorable Dempsey J. Barron
President
The Florida Senate

Sir:

Your Committee on Rules and Calendar respectfully recommends revisions of Senate Rules 1.1, 1.26, 2.1, 2.16, 4.18, 4.19, 6.4, 6.7, 12.7 attached hereto and by reference made a part of this report.

The vote of the Committee was unanimous on Rules 1.1, 1.26, 2.16, 4.18, 4.19, 6.4, 6.7, 12.7. There was one (1) dissenting vote on Rule 2.1.

Respectfully submitted,
Lew Brantley, Chairman

Senator Scarborough presiding.

1.1—Election of the President, President Pro Tempore, and Minority Leader

A President and a President Pro Tempore of the Senate shall be elected for a term of two (2) years at the organization session preceding the regular session of each odd-numbered year. They shall take an oath to support the Constitutions of the United States and of the State of Florida, and for the true

and faithful discharge of the duties of office. At the regular session prior to the organization session the majority party may by caucus called by the President elect a majority leader (President Designate) and a majority leader pro tempore (President Pro Tempore Designate), the names of whom shall be certified to the Secretary of the Senate. At the organization session, the minority party shall by caucus elect a minority leader and a minority leader pro tempore, the names of whom shall be certified to the Secretary of the Senate. All elected officers are to continue in office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur.

Rule 1.26—Non-legislative activities, is created to read:

1.26—Non-legislative activities

No Senator shall accept appointments to non-legislative committees, commissions, or task forces without prior approval from the President where expenses for travel and per diem would be taken from Senate funds.

2.1—Standing committees; standing subcommittees

Permanent standing committees and standing subcommittees, when created and designated by rule of the Senate, shall exist and function both during and between sessions. The President shall appoint the membership of the following named standing committees and standing subcommittees provided that each standing committee shall consist of not less than five (5) members:

Agriculture

Commerce

Corrections, Probation and Parole

Economic, Community and Consumer Affairs

Education

Executive Business

Governmental Operations

Health and Rehabilitative Services

Judiciary-Civil

Judiciary-Criminal

Natural Resources and Conservation

Personnel, Retirement and Collective Bargaining

Rules and Calendar

Transportation

Ways and Means

Subcommittee A

Subcommittee B

Subcommittee C

2.16—Standing subcommittee reports

The last paragraph is amended to read:

When a bill with a favorable report by a standing subcommittee is considered by the standing committee, no additional testimony shall be permitted except upon vote of two-thirds of the standing committee members present before final action is taken; however, debate by members of the standing committee shall be allowed. *This rule shall also apply to reports on budgetary matters by the standing subcommittees of the Ways and Means Committee for inclusion in the general appropriations bill.*

4.18—Calendar of local bills

Local bills shall be disposed of according to the calendar of bills of a local nature and shall be taken up and considered only at such time as shall be determined by the *Committee on Rules and Calendar* or its designees and approved by the President.

4.19—Order after second reading

The order of disposition of any bill which has been read the second time shall be its reference to the engrossing clerk to be engrossed after all questions relative to it while on second reading have been disposed of, and the same shall be immediately engrossed and placed on the calendar of bills on third reading to be taken up on some succeeding legislative day, ~~unless otherwise ordered by a two-thirds (2/3) vote of those present.~~ No bill shall be committed to the engrossing clerk or placed on the calendar of bills on third reading unless all motions relative to it and placed, by the President, before the Senate have been disposed of. Amendments filed with the Secretary, the adoption of which have not been formally moved, shall not be construed to be pending so as to deter such advancement. A bill shall be available for its third reading when it has been read a second time on a previous day and no motion left pending. Bills calendared for second or third reading shall not be considered on such reading until reached on the calendar and appropriately read to the Senate pursuant to order of the President.

6.4—Reconsideration generally

When a main question, (the vote on passage of a measure, including a vote on a veto message, confirmation of executive appointments, removal or suspension from office) has been decided by the Senate, any Senator voting with the prevailing side, or when a question has been decided by voice vote, any Senator, on the same or the next legislative day on which the Senate meets, may move the reconsideration thereof. Such motion may be made pending a motion to adjourn or if the time of adjournment has arrived. Consideration of a motion to reconsider shall be a special and continuing order of business for the Senate when it next meets on a legislative day succeeding that on which the motion was made and, unless considered on said day, shall be considered abandoned. If the Senate shall refuse to reconsider or, upon reconsideration, shall confirm its first decision, no further motion to reconsider shall be in order except upon unanimous consent. During the last five (5) days of a regular session, a motion to reconsider shall be made and considered on the same day. When a majority of Senators present vote in the affirmative on any question but the proposition be lost because it is one in which the concurrence of more than a majority is necessary for adoption or passage, any Senator may move for reconsideration.

6.7—Reconsideration: collateral matters and procedural motions

A motion to reconsider a collateral matter must be disposed of during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the Senate has passed to other business. *Reconsideration of a procedural motion shall be taken up and considered on the same day on which it is made.*

PART TWO—SUSPENSIONS AND REMOVALS

12.7—Procedure

(a) Except as otherwise herein provided, upon receipt by the Senate of appointments, removals, or suspensions upon which the consent of the Senate is required, the President shall refer each to the *Committee on Executive Business* ~~an appropriate select committee~~, or to a Special Master appointed by the President, whose charge it shall be to make inquiry or investigation and advise the President and the Senate as to its recommendation concerning the subject referred and as to the necessity for deliberating such subject in executive session. Reports and findings of the ~~select~~ committees or the Special Master appointed pursuant hereto are advisory only and shall be made to the Senate President. The report of the committee or the Special Master shall be privileged and confidential. The President of the Senate may order the report presented to the Senate in either open or executive session, or he may refer it to the Committee on Rules and Calendar for its consideration and report. At the time the report is presented to the Senate in open session or received by the Committee on Rules and Calendar, the report shall lose its privileged and confidential character.

(b) An executive suspension of a public official who is under indictment or who has pending against him criminal charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official which is in any manner challenged in a court shall be referred to the *Committee on Executive Business* ~~select committee~~ or Special Master but shall be held in suspense by such committee or Special Master and shall not be considered by the Senate until the pending charges have been dismissed or until final determination of the criminal charges at the trial court level, or in the case of a court challenge, until the final determination of the challenge, including the exhaustion of appellate remedies.

In any suspension case in which the indictment or criminal charge is not for the alleged commission of a felony the ~~select committee~~, the Master and the Senate may proceed if the written consent of counsel for the Governor and for the suspended official is obtained.

(c) The Governor and the suspended official shall be given reasonable notice of any hearing before the ~~select committee~~ or Special Master.

(d) When it is advisable, the ~~select committee~~ or Special Master may request that the Governor file a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after the receipt of such statement by the suspended officer, he shall file with the ~~select committee~~ or Special Master a response to the Governor's statement. Such response shall admit or deny the facts or circumstances set forth in the Governor's statement, and may further make such representation of fact and circumstance as may bear on the matter of his suspension.

(e) The ~~select committee~~ or Special Master may provide for a pre-hearing conference with counsel for the Governor and for the suspended official to narrow the issues involved in the suspension matter. At such conference, both the Governor and the suspended official shall set forth the names of witnesses, the nature of their testimony, and all evidence which will be relied on by the parties at the hearing, and each shall state to the committee what each expects to show by such testimony and evidence.

(f) Subject to the limitations of Rule 12.7(b) the ~~select committee~~ or Special Master shall institute action by transmitting a notice of hearing for a pre-hearing conference or a hearing on the merits within three (3) months after the effective date of the suspension order. In the event that a suspension order is referred to the ~~select committee~~ or Special Master but is held in suspense in accordance with Rule 12.7(b), then the committee or Special Master shall institute action within three (3) months after the termination of pending proceedings as described in Rule 12.7(b). The Senate shall act upon the recommendations of the ~~select committee~~ or Special Master within thirty (30) days after the report of such recommendations to the Senate; provided, however, if the Senate shall order further consideration and a supplemental recommendation, the Senate shall act within thirty (30) days after the receipt of such supplemental recommendation. ~~All cases pending on the adoption of Rule 12.7(b) and Rule 12.7(f) as amended shall be governed by the time limits imposed by Rule 12.7(f) as amended.~~

(g) Within sixty (60) days after the Senate shall have acted upon the recommendation of the ~~select committee~~ or Special Master, any party to the suspension matter may recover, at that party's expense, any exhibit, document or other evidentiary matter introduced by such party. After the expiration of sixty (60) days, the committee or Special Master may dispose of such exhibits or other evidence in such manner as it deems advisable.

12.8 and 12.9 - no change

12.10—Issuance of subpoenas, etc.

The ~~Select Committee~~ and the Special Master shall each have the authority to request the issuance of subpoenas, subpoenas duces tecum and other necessary process as in the case of standing committees under Rule 2.2. The committee chairman and the Special Master may each administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear for the purpose of testifying in any matter pending before the committee or Special Master.

On motion by Senator Brantley the foregoing report of the Committee on Rules and Calendar was adopted.

Senator Brantley moved that the revisions to the rules contained in the foregoing report become effective July 1, 1976, and the motion was adopted.

Senator W. D. Childers moved that Senate Rule 2.1 be amended to include a Committee on Finance, Tax and Claims. The motion was referred to the Committee on Rules and Calendar.

The Committee on Commerce recommends the following pass: SB 1174

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

The Committee on Commerce recommends the following pass: SB 343 HB 1840 with 1 amendment
SB 1133 with 5 amendments

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

The Committee on Commerce recommends the following pass: SB 331

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

The Committee on Commerce recommends the following pass: SB 1030, SB 1032

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

The Committee on Rules and Calendar recommends the following pass:

HJR 72	SB 1249
SCR 1124 with 1 amendment	SJR 227
SJR 264 with 4 amendments	SB 228

The Committee on Ways and Means recommends the following pass:

SB 194	SB 900 with 2 amendments
SB 223 with 1 amendment	SB 1047 with 3 amendments
SB 590	SB 1079
SB 527 with 7 amendments	

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

The Committee on Education recommends a Committee Substitute for the following: SB 1064

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

The Committee on Commerce recommends a Committee Substitute as offered by the Committee on Health and Rehabilitative Services for the following:

SB 868 with 12 amendments SB 1112

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

The Committee on Ways and Means recommends a Committee Substitute for the Committee Substitute as recommended by the Committee on Health and Rehabilitative Services for the following: SB 57

The Committee on Commerce recommends a Committee Substitute for the following: SB 1362

The Committee on Commerce recommends a Committee Substitute for the following: SB 751

The Committee on Commerce recommends a Committee Substitute for the following: SB 1360

The Committee on Ways and Means recommends a Committee Substitute as recommended by the Committee on Health and Rehabilitative Services: SB 1179 with 3 amendments

The Committee on Ways and Means recommends a Committee Substitute as offered by the Committee on Transportation for the following: SB 1018 with 4 amendments

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

The Committee on Commerce recommends the following not pass:

SB 612	SB 891	SB 1147
SB 818	SB 1048	

The Committee on Rules and Calendar recommends the following not pass: SB 1220

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

ENROLLING REPORTS

SB 45	SB 655
SB 184	SB 878
SB 200	SB 969
SB 318	SB 1042
SB 647	SB 1043
SB 606	

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on May 27, 1976.

Joe Brown, Secretary

On motion by Senator Trask, the rules were waived and SB 858 after being engrossed was ordered immediately certified to the House.

On motion by Senator J. Lane, the rules were waived and SB 910 was ordered immediately certified to the House.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Myers, the rules were waived and by two-thirds vote Senate Bills 1229 and 168, and House Bills 2810 and 1560 were withdrawn from the Committee on Governmental Operations.

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 86, 1019, 602, 1020, 273, 885, 1194, 886, 561, 577, 454, 1201, 1300, 1405, 260, 1379, 1064, 451, 1306, 1130 and 1170 were withdrawn from the Committee on Ways and Means.

On motion by Senator Gordon, the rules were waived and by two-thirds vote SB 1200 was withdrawn from the Committee on Commerce.

On motion by Senator Ware, the rules were waived and by two-thirds vote SB 932 was withdrawn from the Committees on Commerce and Judiciary-Criminal.

On motions by Senator Renick, the rules were waived and by two-thirds vote SB 1357 was recalled from the Special Master and withdrawn from the Committee on Ways and Means and indefinitely postponed.

On motions by Senator J. Lane, the rules were waived and by two-thirds vote Senate Bills 363 and 126 were withdrawn from the Committee on Ways and Means.

On motions by Senator Spicola, the rules were waived and by two-thirds vote HB 2003 was withdrawn from the Committees on Commerce and Ways and Means.

On motions by Senator Brantley, the rules were waived and by two-thirds vote House Bills 944, 3870 and 3121 were withdrawn from the Committee on Rules and Calendar.

On motion by Senator Spicola, the rules were waived and by two-thirds vote HB 4015 was withdrawn from the Committee on Commerce.

On motion by Senator Spicola, the rules were waived and by two-thirds vote SB 1133 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Spicola, the rules were waived and by two-thirds vote SB 537 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Gallen, the rules were waived and by two-thirds vote HB 895 was withdrawn from the Committee on Commerce.

On motions by Senator Gallen, the rules were waived and by two-thirds vote House Bills 1069 and 2810 and SB 202 were withdrawn from the Committee on Judiciary-Civil.

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 436 was withdrawn from Subcommittee B of the Committee on Ways and Means and the Committee on Ways and Means.

REQUESTS FOR EXTENSION OF TIME

The Committee on Transportation requests an extension of 10 days for consideration of the following:

SB 71 by Senator Deeb	SB 836 by Senator Gordon
SB 108 by Senator Poston	SB 911 by Senator McClain
SB 150 by Senator Gallen	SB 968 by Senator Poston
SB 187 by Senator Peterson	SB 987 by Senator McClain
SB 322 by Senator D. Lane	SB 1317 by Senator Scarborough
SB 434 by Senator Poston	HB 1379 by House Committee on Transportation and others
SB 600 by Senator Renick	
SB 661 by Senator McClain	
SB 726 by Senator Lewis	
SB 765 by Senator McClain	

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

SB 759 by Senator Dunn	SB 1139 by Senator Deeb
SB 764 by Senator Scarborough	SB 1184 by Senator MacKay
SB 770 by Senator McClain	SB 1202 by Senator Poston
SB 816 by Senator Plante	SB 1232 by Senator Hair
SB 997 by Senator Holloway	SB 1241 by Senator Dunn
SB 1027 by Senator Graham	SB 1256 by Senator Wilson
SB 1052 by Senator Graham	HB 2417 by Representative G. Robinson
SB 1067 by Senator Dunn	HB 2638 by Representative McDonald
SB 1071 by Senator Scarborough	HB 3192 by Representative Craig
SB 1126 by Senator Vogt	

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

SCR 1 by Senators Wilson and Winn	SB 229 by Senator Myers
SJR 40 by Senator Sayler	HCR 2833 by Representative Culbreath
SJR 41 by Senator Sayler	SCR 596 by Senators Zinkil and J. Thomas
SJR 63 by Senator Hair	SJR 619 by Senator Gallen
SM 82 by Senator D. Lane	SM 646 by Senator Gordon
SJR 89 by Senator Firestone	SB 668 by Senator Tobiasen
SJR 90 by Senator Hair	SJR 778 by Senator Sayler
SM 117 by Senator Henderson	HJR 2385 by Representative Crabtree
SCR 138 by Senator Deeb	HM 2651 by Representative Poole
SCR 149 by Senator Renick	HJR 3327 by Community Affairs Committee and Representative Boyd
SB 195 by Senator Plante	SB 873 by Senator Wilson
SB 213 by Senator Myers	SB 882 by Senator Graham
SB 236 by Senator Wilson	SB 894 by Senator Glisson
SM 304 by Senator J. Thomas	SB 907 by Senator Deeb
SB 307 by Senator Gordon	HB 3328 by Community Affairs Committee
SJR 351 by Senator McClain	SB 459 by Senator Poston
SJR 369 by Senator MacKay	SCR 934 by Senator Plante
SR 378 by Senator Poston	SJR 954 by Senator Myers
SM 385 by Senator D. Lane	
SJR 410 by Senator Zinkil	
SJR 433 by Senator Sayler	
SB 442 by Senator Gordon	
SJR 475 by Senator Gordon	
SB 517 by Senator Hair	

SJR 967 by Senator Poston	HB 3274 by Representative Lewis and others
SJR 1016 by Senator Winn	
SM 1028 by Senator Gordon	
SJR 1035 by Senator Graham	HB 3276 by Representative Lewis and others
SB 1036 by Senator Graham and others	
SJR 1069 by Senator Graham	HB 3279 by Representative Hodges
SB 1075 by Senator Trask	
SB 1080 by Senator Glisson	HB 3280 by Representative Hodges
SR 746 by Senator Holloway	HB 3281 by Representative Burrall and others
SJR 1160 by Senator McClain	HB 3284 by Representatives Mann and Nuckolls
HJR 324 by Representative Rish	HB 3285 by Representatives Mann and Nuckolls
HJR 1202 by Representative Pajcic	HB 3314 by Representatives Mann and Nuckolls
SM 1284 by Senator Sims	
SCR 1305 by Senator MacKay	
SB 1213 by Senator Ware	
SB 1214 by Senator Ware	
HB 2385 by Representative Crabtree	
SJR 1355 by Senators Plante and Brantley	HB 3340 by Representative Smith and others
SB 1377 by Senator Gallen	HB 3341 by Representative Hazouri and others
SB 1419 by Senators W. D. Childers and Tobiasen	HB 3342 by Representative Smith and others
SB 1420 by Senator Glisson	HB 3344 by Representative Ogden and others
SB 1421 by Senator Dunn	
SB 1429 by Senators Childers (1st) & Tobiasen	HB 3343 by Representative J. W. Lewis and others
SB 1433 by Senator Scarborough	HB 3345 by Representative Ogden and others
SB 1434 by Senator Scarborough	HB 3379 by Representative Clem
SB 1435 by Senator Scarborough	HB 3391 by Representative Crabtree and others
SB 1436 by Senator Scarborough	HB 3416 by Representative Foster and others
SB 1437 by Senator Scarborough	HB 3418 by Representatives Nergard and Clem
CS for HB 552 by Governmental Operations Committee	HB 3445 by Representative Gorman and others
HJR 801 by Representative James	HB 3446 by Representative Gorman and others
HJR 2494 by Representative Crabtree	HB 3447 by Representative Gorman and others
HB 2535 by Representative Thompson	HB 3448 by Representative Gorman and others
HB 2536 by Representative Thompson	HB 3454 by Representatives Poorbaugh and Nergard
HB 2553 by Representative Burrall	HB 3455 by Representatives Poorbaugh and Nergard
HB 2585 by Representative Freeman	HB 3456 by Representatives Poorbaugh and Nergard
HB 2619 by Representative Skinner	HB 3512 by Representative Mixson
HB 2851 by Representative Williams	HB 3519 by Representatives Richmond and Culbreath
HB 2958 by Representatives Neal and Haben	HB 3521 by Representative Hodges
HB 2985 by Representatives Neal and Haben	SB 1326 by Senator Peterson
HB 3027 by Representatives Lewis and Hazelton	
HB 3163 by Representative Clem	
HB 3010 by Representative Burrall	
HB 3127 by Representative Hodges	
HB 3270 by Representative James and others	
HB 3271 by Representative Lewis and others	
HB 3272 by Representative Healey and others	HCR 3107 by Representative McKnight
	SB 1216 by Senator Spicola

On motion by Senator Deeb, the rules were waived and SB 725 after being engrossed was ordered immediately certified to the House.

On motion by Senator Hair, the rules were waived and SB 742 after being engrossed was ordered immediately certified to the House.

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

INTRODUCTION

By Senators Deeb and J. Lane—

SB 1456—A bill to be entitled An act relating to Pinellas County; prescribing method of fixing millage for purposes of ad valorem taxation by the board of county commissioners and all other taxing authorities other than the school board; requiring the county, municipalities and taxing districts to decrease the millage required of said county, municipality, or taxing district in proportion to the increase of the general level of assessed valuation of property; authorizing a 10 percent or one-half mill, whichever is greater, increase in millage; providing for further millage increases in emergencies; specifying millages to be excluded from the reductions required by this act; providing local taxing authorities the option of maintaining millage necessary to participate in state funding programs; 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.

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 with amendments, by the required constitutional three-fifths vote of the membership of the House—

By the Committee on Rules & Calendar and Senator Myers and others—

CS for SJR's 49 and 81—A joint resolution proposing an amendment to Sections 10 and 11, Article V of the State Constitution, to provide for the selection and retention and terms of justices of the supreme court and judges of district courts of appeal and for the filling of vacancies in such offices.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 3—On page 2, line 29, strike "not fewer than"

Amendment 7—On page 1, line 14, after the word "Sections" insert: 3,

Amendment 8—On page 1, line 20, after the word "JUDICIARY" insert the following: SECTION 3. Supreme court.—

(a) ORGANIZATION.—The supreme court shall consist of seven justices. *Of the seven justices, each appellate district shall have at least one justice elected or appointed from the district to the supreme court who is a resident of the district at the time of his original appointment or election.* Five justices shall constitute a quorum. The concurrence of four justices shall be necessary to a decision. When recusals for cause would prohibit the court from convening because of the requirements of this section, judges assigned to temporary duty may be substituted for justices.

(b) JURISDICTION.—The supreme court:

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from orders of trial courts and decisions of district courts of appeal initially and directly passing on the validity of a state statute or a federal statute or treaty, or construing a provision of the state or federal constitution.

(2) When provided by general law, shall hear appeals from final judgments and orders of trial courts imposing life imprisonment or final judgments entered in proceedings for the validation of bonds or certificates of indebtedness.

(3) May review by certiorari any decision of a district court of appeal that affects a class of constitutional or state officers, that passes upon a question certified by a district court of appeal to be of great public interest, or that is in direct conflict

with a decision of any district court of appeal or of the supreme court on the same question of law, and any interlocutory order passing upon a matter which upon final judgment would be directly appealable to the supreme court; and may issue writs of certiorari to commissions established by general law having statewide jurisdiction.

(4) May issue writs of prohibition to courts and commissions in causes within the jurisdiction of the supreme court to review, and all writs necessary to the complete exercise of its jurisdiction.

(5) May issue writs of mandamus and quo warranto to state officers and state agencies.

(6) May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal or any judge thereof, or any circuit judge.

(7) Shall have the power of direct review of administrative action prescribed by general law.

(c) CLERK AND MARSHAL.—The supreme court shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the state, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

Amendment 9—On page 3, line 21, after the word "SECTIONS" insert: 3,

Amendment 10—On page 3, line 23, after the word "provide" insert: that each appellate district shall have at least one supreme court justice elected from the district to the supreme court and

Senators McClain and Myers offered the following amendment to House Amendment 10 which was moved by Senator Myers and adopted:

Amendment 1 to House Amendment 10—On line 2, strike "elected" and insert: selected

Amendment 11—In the title, line 5, after the word "Sections" insert: 3,

On motions by Senator Myers, the Senate concurred in House Amendments 3, 7, 8, 9 and 11, and House Amendment 10 as amended and the House was requested to concur in the Senate amendment to the House amendment.

CS for SJR's 49 and 81—A joint resolution proposing an amendment to Sections 3, 10 and 11, Article V of the State Constitution, to provide for the selection and retention and terms of justices of the supreme court and judges of district courts of appeal and for the filling of vacancies in such offices.

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

That the following amendments to Sections 3, 10 and 11 of Article V of the State Constitution are hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1976:

ARTICLE V
JUDICIARY

SECTION 3. Supreme court.—

(a) ORGANIZATION.—The supreme court shall consist of seven justices. *Of the seven justices, each appellate district shall have at least one justice elected or appointed from the district to the supreme court who is a resident of the district at the time of his original appointment or election.* Five justices shall constitute a quorum. The concurrence of four justices shall be necessary to a decision. When recusals for cause would prohibit the court from convening because of the requirements of this section, judges assigned to temporary duty may be substituted for justices.

(b) JURISDICTION.—The supreme court:

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from orders of trial courts and decisions of district courts of appeal initially and directly passing on the validity of a state statute or a federal statute or treaty, or construing a provision of the state or federal constitution.

(2) When provided by general law, shall hear appeals from final judgments and orders of trial courts imposing life im-

prisonment or final judgments entered in proceedings for the validation of bonds or certificates of indebtedness.

(3) May review by certiorari any decision of a district court of appeal that affects a class of constitutional or state officers, that passes upon a question certified by a district court of appeal to be of great public interest, or that is in direct conflict with a decision of any district court of appeal or of the supreme court on the same question of law, and any interlocutory order passing upon a matter which upon final judgment would be directly appealable to the supreme court; and may issue writs of certiorari to commissions established by general law having statewide jurisdiction.

(4) May issue writs of probation to courts and commissions in causes within the jurisdiction of the supreme court to review, and all writs necessary to the complete exercise of its jurisdiction.

(5) May issue writs of mandamus and quo warranto to state officers and state agencies.

(6) May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal or any judge thereof, or any circuit judge.

(7) Shall have the power of direct review of administrative action prescribed by general law.

(c) CLERK AND MARSHAL.—The supreme court shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the state, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

SECTION 10. Retention; Election and terms.—

(a) Any justice of the supreme court or any judge of a district court of appeal may qualify for retention by a vote of the electors in the general election next preceding the expiration of his term in the manner prescribed by law. If a justice or judge is ineligible or fails to qualify for retention, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge. When a justice of the supreme court or a judge of a district court of appeal so qualifies, the ballot shall read substantially as follows: "Shall Justice (or Judge) (name of justice or judge) of the (name of the court) be retained in office?" If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to retain, the justice or judge shall be retained for a term of six years commencing on the first Tuesday after the first Monday in January following the general election. If a majority of the qualified electors voting within the territorial jurisdiction of the court vote to not retain, a vacancy shall exist in that office upon the expiration of the term being served by the justice or judge.

(b) Circuit judges and judges of county courts shall be elected by vote of the qualified electors within the territorial jurisdiction of their respective courts. The terms of circuit judges shall be for six years. The terms of judges of county courts shall be for four years.

(a) ELECTION.—All justices and judges shall be elected by vote of the qualified electors within the territorial jurisdiction of their respective courts.

(b) TERMS.—The terms of all justices of the supreme court, judges of district courts of appeal and circuit judges shall be for six years. The terms of judges of county courts shall be for four years.

SECTION 11. Vacancies.—

(a) The Governor shall fill each vacancy on the supreme court or on a district court of appeal by appointing for a term ending the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment, one of three persons nominated by the appropriate judicial nominating commission.

(b)(a) The governor shall fill each vacancy on a circuit court or on a county court in judicial office by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election, one of not fewer than three persons nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term.

(c) The nomination shall be made within thirty days from the occurrence of a vacancy unless the period is extended by the governor for a time not to exceed thirty days. The governor shall ~~must~~ make the appointment within sixty days after the nominations have been certified to him.

(d)(b) There shall be a separate judicial nominating commission as provided by general law for the supreme court, each district court of appeal, and each judicial circuit for all trial courts within the circuit.

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

CONSTITUTIONAL AMENDMENT

ARTICLE V, SECTIONS 3, 10, 11

Proposing an amendment to the State Constitution to provide that each appellate district shall have at least one supreme court justice selected from the district to the supreme court and that justices of the supreme court and judges of district courts of appeal submit themselves for retention or rejection by the electors in a general election every six years, and that failure to submit to a vote for retention or rejection, or a vote of rejection by the electors, will result in a vacancy in the office upon expiration of the current term; and to provide that the governor fill vacancies on the supreme court or on a district court of appeal by appointing a person nominated by the appropriate judicial nominating commission for a term ending on the first Tuesday after the first Monday in January of the year following the next general election occurring at least one year after the date of appointment.

—and passed by the required constitutional three-fifths vote of the membership of the Senate. The vote on passage was:

Yeas—28

Brantley	Hair	Myers	Thomas, J.
Childers, D.	Holloway	Peterson	Thomas, P.
Deeb	Johnston	Poston	Tobiassen
Dunn	Lane, J.	Renick	Trask
Firestone	Lewis	Scarborough	Ware
Gallen	MacKay	Sims	Winn
Gordon	McClain	Spicola	Zinkil

Nays—6

Childers, W. D.	Henderson	Vogt	Wilson
Glisson	Stolzenburg		

Vote after roll call:

Nay—Lane, D.

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 CS for SB's 35 and 37.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed SB 494 and adopted SCR 1440.

Allen Morris, Clerk

The Honorable Dempsey J. Barron, President

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

SB 301 SB 279

Allen Morris, Clerk

The bills contained in the foregoing 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 amendments—

By Senator Lewis and others—

SB 321—A bill to be entitled An act relating to education; amending s. 236.02(6), Florida Statutes; providing that the minimum financial effort of each school district shall be as prescribed in the general appropriations act; amending s. 236.-

081(1)(b), (d), (e), (3), (5)(a), (7)(a), Florida Statutes; renaming the base student cost and providing that this value shall be that amount prescribed in the general appropriations act; providing that the assigned weighted full-time equivalent student membership in certain special programs shall not exceed the maximum prescribed in the general appropriations act; renaming the base student cost figure; changing the method of computing the district cost differential; changing the method of computing the district required local effort; deleting obsolete language; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 4, line 19, after the period (.) and insert: (f) Determination of sparsity supplement.—Beginning with the ~~1976-1977~~ 1977-1978 fiscal year, there shall be added to the basic amount for current operation of qualified districts a sparsity supplement which shall be computed as follows:

$$1. \text{ Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} \text{ minus } .1101$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000 and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero.

2. The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

Such supplement shall be funded annually as provided by law and in accordance with sparsity factors established by the Department of Education. ~~For the 1975-1976 fiscal year, no county may receive a sparsity supplement unless it is determined by the Department of Revenue 1974 Ratio Study that the county has assessed at least 75 percent of its taxable value. For the 1976-1977 1977-1978 fiscal year and every year thereafter, no county may receive a sparsity supplement unless the district school board has levied the maximum allowable millage of ad valorem taxation on the nonexempt assessed valuation for school purposes of the district, exclusive of millage voted under the provisions of Sections 9(b) and 12 of Article VII of the State Constitution, as provided in s. 236.25(1) it is determined by the Department of Revenue current ratio study that the county has assessed at least the statewide average percent of its taxable value.~~

Amendment 3—On page 2, line 7, strike “and (e)” and insert: (e) and (f)

Amendment 4—In the title, line 9, strike “(e),” and insert: (e), (f),

Amendment 5—In the title, line 17, after the semi-colon (;) insert: providing, with respect to the 1977-1978 fiscal year and succeeding years no county may receive a sparsity supplement unless the district school board levies the maximum millage with respect to certain taxes;

Amendment 8—On page 4, line 31, page 5, lines 1, 2, strike everything after “shall be” and through “herein.” and insert: based upon the current year's differential which shall be computed as prescribed herein.

Amendment 9—On page 2, lines 19 & 20, strike “unweighted full-time equivalent student value” and insert: base student allocation

Amendment Sub 10—On page 10, line 8, insert: Section 3. In the event the General Revenue exceeds the amount appropriated in House Bill 3500, all of such excess up to \$37,500,000 shall be appropriated to the Florida Education Finance Program or in the event that House Bill 179 passes, all of the revenue so produced shall be appropriated to the Florida Education Finance Program.

(renumber subsequent section)

Amendment 11—On page 10, line 1, insert: 4. The Department of Education is authorized to increase the base student allocation to the school districts if available funds exceed allocated amounts.

Amendment 12—On page 1 before line 25 insert a section 1. and renumber the subsequent sections. and insert: Section 1. Paragraph (c) of subsection (3) of section 236.013 is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms shall be defined as follows for the purpose of this act:

(3) A “full-time equivalent student” in each program of the district is defined in terms of full-time students and part-time students as follows:

(c) A “full-time equivalent student” is:

3. A student in membership in a program scheduled for more or less than 180 school days shall be a fraction of a full-time equivalent membership equal to the number of days more or less in proportion thereto times the applicable computations set forth in subparagraphs 1. and 2.; provided, however, that for the purposes of this subparagraph, membership in programs scheduled for more than 180 days shall be limited to:

- a. special programs for exceptional students,
- b. special vocational-technical programs,
- c. special adult general education programs, and
- d. basic programs offered for promotion or credit instruction as defined by regulations of the state board.

4. ~~the~~ The department shall determine and implement an equitable method of equivalent funding for experimental schools, and for schools operating under emergency conditions, as which have been approved by the department under the provisions of section 228.041(18) to operate for less than the minimum school day.

Amendment 13—On page 10, line 7 after the period insert:

Section 3. Subsection (8) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for current operation of schools.—The annual allocation from the Florida Education Finance Program to each district for current operation of schools shall be determined as follows:

(8) REDUCTION IN PERSONNEL.—If a reduction in personnel becomes necessary to bring operating costs and expense within the amounts appropriated and available, it is hereby mandated that in no event shall the administrator-teacher ratio in any school district during the school year 1976-1977 1975-1976 be greater than the administrator-teacher ratio in effect in that school district during the year 1974-1975. If such a reduction in administrative personnel becomes necessary, school level administrators in frequent contact with children shall be the last in priority for reduction.

(renumber subsequent section)

On motion by Senator Lewis the Senate concurred in Amendment 9.

Senator Lewis moved that the Senate refuse to concur in Amendments 1, 3, 4, 5, 8, 10, 11, 12 and 13 and request the House to recede.

The President presiding

An amendment by Senator Graham to the motion that the Senate concur in Amendments 10 and 11 failed. The vote was:

Yeas—17

Childers, D.	Hair	Myers	Winn
Dunn	Holloway	Saunders	Zinkil
Firestone	Johnston	Scarborough	
Glisson	Lane, D.	Stolzenburg	
Graham	MacKay	Tobiassen	

Nays—20

Mr. President	Henderson	Poston	Thomas, P.
Brantley	Lane, J.	Renick	Trask
Deeb	Lewis	Saylor	Vogt
Gallen	McClain	Sims	Ware
Gordon	Peterson	Spicola	Wilson

Vote after roll call:

Yea—Childers, W. D.

Explanation of Vote

I voted against the motion because I believe that all appropriations should be in the appropriations act and that any additional funds should be distributed according to a view of all unmet needs of the state. While public schools are high on my list of unmet needs, if there were 37½ million more dollars, I would want that money shared by several social services and higher education as well.

Jack D. Gordon, 35th District

The motion by Senator Lewis was adopted.

SB 321 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—37

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

Nays—None

Vote after roll call:

Yea—Tobiassen

On motion by Senator Lewis, the rules were waived and SB 321 was ordered immediately certified to the House.

The Honorable Dempsey J. Barron, President

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

By Senator Graham and others—

SB 578—A bill to be entitled An act relating to community care for the elderly; revising The Community Care for the Elderly Program Development Act of 1973 into The Community Care for the Elderly Act, by amending ss. 409.3621, 409.3622, 409.3623, 409.3624, Florida Statutes, repealing ss. 409.3625, 409.3626, 409.3627, Florida Statutes, and creating ss. 409.3628, 409.3629, 409.3630, Florida Statutes, in order to provide home-delivered service programs, multi-service senior center programs, and family placement programs for elderly persons; prescribing the powers and duties of the Department of Health and Rehabilitative Services; providing for the use of community resources and volunteers; requiring the purchase of insurance to protect volunteers from personal liability; authorizing the department to accept gifts; authorizing the department or entity developing the program to prescribe a rate schedule for contribution of money or services in payment for certain services; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 9, line 10 after the period (.) insert: Section 3. (1) As part of a multi-service senior center program, nursing home or hospital, day care for the elderly services may be offered for mentally or physically impaired or frail individuals who are 60 years of age or older, who have a regular place of domicile, who do not require 24 hour-a-day care in a hospital, nursing home, or other health care institution but who may, in the absence of day care for the elderly services, require admission to an acute or long-term health care facility.

(2) Each day care for the elderly service established pursuant to this section, shall provide a protective physical environment for elderly persons, make available to all day care participants at least one meal on each day of operation, provide facilities to enable day care participants to obtain needed rest while attending the program, and provide social activities designed to stimulate interest, rekindle motivation, and provide socialization in large and small groups.

(3) Participants in day care for the elderly services in a hospital as licensed under chapter 395 F.S., or nursing home as licensed under part 1 of chapter 400 F.S. shall not be counted

as part of the hospital's or nursing home's general patient population in determining requirements for licensure.

(4) The Department in its 1978 annual report to the legislature as required by the 1975 Health and Rehabilitative Services Reorganization Act, shall include a report on the results of Day Care for the Elderly Services.

and renumber subsequent sections.

Amendment 2—In the title, line 25, after the semi-colon (;) insert: providing for day care for the elderly services; requiring a report;

On motions by Senator Graham, the Senate concurred in House amendments 1 and 2 to SB 578.

SB 578 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—34

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

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 concurred in Senate Amendments 3, 6, 9, 10, 11, 13, 14, 15 and 16 and passed CS for HB's 2740 and 2950, as amended.

—has refused to concur in Senate Amendment 7 and requests the Senate to recede.

Allen Morris, Clerk

By the Committee on Commerce and Representative Coolman and others—

CS for HB's 2740 and 2950—A bill to be entitled An act relating to drugs; amending s. 465.30, Florida Statutes; providing definitions; requiring pharmacists who receive prescriptions for brand name drugs to substitute the least expensive generically equivalent drug product listed in a formulary established by the pharmacy dispensing the drugs; providing exceptions; requiring pharmacists to notify persons presenting prescriptions of price differentials between brand name and substituted drug; requiring pharmacists to maintain certain records; requiring the Florida Board of Pharmacy and the State Board of Medical Examiners to establish a drug formulary which shall consist of drugs which may not be substituted; providing a standard of care; creating s. 465.31, Florida Statutes; authorizing licensed pharmacists to delegate certain duties to non-licensed supportive personnel; adding a new subsection (2) to s. 500.341, Florida Statutes; requiring manufacturers of drugs who sell drugs in Florida to file with the Department of Agriculture and Consumer Services a current price list of drugs; adding subsection (3) to s. 500.22, Florida Statutes; requiring the Department of Agriculture and Consumer Services to furnish pharmacies, upon request, with such list; providing an effective date.

Amendment 7—On page 2, lines 25-26, strike "writes the words "MEDICALLY NECESSARY" in his own handwriting" and insert: indicates "MEDICALLY NECESSARY" or the abbreviation "M.N."

On motion by Senator Gordon, the Senate receded from Amendment 7.

CS for HB's 2740 and 2950 as amended passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Deeb	Gordon	Holloway
Brantley	Dunn	Graham	Johnston
Childers, D.	Firestone	Hair	Lane, J.
Childers, W. D.	Glisson	Henderson	Lewis

MacKay	Sayler	Thomas, P.	Wilson
McClain	Scarborough	Tobiassen	Winn
Peterson	Sims	Trask	Zinkil
Poston	Spicola	Vogt	
Renick	Stolzenburg	Ware	

Nays—2

Gallen Lane, D.

Vote after roll call:

Yea—Myers

MATTERS ON RECONSIDERATION

The motion by Senator Johnston to reconsider the vote by which SB 950 passed May 26 was not taken up and therefore considered abandoned.

The motion by Senator Sayler on May 26 that the Senate reconsider the vote by which—

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.

—passed May 26 was taken up and adopted; and the Senate reconsidered the vote.

The Committee on Judiciary-Civil offered the following amendments which were moved by Senator Gallen and failed:

Amendment 1—On page 1, lines 18, 21, 23, strike "or attempts"

Amendment 2—On page 1, line 25, strike ", or s. 775.084" and insert: a period

Amendment 3—On page 1, line 26, insert: (2) A peace officer or election official shall arrest any person who violates the provisions of subsection (1) in his presence.

Amendment 4—On page 1 in title, line 7, strike "providing penalties"

Amendment 5—On page 1, line 4, strike "the Election Code" and insert: polling places

On motion by Senator Sayler, CS for HB's 2955 and 3056 was read by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

On motion of Senator Gordon, the rules were waived and the Committee on Ways and Means was granted permission to meet on May 28 from noon until 2:00 p.m. to consider bills which will appear on the Committee's agenda in the printed calendar for that date.

SPECIAL ORDER

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.

—as amended was read the third time by title.

Senators Firestone and Graham offered the following amendment which was moved by Senator Firestone:

Amendment 3—On page 2, line 23, insert a new section 2, and renumber remaining sections Section 2. Section 112-324(3) is amended to read:

112.324 Procedures on complaints of violations.—

(3) If upon completion of its preliminary investigation of a complaint against an impeachable officer the commission finds insufficient evidence to establish probable cause that a violation of this part has occurred, the commission shall dismiss the complaint. All evidence and material shall be kept in strict confidentiality by the commission after a complaint is dismissed. The information may only be disclosed by the commission. Upon finding sufficient evidence to establish probable cause to believe a violation by such officer has occurred, the commission shall forward the complaint by certified mail to the Speaker of the House, who shall refer it to an appropriate standing or select committee for recommendations. When the commission determines from complaints received that probable cause exists that a violation by a member of the legislature has occurred, the commission shall have the power to submit such complaints to the State Attorney of the jurisdiction where the alleged violation occurred, or the State Attorney of the jurisdiction in which the State Capitol is located.

Senator McClain moved the following amendment to Amendment 3 which was adopted:

Amendment 3A—On page 2, strike lines 1 and 2 after the word "occurred" and insert: a (.)

Amendment 3 as amended failed. The vote was:

Yeas—13

Childers, D.	Holloway	Poston	Zinkil
Firestone	Johnston	Renick	
Glisson	MacKay	Saunders	
Gordon	Myers	Winn	

Nays—19

Mr. President	Hair	Peterson	Trask
Brantley	Henderson	Scarborough	Vogt
Childers, W. D.	Lane, J.	Spicola	Ware
Dunn	Lewis	Stolzenburg	Wilson
Gallen	McClain	Thomas, P.	

Vote after roll call:

Yea—Graham

Senator Dunn moved the following amendment which failed:

Amendment 4—On page 1, line 1 of (2)(a) strike "or employee" and insert: , candidate, or employee

HB 2811 passed and was certified to the House. The vote on passage was:

Yeas—24

Mr. President	Hair	Renick	Thomas, P.
Childers, W. D.	Holloway	Saunders	Tobiassen
Dunn	Lane, J.	Sayler	Trask
Firestone	MacKay	Scarborough	Ware
Gallen	McClain	Sims	Winn
Graham	Poston	Spicola	Zinkil

Nays—10

Childers, D.	Henderson	Lewis	Wilson
Glisson	Johnston	Stolzenburg	
Gordon	Lane, D.	Vogt	

Votes after roll call:

Yeas—Deeb and Peterson

SB 477 was taken up and on motion by Senator Gordon, the rules were waived and by two-thirds vote HB 344 (cs) was withdrawn from the Committee on Ways and Means and placed on the calendar. On motion by Senator Gordon—

HB 344 (cs)—A bill to be entitled An act relating to the State University System; amending s. 240.062, Florida Statutes, and s. 240.052(1), Florida Statutes, 1974 Supplement; pro-

viding a procedure for the approval of registration and tuition fees by the Legislature; providing that such fees so approved shall remain in effect until amendments thereto are approved; providing an effective date.

—a companion measure, was substituted therefor and read the second time by title. On motion by Senator Gordon, by two-thirds vote HB 344 (cs) was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

SB 477 was laid on the table.

Senator Poston moved that the Senate request the House to return SB 321. The motion failed.

HB 33 (cs)—A bill to be entitled An act relating to maps and plats; creating s. 177.132, Florida Statutes, to provide for the recording with the Clerks of the Circuit Courts in the several counties, for informational purposes only, of certain not otherwise recorded maps which do not have the dignity of being plats; providing for availability of reproductions to the public for a reasonable fee; providing an effective date.

—was read the second time by title.

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

Amendment 1—On page 1, strike all of line 18 and insert: 177.132 Preservation of unrecorded maps.—

Amendment 2—On page 1, line 29, strike the “.” and insert: or for circumventing the lawful regulation and control of subdividing lands by local governing bodies.

Amendment 3—On page 2, line 3, strike “177.011” and insert: 177.021

Senator Vogt moved the following amendments which were adopted:

Amendment 4—On page 1, line 16, insert: Section 1. Sections 177.071 and 177.111, Florida Statutes, are amended to read:

177.071 Approval of plat by governing bodies.—Before a plat is offered for recording, it shall be approved by the appropriate governing body, bodies in a county, and evidence of such approval ~~their approvals~~ shall be placed on such plat ~~thereon~~. If not approved, the governing body ~~bodies~~ shall return the plat to the land surveyor. However, such examination and approval for conformity to this chapter by the appropriate governing body ~~bodies~~ shall not include the verification of the survey data, except by a land surveyor either employed by or under contract to the local governing body for the purpose of such examination. *For the purposes of this chapter where the plat to be submitted for approval is located wholly within the boundaries of a municipality, the governing body of such municipality shall have exclusive jurisdiction to approve such plat. Where a plat lies wholly within the unincorporated areas of a county, the governing body of such county shall have exclusive jurisdiction to approve such plat. Where a plat lies within the boundaries of more than one governing body, two plats shall be prepared and each governing body shall have exclusive jurisdiction to approve the plat within its boundaries. Any provision in a county charter which is inconsistent with anything contained in this section shall prevail in that charter county to the extent of any such inconsistency.*

177.111 Instructions for filing plat.—After the approval by the appropriate governing body ~~bodies~~ required by s. 177.071,

the plat shall be recorded by ~~submitted to~~ the circuit court clerk or other recording officer ~~upon submission thereto of such approved plat for his acceptance and recording~~. The circuit court clerk or other recording officer shall maintain in his office a book, of the proper size for such papers so that they shall not be folded, to be kept in the vault. A print or photographic copy on cloth shall be filed in a similar book and kept in his office for the use of the public. The clerk shall make available to the public a full size copy of the record plat at a reasonable fee.

(Renumber subsequent sections)

Amendment 5—On page 1, line 4, after “plats;” insert: amending ss. 177.071, 177.111, Florida Statutes; providing a clarification as to which governing body shall have jurisdiction to approve plats;

On motion by Senator Trask, by two-thirds vote HB 33 (cs) as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—2

Dunn Lewis

Vote after roll call:

Yea—Spicola

On motions by Senator W. D. Childers, consideration of HB 1886 and SB 895 was deferred.

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

INTRODUCTION

By Senators W. D. Childers and Tobiassen—

SCR 1458—A concurrent resolution commending the Pensacola Tate High School Baseball Team.

—was read the first time in full. On motion by Senator W. D. Childers by two-thirds vote SCR 1458 was read the second time by title, adopted, and certified to the House. The vote on adoption was:

Yeas—35

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

Nays—None

On motion by Senator W. D. Childers, the rules were waived and SCR 1458 was immediately certified to the House.

SPECIAL ORDER, continued

CS for HB 2812—A bill to be entitled An act relating to public officers and employees; amending s. 112.312(1) and adding a new subsection (9), Florida Statutes, redefining the term “advisory body” and defining the term “gift” with respect

to provisions relating to a code of ethics for such officers and employees; creating s. 112.3144, Florida Statutes, providing for certain disclosure by legislators and elected officials at the time of filing any bill, resolution, memorial or ordinance; amending s. 112.3145(1)(b), (2)(a) and (c), (3) and (5), Florida Statutes, relating to disclosure of financial interests and clients represented before agencies; expanding the definition of "specified employee"; requiring candidates for state or local office to file financial disclosure statements in order to qualify for such office; altering provisions which require disclosure of specific sources of certain income, debts, and amounts; providing for inspection and examination of such documents; providing that the Secretary of State send copies of disclosure forms and notices to persons required to file by mail, rather than certified mail return receipt requested; amending s. 112-3147, Florida Statutes, requiring the commission to supply circuit court clerks and the Department of State with quantities of financial disclosure forms for distribution to those required to file; amending s. 112.321(1), Florida Statutes, providing for the appointment of members of the commission by certain officers; amending s. 112.322(5), Florida Statutes, and adding a subsection thereto, deleting the requirement that the Department of Legal Affairs provide legal and investigative assistance to the commission; requiring the commission to adopt and publish certain rules; requiring the Department of State to index such rules within 90 days; amending s. 112.324(3), Florida Statutes, deleting the provision that records relating to preliminary investigations of complaints of violating the code of ethics by impeachable officers or legislators shall become public records under certain circumstances; providing an alternative method of financial disclosure; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment:

Amendment 1—On page 2, line 26, strike everything after the enacting clause and insert: Section 1. In addition to those persons with an affirmative duty to file as set forth in s. 112-3145, Florida Statutes, which list, as it existed on January 1, 1976, is hereby reenacted and incorporated by reference as though it had been set out in full herein, the following persons are also required to file full public financial disclosure:

(1) Any person who receives any compensation whatsoever from any state, district or local governmental branch, agency, or entity, which compensation is in excess of \$10,000 per calendar year and is in consideration for work done or services performed full or part time for the agency or entity, or for an officer or employee in his official capacity; and

(2) Each judge, each justice, each state attorney, and each public defender.

Section 2. Pursuant to subsection (h)(1) of Section 8 of the State Constitution, the schedule contained in section 8, Article II of the State Constitution is hereby changed and superseded by subsection (3) of s. 112.3145, Florida Statutes, which subsection is hereby reenacted as it existed on January 1, 1976.

Section 3. Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions.

Section 4. Subsection (1) of section 112.312, Florida Statutes, is amended to read:

112.312 Definitions.—As used in this part, unless the context otherwise requires:

(1) "Advisory body" means any board, commission, committee, council, or authority, however selected, whose total budget, appropriation, or authorized expenditures constitute \$50,000 or less than 1 percent of the budget of each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination, or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.

Section 5. Subsection (1) of section 112.321, Florida Statutes, is amended to read:

112.321 Membership, terms, etc.—

(1) The commission shall be composed of nine members. Three ~~Four~~ of these members shall be appointed by the gov-

ernor, no more than two of whom shall be from the same political party, subject to confirmation by the senate, provided that this act shall not diminish the 2-year terms of the gubernatorial appointees serving on the effective date of this act. One member appointed by the Governor shall be a former city or county official. Three ~~Two~~ members shall be appointed by the Speaker of the House and three ~~two~~ members shall be appointed by the President of the Senate provided that one of the Speaker's appointees and one of the President's appointees shall not be appointed until the expiration of the 2-year terms of the gubernatorial appointees serving on the effective date of this act. Neither the Speaker of the House nor President of the Senate shall appoint more than two members ~~one member~~ from the same political party. No member may hold any public employment. All members shall serve 2-year terms, except that four of the initial members appointed by the governor shall serve 1-year terms. All succeeding appointments shall be for 2 years. Members of the commission shall receive no salary, but shall receive travel and per diem as provided in s. 112.061. The members of the commission shall elect a chairman from their number, who shall serve as chairman for a 1-year term and may not succeed himself as chairman. No member shall serve more than two full terms in succession. Any member of the commission may be removed for cause by majority vote of the Governor, the President of the Senate, and the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

Section 6. Subsection (5) of section 112.322, Florida Statutes, is amended, and a subsection (7) is added to said section to read:

112.322 Duties and powers of commission.—

(5) The commission is authorized to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties. ~~The Department of Legal Affairs shall, upon request, provide legal and investigative assistance to the commission.~~

(7) The commission shall adopt and have published in the Florida Administrative Code the following rules:

(a) Rules describing the organization of the commission, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests.

(b) Rules of practice setting forth the nature and requirements of all formal and informal procedures, including copies of all forms and instructions used by the commission.

(c) Rules of procedure appropriate for the presentation of arguments concerning issues of law or policy, and for the presentation of evidence on any pertinent fact that may be in dispute.

(d) Rules for the scheduling of meetings, hearings, and workshops, including the establishment of agenda therefor, one of which shall be that an agenda shall be prepared by the agency at least 7 days before the event and made available for distribution on request of any interested persons.

Section 7. Subsection (3) of section 112.324, Florida Statutes, is amended to read:

112.324 Procedures on complaints of violations.—

(3) If, upon completion of its preliminary investigation of a complaint against an impeachable officer or member of the Legislature, the commission finds insufficient evidence to establish probable cause to believe a violation of this part has occurred, it shall dismiss the complaint. All evidence and material shall be kept in strict confidentiality by the commission after a complaint is dismissed. The information may be disclosed only upon written request by an appropriate legislative committee. Upon finding sufficient evidence to establish probable cause to believe a violation by such officer has occurred, the commission shall forward the complaint by certified mail to the President of the Senate or the Speaker of the House, whichever is applicable, who shall refer the complaint to the appropriate committee for investigation and action which shall be governed by the rules of its respective house. The complaint and all records relating to the preliminary investigation shall become public record records upon referral by the Speaker or President to the appropriate committee. It shall be the duty of the committee to report its final action upon the

complaint to the commission within 90 days of the date of transmittal to the respective house. If, for any reason, the committee to which the complaint is referred feels that it cannot or should not investigate the complaint, it may return the complaint to the commission which shall conduct a full investigation and report its findings to the committee for appropriate action. Upon request of the committee, the commission shall submit a recommendation as to what penalty, if any, should be imposed.

Section 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 9. This act shall take effect January 5, 1977, provided the addition of section 8 of Article II of the State Constitution, which section is proposed by initiative and relates to ethics in government, is approved by vote of the electors at the general election held in November, 1976.

Senator Dunn moved the following amendment to Amendment 1:

Amendment 1A—On page 5, line 21, insert: Section 9. The governing body of a municipality or county may exempt any local officers, candidates for local office, or employees of that municipality or county from the requirements and provisions of Sections 1 and 2 of this Act, and s. 112.3145, except elected county constitutional officers, by nonemergency ordinance for a period expiring on the 60th day following the then next general election of the municipality or county as the case may be. Any such exemption ordinance may be adopted at any time. Within 30 days from the adoption of any such exemption ordinance, a certified copy thereof shall be transmitted to the Florida Commission on Ethics.

(RENUMBER SUBSEQUENT SECTION)

On motion by Senator Brantley, the rules were waived and time of recess was extended until final action on CS for HB 2812.

Senator Firestone moved that further consideration of CS for HB 2812 be deferred. The motion failed and the vote was:

Yeas—15

Childers, D.	Henderson	Poston	Thomas, P.
Dunn	Holloway	Saunders	Tobiassen
Firestone	Johnston	Sims	Zinkil
Graham	MacKay	Stolzenburg	

Nays—22

Mr. President	Hair	Plante	Vogt
Brantley	Lane, D.	Renick	Ware
Childers, W. D.	Lane, J.	Sayler	Wilson
Deeb	Lewis	Spicola	Winn
Gallen	McClain	Thomas, J.	
Gordon	Peterson	Trask	

Senator Brantley moved that the Senate do now adjourn to reconvene at 1:30 p.m. The motion was adopted and the Senate recessed at 12:21 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:30 p.m. A quorum present—40:

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

SPECIAL ORDER, continued

The Senate resumed consideration of—

CS for HB 2812—A bill to be entitled An act relating to public officers and employees; amending s. 112.312(1) and adding a new subsection (9), Florida Statutes, redefining the term "advisory body" and defining the term "gift" with respect to provisions relating to a code of ethics for such officers and employees; creating s. 112.3144, Florida Statutes, providing for certain disclosure by legislators and elected officials at the time of filing any bill, resolution, memorial or ordinance; amending s. 112.3145(1)(b), (2)(a) and (c), (3) and (5), Florida Statutes, relating to disclosure of financial interests and clients represented before agencies; expanding the definition of "specified employee"; requiring candidates for state or local office to file financial disclosure statements in order to qualify for such office; altering provisions which require disclosure of specific sources of certain income, debts, and amounts; providing for inspection and examination of such documents; providing that the Secretary of State send copies of disclosure forms and notices to persons required to file by mail, rather than certified mail return receipt requested; amending s. 112.3147, Florida Statutes, requiring the commission to supply circuit court clerks and the Department of State with quantities of financial disclosure forms for distribution to those required to file; amending s. 112.321(1), Florida Statutes, providing for the appointment of members of the commission by certain officers; amending s. 112.322(5), Florida Statutes, and adding a subsection thereto, deleting the requirement that the Department of Legal Affairs provide legal and investigative assistance to the commission; requiring the commission to adopt and publish certain rules; requiring the Department of State to index such rules within 90 days; amending s. 112.324(3), Florida Statutes, deleting the provision that records relating to preliminary investigations of complaints of violating the code of ethics by impeachable officers or legislators shall become public records under certain circumstances; providing an alternative method of financial disclosure; providing an effective date.

—which was taken up, together with pending Amendments 1 and 1A. Amendment 1A failed.

Senator Dunn moved the following amendment to Amendment 1 which failed:

Amendment 1B—On page 2, strike lines 26-33 on page 2, lines 1-20 on page 3 and insert: who shall be appointed by the Governor, subject to approval of three members of the cabinet and confirmation by the Senate. Two of the members shall be selected from a list of 6 nominees recommended by the Speaker of the House, and two of the members shall be selected from a list of 6 nominees recommended by the President of the Senate. At least one of the members shall be a former city or county official. No member shall hold any public employment. All members shall serve two year terms of office. Members of the commission shall receive no salary, but they shall receive travel and per diem reimbursement provided in s. 112.061. The members of the commission shall elect a chairman from their number, and he shall serve as chairman for one year. He may not succeed himself. No member shall be eligible to serve more than 2 consecutive years as a member of the commission. Members of the commission may be suspended and removed pursuant to s. 7, Article IV, State Constitution.

Senator Firestone moved the following amendment to Amendment 1:

Amendment 1C—On page 2, line 9, insert: Section 4. Any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan.

Renumber remaining sections

Senator Sayler raised a point of order that the amendment by Senator Firestone was out of order as the bill related to Chapter 112 and the amendment dealt with the subject of retirement rights, pensions and bribery, the specific subject of Chapter 121(5)(b).

The President ruled the point well taken and the amendment out of order.

Senator Firestone moved the following amendment to Amendment 1 which failed:

Amendment 1D—On page 5, insert: new section 9 Section 9. No member of the legislature or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of two years following vacation of office. No member of the legislature shall personally represent another person or entity for compensation during term of office before any state agency other than judicial tribunals. Similar restrictions on other public officers and employees may be established by law.

(Renumber subsequent sections)

Senators Glisson and Dunn offered the following substitute amendment which was moved by Senator Glisson and failed:

Amendment 2—On page 2, line 26, strike everything after the enacting clause and insert: Section 1. Subsection (6) of section 99.012, Florida Statutes, is amended to read:

99.012 Restrictions on individuals qualifying for public office.—

(6) No individual may qualify as a candidate for public office until he has filed ~~the disclosure a statement~~ of financial interest ~~required by part III of chapter 112 pursuant to s. 112.3145.~~

Section 2. Subsection (4) of section 112.312, Florida Statutes, is amended to read:

112.312 Definitions.—As used in this part, unless the context otherwise requires:

(4) "Candidate" means any person who has filed ~~a statement of financial interest~~ and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman regulated by chapter 103 and persons seeking any other office or position in a political party.

Section 3. Section 112.3135, Florida Statutes, is created to read:

112.3135 Additional standards of conduct for legislators, former legislators, and persons formerly holding statewide elective office.—

(1) No member of the legislature shall, during his term of office, personally represent another person or entity for compensation before any state agency other than a judicial tribunal for any purpose other than issuance of licenses, charters and other ministerial functions which do not require hearings and the exercise of aging discretion. No person who has served as a member of the legislature shall, for a period of 2 years from the date he leaves office, personally represent another person or entity for compensation before the legislature.

(2) No person who has held a statewide elective office shall, for a period of 2 years from the date he leaves such office, personally represent another person or entity for compensation before such office or before any body or agency under the supervision of such office.

Section 4. Section 112.31455, Florida Statutes, is created to read:

112.31455 Disclosure of financial interests; representation of clients before agencies.—

(1) As used in this section and in section 112.31456:

(a) "Candidate" means any person who has filed his qualification papers to seek election to a public office.

(b) "Public officer" means any person elected or appointed to a state, county, municipal, school board district or special district elective office.

(c) "Appointed public officer" means:

1. Any appointed member of a board, commission, authority, community college district board of trustees, or council of any political subdivision of the state, excluding any member of an advisory body. A governmental body with land-planning, zoning, or natural resources responsibilities shall not be considered an advisory body.

2. Any person holding one or more of the following positions, by whatever title, including persons appointed to act directly in such capacity, but excluding assistants and deputies unless specifically named herein: clerk of the circuit court; clerk of the county court; county or city manager; political subdivision chief; county or city administrator; county or city attorney; chief county or city building inspector; county or city water resources coordinator; county or city pollution control director; county or city environmental control director; county or city administrator, with power to grant or deny a land development permit; chief of police; fire chief; city or town clerk; district school superintendent; community college presidents; or a purchasing agent having the authority to make any purchase exceeding \$100 for any political subdivision of the state or any entity thereof.

3. Public counsel created by chapter 350; an assistant state attorney; an assistant public defender; a full-time state employee who serves as counsel or assistant counsel to any state agency; a judge of industrial claims; and a hearing examiner.

4. Any person employed in the office of the Governor or in the office of any member of the cabinet, if that person is exempt from the career service system, except persons employed in clerical, secretarial, or similar positions.

5. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

6. The superintendent or institute director of a mental health institute established for training and research in the mental health field; the superintendent or director of any major state institution or facility established for training, treatment, or rehabilitation; or any person having the power normally conferred on such persons by whatever title.

7. Business managers, purchasing agents, finance and accounting directors, personnel officers, and grants coordinators for any state agency, or persons having the power normally conferred upon such persons, by whatever title.

8. The Auditor General; the Sergeant-at-Arms and Secretary of the Senate; the Sergeant-at-Arms and Clerk of the House of Representatives; the Executive Director of the Joint Legislative Management Committee; the Director of Statutory Revision; and the staff director of each committee of the Legislature.

9. Each employee of the Commission on Ethics.

10. Any full-time state employee who, in addition to his regular duties, accepts compensation which in the aggregate exceeds \$250 for consultations with other state agencies or with other government or business entities.

11. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body.

12. A member of the Board of Regents; the Chancellor and Vice Chancellor of the State University System; and the president of a state university.

(d) "Designated employee" means any person holding a position of public employment which is designated pursuant to s. 112.31456 as a position requiring disclosure by the person holding such position.

(e) "Disclosure" consists of the following:

1. A sworn statement showing the public officer's, appointed public officer's, candidate's, or designated employee's net worth and describing and listing the value of each of his assets and each of his liabilities in excess of \$1,000; and

2. A copy of the public officer's, appointed public officer's, candidate's, or designated employee's most recent federal income tax return; or

3. A sworn statement listing the amount of and identifying each source of income which exceeds \$1,000 for such public officer, appointed public officer, candidate, or designated employee.

(2) Each public officer, appointed public officer, each candidate, and each designated employee shall file full and public disclosure of his financial interests. The disclosure shall be filed with the Secretary of State, except that each county, municipal, school board district or special district elective and appointive officer and each candidate for a county, municipal, school board district or special district elective and appointive office shall file with the Clerk of the Circuit Court of the county of his residence, and each school district or county designated employee shall file with the Clerk of the Circuit Court of the county in which his public employment is principally performed.

(3) Each public officer and appointed public officer shall file his disclosure by July 1 of each year including the July 1 following the end of his term. Each designated employee shall file his disclosure by July 1 of each year including the July 1 following the termination of his employment as a designated employee. Each candidate shall file his disclosure at the time he qualifies as a candidate. In addition, each person appointed to an elective public office, an appointive public office, and each designated employee who is employed shall file such disclosure within 30 days from the date of appointment or, in the case of a designated employee, from the date on which employment as a designated employee begins. No public officer, appointed public officer or designated employee shall be required to file disclosure more than one time in any calendar year.

(4) Each public officer, appointed public officer and each designated employee shall file, with the same person with whom he is required to file disclosure, a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before any agency at his level of government. For the purposes of this subsection, agencies of government shall be classified as state level agencies or agencies below state level. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than 15 days after the last day of the quarter. Representation before any agency shall be deemed to include representation by such public officer, appointed public officer or designated employee or by any partner or associate of the professional firm of which he is a member and of which he has actual knowledge. For the purpose of this subsection, "representation before any agency" shall not include appearances before any court or judges or commissioners of industrial claims or representations on behalf of one's agency in an official capacity. Such term shall not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.

Section 5. Section 112.31456, Florida Statutes, is created to read:

112.31456 Designation of employees to file financial disclosure.—

(1) Any person holding an elective public office, an appointed public office or any board, governing body, or group comprised of elected public officers, or appointed public officers, may designate any position under the supervision of such officer, board, governing body, group as a position of trust requiring the person holding such position to file disclosure of financial interest under s. 112.31455. For the purposes of this section, the Governor may designate such positions for any agency headed by an officer or board appointed by and serving at the pleasure of the Governor.

(2) Membership on an advisory board shall not be designated as a position requiring disclosure.

(3) Each officer, board, governing body, or group shall notify the Commission on Ethics in writing of any position designated as a position requiring disclosure within 10 days from the date the position is so designated. The commission shall maintain a file of those positions which have been designated, and such file shall be open to public inspection.

Section 6. Sections 112.3146 and 112.3147, Florida Statutes, are amended to read:

112.3146 Public records.—The statements required by ss. 112.313, 112.3141, ~~and~~ 112.3145, and 112.31455 shall be public records within the meaning of s. 119.01.

112.3147 Forms.—All information required to be furnished by ss. 112.313, 112.3141, ~~and~~ 112.3145, and 112.31455 shall be on forms prescribed by the Commission on Ethics.

Section 7. Paragraph (c) of subsection (1) of section 112.317, Florida Statutes, is amended to read:

112.317 Penalties.—

(1) Violation of any provision of this part, including, but not limited to, any failure to file any disclosures required by this part or violation of any standard of conduct imposed by this part, in addition to any criminal penalty involved, shall, pursuant to applicable constitutional and statutory procedures, constitute grounds for, and may be punished by, one or more of the following:

(c) In the case of a candidate who violates the provisions of s. 112.3145 or s. 112.31455, disqualification from being on the ballot.

Section 8. Subsections (2) and (3) and paragraphs (d) and (f) of subsection (4) of section 112.324, Florida Statutes, are amended to read:

112.324 Procedures on complaints of violations.—

(2) A preliminary investigation shall first be undertaken by the commission to determine if the facts alleged in the complaint constitute probable cause to believe that a violation has occurred. If, upon completion of the preliminary investigation, the commission finds no probable cause to believe that this part has been violated, the commission shall dismiss the complaint, and the complaint, ~~unless prohibited by subsection (3),~~ shall become a matter of public record, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the commission shall send to the complainant and the alleged violator. If the commission finds from the preliminary investigation probable cause to believe that this part has been violated, it shall so notify the complainant and the alleged violator in writing. Such notification and all documents made or received in the disposition of the complaint shall then become public records. Upon request submitted to the commission in writing, any person who the commission finds probable cause to believe has violated any provision of this part shall be entitled to a public hearing. Such person shall be deemed to have waived the right to public hearing if the request is not received within 14 days following the mailing of the probable cause notification required by this subsection. However, the commission may on its own motion require a public hearing and may conduct such further investigation as it deems necessary.

(3) If, upon completion of its preliminary investigation of a complaint against an impeachable officer or member of the Legislature, the commission finds insufficient evidence to establish probable cause to believe a violation of this part has occurred, it shall dismiss the complaint. ~~All evidence and material shall be kept in strict confidentiality by the commission after a complaint is dismissed. The information may be disclosed only upon written request by an appropriate legislative committee.~~ Upon finding sufficient evidence to establish probable cause to believe a violation by such officer has occurred, the commission shall forward the complaint by certified mail to the President of the Senate or the Speaker of the House, whichever is applicable, who shall refer the complaint to the appropriate committee for investigation and action which shall be governed by the rules of its respective house. The complaint and all records relating to the preliminary investigation shall become public records upon referral ~~to by~~ the Speaker or President ~~to the appropriate committee.~~ It shall be the duty of the committee ~~to which the complaint is referred~~ to report its final action upon the complaint to the commission within 90 days of the date of transmittal to the respective house. If, for any reason, the committee to which the complaint is referred feels that it cannot or should not investigate the complaint, it may return the complaint to the commission which shall conduct a full investigation and report its findings to the committee for appropriate action. Upon request of the committee, the commission shall submit a recommendation as to what penalty, if any, should be imposed.

(4) If, in cases pertaining to complaints other than complaints against impeachable officers or members of the Legis-

lature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part, it shall be the duty of the commission to report its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or body shall have the power to invoke the penalty provisions of this part:

(d) The Secretary of State, in any case concerning a candidate whose name is placed on the ballot by certification of the Secretary of State only when the commission recommends removal of said candidate from the ballot for a violation of s. 112.3145 or s. 112.31455.

(f) The county commission, in any case concerning a candidate for county office only when the commission recommends removal of said candidate from the ballot for a violation of s. 112.3145 or s. 112.31455.

Section 9. Section 112.3145, Florida Statutes, is repealed effective January 1, 1979.

Section 10. This act shall take effect July 1, 1976.

The vote was:

Yeas—10

Childers, D.	Glisson	MacKay	Winn
Dunn	Graham	Saunders	
Firestone	Hair	Scarborough	

Nays—24

Mr. President	Holloway	Poston	Thomas, J.
Brantley	Johnston	Renick	Thomas, P.
Childers, W. D.	Lane, J.	Sayler	Trask
Deeb	McClain	Sims	Vogt
Gallen	Peterson	Spicola	Wilson
Gordon	Plante	Stolzenburg	Zinkil

Votes after roll call:

Yeas—Lewis and Myers

Senator Graham moved the following amendment to Amendment 1 which failed:

Amendment 1E—On page 1, line 19, strike Section 2

Senator MacKay moved the following amendments to Amendment 1 which failed:

Amendment 1F—On page 4, line 16, strike Section 7 and insert: Section 7: Subsection (3) of Section 112.324 is amended as follows:

(3) If the Commission finds that there has been a violation of this part, it shall be the duty of the commission to report its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or body shall have the power to invoke the penalty provisions of this part:

(a) The President of the Senate or the Speaker of the House, whichever is applicable, in any case concerning impeachable officers or members of the legislature.

(Renumber subsequent sections)

Senator Graham moved the following amendments to Amendment 1 which failed:

Amendment 1G—On page 2, line 32, strike all after the period in line 32 through the period in line 7 on page 3 and insert: Two members shall be appointed by the Speaker of the House, two members shall be appointed by the President of the Senate, and two members shall be appointed by the Chief Justice of the Supreme Court, provided that the two appointees of the Chief Justice of the Supreme Court shall not be appointed until the expiration of the 2-year term of the gubernatorial appointees serving on the effective date of this act.

Amendment 1H—On page 5, strike all of lines 21 through 25 and insert: Section 9. This act shall take effect July 1, 1976; provided, Section 2 of this act shall take effect January 5, 1977, provided the addition of section 8 of Article II of the State

Constitution, which section is proposed by initiative and relates to ethics in government, is approved by vote of the electors at the general election held in November, 1976.

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

Amendment 1I—On page 1, strike all of lines 11, 12, 13, 14, 15, and 16

Senator Gallen moved the following amendments to Amendment 1 which were adopted:

Amendment 1J—On page 2, line 22, insert: (14) "Represent" or "representation" means representation before any agency shall be deemed to include representation by such public officer or candidate or any partner or associate of the professional firm of which he is a member and of which he has knowledge. For the purposes of this subsection, "representation before any agency" does not include appearances before any court or appearances before judges or commissioners of industrial claims, the preparation and filing of a form or application merely for the purpose of obtaining or transferring a license or operation permit to engage in a profession, business, or occupation, or exhaustion of administrative remedies which are a prerequisite to judicial review. ~~actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.~~

Amendment 1K—On page 2, strike all of lines 9 and 10 and insert: Section 4. Subsections (1) and (14) of section 112.312, Florida Statutes, are amended to read:

Amendment 1 as amended was adopted.

Senator Gordon moved the following title amendment:

Amendment 3—On pages 1 and 2, strike everything before the enacting clause and insert: A bill to be entitled An act relating to ethics in government; implementing section 8, Article II of the State Constitution; requiring certain persons to publicly disclose certain information; providing for the liability of a public officer or employee breaching the public trust for private gain and any person or entity inducing such breach; amending s. 112.312(1), Florida Statutes; providing a definition of "advisory body"; amending s. 112.321(1), Florida Statutes; providing for the appointment of members of the commission by certain officers; amending s. 112.322(5), Florida Statutes, and adding a subsection thereto; deleting the requirement that the Department of Legal Affairs provide legal and investigative assistance to the commission; requiring the commission to adopt and publish certain rules; amending s. 112.324(3), Florida Statutes; deleting the provision that records relating to preliminary investigations of complaints of violating the code of ethics by impeachable officers or legislators shall become public records under certain circumstances; providing an effective date.

WHEREAS, a sufficient number of the electors in this state, at the urging of the Governor, have invoked their constitutional power to propose the creation of section 8, Article II of the Constitution of the State of Florida, and

WHEREAS, as a result of that petition, the proposed amendment will be placed on the ballot at the general election to be held in November, 1976, and

WHEREAS, the proposed amendment pertains to ethics in government and in part requires full and public disclosure of financial interests of elected constitutional officers and candidates for such offices, and

WHEREAS, that proposed amendment gives the Legislature the authority to determine by law other classes of public officers, candidates, and employees who shall likewise be required to file disclosure, and

WHEREAS, that proposed amendment also places with the Legislature the power to change by law the type and extent of disclosure required to be made, and

WHEREAS, the Legislature desires to implement section 8, Article II of the State Constitution, in the event it is approved by vote of the electors, NOW, THEREFORE,

Senator Gallen moved the following amendment to title Amendment 3 which was adopted:

Amendment 3A—On page 1, lines 8-9, strike “amending s. 112.312(1), Florida Statutes; providing a definition of “advisory body”,” and insert: amending s. 112.312(1), (14), Florida Statutes; redefining “advisory body” and “represent” or “representation”;

Amendment 3 as amended was adopted.

On motion by Senator Gordon, by two-thirds vote CS for HB 2812 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—24

Mr. President	Holloway	Poston	Thomas, J.
Brantley	Lane, D.	Renick	Tobiassen
Childers, D.	Lane, J.	Saunders	Trask
Childers, W. D.	McClain	Saylor	Vogt
Gallen	Peterson	Sims	Wilson
Gordon	Plante	Spicola	Zinkil

Nays—15

Dunn	Hair	MacKay	Thomas, P.
Firestone	Henderson	Myers	Ware
Glisson	Johnston	Scarborough	Winn
Graham	Lewis	Stolzenburg	

Vote after roll call:

Nay—Deeb

On motion by Senator Gordon, the rules were waived and CS for HB 2812 was ordered immediately certified to the House.

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until disposition of matters on reconsideration.

On motion by Senator Saunders 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 with amendments—

By Senator Saunders—

SB 468—A bill to be entitled An act relating to public officers and employees; amending s. 112.061(3)(a), (4)(b), (5), (6)(c), and (12)(a), Florida Statutes, providing that the designated representative of an agency head may authorize traveling expenses under certain circumstances; redefining the term “official headquarters”; limiting per diem and subsistence allowances when lodging or food are provided at a state institution; providing that travel authorization request forms are necessary only with respect to travel to a convention or a conference; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 2—In the title, line 5, after the semi-colon (;) insert: amending s. 112.061(6)(a), (c), and (d), Florida Statutes, providing rates of reimbursement for subsistence while traveling;

Amendment 3—On page 1, line 23, after the colon (:) insert: Section 1. Paragraph (c) of subsection (6) of section 112.061, Florida Statutes, is amended to read:

112.061 Per diem and traveling expenses of public officers, employees, and authorized persons.—

(6) **RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.**—For purposes of reimbursement rates and methods of

calculation, per diem and subsistence allowances are divided into the following groups, and maximum rates to be determined by the agency head:

(c) All other travelers may be allowed either of the following:

1. Up to \$25 ~~\$20~~ per diem; or

2. Up to a maximum of \$30 ~~\$25~~ based upon the amounts permitted in paragraph (d) for meals, plus actual expenses for lodging at a single occupancy rate to be substantiated by a lodging receipt.

(d) Meals only.—All travelers may be allowed for subsistence while on Class C travel on official business, up to the following amounts:

1. Breakfast	\$2.00	\$1.75
2. Lunch		2.50
3. Dinner		5.00

Section 2. The increases in per diem and travel provided for in Section 1 of this act shall be accomplished within the 1976 legislative session's general appropriation act.

On motions by Senator Saunders, the Senate refused to concur in House Amendments 2 and 3 to SB 468, and the House was requested to recede therefrom. The action, with the bill and amendments, was certified to the House.

On motion by Senator Saunders, the rules were waived and SB 468 was immediately certified to the House.

MATTERS ON RECONSIDERATION

The motion by Senator Scarborough on May 26, that the Senate reconsider the vote by which HB 2537 failed to pass on May 26, was taken up and adopted. Further consideration of HB 2537 was deferred.

The motion by Senator J. Thomas on May 26, that the Senate reconsider the vote by which CS for SB 817 failed to pass on May 26, was taken up and adopted. Further consideration of CS for SB 817 was deferred.

SPECIAL ORDER, continued

The Senate resumed consideration of—

HB 1886—A bill to be entitled An act relating to elections; adding section 97.063(6), Florida Statutes, providing for sworn statement of physical disability; providing a penalty; amending section 97.065, Florida Statutes, providing for two witnesses to attest absentee registration application; adding subsection (6) to section 98.051, Florida Statutes, providing for the registration of physically handicapped persons by mail; providing an effective date.

Senators Firestone and Winn offered the following amendment which was moved by Senator Firestone:

Amendment 1—On page 1, strike all of lines 17 through 19 and insert: Section 1. Section 97.063, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 97.063, F.S. for present text.)

97.063 Registration of electors by mail.—

(1) Any person qualified to register as provided in s. 97.041 may register by mail as provided in this section.

(2) Upon receipt of a request for an application by the person desiring to register by mail, the supervisor, or person authorized by the supervisor, for the county in which the applicant wishes to register, shall provide to the person making the request a standard application form by nonforwardable mail which shall include an oath as provided by s. 97.051, a clear disclosure of the felony penalty for fraudulently swearing to an application and such other information as the supervisor deems reasonable and necessary. Such application shall be signed and sworn to by the person applying for registration before a person authorized to take oaths in the state in which executed.

(3) Such application, when properly executed and timely presented, in person or by mail, to the supervisor or other authorized election official for the county in which the applicant wishes to register, shall be reviewed by the supervisor as to accuracy and conformity to prescribed regulations set forth by the supervisor's office. An application that is received while the registration books are open shall be deemed timely.

(4) Upon determining the timeliness and accuracy of the application, the supervisor shall properly register the applicant's name in the registration books of the county and shall maintain, on file, as the basis for such registration, the properly completed form received from the applicant. No application by mail shall be accepted when received after the registration books are closed, but such application shall be held in abeyance until such time as the books are open for new registration.

(5) Any person who fraudulently swears to an application for voter registration shall be deemed guilty of a felony of the second degree, punishable as provided in s. 775.082 or s. 775.083. Such violation shall not be subject to the provisions of s. 775.084.

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

Amendment 1A—On page 1, line 8, after "a" insert: written

On motion by Senator Brantley, further consideration of HB 1886 was deferred.

On motion by Senator Brantley, the rules were waived and time of adjournment was extended until final action on HB 2537 and CS for SB 817.

The Senate resumed consideration of—

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.

—which was taken up pending roll call. HB 2537 passed and was certified to the House. The vote on passage was:

Yeas—22

Brantley	Glisson	MacKay	Thomas, P.
Childers, D.	Gordon	McClain	Tobiassen
Childers, W. D.	Graham	Myers	Ware
Deeb	Henderson	Poston	Winn
Firestone	Holloway	Renick	
Gallen	Lane, J.	Scarborough	

Nays—13

Mr. President	Lewis	Stolzenburg	Zinkil
Dunn	Plante	Thomas, J.	
Johnston	Sims	Vogt	
Lane, D.	Spicola	Wilson	

The Senate resumed consideration of CS for SB 817 and on motion by Senator Scarborough 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 3628 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Craig—

HB 3628—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.

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

On motion by Senator Scarborough, by two-thirds vote HB 3628 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

On motions by Senator Scarborough, HB 3628, a companion measure to CS for SB 817 was substituted therefor and by two-thirds vote read the second time by title. On motion by Senator Scarborough, by two-thirds vote HB 3628 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—21

Mr. President	Henderson	Renick	Ware
Brantley	Holloway	Scarborough	Wilson
Firestone	Lane, D.	Sims	Winn
Glisson	MacKay	Thomas, J.	
Gordon	Myers	Thomas, P.	
Graham	Plante	Tobiassen	

Nays—11

Childers, D.	Lewis	Sayler	Vogt
Dunn	McClain	Spicola	Zinkil
Johnston	Poston	Stolzenburg	

Vote after roll call:

Nay—Childers, W. D.

CS for SB 817 was laid on the table.

ENROLLING REPORTS

SB 221 SB 362 SB 697

—have been enrolled, signed by the required Constitutional Officers and filed with the Governor on May 27, 1976.

Joe Brown, Secretary

SCR 1440 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 27, 1976.

Joe Brown, Secretary

CO-INTRODUCER

Senator Tobiassen—CS for SB's 297 and 641

The Journal of May 26 was corrected and approved.

The Senate adjourned at 5:05 p.m. to convene at 8:30 a.m., May 28, 1976, for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.